



## Redundancy Policy

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*(This policy supersedes all previous Redundancy policies)*



## CONTRACTUAL POLICY

### Union Consultation

Date	Action (meeting, email etc)	Comments	Attendance
10/07/17	Meeting with Union Reps		UNISON, GMB, NASUWT, ATL, NUT

# CONTRACTUAL POLICY

## Contents

1.		Introduction	4
2.	purpose of this policy	Scope and	4
3.		Planning	4
4.		Consultation	5
5.	compulsory redundancies	Making	6
6.	mechanisms	Support	7
8.	policy	Review of	7



# CONTRACTUAL POLICY

## 1. Introduction

- 1.1 This policy sets out Education South West's approach on handling all potential redundancy situations.
- 1.2 The policy has been implemented following consultation with staff and recognised trade unions. It has been formally adopted by the Trust.
- 1.3 This policy is contractual and forms part of any employee's contract of employment.

## 2. Scope and purpose of this policy

- 2.1 It is recognised that certain changes (for example, a fall in roll, curriculum changes and budget reductions) may make it necessary to consider redundancies. The purpose of this policy is to have a clear framework in place that sets out what we will do whenever reduction in employee numbers may become necessary.
- 2.2 The Employment Rights Act 1996 defines redundancy as a situation where:

The employer ceases or intends to cease **either** to carry on the business for the purposes for which the employee was employed **or** to carry on the business in the place in which the employee was employed.

or

The requirements of the business for employees to carry out work of a particular kind or for employees to carry out work of a particular kind in the place where the employee was employed, have ceased or diminished or are expected to cease or diminish.

- 2.3 We will consider ways to avoid compulsory redundancy, if possible and where we are unable to avoid reducing employee numbers, we will try to minimise the effect of redundancies through the steps set out in this policy. In doing so, we will not discriminate directly or indirectly on the grounds of any protected characteristic or against part-time or fixed-term employees.

## 3. Planning

- 3.1 The Trust will ensure that there is effective planning, financial management and resource allocation in place in the day to day and strategic management of the Trust. We will carry out workforce planning and regularly review our staffing structure to ensure it is fit for purpose, supports teaching and learning and to minimise surplus staff situations.

## CONTRACTUAL POLICY

3.2 Our leadership teams will provide information in relation to workforce planning and resources to our Governing Body/Trust as required.

### 4. Consultation

4.1 Where the changes proposed could result in redundancies, we will enter in to consultation to provide the opportunity for all those concerned to discuss and consider options. Consultation should begin in good time and will be in accordance with statutory requirements.

4.2 We will consult with all affected employees on an individual or group as appropriate.

4.3 We will also consult with representatives of our recognised trade unions.

4.4 In accordance with 4.3, we will provide the recognised trade unions or elected employee representatives with sufficient information in writing, including:

- (a) The reasons for the proposals;
- (b) The numbers and FTES of employees at risk of redundancy;
- (c) The proposed method of selecting the employees who may be dismissed;
- (d) the period over which the dismissals are to take effect; and
- (e) The numbers of agency staff at the Trust, the areas that they are deployed in and the type of work they are undertaking.

4.5 We will consult on ways that we could avoid the need to make compulsory redundancies, if that is possible. Examples of such steps include:

- (a) Reviewing the use of agency staff;
- (b) Restricting recruitment or a vacancy freeze in affected categories of employees and in those areas into which affected employees might be redeployed;
- (c) Natural wastage;
- (d) Retraining and/or redeployment within and across the Trust;
- (e) Reducing overtime/additional hours;
- (f) Offering reduced working time including job-sharing or other flexible working arrangements, where these are practicable; and
- (g) Inviting applications for early retirement or voluntary

## **CONTRACTUAL POLICY**

redundancy. In all cases the decision to release an employee under such schemes will be at the absolute discretion of the Trust.

- 4.6 Any alternative options we adopt will not adversely affect the Trust and the quality of teaching and learning provided to our pupils.

### **5. Making compulsory redundancies**

- 5.1 If it is the case that compulsory redundancies will be required, all affected employees and, where appropriate, the recognised trade unions or elected employee representatives will be advised of this. As part of the consultation process we will have consulted on the procedure that we will follow and the selection criteria that we will apply.
- 5.2 Where more than one employee is employed in an affected role, a process of selection will be carried out. The criteria used to select will be objective, robust, transparent, non-discriminatory and fair, and based on the skills required to meet our existing and anticipated Trust needs. We will consider the most appropriate method of selection in relation to the circumstances surrounding the specific redundancy situation. Where there is only one incumbent in a post that is affected, then the selection criteria will be on the basis that they occupy that role.
- 5.3 Individual employees who are provisionally selected for redundancy following the application of the selection criteria will be informed and, invited to a meeting at which they will be given an opportunity to make representations that the application of the criteria is unfair or has been applied incorrectly. This is the representation meeting.
- 5.4 Where selection for redundancy is confirmed, employees selected for redundancy will be given notice of termination of employment in accordance with their contract of employment and written confirmation of the payments that they will receive.
- 5.5 Employees will be given the opportunity to appeal against this decision. Details of the appeals process will be provided to the employees when the decision is made.
- 5.6 Depending on the circumstances, the Trust may waive its right to insist on employees working their notice.

# **CONTRACTUAL POLICY**

## **6. Support mechanisms**

### **Alternative work/re-training**

- 6.1 We will make every effort to redeploy any employee who is selected for redundancy to suitable alternative work and inform them of any vacancies that we have until their termination date. The manner in which redundant employees will be invited to apply for and be interviewed for vacancies will be organised depending on the circumstances existing at the time. While priority will be given wherever possible to employees under threat of redundancy, the Trust reserves the right to select the best available candidate in relation to any given vacancy. Employees selected for redundancy whilst on maternity leave have separate legal entitlement to be offered any suitable alternative.
- 6.2 An individual who is redeployed into an alternative post is entitled to a trial period of four weeks in the new job. This may be extended by mutual agreement for training purposes. If the alternative employment is found to be unsuitable following the trial, employment will be terminated on grounds of redundancy on the original terms.
- 6.3 An employee will not be entitled to a redundancy payment if he or she unreasonably refuses an offer of suitable alternative employment. In this situation, the employee's contract would still be terminated by reason of redundancy.

### **Time off**

- 6.4 An employee under notice of redundancy will be entitled to a reasonable amount of paid time off to look for alternative work, attend interviews, etc. Employees wishing to take advantage of this right should make the appropriate arrangements with their Line Manager/Headteacher/Business Manager/Chief Executive Officer and provide proof of attendance if requested to do so.

## **7. Review of policy**

- 7.1 This policy is reviewed every three years or upon change of relevant legislation. We will monitor the application and outcomes of this policy to ensure it is working effectively.