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| Policy for: | Staff Adjustments (Redundancy) Policy |
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1. INTRODUCTION

- 1.1 The Trust is committed to protecting the employment security of staff as far as possible by planning effectively to meet current and future staffing needs. There may however be occasions when financial pressures, changes in the demand for services, funding provision, or organisational, technological or academic developments impact on staffing requirements. In such cases the Trust will seek to avoid making compulsory redundancies amongst its employees. This will be achieved by a variety of measures which are set out in 4 below.
- 1.2 Where there is still a need to make employees redundant the Trust will act as sensitively as possible by adopting a fair and consistent approach in accordance with all relevant legislation.
- 1.3 The Eastern Multi-Academy Trust is committed to ensuring that this policy does not discriminate directly or indirectly under any of the protected characteristics defined in the Equality Act 2010.
- 1.4 This policy applies to all staff across the Trust. Where the policy and procedure states Principal for central Trust staff read Chief Executive.

2. DEFINITION

- 2.1 A potential redundancy situation arises when:
- The Trust has ceased or intends to cease to carry out work which the employee was employed to do in the place where the employee was employed,
 - the requirements of the Trust for employees to carry out work of a particular kind have ceased or diminished or are expected to cease or diminish.
- 2.2 This policy will be applied where the Trust has declared 20 or more redundancies. The Trust will consult directly with individuals and their representatives as appropriate in cases where smaller numbers are involved – the procedure to be used is outlined in Appendix A.

3. PLANNING

3.1 The Trust and its Academies will review its staffing plans at least annually and consider the following non-exhaustive list of factors which could affect its staffing need:-

- Demographic changes;
- Anticipated demand for places;
- Curriculum requirements;
- Budgetary adjustments;
- Need for structural change to meet the needs of the Academy;
- Expected natural turnover eg known retirements, career moves;
- Significant temporary absences eg secondment, maternity and ill-health;
- Opportunities for career moves within the school;
- The extent to which temporary appointments are used and can be fairly ended;
- The availability of specialist staff, especially in key curriculum areas;
- The extent to which INSET of individual teachers may help to meet curriculum needs;
- Other factors such as physical changes to the school.

3.2 If the view reached is that the Trust does need to adjust staffing levels in order to ensure a secure financial position, then the Principal, with support from the Trust, will draw up plans of how to address that situation.

4. CONSULTATION

4.1 Where a redundancy situation arises, the Trust will consult with staff and the relevant recognised Trade Union(s). Consultation will meet all legal requirements and will cover the following areas:-

- The reason for the proposed redundancies
- The numbers and descriptions of employees the Trust proposes to dismiss as redundant
- The total number of employees of that description that are employed by the Trust
- Details of the selection criteria
- The proposed method of carrying out the dismissals and the period of time over which the dismissals are to take effect
- The method of calculating the amount of redundancy payments

4.2 The purpose of consultation is to inform employees of the situation and of the rationale for the Trust's proposed way of dealing with it. It is also to seek ways of avoiding a redundancy situation, reducing the number of dismissals or mitigating the effects of the redundancies proposed.

4.3 Notification of the consultation will take place with any individuals affected who will, wherever possible, be notified in advance of any general release of information. Individuals may be accompanied in subsequent meetings by a Trade Union representative or workplace colleague and will be given the opportunity to put forward suggestions.

5. MEASURES TO AVOID OR MINIMISE REDUNDANCY

5.1 The Trust is committed to retaining employees and avoiding compulsory redundancies wherever possible and will seek to minimise impacts by appropriate planning. However, where redundancies are proposed, consideration will be given to the following:

- reduction of staff levels by natural wastage
- reviewing the employment of casual, agency staff and external contractors
- seeking volunteers for early retirement and/or voluntary redundancy
- redeployment to other parts of the organisation
- reasonable retraining of individuals for alternative work
- reduction or elimination of overtime working
- restrictions on recruitment
- considering volunteers for part-time working/fractional posts/job share
- introduction of short time working where this is practicable
- suggestions from trade unions/employees
- salary freeze for a specified period
- trying to make savings in other areas

This list is neither exhaustive nor exclusive and any other appropriate measures to reduce or avoid redundancies will be considered.

5.2 Where available vacancies within the Academy and at other Academies within the Trust will be considered and included in opportunities for redeployment for staff. Any such possible redeployment may be subject to an interview process if the role is different to that currently occupied. This may itself negate the need for further action.

6. DETERMINING THE AREA(S) IN WHICH THE REDUNDANCIES WILL OCCUR

6.1 The Trust will take into consideration the views expressed by its employees and the trades unions, but the decision as to where to make redundancies must ultimately rest with the Trust. This could be determined by factors such as which areas of the Academy or staff group(s) need to reduce staffing and by how much or if there is only one such post in the organisation.

6.2 Once consultation has completed, the Trust will reflect on responses and determine a final position. Trade unions and staff will then be advised of this.

6.3 Wherever possible compulsory redundancies will be avoided by offering early retirement and/or redundancy to those who volunteer. Consideration of applications must take into account the financial impact on the Trust and the needs of the service. Volunteers whose posts are not essential for continued service provision will receive priority consideration. Volunteers from other areas may be considered if it would assist in the redeployment of affected staff. Management reserves the right to decline an application for voluntary redundancy/ early retirement if it is in the best interests of the Trust. Decisions will be based on the business needs of the Trust. A written explanation of the reasons for any requests being declined will be given to those employees by management.

6.4 Where there are vacancies within the Academy or at other Academies within the Trust, volunteers who indicate an interest in these vacancies can be considered prior to selection processes occurring.

6.5 Where an area is affected, careful consideration will be given to determine what group of staff needs to be involved in any competitive process. This is referred to as pooling and will vary depending on the circumstances.

7. SELECTION PRINCIPLES

7.1 In all situations where there is a requirement to reduce staffing levels, volunteers for early retirement/redundancy, requests to reduce working hours will be considered first.

7.2 Where posts have changed but individuals are undertaking work which is broadly similar in their current role, they will be assimilated into the new post assuming that no other person makes a claim for that role who can demonstrate that it is broadly similar to their own.

7.3 Selection processes will seek to minimise additional burdens on staff whilst ensuring that all have the opportunity to present their case favorably.

7.4 For the purposes of restructure the Trust will make specific efforts to retain the skills and experience of existing staff who would otherwise be displaced or at risk of redundancy. To support this, qualifications which would usually be required for a post may be waived. This will allow an individual to participate in a competitive process but will usually be restricted to posts which are of a broadly similar level to the post currently being undertaken by the individual and not for posts at a higher level.

7.5 The relevant recognised trade union representatives will be consulted about the selection criteria and any weighting to be applied to the criteria prior to the selection process being implemented.

7.6 Where only one person exists in a role to be made redundant, or the number of posts to be made redundant equals or exceeds those occupied, there will be no need for a selection process.

7.7 Individuals will then be notified as part of the process.

8. THE PROCEDURE TO BE FOLLOWED IN SELECTING FOR REDUNDANCY

8.1 A competitive selection process will take place where two or more individuals at risk have identified a preference for the same role and this role is considered a close match to their existing roles. It will also take place where a reduction needs to be made from a group of staff.

8.2 This will involve some or all of:

- A paper-based review of areas such as qualifications/sickness/appraisal (performance management)/disciplinary/capability records
- An Interview
- Test of relevant skills (e.g. IT Skills)
- Proven ability to teach subject areas ie by qualification or previous proven experience

8.3 In a competitive situation the Trust will avoid interview as a form of selection process unless it is impossible to separate staff in any other way. Staff will be required to meet with an identified member of staff and complete a form with information which

can be scored against set criteria. This will be completed in a set time frame. The content of the form will be checked utilising the records held centrally. The selection process will be conducted by a panel comprising a member of the leadership team and the individual who gathered the information. The information will be scored according to the previously agreed criteria.

8.4 Arguably there will be criteria for each post which will be specific to that post but the following gives generic areas which are likely to be used:

- Relevant Qualifications
- Specialisms
- Observation Grades (Academic posts only)
- Achievement under Performance management processes over the last 3 years
- Additional Responsibilities eg TLRs, leading practitioner, management, first aider, fire marshal
- Attendance over the past 3 years
- Disciplinary
- Capability

8.5 Individuals will be seen and advised that they have been provisionally selected for redundancy.

9. REDUNDANCY SELECTION MEETING

9.1 Any individual who has been provisionally selected for redundancy will be invited to a redundancy selection meeting which will be heard by the Principal. The employee will be given at least five working days' notice of the hearing. A formal letter will be sent detailing:-

- who will hear the case
- the date, time and location of the hearing
- any key documents that may form part of the hearing including the copies of consultation documentation and anonymised selection stage documents (copies will be included)
- the right to be accompanied by a trade union representative or work colleague
- a statement about possible outcomes of the hearing.

9.2 The procedure to be used will be that as set out in the Disciplinary Procedure for hearings.

9.3 The outcome of the meeting will either be to confirm the selection decision and therefore the employee would be selected for redundancy or to refer the matter back to those involved in the selection process should it be found to have been faulty.

10. DISMISSAL

- 10.1 Where the selection decision is upheld the employee will be written to confirming the decision. Notice of the dismissal on the grounds of redundancy will be given including the right of appeal.
- 10.2 Employees will be given their full notice under their contract of employment or legislation, whichever is the greater.

11. APPEALS

- 11.1 An employee who wishes to appeal against a redundancy dismissal should inform the relevant Clerk to the Local Governing Body or Trust Board within five working days of the date of the decision. The employee must state the grounds for the appeal. Appeals are heard by the relevant Appeal Committee of the Local Governing Body or Trust Board.
- 11.2 The purpose of the appeal is:
- to review the decision taken by the Principal
 - to consider whether the procedure has been followed correctly.
- 11.3 The employee will be given at least five working days' notice of the appeal hearing in writing including the following information:
- the date, time and location of the appeal hearing
 - reference to any key documents that may form part of the hearing and copies of those
 - the right of the employee to be accompanied by a trade union representative or colleague
 - that the employee must take all reasonable steps to attend the hearing
 - a statement of the possible outcomes of the hearing.
- 11.4 The appeal hearing will usually be held within 6 weeks of the appeal request being received.
- 11.5 The Procedure to be followed in the appeal hearing is identified at Appendix B.

12. RETRAINING AND REDEPLOYMENT

- 12.1 The Trust will fulfil its statutory obligation to consider employees who are identified as redundant for alternative employment within the Academies or other Academies in the Trust. If suitable vacancies are available redundant individuals will be considered for them. Individuals who are not appointed will be given an explanation of the reasons.
- 12.2 Individuals under notice of redundancy have a statutory right to a trial period of four weeks in any suitable alternative employment to which they are appointed. This period can be extended by agreement if appropriate eg teachers redeployed to other Academies may have a term's trial period. If, during this period, the employment is terminated by the employee or employer for a reason connected with the new contract, the individual will remain eligible for a redundancy payment. If however, the employee unreasonably terminates the contract, they will not be entitled to a redundancy payment.

- 12.3 Eligibility for a redundancy payment may be lost if an individual unreasonably refuses an offer of suitable alternative employment.
- 12.4 Employees under notice of redundancy will be given reasonable time off to seek alternative employment or arrange training.
- 12.5 Consideration should be given to any requests received from employees to leave before their notice period expires where alternative employment is found. Normally such requests would be accommodated unless the early departure of the employee is likely to have a significant detrimental effect on the work of the Academy, particularly the case in the education of pupils.

13. REDUNDANCY PAYMENTS

- 13.1 In addition to the period of notice which the employee is entitled to under their contract of employment, they may qualify for a redundancy payment. This applies to permanent and fixed term employees who have at least 2 years continuous employment service. The entitlement currently would be:-
- One and a half week's pay for each year of employment in which the employee was aged 41 or over;
 - One week's pay for each year of employment in which the employee was aged between 22 and 40; and
 - Half a week's pay for each year of employment in which the employee was aged under 22.
- 13.2 The maximum length of service which can be taken into account for a redundancy payment is 20 years.
- 13.3 The Trust uses actual weekly pay for these calculations.
- 13.4 Redundant employees will be entitled to redundancy pay provided they meet the length of service criteria and have not found alternative employment covered by the Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order 1999. All employees must sign a form to confirm they do not have alternative employment with another Modification Order Body which commenced within four weeks of their current employment ending. The requirement for the employer to withhold redundancy pay if an employee obtains alternative employment only applies if there has been an offer of employment to begin within 28 days of the termination of the contract and the offer is made before the termination of the contract.
- 13.4 Quotations on redundancy can be requested from the Trust's HR Department as soon as the consultation period starts. Any requests for information will remain confidential.

14. FIXED TERM WORKERS

Staff who are employed on fixed term contracts will be entitled to a redundancy payment if they have been employed for more than 2 years continuously and the Trust will look at redeployment opportunities for these staff whenever possible. However, they will not be included in the pool of staff at risk of redundancy unless the Trust proposes to terminate

their contract earlier than the agreed end date. They will therefore be dealt with on an individual basis.

15. PROTECTION

Where an employee is successfully redeployed the following will occur:-

- 15.1 The Trust will apply the relevant protections under the relevant School Teachers Pay and Conditions Document.
- 15.2 For support staff the Trust will apply protections only where there is redeployment to a lower graded post. This salary compensation will be for a maximum of 18 months based on the difference in pay between the new salary and the old but capped at two grades difference or 20% of the old salary, whichever is the lower. This will cease after that period or should the employee gain another post at a salary higher than their old one, within the Academy Trust.
- 15.2 To be eligible for assistance for travel support, staff must have a longer daily journey to their new place of work after redeployment and the following needs to apply
 - the daily journey from their home to their new place of work must be greater than 10 miles.
 - the difference in mileage between their old journey and the new must be more than 10 miles.

If that is the case then the additional cost calculated at the difference between the old and new journey at the rate paid by the Trust will be paid for each week of work for a period of 12 months from the date of redeployment. This will cease should the employee's circumstances change.

16. STATUS OF POLICY

- 16.1 The Trust reserves the right to depart from this policy where circumstances demand it and to review and vary this policy from time to time. The Trust will always act within the requirements of the law.
- 16.2 No change to the policy will be implemented prior to consultation with recognised trade union representatives.

Appendix A

PROCEDURE FOR LESS THAN 20 EMPLOYEES

1. The Principal will produce a consultation document detailing the reasons for the reduction and the staff affected.
2. The relevant Trade Union will be advised when reductions are being made in an area and the consultation period.
3. The Principal will then meet individually or collectively with employees who are at risk of redundancy to advise them that their post is at risk and the reasons for this. They will be provided with a copy of the report and a letter detailing their position.
4. Individuals will be given the opportunity for a limited period of time to consult and put forward suggestions on how the redundancy could be avoided and redeployment opportunities will be discussed with them. They are entitled to be accompanied at any such meetings by a Trade Union representative or workplace colleague.
5. If the redundancy cannot be avoided they will be served the appropriate notice that their employment will terminate.
6. All employees will have the right to appeal against their selection for redundancy (in accordance with the procedure outlined in Appendix B).
7. The Trust will fulfil its statutory obligation to consider employees who are identified as redundant for alternative employment within the Trust. If suitable vacancies are available redundant individuals will be considered for them. Individuals who are not appointed will be given an explanation of the reasons. Individuals under notice of redundancy have a statutory right to a trial period of four weeks in any suitable alternative employment to which they are appointed. If, during this period, the employment is terminated by the employee or employer for a reason connected with the new contract, the individual will remain eligible for a redundancy payment. If however, the employee unreasonably terminates the contract, they will not be entitled to a redundancy payment. Eligibility for a redundancy payment may also be lost if an individual unreasonably refuses an offer of suitable alternative employment. The trial period of four weeks may be extended by agreement of both parties.
8. Employees under notice of redundancy will be given reasonable paid time off to seek alternative employment or arrange training.
9. In any meeting or hearing, a member of the HR department will support the Principal or manager(s) as appropriate.

Appendix B

REDUNDANCY APPEALS PROCEDURE

1. Within 10 working days of the receipt of an appeal, the Clerk to the relevant Governing Body/Trust Board will notify the applicant of the date of the appeal which will be heard by the Appeals Committee. This will comprise of 3 Governors/Directors. The panel will be supported by a senior member of the HR department.
2. Procedure to be followed at hearing of appeals against redundancy:
 - a) Appeal will be heard by the Appeals Committee.

The employee shall be given at least 7 calendar days' notice of the time and place of the hearing. They will be allowed to be represented or accompanied by a trade union representative or a work colleague of their choice. The employee may call witnesses and produce documents relevant to their appeal.
 - b) The Academy/Trust may be represented by up to two members of management.
 - c) The member of staff (or his/her representative) will put his/her case to the Committee in the presence of the management representative(s) and will call such witnesses as he/she wishes.
 - d) The management representative(s) will have the opportunity to ask questions of the member of staff, his/her representative and his/her witnesses.
 - e) The members of the Appeals Committee will have the opportunity to ask questions of the member of staff, his/her representative and his/her witnesses.
 - f) A management representative will put the case for the Academy/Trust in the presence of the member of staff and his/her representative and may call witnesses.
 - g) The member of staff and/or his/her representative will have the opportunity to ask questions of the management representative on the evidence given by him/her and any witnesses whom he/she may call.
 - h) The members of the Appeals Committee will have the opportunity to ask questions of the management representative(s) and witnesses.
 - i) A management representative and the member of staff (or his/her representative) will have the opportunity to sum up their cases if they so wish.
 - j) The management representatives and the member of staff and his/her representative and all witnesses will withdraw.

- k) The Appeals Committee will deliberate in private only recalling the management representative and the member of staff to clear points of uncertainty on evidence already given. If recall is necessary both parties are to return notwithstanding only one is concerned with the point giving rise to doubt.

- l) The Appeals Committee will announce the decision to the Trust's representative and member of staff personally in writing, and may also give verbal confirmation if appropriate and the timescale for the decision allows for this. This decision will be given within 7 working days.