



Redundancy Policy

Our vision is to enable all to flourish.

Status and review cycle:

Responsible group:

Next Review Date:

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1.0 Introduction

- 1.1 The Trust recognises that there will be times when it must rationalise and reorganise its provision and this may result in a reduction in employee numbers. It is the Trust's intention to retain skills and employees wherever possible and to use redundancy only as a **last resort** after considering all other possibilities.
- 1.2 This policy applies to all staff employed by the Trust including school support staff ('Green Book'), teachers ('Burgundy Book') and central team staff.
- 1.3 This policy does not form part of any employee's contract of employment and is entirely non-contractual. It may be amended, withdrawn, suspended or departed from at the discretion of the Trust Board at any time.
- 1.4 Any proposed use of redundancy must be discussed with the CEO prior to any decisions being made.

2.0 Redundancy defined

- 2.1 A redundancy occurs where it can be attributable wholly or mainly to one of the following reasons:
 - The employer has ceased, or intends to cease, carrying on *the business* within which the employee is employed;
 - The requirement for employees to carry out *work of a particular kind* has ceased or diminished (or is expected to);
 - The business or kind of work for which the employee was employed is no longer to be undertaken in *the place* where the employee is employed.
 - The requirement for employees to carry out work of a particular kind, in the place where they were so employed has ceased or diminished.
- 2.2 The termination of a contract for reason of redundancy constitutes a dismissal in law.
- 2.3 The non-renewal of a fixed term contract *may* also be a redundancy dismissal.
- 2.4 The Trust Board or school must consider what can be done in order to avoid compulsory redundancies; the following approaches can be considered:
 - Freeze external recruitment to job roles affected.
 - Review recruitment to ensure that where possible internal appointments are made and vacancies are available for redundant employees.
 - End any voluntary overtime in areas where this could provide employment opportunities for redundant employees.
 - Review the use of consultancy, contracting and agency services and consider whether this could create opportunities for redundant employees.
 - Approach other schools and/or partner agencies where it is thought there may be potential employment opportunities for redundant employees.
 - Consider whether it is possible to retrain employees to work in another part of the school or Trust.

- Retain employees for short periods when managers know a substantive post will shortly be available.
- Consider any requests for a reduction in working hours, this may be from full-time to part-time hours or a change in part-time hours.
- Offer voluntary redundancy/early retirement in appropriate cases, subject to employer consent based on a business case.

2.5 The individual implementing this policy has a responsibility to:

- Ensure the redundancy policy is followed correctly, seeking appropriate advice at the earliest opportunity.
- Minimise redundancies wherever possible by attempting to find alternative solutions.
- Ensure the redundancy process is applied fairly, the redundancy selection criteria are fair, objectively justified, non-discriminatory and employees selected for redundancy have the opportunity to appeal the decision.
- Consult with trade unions and professional associations as early as possible, when redundancy is a possibility in addition to consulting with staff and keeping them informed.
- To offer suitable alternative work or redeployment where possible for an employee selected for redundancy.
- Provide the appropriate documentation and paperwork as required to the Trust HR provider and any relevant financial support provider.

2.6 Should any complaint be made to an Employment Tribunal regarding a redundancy dismissal, the Trust Board will be named as the respondent and will be party to proceedings.

3.0 Stages in a redundancy situation

3.1 There are a number of stages in any redundancy situation, briefly described as follows:

- Consultation
- Selection (identification of redundant post)
- Employee advised of initial selection proposal
- Employee makes representation
- Dismissal
- Right of Appeal

3.2 Before starting the process the school's full local governing board needs to formally ratify the proposal to make changes which may result in redundancies at the school. It is recommended that at this point the local governing board appoint two committees of three governors each; the Selection Committee (SC) and the Appeal Committee (AC). If the local governing board cannot convene two committees, the Chair of Governors must contact the Head of Governance and People who will seek the support of local governors from other DGAT schools.

3.3 Before starting the process of redundancy in the central team, the Trust Board needs to formally ratify the proposal to make changes which may result in redundancies within

the central team. It is recommended that at this point the Trust Board appoint two committees of three Trustees each; the Selection Committee (SC) and the Appeal Committee (AC).

4.0 Consultation

- 4.1 Consultation is a two-way process involving management, all affected employees and their representatives (where appropriate).
- 4.2 If 20 or more roles are to be made redundant there is a duty to consult with relevant recognised trade unions or elected employee representatives and follow minimum consultation periods as follows:
 - 4.2.1 20 to 99 redundancies - the consultation must start at least 30 days before any dismissals take effect
 - 4.2.2 100 or more redundancies - the consultation must start at least 45 days before any dismissals take effect
- 4.3 This is set out in s.188 of the Trade Union and Labour Relations (Consolidation) Act 1992 (*TULR(C)A*). There is no upper time limit for how long the period of consultation should be.
- 4.4 The purpose of consultation is for management to communicate and discuss the need for redundancy and the proposed method of selecting employees who may be dismissed. It will also provide an opportunity for feedback on the proposals and possible ways to avoid or mitigate the consequences of any redundancies. Including the trade unions in consultation is advisable and will often support the process regardless of the numbers involved.

5.0 Selection

Selection Method Process

- 5.1 The proposed selection method and selection criteria will be consulted on and will be based on retaining a high performing, flexible workforce appropriate to the school's or Trust's future needs. Staff in the identified work area will have the opportunity to submit information on how they meet the criteria to a selection committee (SC) – as per section 3.2 or 3.3 - to apply the criteria which have been consulted on and make recommendations on which employee(s) is selected for redundancy.

Restructure Process

- 5.2 It may be more appropriate if a restructure is taking place that a different process is used. This would involve a process of allocation of posts where there is a significant match to the current role, and/or expressions of interest and interviews for the posts within the structure.

6.0 Representation

- 6.1 In the selection method process (5.1) the selection committee's recommendations will be communicated to the employee(s) and the employee has the opportunity to meet with the selection committee to understand the way the selection criteria has been applied and raise any issues about their selection. The outcome of this meeting will be confirmed in writing to the employee within 3 working days.
- 6.2 Where the restructure process is used (5.2), representation meetings will not be offered, but individuals will have a right of appeal. This will be conducted as a paper based review rather than be conducted in person.

7.0 Dismissal

- 7.1 Where a dismissal is required, the dismissal letter will be issued by the Head of Governance and People. Employees must receive the minimum notice to which they are entitled under their contract of employment.
- 7.2 In a redundancy situation notice periods for support staff is normally three months (or longer if required by the contract of employment). However, there may be occasions when it is justifiable to consult on a shorter notice period, for example, when a pre-school is funded externally and there are financial reasons for the redundancy. For teachers, notice should coincide with the end of a term as defined in accordance with teachers' terms and conditions e.g. - 31 August, 31 December or 30 April. For central staff, notice periods will be as per individual employees' statement of particulars.
- 7.3 Throughout the whole redundancy process, including the period of notice, continued consideration should be given to finding alternatives to compulsory dismissal.

8.0 Appeal

- 8.1 The employee can appeal against the decision to make them redundant. An employee who wishes to appeal against the decision of the selection committee should write to the chair of the local governing board or in the case of central team employees, the chair of the Trust Board within seven calendar days of the dismissal letter giving full details of the grounds on which they wish to appeal.
- 8.2 In informing the individual of the appeal process, this can be issued within the letter of notice of the redundancy and then the appeal should be conducted within the timeframe for appeals. Alternatively, where the timeline allows, the appeal may be conducted prior to the issue of formal notice. The Trust HR provider can provide advice on which approach may best fit your process.
- 8.3 The appeal hearing in normal circumstances will take place within 14 days of the decision. The employee has the right to be accompanied at the meeting by either a trade union representative or a work (school) colleague and will be given a minimum of one week's notice of the meeting.

9.0 Redundancy and maternity/adoption leave

9.1 A post may disappear due to redundancy whilst the post holder is on maternity/adoption or shared parental leave and any employee may be selected for redundancy whilst on this type of leave in the same way as other employees. There are redundancy protections for:

- Pregnant employees from the date the employee notifies the school or the Trust of their pregnancy until 18 months after the expected date of childbirth, or date of childbirth if the employee notifies the school or Trust of this date.
- Employees on adoption leave from the start of the adoption leave until 18 months from the date of placement or the date the child enters the UK for overseas adoptions.
- Employees taking shared parental leave if they have taken six consecutive weeks of shared parental leave, they are protected from the start of the shared parental leave until 18 months from the date of childbirth.

These employees must be offered an alternative job if a suitable alternative is available. An employee on maternity, adoption, shared parental leave, sick leave or any other absence must be fully consulted with in the same way as employees in work.

10.0 Requirements to qualify for redundancy pay

10.1 Employees with two or more years continuous service may qualify for redundancy pay which is calculated by age, actual weekly pay and length of service and is detailed in the Employment Relations Act 1996 (ERA).

11.0 Redundancy pay

11.1 Employees who are dismissed for redundancy and who have a minimum of two years' continuous service will normally be entitled to be paid statutory redundancy pay, which is calculated according to the individual employee's age, length of service and gross weekly pay subject to a statutory maximum.

11.2 Entirely on a discretionary basis, the school or Trust may also offer an enhanced redundancy payment that is based on the statutory redundancy payment calculation. Where the school or Trust exercises its discretion in an employee's favour, the enhanced redundancy payment scheme operates as follows (see table 1 at the end of this policy). Any discretionary payments must be authorised by the Trust CEO.

11.3 To calculate the enhanced redundancy payment, the school or Trust will base the calculation on the employee's actual gross pay and multiply the number by 1.75.

11.4 The school or Trust will seek HR advice prior to deciding on whether to pay statutory or an enhanced redundancy payment.

12.0 Redeployment and redundancy

12.1 For employees compulsorily dismissed as redundant, the employer has an obligation to offer any suitable alternative employment that may be available.

13.0 Redundancy and pension benefits

13.1 To qualify for early release of pension as a result of redundancy an employee must:

- be a member of the Local Government Pension Scheme or the Teachers' Pension Scheme
- have more than two years pensionable membership
- be 55 or over and in the case of Teachers Pension Scheme have the employer's approval.

14.0 Time off work to look for a new job

14.1 If an employee will have been continuously employed for two years by the date notice expires, they are allowed a reasonable amount of time off during their notice period to:

- look for another job
- arrange training to help find another job

14.2 The school or Trust is only legally required to pay two-fifths of a week's pay for the time off taken however they may agree further time off without pay. For example, if an employee works five days a week and takes four days off in total during the whole notice period, the school or Trust only has to pay for the first two days.

15.0 Securing another role before the notice period ends

15.1 An employee will not be entitled to a redundancy payment if, whilst under notice of redundancy and before the employment ends they accept an offer of a job from another organisation covered by the Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999 which starts within four weeks (including five Sundays) of their employment with the school or Trust terminating. For details of the modification order go to <http://www.lge.gov.uk>

15.2 However, if after the end of the notice period, another job is offered (by any organisation) there is no loss of rights to the redundancy payment.

16.0 Leaving the school or Trust before the notice period has ended

16.1 A simple resignation during the notice period would mean the employee is not treated as "dismissed" but as redundant. This means there is no entitlement to a redundancy payment.

- 16.2 However it may be possible for the employee to agree with the school or Trust an earlier leaving date, and receive a recalculated redundancy payment (and pension if appropriate).
- 16.3 An employee wishing to shorten their notice period should write to their line manager stating the reasons why they wish to shorten the notice period. The line manager can decide whether to agree to the request and authorise receipt of a recalculated redundancy payment (and pension if appropriate). Employees should not be released early where the reason is that they have secured alternative employment within the scope of the Modification Orders and are trying to secure a break in service to access the redundancy payment. The secured job will be subject to the continuous service rules for redundancy, and therefore should be regarded as suitable alternative employment.

17.0 Voluntary redundancy

- 17.1 Employees can express an interest in volunteering for redundancy if the school or Trust has asked for expressions of interest. However, there is no guarantee that an expression of interest will be agreed. Each case will be considered against a business case which includes the needs of the provision, the costs involved and any other impact or factors relevant to the school or Trust.

18.0 Redundancy payments and tax

- 18.1 Redundancy payments will normally be paid at the first pay date following the date the redundancy taking effect. Employees must return any documentation requested by payroll to ensure timely payment.
- 18.2 Under the HMRC rules redundancy payments of up to £30,000 are free of tax. Any amount above £30,000 is taxable.
- 18.3 Further information about the taxation of redundancy payments is available on the HMRC web-site at: <https://www.gov.uk/redundancy-your-rights/tax-and-national-insurance>
- 18.4 Information about claiming a tax refund after employment has ended is available on the HMRC web-site at www.hmrc.gov.uk/incometax/stop-work-refund.htm
- 18.5 Redundancy payments are made to employees who have a minimum of two years' continuous local government service. Table 2 applies irrespective of membership in the LGPS or TPS and applies to support staff in all situations and teachers under age 55 at the point their post is made redundant.
- 18.6 **Please note:** Teachers age 55 or over may request early retirement which is then dependent on employer approval. However, if the teacher accepts early retirement benefits, redundancy entitlement will be based on the redundancy payments in table 1.

19.0 Redundancy Payments

19.1 The statutory redundancy pay table which provides the calculation for number of weeks under table can be found at this link -

http://www.direct.gov.uk/prod_consum_dg/groups/dg_digitalassets/@dg/@en/@empl/oy/documents/digitalasset/dg_177260.pdf

20.0 Redundancy payments – Table I

Age	Service (completed years)																		
	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20*[2]
17	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
18	2	2.5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
19	2	2.5	3.5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
20	2	2.5	3.5	4.5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
21	2	2.5	3.5	4.5	5.5	-	-	-	-	-	-	-	-	-	-	-	-	-	-
22	2	2.5	3.5	4.5	5.5	6	-	-	-	-	-	-	-	-	-	-	-	-	-
23	2.5	3.5	4.5	5.5	6	7	8	-	-	-	-	-	-	-	-	-	-	-	-
24	3.5	4.5	5.5	6	7	8	9	9.5	-	-	-	-	-	-	-	-	-	-	-
25	3.5	5.5	6	7	8	9	9.5	10.5	11.5	-	-	-	-	-	-	-	-	-	-
26	3.5	5.5	7	8	9	9.5	10.5	11.5	12.5	13	-	-	-	-	-	-	-	-	-
27	3.5	5.5	7	9	9.5	10.5	11.5	12.5	13	14	15	-	-	-	-	-	-	-	-
28	3.5	5.5	7	9	10.5	11.5	12.5	13	14	15	16	16.5	-	-	-	-	-	-	-
29	3.5	5.5	7	9	10.5	12.5	13	14	15	16	16.5	17.5	18.5	-	-	-	-	-	-
30	3.5	5.5	7	9	10.5	12.5	14	15	16	16.5	17.5	18.5	19.5	20	-	-	-	-	-
31	3.5	5.5	7	9	10.5	12.5	14	16	16.5	17.5	18.5	19.5	20	21	22	-	-	-	-
32	3.5	5.5	7	9	10.5	12.5	14	16	17.5	18.5	19.5	20	21	22	23	23.5	-	-	-
33	3.5	5.5	7	9	10.5	12.5	14	16	17.5	19.5	20	21	22	23	23.5	24.5	25.5	-	-
34	3.5	5.5	7	9	10.5	12.5	14	16	17.5	19.5	21	22	23	23.5	24.5	25.5	26.5	27	-
35	3.5	5.5	7	9	10.5	12.5	14	16	17.5	19.5	21	23	23.5	24.5	25.5	26.5	27	28	29
36	3.5	5.5	7	9	10.5	12.5	14	16	17.5	19.5	21	23	24.5	25.5	26.5	27	28	29	30
37	3.5	5.5	7	9	10.5	12.5	14	16	17.5	19.5	21	23	24.5	26.5	27	28	29	30	30.5
38	3.5	5.5	7	9	10.5	12.5	14	16	17.5	19.5	21	23	24.5	26.5	28	29	30	30.5	31.5
39	3.5	5.5	7	9	10.5	12.5	14	16	17.5	19.5	21	23	24.5	26.5	28	30	30.5	31.5	32.5
40	3.5	5.5	7	9	10.5	12.5	14	16	17.5	19.5	21	23	24.5	26.5	28	30	31.5	32.5	33.5

41	3.5	5.5	7	9	10.5	12.5	14	16	17.5	19.5	21	23	24.5	26.5	28	30	31.5	33.5	34
42	4.5	6	8	9.5	11.5	13	15	16.5	18.5	20	22	23.5	25.5	27	29	30.5	32.5	34	36
43	5.5	7	9	10.5	12.5	14	16	17.5	19.5	21	23	24.5	26.5	28	30	31.5	33.5	35	37
44	5.5	8	9.5	11.5	13	15	16.5	18.5	20	22	23.5	25.5	27	29	30.5	32.5	34	36	37.5
45	5.5	8	10.5	12.5	14	16	17.5	19.5	21	23	24.5	26.5	28	30	31.5	33.5	35	37	38.5
46	5.5	8	10.5	13	15	16.5	18.5	20	22	23.5	25.5	27	29	30.5	32.5	34	36	37.5	39.5
47	5.5	8	10.5	13	16	17.5	19.5	21	23	24.5	26.5	28	30	31.5	33.5	35	37	38.5	40.5
48	5.5	8	10.5	13	16	18.5	20	22	23.5	25.5	27	29	30.5	32.5	34	36	37.5	39.5	41
49	5.5	8	10.5	13	16	18.5	21	23	24.5	26.5	28	30	31.5	33.5	35	37	38.5	40.5	42
50	5.5	8	10.5	13	16	18.5	21	23.5	25.5	27	29	30.5	32.5	34	36	37.5	39.5	41	43
51	5.5	8	10.5	13	16	18.5	21	23.5	26.5	28	30	31.5	33.5	35	37	38.5	40.5	42	44
52	5.5	8	10.5	13	16	18.5	21	23.5	26.5	29	30.5	32.5	34	36	37.5	39.5	41	43	44.5
53	5.5	8	10.5	13	16	18.5	21	23.5	26.5	29	31.5	33.5	35	37	38.5	40.5	42	44	45.5
54	5.5	8	10.5	13	16	18.5	21	23.5	26.5	29	31.5	34	36	37.5	39.5	41	43	44.5	46.5
55	5.5	8	10.5	13	16	18.5	21	23.5	26.5	29	31.5	34	37	38.5	40.5	42	44	45.5	47.5
56	5.5	8	10.5	13	16	18.5	21	23.5	26.5	29	31.5	34	37	39.5	41	43	44.5	46.5	48
57	5.5	8	10.5	13	16	18.5	21	23.5	26.5	29	31.5	34	37	39.5	42	44	45.5	47.5	49
58	5.5	8	10.5	13	16	18.5	21	23.5	26.5	29	31.5	34	37	39.5	42	44.5	46.5	48	50
59	5.5	8	10.5	13	16	18.5	21	23.5	26.5	29	31.5	34	37	39.5	42	44.5	47.5	49	51
60	5.5	8	10.5	13	16	18.5	21	23.5	26.5	29	31.5	34	37	39.5	42	44.5	47.5	50	51.5
61+ *[1]	5.5	8	10.5	13	16	18.5	21	23.5	26.5	29	31.5	34	37	39.5	42	44.5	47.5	50	52.5

61*[1] – The same figures should be used when calculating the redundancy payment for a person aged 61 and above.

20*[2] - The same figures should be used when calculating the redundancy payment for a person with more than 20 years service.