

# REDUNDANCY POLICY

<b>APPROVING BODY</b>	TRUST EXECUTIVE BOARD
<b>DATE APPROVED</b>	1 MAY 2024
<b>VERSION</b>	V4.0
<b>SUPERSEDES VERSION</b>	V3.0
<b>REVIEW DATE</b>	May 2025
<b>FURTHER INFORMATION / GUIDANCE</b>	

## 1. Introduction

- 1.1.1. This policy sets out Redhill Academy Trust's approach on handling all potential redundancy situations.
- 1.1.2. This policy has been implemented following consultation with the recognised trade unions.
- 1.1.3. This policy does not form part of any employee's contract of employment and may be amended at any time, with consultation with the relevant Trade Unions.

## 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. An employee who is dismissed shall be taken to be dismissed by reason of redundancy if the dismissal is wholly or mainly attributable to -
  - 2.2.1. the fact that the employer has ceased or intends to cease the business for the purposes of which the employee was employed, **or**
  - 2.2.2. the fact that the requirements of that 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 by the employer, 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.
- 3.2. Our leadership team will provide information in relation to workforce planning and resources to our 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 the problem and consider options or alternative ways of tackling the problem. 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 basis.
- 4.3. We will also consult with representatives of our recognised trade unions or elected employee representatives irrespective of the number of employees at risk of redundancy. The minimum length of consultation will be 10 working days.
- 4.4. In accordance with 4.3, we will provide the recognised trade unions or elected employee representatives with sufficient information in writing, including:
  - 4.4.1. The reasons for the proposals;

- 4.4.2. The numbers and descriptions of employees we propose to dismiss as redundant or who are at risk of redundancy;
- 4.4.3. The total numbers of employees of that description employed at the establishment in question;
- 4.4.4. The proposed method of selecting the employees who may be dismissed;
- 4.4.5. The proposed method of carrying out the dismissals, including the period over which the dismissals are to take effect; and
- 4.4.6. The proposed method of calculating the redundancy payments (other than statutory redundancy pay).
- 4.4.7. The numbers of agency staff at the affected Academy, the areas that they are deployed in and the type of work they are undertaking.
- 4.4.8. The proposed timeline.
- 4.4.9. The current and proposed structures.
- 4.5. We will consult on and consider alternatives to compulsory redundancies, if that is possible. Examples of such steps include:
  - 4.5.1. Reviewing the use of agency staff;
  - 4.5.2. Restricting recruitment or a vacancy freeze in affected categories of employees, and in those areas into which affected employees might be redeployed;
  - 4.5.3. Natural wastage (subject to required specialisms and expertise being retained);
  - 4.5.4. Retraining and/or redeployment within and across the Trust, where it is reasonable to do so;
  - 4.5.5. Reducing overtime/additional hours;
  - 4.5.6. Offering reduced working time including job-sharing or other flexible working arrangements, where these are practicable; and
- 4.6. Any measures we adopt will not adversely affect the Trust or its academies and the quality of teaching and learning provided to our students.

## 5. Making compulsory redundancies

- 5.1. If it is the case that compulsory redundancies will be required, all affected employees and 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 (where appropriate).
- 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 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, i.e. interview or skills audit. 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 dismissal meeting. This meeting may be held by a Head of School, Head Teacher, Service Director, CEO, Regional Director, Governor or Director as determined by the Trust.
- 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 (where applicable).

- 5.5. Employees will be given the opportunity to appeal against this decision which must be received within 10 days from the date of the hearing. If the employee has been represented by a member of their trade union at the initial hearing then a copy of the letter should be sent to their trade union for information.
- 5.6. Depending on the circumstances, the Trust may waive its right to insist on employees working their notice and instead give a payment in lieu of notice. This will be no less than the member of staff would have earned had they worked their notice period.
- 5.7. If an employee has been given notice of redundancy during their pregnancy, maternity leave, adoption leave or shared parental leave, or for those employees that have returned from maternity leave, adoption leave or shared parental leave (provided that the employee has taken a period of at least six continuous weeks of shared parental leave), for a period of 18 months after the expected week of childbirth, date of child's birth or the date of the adoption placement, the Trust will offer those employees suitable alternative work, where it exists, in preference to any colleagues who have also been selected for redundancy.

## **6. Support mechanisms**

### **6.1. Alternative work/retraining**

- 6.1.1. 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.
- 6.1.2. An individual who is redeployed into an alternative post is entitled to request 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.
- 6.1.3. 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.

### **6.2. Counselling service**

- 6.2.1. Employees who are at risk of redundancy or who have been issued a notice of redundancy will be able to access the Trust's confidential counselling help line. The contact details can be accessed from the HR Department, [hr@redhillacademytrust.org.uk](mailto:hr@redhillacademytrust.org.uk).

### **6.3. Time off**

- 6.3.1. 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/Head Teacher/another] and provide proof of attendance if requested to do so.

## **7. Redundancy payments**

7.1. Employees with two or more years' service will be entitled to a contractual redundancy payment. The period of continuous service will be calculated with reference to the Employment Rights Act and the Redundancy Modification Order. The Trust's redundancy payments are calculated using the following formula:

7.1.1. The number of weeks' pay shall be determined using the statutory calculations.

This is based on the number of years continuous service and the employee's age.

7.1.2. The statutory cap on a week's pay shall not apply. A week's pay shall be based on the employee's actual week's pay at their end date.

7.2. The mechanism for calculating the redundancy payments above will not apply to those staff who are protected by TUPE.

7.3. The amount of this payment will be confirmed when the employee is selected for redundancy and the sum will be paid along with the employee's final salary payment or payment in lieu of notice.

7.4. Should any employee who is offered a job before their end date in another organisation covered by the Redundancy Modifications Order, and who starts that job within 4 weeks of their end date, shall not be entitled to a redundancy payment. Any employee who receives a payment to which they are not entitled will be required to repay the redundancy payment in full.

## **8. Review of policy**

8.1. This policy is reviewed annually by the Trust in consultation with the recognised trade unions. We will monitor the application and outcomes of this policy to ensure it is working effectively.