



Title of Policy/Procedure	Redundancy Policy
Reviewer(s):	Director of Operations Chief Executive Officer
To be read in conjunction with the following policies:	Redundancy Toolkit
Consultation Process	This policy has been produced in consultation with Mr Paul Himple and adopted from the model policy provided by Swindon Borough Council
Policy Date:	September 2017
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SWINDON BOROUGH COUNCIL

Model Redundancy Procedure for Locally Managed Schools/Academies

This procedure should be used in conjunction with the Redundancy Toolkit

***Please note:** Headteachers in Academies who choose to adopt this model procedure will need to ensure that;*

- *the terminology reflects Academy Trust rather than School/SBC*
- *you remove paragraph 1 as this is not applicable*
- *there is no requirement to submit the Appendix D (in the Redundancy Toolkit) although this proves useful to support the justification and rationale for redundancies*

The Directors of The Blue Kite Academy Trust recognises the contribution of all employees to delivering its aim of providing outstanding teaching and support services. It also recognises the need to ensure that employees feel secure and are appropriately supported throughout their employment. The School is committed to protecting the employment security of employees, as far as possible, by planning effectively to meet current and future staffing needs. However, there may be occasions when pressures and change impact on staffing requirements. In such cases the School will seek to minimise the effect of redundancies by seeking redeployment opportunities as appropriate and by adopting a fair, consistent and sensitive approach.

This policy should be read in conjunction with the Redundancy Toolkit which includes further guidance, related policies and template letters.

Definition

A potential redundancy situation arises in the following circumstances:

- When circumstances require the school to consider ceasing or reducing a role or a number of roles in a particular area/department, *or*
- The requirements of the School have changed requiring a role or number of roles containing work of a particular kind to cease be reduced or are expected to cease or diminish

This could be redefined as:

"The fact that the School has to reduce its staffing establishment for budgetary or other reasons"

or

"The fact that staffing at a School needs to be reorganised to respond to organisational or curricular changes."

1. Paragraph one removed

2. Delegated responsibility

Where the Board of Directors has delegated the responsibility for dismissals to the headteacher (see the Redundancy Toolkit - Appendix C), the headteacher will make the decision on which post(s) are to be declared redundant based on the agreed criteria.

Where the Board of Directors has not delegated responsibility (or the headteacher would prefer to involve the directors) the staffing panel will work with the headteacher. The headteacher and two directors will form the Redundancy Selection Panel. This is considered to be a more objective way to deal with redundancy situations

In both cases the Board of Directors will need to establish an Appeals Panel comprising a minimum of three directors. No director may be a member of both committees. It is not appropriate for Staff directors or local governors to be involved with the redundancy process.

3. Conduct of meetings

All director meetings where the management of organisational change and implications for employees are considered are formal meetings and should be conducted in an appropriate manner, with notes kept on those present and on decisions made. Headteachers should ensure that an appropriate venue is arranged for consultation and panel meetings and a separate waiting room is allocated for employees and representatives if required.

4. Procedure for handling redundancies

Stage 1 - Measures to avoid or minimise redundancy

Compulsory redundancy will be seen as a last resort and the School is committed to retaining employees wherever possible. However, where redundancies are proposed, consideration will be given to the following:

- Restrictions on recruitment
- Termination of short term temporary contracts (see guidance for Managing Fixed Term Contracts, Toolkit - Appendix B)
- Redeploying employees to alternative posts within the School (see Redeployment Procedure, Toolkit - Appendix A)
- Provision of reasonable training or re-training of employees for alternative work
- Natural wastage, i.e. normal resignations and retirements
- Reducing the use of agency staff
- Reducing overhead costs – heating, lighting, use of contractors etc.
- Generate additional income – the letting and use of School facilities etc.

Stage 2 – Audit of Staffing Requirements

Where a staffing reduction is unavoidable the Board of Directors will ensure that the staffing panel carries out an audit of staffing requirements. This audit should be systematic and relate to School management and development plans.

Once a problem has been identified the audit needs to be carried out as soon as possible but directors and headteachers should be aware of the following timescales for planning purposes especially where reduction of teaching staff is likely:

Reduction required by	Process to begin where possible	Selection meeting advised	Maximum Notice to be given to teaching staff
1 September	1 January	May	End May
1 January	1 May	Sept	End September
1 May	1 September	January	End January

Stage 3a – Notification of redundancy situation to Group Director Children Services

Governors of Maintained Schools must inform the Local Authority of the possible need to reduce staff using the Notification of Potential Redundancy Form (Toolkit - Appendix D) which needs to be completed in full with the required attachments, including the report considered by the Governing Body and proposed redundancy timetable.

Following submission of the form the School must not appoint any new permanent staff in that or any related subject areas, if the reason for the reduction is related to the budget, until after the initial consultations with employees and unions. Before the School moves to the consultation stage, confirmation of Local Authority support must be received.

Whilst Academies do not need to advise the LA of potential redundancies we would recommend that Toolkit - Appendix D is completed as this will form the basis of the management case for any proposed redundancies.

Stage 3b – Equalities Impact Assessment

The Council is committed to promoting equalities and has a legal obligation to complete Equalities Impact Assessments. They ensure that equality considerations are built into everything we do and promote equality of opportunity and a fair working environment.

Carrying out a EIA involves systematically assessing the potential (or actual) effect a policy/service/function has on people in relation to the 'protected characteristics' identified by equality legislation. Protected characteristics as identified by the Equality Act 2010 are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

Before starting your proposed redundancy exercise, please complete the EIA form which can be found in the Redundancy Tool Kit. The EIA will need to be reviewed and updated throughout the redundancy process.

Stage 4 - Selection Criteria

In a proposed redundancy situation the School will adopt a fair, consistent and objective set of selection criteria, which should not discriminate against employees on the grounds of sex, race, age or disability.

Employees will be selected for redundancy on the basis of the skills, qualifications and experience required to meet the present and anticipated needs of the School. The criteria for selection for redundancy adopted by the staffing panel are a vital element in assessing whether redundancies have been fairly carried out.

The Board of Directors should consider the following when selecting criteria:

- a) the range of skills, competencies and experience.
- b) the qualifications and training background
- c) the wider contribution to the development of the School

Examples of a redundancy selection criteria matrix for teachers, teaching assistants and admin staff are available in the Redundancy Toolkit - Appendix E. Also included are examples of the skills audit forms to be completed by the individuals.

This will seek to identify those employees with the knowledge and skills to meet the School's present and anticipated needs. The criteria for selection will be made available as part of the consultation process.

Where a redundancy staffing audit results in the need for new and significantly changed posts, it may be more appropriate to conduct a selection process, which may involve an interview and will take place in two stages. The first stage will be for anyone at risk of redundancy and if no appointment is made from this group the second stage will be for any applicants who are not at risk of redundancy. At risk staff who are unsuccessful in securing a post following the selection exercise will be issued with notice of redundancy. Please refer to the guidance on conducting a review of the school staffing structure (Redundancy Toolkit - Appendix N) for more detailed advice.

Stage 5 - Consultation

Where redundancies and restructures are being considered there is a legal requirement for meaningful consultation and the need to advise/involve at the earliest opportunity both the recognised trade unions/teacher associations and employees. Employee representatives or individual employees may be able to suggest acceptable alternative ways of tackling the problem or, if the redundancies are inevitable, ways of minimising hardship.

The consultation should include ways of avoiding the dismissals, reducing the number of employees to be dismissed, and mitigating the effects of dismissals. Consultation must be carried out even when it is believed that there will be volunteers. There must be a minimum consultation period of two weeks before issuing notice.

Headteachers should notify trade unions/teacher associations of proposed redundancies using the template letter in Redundancy Toolkit - Appendix F. There should be sufficient time to allow the union to formulate constructive proposals before the consultation period starts.

(a) First Consultation Meeting with Staff

The headteacher will arrange an initial consultation meeting for staff and invite representatives from trade unions and staff. A template letter is available in the Redundancy Toolkit - Appendix G. The school must ensure that **all** staff are consulted, including any staff who are absent due to sickness or maternity leave. Where possible a minimum of 5 days' notice of the meeting should be given to all parties. An HR representative will also be present to provide advice regarding the procedure.

The purpose of the meeting is to discuss the potential redundancy situation, clarify the procedure that will be followed and seek to avoid compulsory redundancy where possible by voluntary means. Consideration will be given to any representations and/or alternative proposals made at this stage. Information to be supplied to all staff and trade union representatives at this first meeting must include:

- The reason for the proposed redundancies – financial, numbers on roll, curriculum changes.
- If the reason is related to curriculum changes, the Headteacher will need to explain that there may be a need to recruit in some subject areas while other areas are reducing.
- The numbers and description of employees the School proposes to dismiss as redundant.
- The total number of employees of any such description employed at the School.
- Details of the selection criteria and how they will be applied.
- How the dismissals are to be carried out, including the period over which the dismissals are to take effect.
- The method of calculating the redundancy payments, in the Toolkit - Appendix M
- Ask for ideas or alternatives to avoid or minimise the proposed redundancy.
- Voluntary reduction of hours, including voluntary job-share or part time working
- Invite volunteers for redundancy and state the time by which applications must be received; the mere fact that the individual volunteers does not mean that the redundancy will be granted

Employees and trade union representatives will be informed that a second consultation meeting will be held in order to discuss any alternative proposals that they may wish to make. Employees should be encouraged to contact HR to obtain details of redundancy payment entitlements etc.

Directors and the headteacher will need to consider any requests for voluntary redundancy or changes to working hours/patterns before the second consultation meeting. The headteacher will then notify the employee(s) of the outcome before the second consultation meeting.

(b) Second Consultation Meeting

If no offers of voluntary redundancy, early retirement or alternative proposals to avoid or minimise compulsory redundancy are forthcoming at this stage, employees and trade unions will be notified at this second meeting that a compulsory redundancy situation has arisen. Where possible a minimum of 5 days' notice of the meeting should be given to all parties.

If, as a result of the first consultation meeting, any alternative proposals to avoid compulsory redundancy have been received, the headteacher will feedback on the outcome of the governors decision.

The headteacher will update on the current financial situation or any changes since the previous meeting.

Proposals to avoid compulsory redundancies or applications for voluntary redundancy, early retirement etc will still be considered at this stage and will be discussed and further considered by the headteacher. A third consultation meeting may then be appropriate within

5 working days or a written response to specific proposals may be agreed (i.e. to respond to voluntary redundancy applications).

Where the employee volunteering for redundancy is not within the group due to be reduced then it may be possible to effect a transfer from within that group, subject to them having the necessary transferable skills.

If staff would like individual consultation meetings at this stage, these can be arranged with the headteacher and/or HR Officer. Staff will have the right to be accompanied by a work colleague or trade union representative at these meetings.

Stage 6 - Selection process for compulsory redundancy

Where a compulsory redundancy situation has been confirmed, individuals who are in the pool of staff within the area(s) of work potentially affected should be invited to complete a skills audit form (in the Redundancy Toolkit - Appendix E) detailing their experience, skills and training. A senior member of staff who is not included in the selection pool should be available to give assistance to employees where necessary by providing them with any relevant information, e.g. training records to enable them to complete the form as fully as possible.

The headteacher and/or Staffing Panel will undertake the redundancy selection with HR support, where appropriate, and will apply the agreed redundancy selection criteria with reference to the completed staff skills audit forms.

Alternatively the school will conduct a recruitment selection process, interviewing potential applicants against the criteria set out in the job description/person specification and supported by the most recent performance management review.

The criteria should be considered in order, narrowing down the selected employees by application and make a formal written record of the basis on which decisions are taken.

Note: Redundancy is not a means of dealing with persistent absence, ill health or poor performance of individual members of staff. Such cases must be dealt with under the appropriate procedures.

Stage 7 - Notification of Compulsory Redundancy

The headteacher will then arrange to meet with the employee(s) selected to notify them of their selection. Staff will have the right to be accompanied by a work colleague or trade union representative at this meeting. This can be a difficult meeting and one that needs to be handled sensitively. The employee(s) should be given the opportunity to ask questions and appropriate support should be put in place. They should be advised to seek support from their professional association/trade union and be made aware of the services of Care First, the Council's counselling service. Notes should be taken of the meeting.

The employee should also be notified in writing of the decision (see template letter, Redundancy Toolkit - Appendix H) and given the opportunity to make representations to the headteacher or Staffing Panel.

Using the template invite letter in the Redundancy Toolkit - Appendix I, the employee must be given a minimum of five days notice of the Representation meeting and the employee should be provided with a copy of the notes taken at the redundancy selection meeting detailing the reasons for their selection. They have the right to be accompanied at the meeting by a trade union representative or work colleague. A formal written record will be made of the decision. No additional information can be introduced at the Representation Hearing.

Following this meeting, the Headteacher should notify the member of staff of the decision in writing within 5 working days and employees confirmed as selected for redundancy will be given the right of appeal. See template letter in the Redundancy Toolkit - Appendix J. If the Representation Hearing recommends that the selection for redundancy has not been fair, the headteacher and/or staffing panel will need to return to Stage 6 of the process.

Stage 8 - Right of Appeal

If the individual exercises their right of appeal against the decision, they should write to the Chair of the selection panel within 10 working days outlining their reasons for appeal and making it clear whether their appeal is in relation to:

- the process used
- the application of the selection criteria
- some other factor

No additional information can be introduced at the appeal stage.

The appeal must be heard by the Appeals Panel of Directors, none of whom should be members of staff or have had previous involvement in the selection process.

The employee must be given ten days notice of the Appeal Hearing (template letter available in the Redundancy Toolkit - Appendix K). The employee has the right to be accompanied at the meeting by a trade union representative or friend. A formal written record will be made of the decision. Following the Appeal Hearing the Chair of the panel should notify the member of staff of the decision in writing within 5 working days. A template letter can be found in the Redundancy Toolkit - Appendix L.

Where possible, it is advisable to arrange the appeal hearing before the end of the notice period.

If no appeal is lodged or the original decision to select for redundancy is upheld, the Governors of Community and Voluntary Controlled School's will immediately notify the LA in writing, via their HR Officer, of their decision that the individual will cease to work at the School. The Council will then issue notice of termination of employment on the grounds of redundancy; ensuring minimum notice periods are satisfied. Academies, Voluntary Aided and Foundation Schools are responsible for issuing notice letters to their employees.

5. Redeployment

When an individual is selected as a possible candidate for redundancy until his/her dismissal takes effect (or they obtain another post) they will continue to be subject to the redeployment provisions (see the Redundancy Toolkit - Appendix A).

6. Time off to look for new work or for training

Employees who are under notice of redundancy will be entitled to a reasonable amount of paid time off to look for work or to arrange training with the agreement of their headteacher.

7. Redundancy Payments

Employees who are made redundant following 2 or more years' continuous service as at the date of dismissal will be eligible for a redundancy payment. (See Early Retirement, Redundancy Policy at Schools Online)

Employees who have at least two years continuous service with one or more local authorities or any organisation that is covered by the Redundancy Payments (Continuity of Employment in Local Government etc (Modification) Order 1999 will normally be entitled to a redundancy payment. This entitlement will be lost if they return to work for the same employer or one within the Modification order, within four clear weeks (plus one day) of departure. This will include all Academies and Foundation Schools.

Redundancy payment due to an employee depends on their age, length of service (subject to a maximum service limit of 20 years) and weekly pay.

The redundancy payments are based on the following formula:

- 0.5 week's pay for each full year of service where age is less than 22
- 1 week's pay for each full year of service where age during year is 22 or above, but less than 41
- 1.5 weeks' pay for each full year or service where age during the year is 41 or above

A redundancy calculator is available in the Redundancy Toolkit - Appendix M.

8. Equality and Diversity

The policy has been impact assessed by Human Resources. If on reading this policy/procedure, you feel there are equality and diversity issues, please contact your Schools HR Advisor, who will, if necessary, ensure the policy is reviewed.