

# **TRUST REDUNDANCY AND RESTRUCTURING POLICY AND PROCEDURE**

**Issued: April 2016**  
**Reviewed: August 2017**  
**Next Review Due: August 2019**

## **Introduction**

The purpose of this policy is to provide a consistent and fair procedure for handling redundancies.

The Trust Redundancy and Restructuring Policy will:

- Ensure staff have the relevant information on redundancy arrangements; and
- Support staff leaving the Trust through redundancy and provide a consistent and fair framework for redundancy payments.

The Trust may have a requirement to make redundancies or to restructure as a consequence of a reduction in school funding, as a result of a restructuring process, where for instance student numbers studying in a particular subject area have declined or where the operational needs of the Trust reasonably dictate that there is a need to restructure, reorganise or reallocate staff in a particular area of the Trust.

This policy is effective where there is a genuine redundancy situation.

This model policy has been provided as a Trust level resource for BDAT and does not form part of an employee's terms and conditions of employment. The Trust may choose to vary the terms of this policy. In particular the Trust may elect not to follow this policy for staff with under two years continuous service with the Trust

## **Avoiding Redundancies**

The Trust will take reasonable steps to avoid a redundancy situation by using alternative methods for reducing staff numbers, for example and where appropriate, non-replacement of leavers, recruitment restrictions, reduction in overtime working, and termination of external contractors. Ordinarily the Trust will ask for volunteers from any pool of staff at risk of redundancy. However the Trust is not obliged to accept any volunteer.

## **Alternatives to Redundancy**

The Trust has a commitment to maintaining job security, where possible. Therefore when there are potential redundancy situations, the Trust will endeavour to redeploy and retrain staff where this is reasonable and appropriate and does not unduly impact on learning at the Trust.

## **Definition of Redundancy**

Redundancy is defined by the Employment Rights Act 1996 as dismissal attributable wholly or mainly to:

- an employer ceases, or intends to cease –
  - (i) to carry on the business for the purpose of which the staff member was employed by him, or
  - (ii) to carry on that business in the place where the staff member was so employed,
- or

- the requirements of that business –
  - (i) for staff to carry out work of a particular kind, or
  - (ii) for staff to carry out work of a particular kind in the place where the staff member was employed by the employer, have ceased or diminished or are expected to cease or diminish.

### **Selection Criteria**

A dismissal on grounds of redundancy will only take place if a redundancy situation exists. The criteria used for selection will be applied objectively and in a fair and consistent manner.

### **Procedure**

In redundancy there are two types of consultation – individual and collective.

#### **1) Individual Consultation:**

Where fewer than 20 roles are planned to be made redundant during a period of 90 days in a particular establishment.

#### **2) Collective Consultation:**

Where 20 or more redundancies are planned to be made redundant during a period of 90 days in a particular establishment. If between 20 and 99 roles are planned to be made redundant during this time a collective consultation period of 30 days will apply. If over 99 roles are planned to be made redundant during this time a collective consultation period of 45 days will apply.

### **Individual Consultation**

#### **1. At Risk of Redundancy**

When a redundancy situation has been identified, all staff affected will be notified that their roles are at risk of redundancy. Where a group of people are affected, the Head teacher/Principal may hold a group announcement. Affected staff will also receive confirmation that their role is at risk of redundancy in writing.

Ordinarily the Trust will contact the recognised trade unions and discuss the proposals to make redundancies. There is no obligation on the Trust to consult with trade unions over such redundancies however the Trust may choose to do so as a matter of good practice.

#### **2. Pools or Individuals at Risk of Redundancy**

In some redundancy situations, there will be a need to select staff for redundancy from a group of staff. The group of staff is referred to as a 'pool'.

Where applicable, each staff member at risk of redundancy will be scored against selection criteria. The criteria may be assessed by selection matrix, interview or assessment centre. The Trust reserves the right to decide what the most appropriate method in each situation is. Following the selection process affected staff will be informed of the outcome via a one to one meeting with the relevant manager.

Once a decision has been reached as to who has been provisionally selected for redundancy, the individuals whose roles are no longer being considered for redundancy will be notified.

Where an individual carries out a specific role which is to be made redundant on their own (i.e. not in a pool), this is referred to as an individual role at risk of redundancy.

### **3. Consultation**

Once it has been confirmed that a staff member, or a group of staff, is at risk of redundancy a period of consultation will follow.

The purpose of consultation is to try and establish any alternatives to the redundancy including potential redeployment. During the consultation period, staff at risk of redundancy will be given the opportunity to raise any issues and to discuss what alternative opportunities they would consider.

During the consultation period, the staff member will have a minimum of one consultation meeting with the Trust. The consultation meeting should be documented, and a record should be kept of the meeting.

During the consultation meeting(s) the staff member will have a right to be accompanied by a work colleague of their choice or a trade union representative.

Staff who are at risk of redundancy will be permitted reasonable time off with pay to attend interviews. Staff must request time off via their Line Manager, and all requests will be considered against the operational requirements of the Trust.

### **4. Final Consultation Meeting**

Prior to the end of the consultation period, if no alternative to dismissal has been identified the staff member will be invited to a Final Consultation Meeting.

The Trust will provide at least 5 working days' notice of the Final Consultation Meeting and will set out in writing:

- the purpose of the Final Consultation Meeting.
- that the staff member's role is at risk of redundancy.
- that the outcome to the Final Consultation Meeting may be the staff member's dismissal.
- when and where the hearing will be conducted.
- the right to be accompanied by a trade union representative or work colleague not involved in the case.

- the requirement for the staff member to provide, in at least 2 working days before the hearing, all documents that he/she intends to present at the hearing.

The Final Consultation Meeting will be conducted by the Chief Executive Officer/Principal/Head teacher. Any documentation that the staff member wishes the Chief Executive Officer/Principal/Head teacher to consider should be submitted at least 2 working days prior to the hearing. The purpose of the Final Consultation Meeting is to consider whether the staff member should be made redundant.

The Chief Executive Officer/Principal/Head teacher should consider the proposed redundancy and any issues raised by the staff member before making a decision as to whether to make the staff member redundant. The Chief Executive Officer/Principal/Head teacher's decision will ordinarily be provided verbally and then confirmed in writing.

## 5. Confirmation of Redundancy

The Trust will confirm the staff member's redundancy in writing.

All staff who are served notice of redundancy will receive a letter which will ordinarily confirm the following:

- The effective date of the redundancy
- Treatment of the notice period (e.g. garden leave, working notice)
- Any redundancy payment due, and how this has been calculated
- Any outstanding holiday entitlement
- Right of appeal and who to address any appeal to (see section below on Appeals)

## Collective Consultation

### 1. Announcement

When a collective redundancy situation has been identified, trade unions and all staff who are affected will be notified. This will normally be done via a group presentation and then confirmed in writing.

### 2. Consultation

The Trust will consult with trade unions who will feedback the information to the affected staff they represent.

Number of staff affected	Minimum length of consultation period
Where between 20 and 99 redundancies are proposed in a 90 day period in an establishment	30 days
Where over 99 redundancies are proposed in a 90 day period in an establishment	45 days

The objective of the collective consultation period is to review the reasons for the redundancies, the number of redundancies necessary, ways to minimise the redundancies where possible, and the selection methods for those redundancies.

At the commencement of the collective consultation period trade unions will be provided with the following information:

- The reason for the proposed roles being made redundant
- The numbers and categories of roles involved
- The numbers of staff in these categories
- The selection criteria proposed
- An explanation as to the procedure that it is proposed will be followed, outlining timescales
- An explanation as to how redundancy payments will be calculated

The purpose of consultation is to seek to reach agreement. Whilst this may not be possible, the Trust will enter into such consultation with a view to reaching agreement.

### **3. Selection**

At the end of the collective consultation period all those staff in pools will be scored against the selection criteria (agreed, if possible) to determine who will be confirmed at risk of redundancy.

Once a decision has been reached as to who has been selected for redundancy, the individuals whose roles are no longer being considered for redundancy will be notified.

Anybody who carries out an individual role at risk of redundancy (i.e. not in a pool) will not be scored.

### **4. Selection Notification**

Those staff who receive the lowest scores within pools will be informed that they are formally 'at risk of redundancy'. This will be done via a one to one meeting with their line manager and confirmed in writing. The staff member will have the right to be accompanied at this meeting by a work colleague or a trade union representative.

### **5. Individual Consultation**

Each staff member at risk of redundancy will have a period of individual consultation.

During this period of individual consultation, staff whose roles are at risk of redundancy will be given the opportunity to challenge their scores, raise any issues and to discuss what alternative redeployment opportunities they would consider. The period of consultation will be used to try and identify any alternative employment within the Trust.

During the consultation period, the staff member will have a minimum of one consultation meeting with the Trust. The consultation meeting should be documented, and a record should be kept of the meeting.

During the consultation meeting(s) the staff member will have a right to be accompanied by a work colleague of their choice or a trade union representative.

Staff who are at risk of redundancy will be permitted reasonable time off with pay to attend interviews. Staff must request time off via their Line Manager, and all requests will be considered against the operational requirements of the Trust.

## **6. Final Consultation Meeting**

Prior to the end of the consultation period, if no alternative to dismissal has been identified the staff member will be invited to a Final Consultation Meeting.

The Trust will provide at least 5 working days' notice of the Final Consultation Meeting and will set out in writing:

- the purpose of the Final Consultation Meeting.
- that the staff member's role is at risk of redundancy.
- that the outcome to the Final Consultation Meeting may be the staff member's dismissal.
- when and where the hearing will be conducted.
- the right to be accompanied by a trade union representative or work colleague not involved in the case.
- the requirement for the staff member to provide, in at least 2 working days before the hearing, all documents that he/she intends to present at the hearing.

The Final Consultation Meeting will be conducted by the Chief Executive Officer/ Principal/ Head teacher. Any documentation that the staff member wishes the Chief Executive Officer/ Principal/ Head teacher to consider should be submitted at least 2 working days prior to the hearing. The purpose of the Final Consultation Meeting is to consider whether the staff member should be made redundant.

The Chief Executive Officer/Principal/Head teacher should consider the proposed redundancy and any issues raised by the staff member before making a decision as to whether to make the staff member redundant. The Chief Executive Officer/Principal/Head teacher's decision will ordinarily be provided verbally and then confirmed in writing.

## **6. Confirmation of Redundancy**

The Trust will confirm the staff member's redundancy in writing.

All staff who are served notice of redundancy will receive a letter which will ordinarily confirm the following:

- The effective date of the redundancy
- Treatment of the notice period (e.g. garden leave, working notice)
- Any redundancy payment due, and how this has been calculated
- Any outstanding holiday entitlement

- Right of appeal and who to address any appeal to (see section below on Appeals)

### **Appeals**

If staff have questions or concerns about any part of the redundancy process they should be raised and where possible resolved during the consultation period. However, where there are outstanding issues which have not been resolved during the consultation period these will be heard as part of an appeal process.

All staff who are served notice of redundancy will be informed of their right to appeal against the redundancy. Staff who wish to exercise this right must put their appeal in writing, clearly stating the grounds for appeal. The appeal must be made within ten working days of receipt of their notice of redundancy. The name of the person the appeal should be submitted to will be confirmed in the letter serving notice of redundancy.

When an appeal letter is received the following procedure applies:

- A meeting will be scheduled to hear the appeal with the Chief Executive Officer/Chair of Governors or delegated representative.
- The staff member will be provided with at least 5 working days' notice of the meeting in writing and will be informed of their entitlement to be represented at the meeting by a colleague or trade union representative.
- The staff member will be asked to provide details on the grounds of their appeal at the appeal meeting and will be asked questions by the Chief Executive Officer/Chair of Governors or delegated representative to establish all the facts.
- The Chief Executive Officer/Chair of Governors or delegated representative will (if necessary) conduct an investigation into the points raised in the appeal meeting.
- The Chief Executive Officer/Chair of Governors or delegated representative will confirm their findings in writing. The Chief Executive Officer/Chair of Governors or delegated representative's decision will be final.

### **Redeployment**

The Trust will seek to find affected staff a redeployment opportunity within the Trust.

Alternative employment opportunities will be subject to a four week trial period. The trial period is in order that the Trust can assess the staff member's performance in the role, and the staff member can decide whether the alternative role is acceptable.

The four week trial period can be extended by written agreement between the Trust and the staff member. In all cases the trial period can only be extended for up to a further four weeks.

If an staff member accepts the role after the trial period they will be treated as no longer at risk of redundancy and will no longer be entitled to a redundancy payment.

If the alternative role is not acceptable to either party, then the staff member's employment will be terminated on the grounds of redundancy and the relevant redundancy payment will be made.

## Temporary Roles

An alternative to redundancy may be redeployment to a temporary (fixed-term) role within Trust. In such circumstances, once the temporary role has finished, the staff member will be served notice of redundancy.

## Redundancy Payments

The Trust bases redundancy payments on the statutory guidelines set out in the Employment Rights Act 1996.

The redundancy payment due to each staff member under the statutory redundancy payment scheme depends on the staff member's age and length of service (up to twenty years). This determines the number of weeks' pay due, which is then subject to a limit on weekly pay.

To calculate the number of weeks' pay due, the following amounts are used –

- 0.5 week's pay for each full year of service where age during year less than 22
- 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 of service where age during year is 41+

For information on the redundancy payment calculation and current statutory limit on weekly pay, please contact your HR Advisor, or visit <http://www.direct.gov.uk/redundancy.dsb>.

Any redundancy payment due will normally be paid on the next available payroll date following the last date of employment. Payment dates will normally be confirmed to staff in the letter confirming their redundancy.

## Secondments

Where a staff member is on secondment and their original role becomes redundant, the seconded role will be treated as alternative employment and the staff member will continue in the seconded role until the end of the secondment. This means that:

- The staff member should be included in the redundancy consultation process for their original role.
- If, at the end of the secondment, it is necessary to put the staff member at risk of redundancy, the period of consultation will follow the rules outlined in this policy.

Where a staff member is on secondment and the seconded role becomes redundant they will ordinarily return to their original role.