

CHULMLEIGH ACADEMY TRUST

REDUNDANCY POLICY

This policy was adopted by the Board of Directors on: 16.1.19

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1 RESPONSIBILITY FOR REDUNDANCY

- 1.1 The Board of Directors is responsible for deciding the number and the categories of employees working within the Trust.
- 1.2 A number of responsibilities will be delegated to the Executive Headteacher.
- 1.3 The time limits included in this policy may be varied by mutual agreement or where necessary. If it is necessary then reasons will be given for any change.

2 THE LEGAL FRAMEWORK

- 2.1 A redundancy situation may arise in the school situation, for example, when the Trust has to reduce its staffing establishment for budgetary reasons or the staffing at a school needs to be reorganised to respond to organisational or curricular changes.
- 2.2 Any termination of a contract of employment is a dismissal and must be as a result of action under the appropriate policy.
- 2.3 Employees directly employed under fixed term contracts are protected under the Fixed Term Workers Regulations. Termination of a fixed term contract may be as a result of redundancy, in which case it may be appropriate to follow this policy.
- 2.4 Employees who are part-time are protected under the Part Time Workers Regulations. Part-time employees must be treated equally with full-time employees under this policy.
- 2.5 There is a legal requirement to consult.
- 2.6 A representative from a recognised trade union, or an appropriate work colleague, may accompany an employee at representation and/or appeal meetings.
- 2.7 This policy complies with the School Staffing (England) Regulations 2009.

3 EQUAL OPPORTUNITIES

- 3.1 This procedure is based on best practice and is designed to promote a consistent and fair approach to redundancy issues in the Trust. The Board of Directors will ensure that the application of the procedure will not disproportionately or unfairly affect any employees in the Trust recognising the diversity of the community.

4 DETERMINING THE NEED FOR STAFFING REDUCTIONS

- 4.1 The Board of Directors will review the Trust's budget and in cases of a budget deficit determine whether staffing reductions are necessary.
- 4.2 As part of the review of the budget, the Board of Directors will consider reductions elsewhere in the budget before determining staffing reductions are necessary.

5 AUTHORITY TO TAKE ACTION

- 5.1 The Executive Headteacher will be responsible for selecting posts to be made redundant and considering any representations by the employee who is displaced as a result.

5.2 An Appeal Committee of directors, who have had no previous involvement in the selection or representation(s), will consider any appeal(s) from employee(s) selected for dismissal on grounds of redundancy.

6 WHO DOES WHAT?

6.1 The Board of Directors is responsible for this policy being properly followed. However, the following areas will be delegated as indicated.

	Executive Head Teacher	Board of Directors	Chair of Directors	Chair of Appeal Committee	Clerk to Directors (or substitute)
Adopting Redundancy Policy		✓			
Determine membership (inc Chair) of the Appeal Committee		✓			
Overseeing proper application of process	✓				
Producing statutory information and documentation	✓				
All correspondence to employees during consultation process	✓				
Co-ordinating all parties to set timetable	✓				
Co-ordinate and chair consultation meeting	✓				
Attendance at consultation meetings	✓		✓ or substitute director		
Consideration of responses to consultation meetings			✓ or delegated committee		
Ensuring a note-taker present at Representation and Appeal meetings	✓				✓
Ensuring the accuracy of selection process and Representation meetings notes	✓				

Notifying selected employee(s) orally and confirming in writing the outcome of selection and Representation meetings	✓				
Issue notice to selected employees			✓		
Supporting selected employee(s) to seek alternative employment	✓				
Notifying the Chair of the Appeal committee regarding the receipt of appeals from selected employees					✓
Setting up and administering Appeal Committee					✓
Notifying employee(s) orally and confirming in writing the outcome of the Appeal Committee				✓	
Ensuring accuracy of Appeal meeting notes				✓	

7 PRIOR CONSIDERATIONS BY THE BOARD OF DIRECTORS AND HEADTEACHER

- 7.1 The Executive Headteacher will review the staffing levels at the Trust and determine a staffing structure to provide the best education to the pupils within the financial resources available to the Trust.
- 7.2 The Executive Headteacher will agree a staffing structure with the Board of Directors prior to the commencement of the consultation process.
- 7.3 The Board of Directors and the Executive Headteacher will determine whether any necessary staffing reduction only applies to one area of the Trust e.g. if a special unit closes and the employees are contracted specifically to work in that unit. In this case, the consultation will take place with these employees and the County Officers of the relevant trade union. All affected employees must be fully consulted, other employees will be kept informed.
- 7.4 The Board of Directors will delegate to the Executive Headteacher the responsibility for determining which employees sit within which 'pool' of employees to be considered for the staffing reductions.

8 CONSULTATION WITH TRADE UNIONS

- 8.1 There is a legal requirement to consult. Consultation will be meaningful and genuine. However, consultation does not mean that agreement will be reached but that full and

proper consideration will be given to any responses made either during consultation meetings or provided in writing during the consultation period.

- 8.2 Consultation with Trade Unions will begin as soon as the potential need for staffing reductions has been identified and in any event before any Formal Staff meeting.
- 8.3 The Executive Headteacher will provide a report to the County Officers of all recognised Trade Unions including the following information. This report will provide the basis for the consultation which will take place prior to any staffing reductions being made and will include the following information:
 - 8.4 Individual employees will not be named or consulted at this stage. Individual posts may be identified.
 - 8.4.1 The reasons and circumstances that have led to the need to consider staffing reductions;
 - 8.4.2 Details of savings made in other areas of the Trust budget to try to avoid or reduce the need for staffing reductions;
 - 8.4.3 Appropriate budget information including the likely budget shortfall for budget led redundancies;
 - 8.4.4 Curricular provision;
 - 8.4.5 Pupil number trends and projections;
 - 8.4.6 School Development Plan;
 - 8.4.7 The total number and category of employees in the establishment;
 - 8.4.8 The number and category of staffing reductions that may be needed;
 - 8.4.9 Whether a category of employees will be abolished;
 - 8.4.10 Where there is a need to reduce the number of employees in a particular category, the proposed criteria to differentiate between employees of the same category or where a selection process is to be followed, the proposed method of selection e.g. interview, presentation, classroom observation etc;
 - 8.4.11 Which category of employee will be included in the 'pool' of staff to be considered;
 - 8.4.12 If appropriate, the proposed staffing restructure that will lead to a reduced number of employees;
 - 8.4.13 The proposed procedure for carrying out the redundancy dismissals, including the period over which the dismissals will take effect;
 - 8.4.14 The proposed method of calculating the redundancy pay.
- 8.5 The Executive Headteacher will invite all the relevant County Officers of the recognised Trade Unions to a consultation meeting. The Executive Headteacher will chair the meeting and the Chair of Directors (or substitute) will be present to represent the Board

of Directors. The Executive Headteacher may also invite an HR Adviser. This meeting is for the Executive Headteacher and Chair of Directors to provide information, to answer questions and to consult on the proposals, including any possible ways of avoiding redundancy. If staffing reductions are unavoidable, the ways of making the necessary staffing reductions will also be consulted on.

- 8.6 Any comments/responses made during the consultation process will be reported to the Board of Directors or other committee as delegated for consideration prior to any staffing reductions being made.
- 8.7 Whenever possible, the Executive Headteacher will, at the conclusion of the consultation meeting, inform the Trade Union representatives of the timetable for the process.

9 FORMAL CONSULTATION MEETING WITH EMPLOYEES

- 9.1 Following the consultation meeting with Trade Unions, the Executive Headteacher will chair a consultation meeting with all affected employees. The Chair of Directors (or substitute) will be present to represent the Board of Directors. This meeting is for the Executive Headteacher and Chair of Directors to provide the same information to employees as provided at the union consultation meeting. The purpose of the meeting is to consult with employees and to answer questions on the options available, including any possible ways of avoiding redundancy. If staffing reductions are unavoidable, the ways of making the necessary staffing reductions will also be consulted on.
- 9.2 The same information will be given to all the employees, including those absent from school for any reason, as has been given to the Trade Unions.
- 9.3 The Executive Headteacher will ask whether any employees wish to make a request to alter their working arrangements or have any alternative proposals on how the Trust may achieve a balanced budget including volunteering their post for redundancy/redeployment. This should be put in writing to the Executive Headteacher. Employees should be advised to seek advice from their Trade Unions if considering this option.
- 9.4 At the meeting, the Executive Headteacher will issue an Employee Profile Form to each employee in the pool. These Employee Profile Forms will be completed by employees to provide information to demonstrate how each employee meets the selection criteria contained within this policy. This information will be considered during the selection process cannot be added to at a later stage of the process.
- 9.5 In exceptional circumstances, only specific categories of staff within the Trust will be considered for staffing reductions. If this is the case, the reason will be made clear to staff by the Executive Headteacher.
- 9.6 In some cases, if only a specific category of staff is affected, the Board of Directors may determine that rather than using the selection criteria in this policy to identify who is selected for redundancy, a selection process will be undertaken to identify who will secure a post(s) in the new structure resulting in anyone not successful in this process being provisionally selected for redundancy.
- 9.7 Employees should be made aware that they can request an estimate of redundancy payments from the Trust. Employees should also be advised to discuss any such

matters with their Trade Union representative.

10 THE SELECTION CRITERIA

- 10.1 Where there is a need to reduce the number of employees in a specific category of work, specific selection criteria will be used to differentiate between those employees in that category, if the Board of Directors has determined not to undertake a selection process involving interviews and other recruitment tools .
- 10.2 Where more employees volunteer their posts for redundancy than are required, specific selection criteria will be used.

11 SELECTION OF EMPLOYEES

- 11.1 The Executive Headteacher will consider requests from any employees that they be selected for redundancy or to alter their working arrangements. For each request the Executive Headteacher will consider the potential impact on the Trust taking into account the overriding need to retain relevant skills, knowledge and experience required by the Trust.
- 11.2 After considering these requests, if the Executive Headteacher still determines that compulsory redundancy is necessary the process will continue.
- 11.3 The Executive Headteacher will ensure that the 'pools' of employees at risk of redundancy are clear and that affected employees are allocated to a 'pool' (this may be a 'pool' of one employee).
- 11.4 The Executive Headteacher will consider whether any category of employee should be abolished as that role(s) is no longer required in the Trust. If this is the case, all staff in this category will be at risk of dismissal on grounds of redundancy. Completion of an Employee Profile Form is unnecessary in these circumstances.
- 11.5 If there is a need for further reductions, the Executive Headteacher will consider the Employee Profile Forms against the selection criteria for each of the employees in each affected 'pool' to determine which individuals should be selected for redundancy.
- 11.6 The selection criteria will be applied with care and in a reasonable, fair and objective way. The employee(s) identified as least able to contribute to taking the Trust forward in the future, based on the application of the selection criteria, will be provisionally selected for dismissal by reason redundancy.
- 11.7 If the Board of Directors determined that a selection process should take place, the Executive Headteacher will consider the outcome of that process and assure him/herself that the process undertaken was appropriate and employee(s) not appointed to a post(s) in the new structure will be selected for redundancy.

12 NOTIFICATION OF SELECTION

- 12.1 The Executive Headteacher will orally advise the relevant employee(s) of the proposal to select him/her for redundancy. This will be confirmed in writing within three working days of the date of selection, giving reasons and advising of the right to make representations at the Representation Meeting with the Executive Headteacher.

13 PRIOR TO THE REPRESENTATION MEETING

- 13.1 An employee wishing to exercise his/her right to make representations, must notify the Executive Headteacher in writing within five working days of the date of the written notification of the selection for dismissal on grounds of redundancy.
- 13.2 Prior to the Representation meeting, the selected employee will be given copies of the notes of his/her selection and if the selection criteria were applied, the employee's assessment. If a selection process was undertaken, written feedback from his/her interview and any other recruitment tool used will be provided to the employee.

14 NOTIFICATION AFTER THE REPRESENTATION MEETING

- 14.1 The Executive Headteacher will orally advise the relevant employees of the decision.
- 14.2 If the decision is that the selection stands, the selected employee will be given written confirmation within three working days of the date of the meeting including reasons for the decision and the employee's right to appeal.
- 14.3 If the decision is that the employee should not be selected then the employee will have written confirmation. In this case, the Executive Headteacher will consider the appropriate course of action.
- 14.4 If the decision is that the employee should be selected, the Executive Headteacher will report the outcome of the process to the directors.
- 14.5 The Directors will give notice to the employee.

15 APPEAL BY THE EMPLOYEE

- 15.1 Any appeal by a potentially redundant employee must be made in writing to the Clerk to Directors (or named alternative) within five working days of the Representation meeting, stating the grounds of appeal and giving reasons for the appeal.
- 15.2 An appeal can be made on the following grounds:
 - 15.2.1 Ground 1 – that the reason for dismissal was not redundancy
 - 15.2.2 Ground 2 – that the selection for redundancy was unfair
 - 15.2.3 Ground 3 – that the process was flawed.

16 PRIOR TO APPEAL MEETING

- 16.1 The Appeal Committee must be made up of at least two Directors and no more than three.
- 16.2 Arrangements will be made for the Appeal Meeting to be held as soon as possible but not normally less than five working days after the receipt of the letter of appeal.
- 16.3 An employee cannot appeal unless they have made Representations to the Executive Headteacher.
- 16.4 At least three working days before the Appeal Meeting, the appellant will be given copies

of the notes of the Representation meeting.

17 THE APPEAL MEETING

17.1 An HR Adviser may be present at the Appeal meeting.

17.2 An appeal provides the employee with an opportunity to make an appeal to Directors who have had no previous involvement in the process.

17.3 At the commencement of the Appeal meeting, it should be confirmed that none of the Directors on the Committee has an identifiable pecuniary interest, close relationship with any employee or vested interest.

17.4 An Appeal Committee should satisfy itself that:

17.4.1 The process prior to this stage of the policy has been properly followed.

17.4.2 The employee was given an equal opportunity to participate in the redundancy process.

17.4.3 The Executive Headteacher made a measured decision taking account of all the relevant evidence.

17.4.4 The employee was given the right to make representations and that those representations were considered by the Executive Headteacher.

17.4.5 Having regard to all the circumstances the decision to select the employee was reasonable.

17.5 The Executive Headteacher will respond to the appeal.

17.6 The meeting will be held in accordance with good employee relations practice.

17.7 In the event of the Appeal being unsuccessful, the decision will be final. Written confirmation will be given of the decision within three working days of the decision.

17.8 In the event of the Appeal being successful:

17.8.1 Written notification will be given within three working days of the decision.

17.8.2 the Chair of Directors will withdraw the notice of dismissal.

17.8.3 The Appeal Committee will refer the matter back to the Executive Headteacher for the Executive Headteacher to consider the appropriate action.

18 LOOKING FOR SUITABLE ALTERNATIVE WORK FOR AN EMPLOYEE AT RISK OF DISMISSAL ON GROUNDS OF REDUDNANCY

18.1 In any redundancy process an employer has a legal responsibility to mitigate compulsory redundancies and must actively pursue options for alternative work for selected employees.

18.2 Under education legislation, Governing Bodies have decision making powers in relation

to staffing matters.

- 18.3 The Board of Directors has responsibility for seeking alternative employment for employees under notice of redundancy.
- 18.4 The Executive Headteacher and Board of Directors will support the employee in his/her efforts to find alternative work.
- 18.5 The potentially redundant employee (whether voluntarily or compulsorily will be expected to:
 - 18.5.1 Fully engage in the redeployment process;
 - 18.5.2 Give consideration to every suitable, available opportunity;
 - 18.5.3 Be flexible in considering job opportunities;
 - 18.5.4 Present skills and experience appropriately on application forms;
 - 18.5.5 Prepare thoroughly for any applications or interview processes;
 - 18.5.6 Consider and identify any training requirements in advance of recruitment processes;
 - 18.5.7 Request assistance for interview preparation when required;
 - 18.5.8 Take on board feedback from the process;
 - 18.5.9 Provide reasons in writing why a post is not considered suitable when the Trust considers it a match.
- 18.6 The Trust considers suitable alternative employment to be that which is:
 - 18.6.1 Suitable for the teacher or support staff employee concerned in terms of status and responsibility;
 - 18.6.2 Similar or the same in weekly working hours and/or shift patterns;
 - 18.6.3 Within the employee's capability
 - 18.6.4 Not involving unreasonable additional inconvenience to the employee in terms of travel;
 - 18.6.5 A post which is fewer or more hours than contracted or at a different base, but which the employee wishes to consider and is willing to accept as a suitable alternative employment.

END OF POLICY