
Redundancy Policy

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Diocese of Hereford Multi-Academy Trust Redundancy Procedure

1.0 Introduction

- 1.1 This document sets out the Diocese of Hereford Multi-Academy Trust (the Trust) policy on handling potential redundancy situations in all schools, and sites, within the Trust. This policy does not form part of an employee's terms and conditions and may be subject to change.
- 1.2 The purpose of this policy is to have a framework in place that sets out what the Trust will do whenever the reduction in employee numbers may become necessary.
- 1.3 The Trust is the employer of all staff working within, and across, the Trust's schools and sites. However, the Trust's Scheme of Delegation will determine the decision about whether a post holder is deemed at risk of redundancy.
- 1.4 An employee is dismissed by reason of redundancy if the dismissal is wholly or mainly attributable to the fact that:
- the employer has ceased, or intends to cease, to carry on the business for the purpose for which the employee was employed, or to carry on that business in the place where the employee was so employed.
 - the requirement for the employee to carry out work of a particular kind, or to carry it out in the place in which they are employed, has ceased or diminished, or is expected to cease or diminish.
- 1.5 The principal objective of the policy is to meet the necessity under employment legislation of seeking to safeguard the continued employment of staff and to ensure that staff, and their representatives, are consulted on any proposals.
- 1.6 It should be noted that where staff reductions arise from a decision to undertake a review of the Trust's staffing structure, a period of consultation, following the principles of good practice, is required to be entered into, prior to or alongside the administration of the policy.

2.0 Policy Statement

- 2.1 The Trust's overriding aim is to avoid compulsory redundancies and to manage the schools and sites within the Trust in a way that, where possible, promotes secure employment for our employees. However, it is recognised that from time to time changes (for example, a fall in pupil roll) may necessitate the need to consider redundancies.

3.0 Scope

- 3.1 The policy applies to this Trust only (this excludes apprentices who are not employees of the Trust at the end of the training contract).
- 3.2 All sections of the policy apply to a proposed reduction of staff employed on permanent contracts. Where it is proposed not to renew Fixed Term Contracts (FTCs) as a means of effecting the reductions, this decision must be objectively justified as a means of compulsory redundancy.
- 3.3 The procedural timetable provided relates to changes in the staffing level, effective from the beginning of the school year. Wherever possible, the timetable will be strictly observed to ensure that contractual and statutory notice requirements are met for teachers where reductions are planned to occur at the end of a term. A timetable for planned reductions to occur at any other time of the school year and/or for non-teaching staff, will similarly observe the appropriate contractual and statutory timescales.
- 3.4 The Trust will always try to avoid the need for compulsory redundancies but sometimes these may be necessary. Where the Trust is unable to avoid reducing employee numbers, it will try to minimise the effect of redundancies through the steps set out in this policy. In doing so, the Trust will not discriminate directly or indirectly on the grounds of any of the following 'protected characteristics':
- Gender (includes gender reassignment)
 - Marriage or civil partnership status
 - Pregnancy and Maternity
 - Sexual orientation
 - Religion
 - Age
 - Disability
 - Race (includes race, colour, nationality or ethnic or national origins)
- 3.4.1 Part-time employees, and those working under fixed-term contracts, will not be treated differently to permanent, full-time comparators.

4.0 Roles & Responsibilities

4.1 Where a reduction in teaching or support staff posts becomes necessary, the Trust will ensure that the following steps are taken:

- that alternatives to reducing the number of staff are fully explored;
- that full consideration is given to the possibility of effecting any reduction through resignation, or, where it can be objectively justified, the non-renewal of temporary or fixed term contracts;
- that full consideration is given to the possibility of internal redeployment to avoid the need for staff reductions or any dismissal by reason of compulsory redundancy;
- that full consideration is given to the possibility of effecting the reduction by way of a voluntary means in order to make every effort to avoid compulsory redundancies;
- that communication is clear for all affected employees and that they are treated fairly;
- that the employees will be consulted and, where appropriate, consultation with recognised trade unions will be entered into;
- that any selection for compulsory redundancy is undertaken fairly and reasonably and;
- that where committees of the Trust Board are acting with delegated powers in any of the functions within this procedure, these committees have been properly constituted under the Trust's Scheme of Delegation.

4.2 Throughout the administration of this policy and procedure, the Trust will seek advice and support from their HR provider. A member of the HR team will attend meetings, as applicable, throughout the process.

4.3 Selected employee(s) for potential compulsory redundancy should work closely with the Trust and engage with any proposed employment protection arrangements with regards to the exploration of redeployment opportunities.

4.4 The role and responsibility of the Trust Board is to ensure that there is effective planning, financial management and resources allocated in place for the day-to-day and strategic management of Trust schools and sites. The Trust will regularly review resources and staffing structures to ensure they are fit for purpose and meeting the needs of our pupils' teaching and learning requirements. The Trust Board will ensure

that effective workforce planning is carried out in order to minimise surplus staffing situations. The Trust schools and sites will provide information in relation to workforce planning and resources to the Trust, as required.

5.0 Avoiding compulsory redundancies

5.1 Where redundancy situations are unavoidable, the Trust will enter into consultation with all affected employees on an individual basis, and also with recognised trade unions, to discuss ways to mitigate against redundancy.

The purpose of consultation is to provide the opportunity for all those concerned to discuss the challenges faced by the Trust and consider options, or alternative ways, of mitigating compulsory redundancies. This provision is irrespective of the number of employees at risk of redundancy.

5.2 Consultation should begin as soon as possible. The statutory consultation periods are as follows:

- 20 to 99 employees: at least 30 days* before the first dismissal takes effect;
- 100+ employees: at least 45 days* before the first dismissal takes effect.

**these time periods apply where redundancies are to be implemented over a period of 90 days or less.*

5.3 The information the Trust will provide will include:

- the reasons for the proposed redundancies
- the numbers and descriptions of posts proposed to be made redundant
- the total number of employees of those descriptions employed at the respective Trust school/site in question
- the proposed method of selecting those to be included in the 'pool' for selection for dismissal
- the proposed method of carrying out the dismissals, including the period over which the dismissals are to take effect
- the proposed method of calculating any redundancy payments
- the number, types and locations of agency workers currently engaged by the school, where applicable

5.4 In the first instance, the Trust will consider any reasonable steps that may be taken to avoid the need to make compulsory redundancies.

Examples might include:

- reducing the use of agency staff
- restricting recruitment or initiating a vacancy freeze in affected categories of employees and in those areas into which affected employees might be redeployed
- natural wastage
- secondment
- retraining and/or redeployment within and across the Trust
- reducing overtime
- offering reduced working time including job-sharing or other flexible working arrangements, where these are practicable
- inviting applications for early retirement or voluntary redundancy.

In all cases, the decision to release an employee under any such arrangement or initiative will be at the absolute discretion of the Trust.

5.5 Any measures adopted by the Trust will be made on the basis that they do not adversely affect the quality of teaching and learning provided to pupils within the Trust school and its sites.

6.0 Making compulsory redundancies

6.1 Where it is not possible to avoid compulsory redundancies, all affected employees and recognised trade unions and/or employee representatives will be advised of the same. They will then be consulted on the procedure to be followed and the selection criteria that will be applied. Appropriate consultations will be carried out with the recognised trade unions in respect of any redundancy proposals. Individual employees will also be consulted in respect of their own particular circumstances.

6.2 Where more than one employee is employed in an affected role, a formal selection process will be undertaken. The selection criteria used will be objective, robust, transparent, fair, non-discriminatory and based on the skills required to meet existing and anticipated academy needs.

6.3 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. Written confirmation of any statutory payments will also be provided. Where statutory notice is greater, this shall supersede the contractual notice period.

6.4 Employees may be given the opportunity to appeal against this decision.

Timescales for appeals are as follows.

- the employee should appeal, in writing, giving reasons for their appeal, **within five working days** of notification that they have been selected for redundancy;
- the case should be heard at a meeting chaired by the Trust's appointed Staff Dismissal Appeal Committee (SDAC), **within 7 days** of receipt of an employee's appeal
- a response should be given to the employee in writing **within five working days** of the appeal meeting.

NB. The Trust may vary these timescales depending on the circumstances of each individual case.

6.5 During the notice period, and up until the notified termination date, the Trust will continue to look for alternative employment for employees selected for redundancy and inform them of any potentially suitable vacancies.

Provision for employees who have been selected for redundancy to apply for and attend interview for vacancies, will be organised depending on the circumstances existing at the time. Alternative employment may be offered, subject to a trial period, where appropriate (see section 7).

7.0 Redeployment and Employees on Maternity, Paternity and Adoption Leave

7.1 The Trust will make every effort to redeploy any employee who is selected for redundancy to a suitable, alternative post. Where vacancies exist or arise that appear to be suitable, employees at risk of redundancy will be considered in the first instance and prior to consideration of any other candidates. Where they are deemed to meet the requirements of the post, an appointment to that post will be made.

7.2 An individual who is redeployed into an alternative post is entitled to 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 by the employee following the trial, employment will be terminated on grounds of redundancy on the original terms. The employee will be entitled to a redundancy payment, if eligible.

7.3 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.

- 7.4 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.
- 7.5 The Trust reserves the right not to appoint candidates who are not deemed to meet the requirements of the post. The Trust will, however, give consideration to appointments where a candidate could be appointed, on the basis that they are likely to meet those requirements within a reasonable time frame and after reasonable further training or support is provided.
- 7.6 Employees selected for redundancy whilst on maternity, adoption, paternity or parental leave, have a separate legal entitlement to be offered any suitable alternative work. This period of leave is classed as protected, during which time, less favourable treatment due to pregnancy, taking maternity, adoption, paternity or parental leave, is unlawful. The Trust will seek advice from their HR provider, if this situation arises.
- 7.7 If a genuine redundancy situation has arisen, employees on maternity, adoption, paternity or parental leave must be offered a suitable alternative role. There is no need for them to apply for it. If there is no suitable alternative work, they may be entitled to redundancy pay. For redundancy to be fair the employee must have been consulted with during their maternity, adoption, paternity or parental leave.

8.0 Termination process

- 8.1 Employees with two or more years' service will be entitled to a redundancy payment in accordance with the Trusts Redundancy Payment Scheme. Any payment due will be confirmed when the employee is selected for redundancy. The sum will be paid along with the employee's final salary payment. In all cases, The Trust shall inform their Payroll and HR provider of those staff involved in the process.

9.0 Appeals Process

- 9.1 Under the terms of this policy, the Trust Board shall also make arrangements for any employee selected for dismissal on the grounds of redundancy to be able to appeal against the decision. The Trust Board will convene an appointed Staff Dismissal Appeals Committee for this purpose.
- 9.2. Any employee dismissed on the grounds of redundancy can appeal in writing, addressed to the Clerk of the Trust Board, **within 5 days** of the decision. They must clearly set out their grounds of their appeal. (see 6.4)

10.0 Monitor and review

10.1 This policy will be reviewed every 3 years unless there are any legislative changes.