

THE BATH AND MENDIP PARTNERSHIP TRUST

REDUNDANCY POLICY AND PROCEDURE

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1. POLICY STATEMENT

- 1.1 It is the intention of the Board of Trustees to manage the Schools within The Bath and Mendip Partnership Trust in a manner which results in secure employment for our employees. The Schools will always try to avoid the need for compulsory redundancies, but sometimes these may be necessary. The number of pupils may reduce or methods of working may change and requirements for employees may reduce.
- 1.2 Where the School is 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 grounds of gender, sexual orientation, marital or civil partner status, gender reassignment, race, colour, nationality, ethnic or national origin, religion or belief, disability or age. Part-time employees and those working under fixed-term contracts will not be treated differently to permanent, full-time comparators.
- 1.3 This policy is not contractual will be reviewed from time to time to ensure that it reflects our legal obligations and our organisational and business needs.

2. THE PURPOSE OF THE POLICY

The purpose of this policy is to ensure that, whenever reduction in employee numbers may become necessary:

- (a) we communicate clearly with all affected employees and ensure that they are treated fairly;
- (b) we try to find ways of avoiding compulsory redundancies;
- (c) we consult with employees and with employee representatives; and
- (d) any selection for compulsory redundancy is undertaken fairly and reasonably.

3. WHAT CONSTITUTES A REDUNDANCY?

- 3.1 Redundancy (which can be voluntary or compulsory) is generally where an employer needs to reduce their workforce, and they should normally be for one or more of the following reasons:
- The employer has ceased, or intends to cease, to carry on the business for the purposes of which the employee was employed; or
 - The employer has ceased, or intends to cease, to carry on the business in the place where the employee was employed; or

- The requirements of the business for employees to carry out work of a particular kind has ceased or diminished or are expected to cease or diminish; or
- The requirements of the business for the employees to carry out work of a particular kind, in the place where there were so employed, has ceased or diminished or are expected to cease or diminish.

4. AVOIDING COMPULSORY REDUNDANCIES

4.1 Where we are proposing to make redundancies we will enter into consultation with all affected employees on an individual basis and, where appropriate, also with employee representatives.

4.2 In the first instance we will consider steps that might, depending on the circumstances, be taken to avoid the need for compulsory redundancies. Examples of such steps include:

- (a) Reviewing the use of agency staff, self-employed contractors and consultants.
- (b) Restricting recruitment in affected categories of employee and in those areas into which affected employees might be redeployed.
- (c) Reducing overtime in affected departments to that needed to meet contractual commitments or provide essential services.
- (d) Considering the introduction of job-sharing or other flexible working arrangements, where these are practicable.
- (e) Identifying suitable alternative work that might be offered to potentially redundant employees.
- (f) Inviting applications for voluntary redundancy. In all cases the acceptance of a volunteer for redundancy will be a matter of our discretion and we reserve the right not to offer voluntary redundancy terms or to refuse an application where it is not in the interests of the School to do so.

4.3 Any measures adopted must not adversely affect the School and our ability to provide the best education for our pupils.

5. MAKING COMPULSORY REDUNDANCIES

5.1 When it is not possible to avoid making compulsory redundancies, all affected employees and, where appropriate, employee representatives will be advised that compulsory redundancies cannot be avoided. They will be consulted on the procedure that will then be followed and the criteria that will be applied.

- 5.2 The criteria used to select those employees who will potentially be made redundant will be objective, transparent and fair and based on the skills required to meet our existing and anticipated business needs.
- 5.3 Those employees who have been provisionally selected for redundancy will be consulted with individually.
- 5.4 Where selection for redundancy is confirmed, employees selected for redundancy will be given notice of termination of employment in accordance with their contracts and written confirmation of the payments that they will receive. Employees will be given the opportunity to appeal against this decision.
- 5.5 We will continue to look for alternative employment for redundant employees and inform them of any vacancies that we have until their termination dates. 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. Alternative employment may be offered subject to a trial period where appropriate.
- 5.6 Where we are unable to offer alternative employment we will assist employees to look for work with other employers. Employees under notice of redundancy will be entitled to take a reasonable amount of paid time off work to look for alternative employment or to arrange training for future employment.

6. FINANCIAL ENTITLEMENTS

- 6.1 To qualify for a statutory redundancy payment under the Employment Rights Act 1996 an employee must, at the date on which their employment is terminated, have continuous service with the Academy (or continuous service with a recognised body covered by the Redundancy Modification Order, which includes other Academies, maintained schools or local government service) or two years or more. Such payments are based on the employee's age, length of service and weekly rate of pay at the date on which notice of redundancy is given.
- 6.2 **VOLUNTARY REDUNDANCY** - The compensation payments for those who have expressed an interest in and accepted voluntary redundancy is calculated as follows: actual weekly salary multiplied by the number of weeks' entitlement under the statutory formula. There is a cap of 30 weeks' of normal pay.
- 6.3 **COMPULSORY REDUNDANCY** - The compensation payments for those whose employment is terminated on the grounds of compulsory redundancy is up to the statutory maximum weekly pay, calculated as follows: actual weekly salary up to the statutory maximum weekly pay (set by the Government each year), multiplied by the number of weeks' entitlement under the statutory

redundancy formula. This is capped at 30 weeks of statutory weekly pay. This payment is subject to a minimum of £1500 (pro rata for part time employees)

- 6.4 Pension entitlements under this Policy can be complex. Information is available from the Teachers' Pensions Team at www.teacherspension.co.uk or the Local Government Pensions Scheme Team, at www.lgpsmember.org/contactfund.php

7. **EXAMPLE REDUNDANCY PROCEDURE**

When alternatives to redundancy have been considered, but a potential redundancy situation still exists, the Headteacher should prepare business case setting out the reasons for potential redundancies and identifying the number and type of posts that are surplus to requirements, the pool from which the individuals will be drawn and potential selection criteria.

The business case should be presented to the Trust Board and they need to ratify the decision to commence consultation regarding potential redundancies

Invite trade unions to an informal meeting to discuss proposals. (This meeting will lead by the Headteacher, Trust Board or Local Governing Body).

Hold an initial informal meeting with the affected staff to give them notice of the proposals and start of consultation. (This meeting will lead by the sHeadteacher, Trust Board or member of the Governing Body). Write to each member of staff to follow up this meeting.

- 7.1 Formally write to the recognised trade unions and provide them with a copy of the business case and inviting them to a meeting or providing written representations. The letter should give them the following information:

- the reason for the redundancy dismissals
- the number of proposed redundancies and their job types
- the total number of employees affected
- the proposed methods of selection
- the procedure to be followed in dealing with the redundancies
- the method of calculating redundancy payment.

Formal meeting with trade unions.

Individual meetings with each member of staff - discuss reasons for the potential need for redundancies, the pool, the proposed selection criteria to be used, the procedure that will be followed. Listen and note all concerns, ideas etc. Write to the employee to follow up and summarise the discussion.

Consider any initial representations from both the trade unions and individual members of staff in relation to proposal and whether it needs to be amended including the proposed selection criteria or whether there are any volunteers.

School to prepare the information that will be needed for the selection criteria. Allow affected staff to check this information. Once checked, anonymise the information

Selection criteria applied. Score each potentially redundant employee using the selection criteria and scoring guidelines. Ensure that at least two members of staff or governors from local governing body conduct the scoring, to help ensure scores are objective. They will score using the checked and anonymised information.

Write to those employees that have been selected to inform them that they have been provisionally selected and invite them to a meeting with the staff or governors that did the scoring – they have the right to be accompanied.

Meeting takes place - discuss reasons for proposed redundancies and how selection criteria was applied and their scores. Discuss terms of redundancy. Discuss any alternative role/vacancies that they may be interested in. Listen and note all concerns, particularly around their scores and how the selection criteria was applied etc

After meeting review selection if necessary. If any employee's score changes as a result of this process, check if this will result in a change to the group of employees that have been provisionally selected for redundancy. If so, repeat the relevant parts of the procedure with any employees that have been selected for redundancy as a result of the review.

Follow up any suggestions that the member of staff may have made.

If decision is still to make the same person redundant write to them to invite them to a further meeting, give them the right to be accompanied. Assuming nothing has changed, confirm that they have been selected for redundancy. Inform them of the right to time off to seek alternative employment – sign post them to TES vacancies etc.

Write to confirm decision to dismiss and give them the right appeal.

If there is a letter of appeal, invite to appeal hearing with appeal panel made up with members of the local governing body who have not been involved with the redundancy process up until that point.

8. NOTICE

8.1 Notice starts on the first full day after the employee receives the notice. As a minimum requirement, it needs to be the longer of:

- what's in the employee's contract, or;
- what their minimum statutory entitlement would be.

8.2 The statutory minimums for periods of notice are:

- one week if the employee has been continuously employed for one month or more, but less than two years
- one week for each year of employment (up to a maximum of 12 weeks) if the employee has been continuously employed for two years or more.

8.3 All employees must receive at least the statutory level of notice.

8.4 The notice provisions for teaching staff, as contained within the Burgundy Book is as follows:

- to leave at 31 December, give notice by no later than 31 October;
- to leave at 30 April, give notice by no later than 28 February;
- to leave at 31 August, give notice by no later than 31 May.