



## Redundancy Policy

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Policy links to
Equal Opportunities Staff Policy
Data Protection Policy
Safer Recruitment Policy
Redeployment Policy
Reorganisation Policy

### 1 Introduction and Purpose

- 1.1 Greywood Multi-School's Trust (Greywood MST) recognises that its staff are fundamental to its success and seeks to provide a secure and stable working environment. However, in order to ensure efficient and effective service the possibility of reorganisation and redundancy may be identified. ACAS advise that organisations establish a formal policy on Redundancy and this policy is a framework which sets out the requirements of the reorganisation and redundancy process and all relevant employment legislation.
- 1.2 The purpose of this policy is to provide a clear and fair process to be followed during re-organisation and redundancy, which is compliant with statutory requirements in relation to consultation, equalities legislation and dismissal procedures.

### 2 Scope

- 2.1 This policy applies to all staff employed on contracts of employment covering teachers and support staff within the Trust, including those employed on successive fixed term (or temporary) contracts extending over 2 years without a break in service. This policy does not form part of the Employment contract.

### 3 Definition of Redundancy

- 3.1 Under the Employment Rights Act 1996, redundancy arises when employees are dismissed for one 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 so employed.
- the employer has ceased (or intends to cease) to carry on the business in the place where the employee was so employed.
- the requirements of the business for employees to carry out work of a particular kind have ceased or diminished or are expected to cease or diminish.
- the requirements of the business for the employees to carry out work of a particular kind, in the place where they were so employed, have ceased or are expected to cease or diminish.

#### 4 Core Principles

- 4.1 During Redundancy the Trust will aim to provide appropriate support to staff affected and will ensure that their dignity is respected.
- 4.2 The Trust will try to minimise the effect of redundancies through careful planning including vacancy control, natural wastage, redeployment and retraining where possible.
- 4.3 The Trust is committed to meaningful consultation with employees and recognised Trade unions regarding proposed organisational changes.
- 4.4 The Trust recognises the need to ensure that staff feel secure and are appropriately supported throughout their employment. The aim throughout is to ensure that staff are treated reasonably and in accordance with the principles of fairness and justice.
- 4.5 If there are equality and diversity issues of relevance to those employees deemed to be at risk of redundancy, these issues should be brought to the attention of the individuals involved in managing this process and appropriate support provided by the Trust.

#### 5 Consultation

- 5.1 In instances of Redundancy consultation will be meaningful regardless of the number of employees affected.
- 5.2 Consultation should be carried out with a view to reaching agreement and should include ways of avoiding (if possible) dismissals on grounds of redundancy and (where this is not possible) reducing the number of employees to be dismissed and mitigating the effects of dismissal.
- 5.3 Consultation should begin in good time and must be completed before any redundancy notices are issued. In addition, consultation must begin:
  - at least 30 days before the first dismissal takes effect if 20 to 99 employees are to be made redundant at one establishment over a period of 90 days or less
  - at least 45 days before the first dismissal takes effect if 100 or more employees are to be made redundant at one establishment over a period of 90 days or less.
- 5.4 Staff and unions should be informed in writing of their invitation to attend a formal consultation meeting.
- 5.5 Staff will be advised of the potential for redundancies and the reasons for these and will be invited to make representations regarding means of avoiding or reducing the number of redundancies. Employees affected by the proposal to make redundancies will be invited to an individual consultation meetings and they have the right to be accompanied by a Trade Union Representative





or Colleague employed by the Trust. A timetable of activities will be distributed to staff and Unions.

- 5.6 Throughout the consultation period, consideration will be given to any representations made and there may be ongoing discussion with the unions/employee(s) concerned. Employees will be given the opportunity to be represented by a work colleague or trade union representative in any formal meetings. If less than 20 employees are affected the consultation period will normally be no less than four working weeks and may be extended dependent on circumstances.
- 5.7 A fair process of consultation will be followed and will includes:
- consultation where the proposals are still at a formative stage
  - adequate information on which to respond
  - adequate time in which to respond
  - conscientious consideration by the employer of the response to consultation.

## 6 Disclosure of information

- 6.1 There is a statutory responsibility for employers under Section 188 of the Trade Union and Labour Relations (Consolidation Act 1992 – TULCRA) to disclose prescribed information to appropriate representatives when the employer intends to make more than 20 employees redundant within a 90 day period. Employers through a full and detailed business case should disclose in writing to the appropriate representatives the following information concerning proposals for redundancies to enable those representatives to play a constructive part in the consultation process:
- the reasons for the proposals
  - the numbers and descriptions of roles and employees it is proposed to dismiss as redundant, Job descriptions old and new
  - the total number of employees of any such description employed at the establishment in question
  - the way in which employees will be selected for redundancy
  - how the dismissals are to be carried out, taking account of any agreed procedure, including the period over which the dismissals are to take effect
  - the method of calculating the amount of redundancy payments to be made to those who are dismissed.
- 6.2 Although not a statutory duty in other circumstances it nonetheless constitutes good practice for an employer to use a similar format to communicate their proposals to any staff who may be at risk of redundancy.
- 6.3 The information will be handed to local employee representatives or may in exceptional circumstances be sent by post to an address notified to the employer.





## 7 Measures to avoid redundancy

7.1 Every effort will be made to reduce the number of possible compulsory redundancies by:

- natural wastage
- restricting the recruitment of permanent staff
- reducing the use of temporary staff
- filling vacancies from amongst existing employees (where appropriate)
- reducing hours of work (possibly by instituting job share arrangements etc)
- retraining staff and redeployment opportunities across the trust
- seeking volunteers for redundancy

## 8 Voluntary redundancy

8.1 The Trust may seek for employees to volunteer to be considered for redundancy thus avoiding the need for compulsory redundancy. The Trust will ensure that all employees who volunteer for redundancy will be made aware that although they may request voluntary redundancy, the decision as to whether this will be granted remains at the discretion of the Trust.

8.2 Senior management will need to consider the balance of the skills and experience of those staff who remain in post following redundancies and this aspect may result in an application for voluntary redundancy being rejected.

## 9 Early Retirement

- 9.1 If an employee volunteers for redundancy (or is made compulsorily redundant) they may, dependent on individual circumstances, be eligible for early retirement with immediate access to their pension benefits.
- 9.2 In relation to support staff (whose pension scheme rules are different to those of teachers) early retirement (between the age of 55 and normal pension age) may involve a financial commitment for the Trust which has the potential to be highly significant in the longer term. The precise age at which an employee is made redundant, or takes voluntary redundancy, is likely to be critical in this regard.
- 9.3 The Trust needs to be aware of this issue and will therefore need to explore the costs and resources involved before final decisions are taken.

## 10 Selection criteria

10.1 Where a redundancy situation involves a pool of staff comprising a higher number of individuals than the number of posts to be made redundant, selection criteria will be used to determine the candidate(s) best qualified to fill the available post(s), with those staff who are not selected to fill these posts being rendered redundant.





- 10.2 The basis of selection will be dependent upon the academy's financial, economic, technical, organisational and curriculum needs and requirements, with the most appropriate means of selection being determined by the circumstances of the individual situation.
- 10.3 The selection process may involve interviews or may consist of a skills audit. Regardless of the particular method chosen (to differentiate between those members of staff at risk of redundancy) the process will involve assessment against set performance criteria for those relevant post(s) which remain in the revised staffing structure.
- 10.4 The purpose of selection criteria is to ensure that employees are not unfairly selected for redundancy. The chosen criteria and method of selection must be consistently applied to all staff.
- 10.5 Particular care will be taken to ensure that selection criteria are not directly or indirectly discriminatory on grounds of protected characteristics (such as disability, race, gender, sexuality etc) as outlined in the Equality Act 2010.
- 10.6 When scoring on criteria such as absences, absences which are related to an employee's disability or which are related to relevant (in respect of the Equality Act) reasons such as pregnancy will not be counted.
- 10.7 The criteria will be based on the necessity to retain a balanced workforce that has the appropriate skills to ensure continued success in respect of current and future curriculum needs and priorities, including those identified in the school education improvement plan.
- 10.8 The selection criteria will be objective, fair and explicit and will be provided to all staff in advance of the process commencing. Recognised trade unions will also be consulted on the proposed criteria before selection takes place.

## 11 Skills Audit

- 11.1 It may be appropriate to use a skills audit as part of the selection criteria for the redundancy. The skills audit is a form requesting detailed information in specific sections. It enables an individual to provide the relevant information relating to their skills and qualifications. Employees will be expected to provide appropriate evidence of skills and experience detailed in this manner (such as qualification certificates etc).
- 11.2 In a redundancy situation the skills audit is used to identify the profile of the employee and to ascertain their suitability for positions and thus help in the selection process by matching the selection criteria and the skills audit.
- 11.3 A skills audit can also be utilised in a redeployment situation, and completion of the audit matrix can enable the individual to provide a breakdown of their skills, knowledge and qualifications to enable them to be redeployed into another suitable position.

## 12 Matching process selection criteria/skills audit

- 12.1 The affected employees will be advised to include all relevant information in their skills audit and to ensure they complete the document fully in order that the selection committee are apprised of the range and breadth of their skills and experience to inform the matching process.
- 12.2 To provide a fair and transparent process, all affected individuals will be asked to complete the same documentation.





“Employers need to show that in selecting a particular employee they had compared him or her in relation to the agreed selection criteria with those who might have been made redundant, and that, as a result, it emerged that the employee was fairly selected.” (ACAS).

- 12.3 These responses will be then evaluated within the matrix and scored appropriately. The employee(s) with the lowest score(s) will be at risk of potential redundancy.

### 13 Notification of a potential redundancy

- 13.1 Employees selected for redundancy, whether through the application of selection criteria (which may include skills audit) or by interview process, will be notified in writing of their provisional selection for redundancy and invited to attend a ‘Representation Meeting’ usually involving the decision makers.
- 13.2 Employees will be informed of the time and location of this meeting no less than five working days in advance of the meeting date.
- 13.3 The ‘representation letter’ (invitation) will explain that the purpose of the meeting is to consider the potential termination of the employee's employment on the grounds of redundancy and will clarify that the employee is entitled to be accompanied in the meeting by a trade union representative or work colleague.

### 14 Representation meeting

- 14.1 At the meeting the manager will explain the background including, where relevant, the application of selection criteria to the individual. The employee will be given a further opportunity to raise any factors he or she wishes to have considered, including any potential for continued employment.
- 14.2 If any changes to the assessment against the criteria are felt appropriate (in other words, if the employee’s scores are altered as a result of their representations, whether immediately or during the course of an adjournment for fuller consideration of the issues) the employee will be informed of this accordingly. Alternatively, the employee will be advised that the original score/assessment will not be altered.
- 14.3 Following this meeting, and having regard to any representations made, the senior manager will confirm the decision in writing. If the decision is taken that the employee remains at risk of redundancy, the employee will then be issued with a notice of redundancy.

### 15 Redundancy notification letter

- 15.1 It is considered good practice (before sending the formal notice of redundancy) for preliminary correspondence to be given to the employee for them to check that their length of service and weekly pay (as detailed on the redundancy estimate) is correct.
- 15.2 The employee will be formally notified in writing to confirm the decision that they are to be made redundant. This communication will specify both a termination date and (as and when applicable) the estimated amount of redundancy pay to which the employee will be entitled.





- 15.3 The formal notification letter, which may be either hand delivered or sent by post (normally by recorded delivery), will also inform the employee of their right of appeal, and to whom any letter of appeal should be sent.
- 15.4 In addition to any redundancy payment entitlement employees should also be given the appropriate period of notice (or payment in lieu of notice) to which they are entitled.
- 15.5 The employee should also be advised that he or she will remain eligible to be considered for redeployment opportunities (in relation to which the Trust's Redeployment Policy provides further information) until his or her employment has ceased.

## 16 Appeal

- 16.1 The employee should state in writing their grounds for appeal within five working days of receipt of the redundancy notification letter.
- 16.2 The appeal hearing should be arranged within ten working days of receipt of the appeal letter.
- 16.3 The appeal should be heard by a panel of at least three governors with no previous involvement in the redundancy process.

## 17 Eligibility for a redundancy payment

- 17.1 A redundancy payment is based on statutory pay entitlements and is due only if the employee has completed at least two years' continuous service, which may include service with another organisation on the Redundancy Modification Order list. This list recognises employment by other related organisations, such as time spent in the service of a local authority or working for other maintained schools and/or academies (all of which are regarded, for the purpose of redundancy, as representing one employer).
- 17.2 The ready reckoner (see Appendix 1) provides additional information on how redundancy payments are calculated.
- 17.3 An employee who has been given formal notice of redundancy will lose entitlement to a redundancy payment if they receive, before the dismissal takes effect, an offer of employment from a body specified in Schedule 2 of the Redundancy Payments (Continuity of Employment in Local Government etc) (Modification) Order 1999 and take up this offer within four weeks of the previous contract of employment ending. (In such circumstances there is no entitlement to 'compensation' for redundancy because the employee's continuity of service is preserved.)
- 17.4 To ensure that the appropriate payment is received, the academy will seek confirmation from those members of staff selected for redundancy that they will not, within four weeks of the date of redundancy, be taking up any other employment covered by the above Redundancy Modification Order.

## 18 Notice periods

- 18.1 The actual period of notice to be provided to staff will be in accordance with their contractual and statutory entitlements.
- 18.2 Schools should be mindful of teacher termination dates in order to appropriately manage a reduction in staffing and other resources (in other words the timeline should ensure both that the school meets the criteria for appropriate consultation and that management meet the deadline for the last date for notification of termination, which in practical terms equates to the end of each term).





# Greywood

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### 19 Staffing Committee structures

19.1 The trust must nominate two separate committees, including a chair for each as follows:

- A staffing committee to consider a staffing structure and identify the staff for placement
- An appeals committee to consider any appeals

19.2 No Trustee Board member or member of the local Governing Board can be on both committees.

19.3 Staff Governors will not be appointed to either of these committees.

Accepted by Trust Board 10<sup>th</sup> February 2021

