



# Academy Redundancy Policy

<b>Consultation Period:</b>	21 <sup>st</sup> September 2015 – 11 <sup>th</sup> December 2015
<b>Date Approved by NET:</b>	16 <sup>th</sup> December 2015
<b>Next Review Date:</b>	Under Review

## Redundancy Policy

### Contents

	<b>Page</b>
1. Introduction	3
2. Definition of Redundancy	3
3. Consultation	4
4. Selection	5
5. Redeployment	7
6. Support for Staff at Risk of Redundancy	7
7. Redundancy Payments	7
8. Continuous Employment	8
9. Notice	8
<b>Appendix 1 – Redundancy Selection Criteria</b>	<b>9</b>
<b>Appendix 2 – Procedure for a Hearing</b>	<b>10</b>
<b>Appendix 3 – Appeal Hearing Procedure</b>	<b>11</b>
<b>Appendix 4 – Contacts</b>	<b>12</b>

## 1. Introduction

- 1.1 As the employer of staff in our Academies, Northern Education Trust (NET) recognises the statutory responsibilities related to employment. Day to day management of staff is delegated to the Principal and line managers in each Academy. Throughout this document reference is made to the responsibilities held by the Governing Body/Principal for operational purposes. Ultimate responsibility rests with the Trust. Where the \*Principal is referred to, this is either the Principal or nominated representative. Where the \*Finance & Curriculum Committee is referred to this is either this committee or the relevant committee for the academy depending on governance arrangements.
- 1.2 It is the policy of The Blyth Academy, by careful and forward planning, to ensure as far as possible security of employment for its employees. However, it is recognised that there may be changes in pupil numbers, budgetary conditions, organisational requirements and/or technological developments that may affect staffing needs.
- 1.3 It is the aim of The Blyth Academy, in consultation with the recognised trade unions, to seek to minimise the effect of redundancies through the measures outlined in this policy. Where compulsory redundancy is unavoidable, the Academy will handle the process in the most fair, consistent and sympathetic manner possible, attempting to minimise as far as possible any hardship suffered by the affected employees.
- 1.4 This policy should be read in conjunction with the Redeployment Policy; the Guidance on Staffing Restructures and the FAQ's on Staffing Restructures.
- 1.5 Where an individual's contractual terms are protected under TUPE and they are more financially advantageous than those detailed in this policy, the more beneficial TUPE protected terms will continue to apply.

## 2. Definition of Redundancy

- 2.1 In accordance with employment law employees may be dismissed by reason of redundancy:
  - 2.1.1 Where the Academy closes down, or is expected to close down;
  - 2.1.2 Where the Academy closes down in a particular place, or is expected to close down;
  - 2.1.3 Where requirements of the Academy for employees to carry out work of a particular kind cease or diminish:
  - 2.1.4 The requirements diminish because the business diminishes;
  - 2.1.5 The requirement diminishes because productivity increases (e.g. improvements in technology);
  - 2.1.6 The requirements diminish because the work is done in another way.
- 2.2 In practical terms a redundancy situation within the Academy may arise because of one or more of the following factors, which are not exhaustive:
  - 2.2.1 A significant reduction in the number of students on the roll;
  - 2.2.2 An academy budget shortfall;

- 2.2.3 A change in the proportion of students in the varying age groups;
- 2.2.4 Overstaffing in a particular curriculum area or change in curriculum need;
- 2.2.5 Restructure/Reorganisation.

### 3. Consultation

- 3.1 Governors are committed to inviting consultation with staff and recognised trade unions. Such consultation will be conducted in accordance with Employment Law and any relevant Education Acts current at the time.
- 3.2 (TULR(C)A) provides for the following minimum periods of consultation with the relevant parties in respect of redundancies:
  - 3.2.1 Where the employer is proposing to dismiss as redundant one hundred or more employees at one establishment within a period of 90 days or less, at least 45 days before the first of those dismissals take effect, or
  - 3.2.2 Where the employer is proposing to dismiss as redundant twenty to ninety-nine employees at one establishment within a period of 90 days or less, at least 30 days before the first of those dismissals take effect.
- 3.3 Where the Academy proposes to dismiss as redundant less than 20 employees the Academy will consult with the relevant parties within good time, which will normally be for a period of 20 academy working days.
- 3.4 The Academy will normally ensure that consultation will commence during January/February in relation to any proposed redundancies that take effect from the 31<sup>st</sup> August, subject to the statutory requirements of 3.2 being met.
- 3.5 For the purposes of consultation the Academy shall disclose to the staff concerned and the recognised trade unions:
  - 3.5.1 The reasons for the proposals;
  - 3.5.2 The numbers and descriptions of the employees whom it is proposed to dismiss;
  - 3.5.3 The total number of employees of each description employed by the employer at the Academy;
  - 3.5.4 The proposed method of selection;
  - 3.5.5 The proposed method of carrying out the dismissals with due regard to any agreed procedure, including the period over which the dismissals are to take effect;
  - 3.5.6 The proposed method of calculating the amount of any redundancy payments to be made (other than statutory redundancy payments) to employees who may be dismissed.
  - 3.5.7 The timetable for the process
- 3.6 The \*Principal will consult the trade unions recognised by the Trust and will consult with the employees affected by the proposals whether or not they are in a recognised trade union. The \*Finance and Curriculum Committee will consider any representations made to it and

reply to them. If there is a rejection of any representations, the reasons will be given in writing.

#### **4. Selection**

- 4.1 The Academy will select staff for redundancy in a fair and reasonable manner in accordance with Employment Law and best practice.
- 4.2 In order to minimise or avoid compulsory redundancy, the Academy will endeavour to utilise alternative measures such as:
  - 4.2.1 Natural turnover and staff resignations
  - 4.2.2 Restrictions on recruitment where appropriate
  - 4.2.3 Redeployment to other suitable positions within the Academy or Trust, if any such positions are available (see section 5)
  - 4.2.4 Review of fixed terms contracts / reduction in agency staff
  - 4.2.5 Voluntary transfer to term-time working, reduced hours or job sharing arrangements
  - 4.2.6 Voluntary redundancy (the needs of the Academy will be taken into account when consideration is given to any application for voluntary redundancy, and whilst every effort will be made to support such applications, approval cannot be guaranteed)
  - 4.2.7 Retirement – please note the relevant pension scheme regulations in place at the time will be followed. There will be no early access to pension though redundancy if there is a financial cost to the Academy; unless there is a statutory entitlement
  - 4.2.8 Budget efficiencies other than staffing/employment costs i.e. reduction in supplies and services or premises related costs
  - 4.2.9 Using ‘bumping’ arrangements – accepting a voluntary application for redundancy in an area where posts are not at risk so that a post holder who is at risk can be redeployed into that post.
- 4.3 Any employee who seeks information on the benefits available as a result of volunteering to be selected for redundancy will be entitled to do so without prejudice to his/her position.
- 4.4 The Academy’s \*Finance and Curriculum Committee will decide if any requests for volunteering to be selected for redundancy can be accepted. If a request is accepted, an offer will be made to the employee identifying the level of compensation that will be paid if the employee is dismissed as redundant.
- 4.5 The offer will be in writing and include:
  - 4.5.1 The amount of any redundancy payment under the Employment Rights Act 1996
  - 4.5.2 The date on which the redundancy would be effective
- 4.6 Following the consultative process, if the necessary reduction is not achieved by the above means, then all employees who have been identified within a selection pool/s will be given a Selection Criteria Information Sheet to complete and return to the Principal. The Principal and a governor will assess the information sheets, along with information held on the employee’s personal file against the selection criteria. A representative from the Trust HR

function will support the Principal and governor in the scoring process. The selection criteria will be determined through consultation at local level. Some examples of criteria are provided at **Appendix 1**. The individual(s) with the lowest score(s) will be nominated for redundancy. The Principal, may, where appropriate, seek advice from the employee's line manager regarding application of the criteria. If an employee is automatically nominated because they are the only person in the pool there will be no requirement for them to complete a Selection Criteria Information Sheet.

- 4.7 If the redundancy process has been as a result of a restructuring exercise in some cases employees will be nominated for redundancy through an interview selection process. However, this will be made clear during the consultation process.
- 4.8 In order to assist all parties involved in dealing with a compulsory redundancy it will normally be the practice to identify a timetable of dates, a reasonable period in advance, for the meetings referred to above and the hearing referred to in clause 4.9.
- 4.9 The employee(s) selected will be informed in writing that they have been nominated for redundancy. The employee(s) will be invited to attend a hearing with a panel of Governors, who will be supported by a representative of the Trust HR function. The employee(s) will be given at least 5 working days' notice of the meeting, and may be accompanied by a trade union representative or workplace colleague. A pack containing relevant information relating to the nomination for redundancy will be provided to the employee at least 5 working days in advance of the hearing. The paperwork will be redacted to anonymise the identity of other employees if necessary.
- 4.10 The hearing committee will normally consist of three Governors, except in exceptional circumstances when a minimum of two Governors will be acceptable. The procedure for conducting a hearing is outlined in **Appendix 2**.
- 4.11 Following the hearing the panel of Governors will inform the employee(s) of their decision(s) verbally if possible but in any case within 5 working days in writing. If the decision is to dismiss, then the hearing committee will ensure that any employee to be dismissed is given written notice of dismissal which will include advice that the employee has the right of appeal against the decision by submitting a written appeal, with full reasons for the grounds of appeal, within 5 working days from receiving the written notice of dismissal. The employee(s) will be given at least 5 working days' notice of the date for any appeal hearing. A pack containing relevant information relating to the nomination for redundancy will be provided to the employee at least 5 working days in advance of the appeal hearing. The paperwork will be redacted to anonymise the identity of other employees if necessary.
- 4.12 The Appeals Committee will consist of three Governors who have not been involved in the previous stages of the process. The procedure for the appeal hearing is outlined in **Appendix 3**.
- 4.13 Following the Appeal the panel of Governors will inform the employee(s) of their decision(s) verbally if possible but in any case within 5 working days in writing.
- 4.14 If the Appeals Committee decides to uphold the appeal against dismissal, the notice of dismissal will be withdrawn and the same confirmed in writing.
- 4.15 Advice must be taken from the Trust HR function regarding next steps should an appeal be upheld. Discussions will also take place with the trade unions. Depending on what was found at the appeal stage the Principal may need to:

- 4.151 Take no further action
- 4.152 Carry out the scoring process again
- 4.153 Revert to the consultation process

## 5 **Redeployment**

- 5.1 The Blyth Academy will seek to find suitable alternative internal employment for employees 'at risk' of redundancy. If suitable alternative employment is offered and accepted by the employee, there is no redundancy as long as the new contract starts as soon as the old contract ends or within four weeks of the termination.
- 5.2 Employees 'at risk' of redundancy will also be informed of any suitable alternative vacancies across the Trust by the \*Principal.
- 5.3 If suitable alternative work is offered but declined unreasonably by the employee, such an employee is deemed to have resigned their post and may lose his/her right to redundancy pay.
- 5.4 If an employee is redeployed to a suitable alternative post for which the rate of pay is lower than that of the job previously held, safeguarding will apply as below:
  - 5.4.1 for teachers, according to the provisions of the School Teachers' Pay and Conditions Document in force at the time;
  - 5.4.2 for support staff, protection for 1 year at the full difference in salary and 1 year at 50% of the difference in salary.
- 5.5 The Trust will continue to support the employee to seek suitable alternative employment up to the date of termination.

## 6 **Support Provided to Staff at Risk of Redundancy**

- 6.1 Any Academy employee who is at risk of redundancy, or under notice of redundancy will be given reasonable time off to look for alternative employment, arrange for training and or receive redundancy counselling before the expiry of the notice period.
- 6.2 The Academy's Human Resources function will, if an employee wishes, facilitate advice and guidance for employees in regards to recruitment skills, for example CV writing and interviewing techniques. This will usually be by facilitating support from external agencies such as Job Centre Plus.

## 7 **Redundancy Payments**

- 7.1 In order to qualify for redundancy payments, an employee must:
  - 7.1.1 Have been continuously employed for at least two years under the Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999

**and**

  - 7.1.2 Be under notice of redundancy.

- 7.2 Redundancy payments for all staff will be calculated according to the statutory legislation in place at the time but based on the actual week's pay of the employee.
- 7.3 A week's pay is that which the employee is entitled to under their terms and conditions of employment at the 'calculation date'. The 'calculation date' is the date when the employee is given the statutory notice of termination.
- 7.4 Redundancy pay is not taxable, subject to the stipulations of the relevant tax legislation, currently up to a maximum of £30,000.

## 8 Continuous Employment

- 8.1 An employee's period of continuous employment for the purpose of calculating redundancy pay will be reckoned in complete calendar years, starting with the first day of work and ending with the 'relevant date'. The 'relevant date' is the date on which the redundancy notice given by the Academy to the employee expires (i.e. the date on which the contract of employment terminates).

## 9 Notice

- 9.1 Any Academy employee affected by redundancy will be given written notice of redundancy according to their terms and conditions of employment as per the National Agreement on Pay and Conditions of Service ('Green Book') for support staff and the Conditions of Service for School Teachers in England and Wales ('Burgundy Book') for teachers. If the notice period stipulated in their contract of employment is greater than the statutory provision, the contract of employment notice will prevail.
- 9.2 For the avoidance of doubt, teaching staff are subject to the provisions of the Conditions of Service for Schoolteachers in England and Wales (Burgundy Book) and are entitled to the following notice periods:

<b>Finishing Date</b>	<b>31 August</b>	<b>31 December</b>	<b>30 April</b>
Notice under conditions of service to be given by	31 May	31 October	28 February
Notice date if teacher has 12 years continuous service	31 May	30 September*	31 January*

\*actual notice date dependent on number of years continuous service between 8 and 12 years and will equal one week for every year of eligible continuous service (up to a maximum of 12 weeks).

- 9.3 Support staff are entitled to the minimum notice period specified in their contract of employment or one week's notice for every year of eligible continuous service (up to a maximum of 12 weeks); whichever is the greater. Support staff dismissal dates; unlike teachers, are not tied to the end of a term.



## **Appendix 1**

### **Redundancy Selection Criteria**

The following are examples of the type of criteria that can be used for selection for redundancy (but not exhaustive examples). Consultation will take place at local level to determine the criteria to be used:

1. Qualifications
2. Specialist subject knowledge and responsibility
3. Overall teaching/performance
4. Recent and relevant experience that demonstrates impact
5. Additional and relevant skills
6. Absence record (but excluding absences relating to disability or pregnancy)

**It is important to have a criteria to be used in the event of equal scoring so that it can be used in the event of a tiebreak.**



### **Procedure for a Hearing**

1. The Principal\* to present the facts of the case and may call witnesses.
2. The employee or his/her representative to have the opportunity to question the Principal\* and any witnesses about the facts provided.
3. The Hearing Committee to have the opportunity to question the Principal\* and any witnesses.
4. The employee or his/her representative to put his/her case and may call witnesses.
5. The Principal\* to have the opportunity to ask questions of the employee or his/her representative and any witnesses about the facts provided.
6. The Hearing Committee to have the opportunity to ask questions of the employee or his/her representative, or the witnesses.
7. The Principal\* to have the opportunity to sum up his/her case. (No new evidence should be submitted at this point)
8. The employee or his/her representative to have the opportunity to sum up his/her case. (No new evidence should be submitted at this point)
9. The Principal\* and the employee and his/her representative to withdraw.
10. The Hearing Committee to consider the facts presented to them.

The hearing may also be adjourned at the deliberation stage, in order to allow for further investigation if the Hearing Committee feels that there are points that need clarification. An opportunity may be given to re-examine the evidence/witnesses.

Principal\* (or nominated representative) will be accompanied by a representative from the Trust HR function.

**Appeal Hearing Procedure**

1. The Principal\* to present the facts of the case and may call witnesses.
2. The employee or his/her representative to have the opportunity to question the Principal\* and any witnesses about the facts provided.
3. Members of the Committee to have the opportunity to question the Principal\* and any witnesses.
4. The employee or his/her representative to put his/her case and may call witnesses.
5. The Principal\* to have the opportunity to ask questions of the employee or his/her representative and any witnesses about the facts provided.
6. Members of the Committee to have the opportunity to ask questions of the employee or his/her representative, or the witnesses.
7. The Principal\* to have the opportunity to sum up his/her case. (No new evidence should be submitted at this point)
8. The employee or his/her representative to have the opportunity to sum up his/her case. (No new evidence should be submitted at this point)
9. The Principal\* and the employee and his/her representative to withdraw.
10. The members of the Appeals Committee to consider the facts presented to them.

The appeal hearing may also be adjourned at the deliberation stage, in order to allow for further investigation if the Committee feels that there are points that need clarification. An opportunity may be given to re-examine the evidence/witnesses.

Principal\* (or nominated representative) will be accompanied by a representative from the Trust HR function

## CONTACTS

For advice on the content of this policy please contact:

Judith Telford  
HR Director  
Northern Education Trust  
[jud.telford@northerneducationtrust.org](mailto:jud.telford@northerneducationtrust.org)  
Tel: 07976 044539

Jessica Worthington  
Senior HR Advisor  
Northern Education Trust  
[jess.worthington@northerneducationtrust.org](mailto:jess.worthington@northerneducationtrust.org)  
Tel: 07414 245673

Jane Hiser  
HR Advisor  
Northern Education Trust  
[jane.hiser@northerneducationtrust.org](mailto:jane.hiser@northerneducationtrust.org)  
Tel: 07714 245678

Employees are also encouraged to contact their trade union representative for advice and support where appropriate.