Eastwood Park Academy Trust



Redundancy Policy

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# 1.0 Definition of Redundancy

According to the Employment Rights Act 1996, 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 purposes of which the employee was employed by him/her;* ***or*** *has ceased, or intends to cease, to carry on that business in the place where the employee was so employed;* ***or***t*he requirements of that business for employees to carry out work of a particular kind, or to carry out work of a particular kind in the place where he/she was so employed, have ceased or diminished or are expected to cease or diminish.’*

Redundancy situations may arise as a result of:

* Restructuring i.e. a change in the staffing structure.
* Fall in pupil roll.
* Changes to the curriculum resulting in reduced staffing requirements.
* Reduction in funding.
* Other circumstances where the need for employees to carry out work of a particular kind ceases or diminishes, including the cessation of fixed term contracts.

# 2.0 Redundancy Procedure

## 2.1 Avoidance

The Principal of the constituent academy will be required to instigate compulsory redundancy avoidance measures including:

* Where appropriate, not filling vacant posts externally.
* Filling appropriate posts within the Trust1
* Ring fenced selection for posts within the Trust1
* Searching for suitable alternative posts1/2
* Exploring other options with employees and their representatives e.g. change of hours, change to part-time work etc.
* Seeking volunteers for redundancy3
* Seeking volunteers for flexible retirement4

1With salary protection in accordance with STPCD (where these terms apply to their contract) or for a maximum period of 18 months.

2The Trust will make every effort to seek suitable alternative employment for ‘at risk’ staff, including at other academies within the Trust, where appropriate. An employee who unreasonably refuses an offer of suitable alternative employment will not be entitled to a redundancy payment.

3Voluntary redundancy will not be considered until or unless all other means of avoidance have proved unsuccessful. Applications for voluntary redundancy will only be accepted where this would not be detrimental to the needs of the Trust. Where there are more volunteers than needed, the selection criteria may be applied.

4Employees are free to pursue flexible retirement options. Some options require the Trust’s approval but this will not normally be withheld where there is no cost to the Trust.

## 2.2 Consultation

In the case of re-structuring, the scope and period of consultation will depend on the extent of the proposed changes. Where a significant change is proposed, a consultation document will normally be produced as part of the consultation process to explain exactly how the process will be managed, and its effect on staff, including the possibility of redundancy.

In the case of fewer than 20 planned redundancies, the Trust will seek to consult fully with staff and their professional associations/trade union representatives.

In the case of 20 or more planned redundancies, the Trust will follow collective consultation rules - <https://www.gov.uk/staff-redundant/redundancy-consultations>

Where the Trust proposes to make between 20 and 99 employees redundant, consultation must start 30 days before the first redundancy.

Where the Trust proposes to make 100 or more employees redundant, the consultation must start 45 days before the first redundancy.

## 2.3 Selection

In order to fairly select an individual employee for redundancy, the Trust must apply objective selection criteria. As each redundancy situation will be different, the detail of the selection criteria will need to be determined on a case by case basis. In all cases, staff and their representatives will be consulted on this process, however, all selection decisions will follow the stages below.

1. Determine the ‘at risk’ group i.e. whole academy, department, section, or group within the establishment which has surplus staff.
2. Where there is only one employee in this group they will be selected for redundancy without the need to apply the remaining selection criteria.
3. Determine the requirements of the academy, department or section.
4. Determine the suitability (with reference, for example, to skills and qualifications where relevant) of those in the ‘at risk’ group in relation to the requirements of the academy, department or section.
5. Suitability will be assessed objectively. Employees will contribute to this usually by completion of a skills audit linked to the requirements determined in (2) above. Employees’ managers, in addition to the Principal, may also be required to contribute to this process.
6. A judgement will be made as to which staff best meet the requirements of the academy, department or section and thereby which employee(s) may be selected for redundancy.

## 2.4 Notification

Once an individual has been identified as redundant, they will be notified verbally by the Principal. The Principal will then write to the individual setting out the details of how the decision was reached and inviting the employee to a meeting.

## 2.5 Meeting

The employee will be given at least 5 working days’ notice of the meeting and provided with papers relevant to the case.

The employee has the right to be accompanied by a representative, friend, colleague or other appropriate person. One postponement may be allowed where the employee’s chosen representative is unavailable on the proposed date. In this instance, an alternative date, within 5 working days of the original date, will be set.

The employee must submit any papers they wish to be considered and the name of their representative at least 2 working days before the meeting.

At the meeting, the Principal, who may be accompanied by an HR Adviser, will set out their reasons for selecting the employee and listen to their representations.

After the meeting, the Principal will write to the employee to inform them of the outcome and their right of appeal.

Following the meeting, where the decision is to dismiss on the grounds of redundancy, the Trust will issue notice, to the individual, in accordance with the appropriate conditions of service and statutory requirements.

## 2.6 Appeal

If the employee wishes to appeal, they must inform the Chair of Trustees, in writing, including the grounds of the appeal, within 5 working days of receipt of the written outcome of the meeting.

The employee will be invited to a meeting of the Dismissal Appeals Committee and be given at least 5 working days’ notice of this meeting.

The Principal will supply the employee with papers relevant to the appeal at least 5 working days before the appeal meeting.

The employee must take all reasonable steps to attend this appeal meeting and has the right to be accompanied by a representative, friend, colleague or other appropriate person.

The employee must supply the Principal and the Dismissal Appeals Committee with copies of any papers they wish to be considered, and the name of their representative, at least 2 working days before the meeting.

The Dismissal Appeals Committee will hear evidence from the Principal and the employee.

The Dismissal Appeal Committee may be advised by an HR adviser.

The Dismissal Appeal Committee will inform the employee, in writing, of the final decision within 3 working days of the appeal meeting.

## 2.7 Support for Employees

The Trust will provide reasonable support for employees at risk of redundancy e.g.

* Time off to attend interviews and training and development.
* Support with writing job applications.
* Exploration of work related re-training opportunities.
* Notification of internal vacancies.

# 3.0 Redundancy Pay

Employees with more than 2 years continuous service may be eligible for a redundancy payment in the event of termination of their contact by reason of redundancy.

For each complete year of service up to a maximum of 20, eligible employees are entitled to:

* For each complete year of service under the age 22 – half a week’s pay.
* For each complete year of service between the ages of 22-40 – one week’s pay.
* For each complete year of service aged 41 and over – one and a half week’s pay.

Redundancy payments are calculated using actual weekly pay rather than the statutory maximum.

A ready-reckoner for calculating statutory redundancy payments is included in **Appendix A.**

Where employees with more than one contract are made redundant from only one post, service for redundancy purposes will relate to the redundant post only.

Employees will **not** be entitled to a redundancy payment if they secure suitable alternative employment with an employer covered by the Local Government Modifications Order, to commence within 4 weeks of the date of redundancy. Where an offer of alternative employment is made, the start date of this employment should not be artificially delayed to facilitate the 4 week break. Where this does occur, employees will not be entitled to a redundancy payment.

 **Appendix A – Ready-Reckoner**

|  |  |
| --- | --- |
| **Age** | **Completed Years of Service** |
| **Age** | **2** | **3** | **4** | **5** | **6** | **7** | **8** | **9** | **10** | **11** | **12** | **13** | **14** | **15** | **16** | **17** | **18** | **19** | **20** |
| 16 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 17 | ½ |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 18 | 1 | 1½ |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 19 | 1 | 1½ | 2 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 20 | 1 | 1½ | 2 | 2½ |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 21 | 1 | 1½ | 2 | 2½ | 3 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 22 | 1 | 1½ | 2 | 2½ | 3 | 3½ |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 23 | 1½ | 2 | 2½ | 3 | 3½ | 4 | 4½ |  |  |  |  |  |  |  |  |  |  |  |  |
| 24 | 2 | 2½ | 3 | 3½ | 4 | 4½ | 5 | 5½ |  |  |  |  |  |  |  |  |  |  |  |
| 25 | 2 | 3 | 3½ | 4 | 4½ | 5 | 5½ | 6 | 6½ |  |  |  |  |  |  |  |  |  |  |
| 26 | 2 | 3 | 4 | 4½ | 5 | 5½ | 6 | 6½ | 7 | 7½ |  |  |  |  |  |  |  |  |  |
| 27 | 2 | 3 | 4 | 5 | 5½ | 6 | 6½ | 7 | 7½ | 8 | 8½ |  |  |  |  |  |  |  |  |
| 28 | 2 | 3 | 4 | 5 | 6 | 6½ | 7 | 7½ | 8 | 8½ | 9 | 9½ |  |  |  |  |  |  |  |
| 29 | 2 | 3 | 4 | 5 | 6 | 7 | 7½ | 8 | 8½ | 9 | 9½ | 10 | 10½ |  |  |  |  |  |  |
| 30 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 8½ | 9 | 9½ | 10 | 10½ | 11 | 11½ |  |  |  |  |  |
| 31 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 9½ | 10 | 10½ | 11 | 11½ | 12 | 12½ |  |  |  |  |
| 32 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 10½ | 11 | 11½ | 12 | 12½ | 13 | 13½ |  |  |  |
| 33 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 11½ | 12 | 12½ | 13 | 13½ | 14 | 14½ |  |  |
| 34 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 12½ | 13 | 13½ | 14 | 14½ | 15 | 15½ |  |
| 35 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 13½ | 14 | 14½ | 15 | 15½ | 16 | 16½ |
| 36 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 14½ | 15 | 15½ | 16 | 16½ | 17 |
| 37 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 15½ | 16 | 16½ | 17 | 17½ |
| 38 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 16½ | 17 | 17½ | 18 |
| 39 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 17½ | 18 | 18½ |
| 40 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 18½ | 19 |
| 41 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 19½ |
| 42 | 2½ | 3½ | 4½ | 5½ | 6½ | 7½ | 8½ | 9½ | 10½ | 11½ | 12½ | 13½ | 14½ | 15½ | 16½ | 17½ | 18½ | 19½ | 20½ |
| 43 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 |
| 44 | 3 | 4½ | 5½ | 6½ | 7½ | 8½ | 9½ | 10½ | 11½ | 12½ | 13½ | 14½ | 15½ | 16½ | 17½ | 18½ | 19½ | 20½ | 21½ |
| 45 | 3 | 4½ | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 16 | 18 | 19 | 20 | 21 | 22 |
| 46 | 3 | 4½ | 6 | 7½ | 8½ | 9½ | 10½ | 11½ | 12½ | 13½ | 14½ | 15½ | 16½ | 17½ | 18½ | 19½ | 20½ | 21½ | 22½ |
| 47 | 3 | 4½ | 6 | 7½ | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 |
| 48 | 3 | 4½ | 6 | 7½ | 9 | 10½ | 11½ | 12½ | 13½ | 14½ | 15½ | 16½ | 17½ | 18½ | 19½ | 20½ | 21½ | 22½ | 23½ |
| 49 | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 |
| 50 | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13½ | 14½ | 15½ | 16½ | 17½ | 18½ | 19½ | 20½ | 21½ | 22½ | 23½ | 24½ |
| 51 | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13½ | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 |
| 52 | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13½ | 15 | 16½ | 17½ | 18½ | 19½ | 20½ | 21½ | 22½ | 23½ | 24½ | 25½ |
| 53 | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13½ | 15 | 16½ | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 |
| 54 | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13½ | 15 | 16½ | 18 | 19½ | 20½ | 21½ | 22½ | 23½ | 24½ | 25½ | 26½ |
| 55 | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13½ | 15 | 16½ | 18 | 19½ | 21 | 22 | 23 | 24 | 25 | 26 | 27 |
| 56 | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13½ | 15 | 16½ | 18 | 19½ | 21 | 22½ | 23½ | 24½ | 25½ | 26½ | 27½ |
| 57 | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13½ | 15 | 16½ | 18 | 19½ | 21 | 22½ | 24 | 25 | 26 | 27 | 28 |
| 58 | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13½ | 15 | 16½ | 18 | 19½ | 21 | 22½ | 24 | 25½ | 26½ | 27½ | 28½ |
| 59 | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13½ | 15 | 16½ | 18 | 19½ | 21 | 22½ | 24 | 25½ | 27 | 28 | 29 |
| 60 | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13½ | 15 | 16½ | 18 | 19½ | 21 | 22½ | 24 | 25½ | 27 | 28½ | 29½ |
| 61+ | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13½ | 15 | 16½ | 18 | 19½ | 21 | 22½ | 24 | 25½ | 27 | 28½ | 30 |