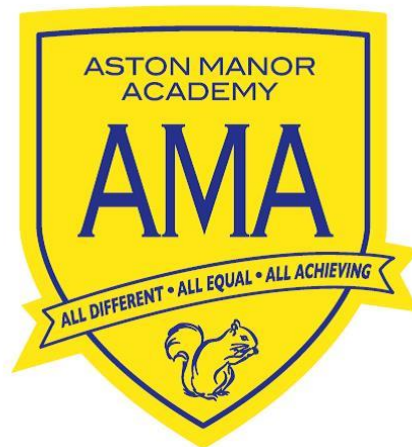


EQUITAS ACADEMIES TRUST



Chilwell Croft
Academy

REDUNDANCY POLICY

Review Date: July 2019
To be Reviewed: July 2020
Agreed: F & GP Board
Policy Lead: Zoe Donnelly

REDUNDANCY POLICY

1. INTRODUCTION

This policy sets out Equitas Academies Trust's approach on handling all potential redundancy situations.

2. SCOPE AND PURPOSE OF THIS POLICY

It is recognised that certain changes (for example, a fall in roll, curriculum changes and budget reductions) may make it necessary to consider redundancies. The purpose of this policy is to have a clear framework in place that sets out what the Trust will do if ever reduction in employee numbers may become necessary.

The Trust will consider ways to avoid compulsory redundancy, if possible, and 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 protected characteristic or against part-time or fixed-term employees.

3. PLANNING

The Trust will ensure that there is effective planning, financial management and resource allocation in place in the day to day and strategic management of each Academy within the Trust. It will carry out workforce planning and regularly review its staffing structure to ensure it is fit for purpose, supports teaching and learning and minimises surplus staff situations.

Each leadership team within the Trust will provide information in relation to workforce planning and resources to the Trust Board as required.

As part of the application of this policy, the Trust will collect, process and store personal data in accordance with our data protection policy. We will comply with the requirements of Data Protection Legislation (being (i) unless and until the GDPR is no longer directly applicable in the UK, the General Data Protection Regulation ((EU) 2016/679) and any national implementing laws, regulations and secondary legislation, as amended or updated from time to time, in the UK and then (ii) any successor legislation to the GDPR or the Data Protection Act 1998) in relation to how we collect, hold and share this personal data. We will provide workforce data in line with our Workforce Privacy Notice which sets out how we will gather, process and hold personal data of individuals during employment.

4. CONSULTATION

Where the changes proposed could result in redundancies, the Trust will enter into consultation to provide the opportunity for all those concerned to discuss the problem and consider options or alternative ways of tackling the problem. Consultation should begin in good time and will be in accordance with statutory requirements.

Each Academy within the Trust will consult with all affected employees on an individual basis.

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The Trust will also consult with representatives of recognised trade unions or elected employee representatives where it is proposed to dismiss as redundant 20 or more employees at one Academy over a period of 90 days or less.

Where appropriate, the Trust will provide the recognised trade unions or elected employee representatives with sufficient information in writing, including:

- (a) the reasons for the proposals;
- (b) the numbers and descriptions of employees it proposes to dismiss as redundant or who are at risk of redundancy;
- (c) the total numbers of employees of that description employed at the Academy in question;
- (d) the proposed method of selecting the employees who may be dismissed;
- (e) the proposed method of carrying out the dismissals, including the period over which the dismissals are to take effect; and
- (f) the numbers of agency staff at the relevant Academy within the Trust, the areas in which they are deployed and the type of work they are undertaking.

Each Academy within the Trust will consult on ways in which compulsory redundancies could be avoided, if that is possible. Examples of such steps include:

- (g) reviewing the use of agency staff;
- (h) restricting recruitment or a vacancy freeze in affected categories of employees and in those areas into which affected employees might be redeployed;
- (i) natural wastage;
- (j) retraining and/or redeployment within and across the Trust;
- (k) reducing overtime/additional hours;
- (l) offering reduced working time including job-sharing or other flexible working arrangements, where these are practicable; and
- (m) inviting applications for early retirement or voluntary redundancy. In all cases the decision to release an employee under such schemes will be at the absolute discretion of the Trust.

Any measures adopted will not adversely affect the Academies within the Trust and the quality of teaching and learning provided to the pupils.

5. MAKING COMPULSORY REDUNDANCIES

If it is the case that compulsory redundancies will be required, all affected employees and the recognised trade unions or elected employee representatives will be advised of this. As part of the consultation process the Trust will have consulted on the procedure to be followed and the selection criteria to be applied (where appropriate).

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Where more than one employee is employed in an affected role, a process of selection will be carried out. The criteria used to select will be objective, robust, transparent and fair and based on the skills required to meet the existing and anticipated needs of the Trust. The Trust will consider the most appropriate method of selection in relation to the circumstances surrounding the specific redundancy situation. Where there is only one incumbent in a post that is affected, then the selection criteria will be on the basis that they occupy that role.

Individual employees who are provisionally selected for redundancy following the application of the selection criteria will be informed and (where appropriate), invited to a meeting at which they will be given an opportunity to make representations that the application of the criteria is unfair or has been applied incorrectly. This is the dismissal meeting which will usually be held with a panel of Trust Board members.

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 and written confirmation of the payments that they will receive (where applicable).

Employees will be given the opportunity to appeal against this decision. Details of the appeals process will be provided to the employees when the decision is made.

Depending on the circumstances, the Trust may waive its right to insist on employees working their notice and instead give a payment in lieu of notice.

6. SUPPORT MECHANISMS

Alternative work/retraining

The Trust will make every effort to redeploy any employee who is selected for redundancy to suitable alternative work and inform them of any vacancies that there are until their termination date. 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. While priority will be given wherever possible to employees under threat of redundancy, the Trust reserves the right to select the best available candidate in relation to any given vacancy. Employees selected for redundancy whilst on maternity leave have separate legal entitlement to be offered any suitable alternative.

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 following the trial, employment will be terminated on grounds of redundancy on the original terms.

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.

Counselling service

Employees who are at risk of redundancy or who have been issued a notice of redundancy will be able to access the Trust's confidential counselling service.

Time off

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 the HR department and provide proof of attendance if requested to do so.

7. REDUNDANCY PAYMENTS

Employees with two or more years' service will be entitled to a statutory redundancy payment. The period of continuous service will be calculated with reference to the Employment Rights Act and the Redundancy Modification Order. The Trust's redundancy payments are calculated based on an employee's age, a week's pay (capped at the statutory maximum) and the number of years' continuous service for redundancy purposes, using the following formula:

- 0.5 week's pay for each full year of service while they were under 22;
- 1 week's pay for each full year of service while they were 22 or older, but under 41;
- 1.5 week's pay for each full year of service while they were 41 or older.

This is subject to a maximum of 20 years' service and the week's pay figure is capped at an upper limit which is set by the government.

The amount of this payment will be confirmed when the employee is selected for redundancy and the sum will be paid along with the employee's final salary payment or payment in lieu of notice.

8. REVIEW OF POLICY

This policy is reviewed and amended annually by the HR Department.

Date of next review: July 2020