

Restructuring and Redundancy

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Redundancy and Restructure Procedure

Within our family of Academies, we affirm that all young people deserve a world class education, that all parents deserve a world class school for their children and that all staff deserve world class support, by focusing relentlessly on teaching, learning and achievement for every child. To support this statement, we strive to be seen as an “employer of choice” and this procedure sets out the framework for redundancy and restructuring within the family of Academies that form The Parallel Learning Trust (“the Trust”).

1. Introduction

It is the aim of the Trust to maintain secure employment for all employees with each Headteacher and Academy Council and reviewing the staffing structure with their Academy on a regular basis to plan for future needs.

However, in certain circumstances the need to restructure the workforce may be unavoidable and a potential redundancy situation may arise.

Where the need to restructure arises, the Trust will seek to ensure that:

- Measures are implemented to avoid redundancies where possible and the total numbers of redundancies are kept to a minimum.
- To consult with Employees and their Trade Union representatives from an early and formative stage.
- Selection for redundancy or posts in a restructure situation is based on clear criteria which will be objectively and fairly applied.
- Redeployment opportunities are explored wherever possible and employees are supported in seeking alternative employment.
- To ensure that where redundancies are necessary Employees are dismissed fairly.

The Trust expects that employees affected by a potential redundancy or restructure situation will attend collective and individual consultation meetings, wherever possible.

An employee who is at risk of redundancy has a responsibility to seek and accept alternative employment where it is suitable. A refusal to accept an offer of suitable alternative employment may result in the employee forfeiting their right to a redundancy payment.

This procedure explains:

- How the Academy will manage redundancy and restructure situations in a fair, consistent and reasonable manner
- How the Academy will meet its obligations with regards to consultation
- The entitlements of employees who are made redundant.

2. Equalities Statement

The Trust aspires to be a gracious organisation in which we treat each other with kindness, tolerance and mutual respect, and in which we are united in a common purpose: to transform lives through world class teaching, leadership and professional development.

To support this aspiration, the Trust is committed to providing equal opportunities and access to all. This statement embraces the spirit of managing a diverse workforce and those managing and dealing with the redundancy and restructure process must ensure that no employee is discriminated against either directly or indirectly or victimised on the grounds of their race, disability, sex, sexual orientation, religion or belief, age, marital or civil partnership status or any stage of gender reassignment.

3. Scope

This Policy and Procedure applies to all employees of the Trust.

4. Obligations

4.1. The Trust's Obligations

4.1.1. The Trust will fulfil its obligations by:

- i. Supporting Headteachers in developing a staffing structure which best meets the needs of pupils whilst ensuring the optimum use of Academy resources;
- ii. Ensure that the Redundancy and Restructure Procedure is fit for purpose and is fully consulted with trade unions/professional associations.
- iii. Making sure that any restructuring plans are submitted to the Trust Board for approval which will then be ratified by each AC;
- iv. Delegate the responsibility for implementation of the Redundancy and Restructure Procedure to the AC for implementation;
- v. Monitor the outcomes of restructuring decisions and the selection procedures used to ensure each Academy complies with equalities legislation;

4.2. Academy's Obligations:

4.2.1. The Academy will fulfil its obligations by:

- i. Planning and reviewing the staffing structure to best meet the needs of pupils whilst ensuring the optimum use of the Academy's resources
- ii. Adhering to the restructure and redundancy procedures
- iii. Consulting with employees and their trade union representatives
- iv. Seeking to minimise redundancies and identify alternative employment opportunities for employees who are at risk of redundancy
- v. Ensuring that where redundancies are necessary employees are dismissed fairly.

4.3. Employee's Obligations

4.3.1. Employees will:

- i. To co-operate with reorganisation procedures
- ii. To seek to mitigate individual loss by actively exploring alternative employment and accept work where it is suitable.

5. Definition of a Redundancy and Restructure Situation

Redundancy is a potentially fair reason for dismissal. This occurs when an employee is dismissed because:

- 'The employer ceases or intends to cease, to carry on the business for the purposes of which the employee was employed 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, or for employees to carry out work of a particular kind in the place where they were so employed have ceased or diminished or are expected to cease or diminish'
- The definition of redundancy for collective consultation purposes includes any dismissals for reasons not related to the individual.
- (Section 139 (1) Employment Rights Act 1996)

A restructure may be defined as a reorganisation of the Academy's operations which may give rise to a need to change:

- The staffing structure
- An employee's job role and / or job description
- An employee's salary, hours or other terms and conditions
- The way in which a service is delivered including an employee's pattern of work.

A restructure may also result in the need to reduce the total number of staff and this could lead to a redundancy situation.

6. Funding of Redundancy Costs

Each Academy will be responsible for funding redundancy costs (and pension costs where applicable).

7. The role of the Trust and Academy Council

The Headteacher / CEO will discuss with HR their proposal for restructuring and create a business plan. This plan will be discussed with the relevant Chair of the AC and other relevant stakeholders and then be presented to the Trust Board for consideration and approval. The Headteacher / CEO will then present the business case to the AC for approval.

Where the Trust and AC are satisfied of the need to proceed, and that no other reasonable alternatives exist, they will instruct the Headteacher / CEO & Director of Performance and Standards or nominated person to begin a consultation process and, if appropriate, confirm that a redundancy situation is unavoidable. In the case of restructures a redundancy situation may be declared as a precautionary measure in situations where the extent of any redundancies are not yet known.

The AC will also identify appropriate panels who will have delegated responsibility for the process. Where a restructure exercise is Trust wide the appropriate panels will be drawn from the relevant AC bodies.

Trade union representatives shall be consulted early in the process and engagement will continue throughout the process.

8. Delegated Responsibility and the Role of the Redundancy / Restructure Panel

Within the Trust the dismissal decisions have not been delegated to the Headteacher / CEO & Director of Performance and Standards and therefore formal hearings to consider dismissal will be heard by a redundancy / restructure panel of two or more governors from the relevant AC at the Academy who have had no prior involvement in the matter under consideration. HR will provide advice to the panel at each stage. Please see also the Scheme of Delegation regarding the constitution of any panel.

Appeals will be heard by a further panel of one or more Trust Governors who have had no prior involvement in the matter under consideration.

It will be usual for a governor panel to be comprised of not less than 3 members, although this may vary depending on the circumstances.

Staff Governors should not be a member of a governor redundancy restructures or appeal panel.

9. Timescales for the Procedure

The Academy will set reasonable timescales for each stage of the process. Indicative timescales for the process are set out in Appendix 1.

The Academy may, in exceptional circumstances, and in agreement with the trade unions adopt a shorter timescale for the process, but with due regard for the need for meaningful consultation. A shorter timescale may also be followed in the case of restructures which do not involve potential redundancies or where Employees are in agreement to the proposed changes.

For the purpose of this procedure 'working day' will normally refer to the 195 days of the academic year for teachers employed under the terms of the Academy Teachers' Pay and Conditions Document.

For support staff employed on a term time only basis, working days will normally refer to the days worked under their contract or for staff employed on contracts outside of the school term will mean all days excluding weekend and bank holiday days.

10. Right to Representation

A workplace colleague or trade union representative may accompany an employee to any formal meetings connected with a restructure or redundancy process.

Due and careful consideration will also be given to any request from an employee to be accompanied by a workplace colleague or Trade Union representative at informal meetings.

The Academy will consult with recognised trade union representatives during any process. Consultation would usually be with the officers of recognised unions who may delegate the matter to Academy or local representatives.

The Academy also undertakes to facilitate reasonable opportunities for employees to meet with their trade union representatives during any process.

11. Selection Pools

When a restructure or redundancy situation arises, the Academy will use objective criteria to establish at the outset those employee(s) who will be in the unit of selection.

The precise pool(s) will be determined by the circumstances and may comprise of the whole Academy / a discrete department or a particular group of employees or individual employees who undertake the same or similar work.

12. Avoidance Measures

Where a potential redundancy situation arises, the Academy will, in the first instance, consider any appropriate avoidance measures including:

- Non-recruitment to vacant posts
- Appointing to vacancies from among existing Employees
- Cessation of temporary / fixed term contracts / secondments, where it is lawful and fair
- Exploring a reduction in hours
- Redeployment to alternative posts in the Academy
- Retraining
- Early retirement (within the provisions of the Teacher's Pension and Local Government Pension Scheme) / "Voluntary" redundancy
- Reduction in the use of casual or supply staff
- Reduction in overtime or additional hours.

Additionally, the Academy will explore all non-staff cost saving measures.

Exploration of these measures will continue during the consultation process. Should avoidance measures come to light the Redundancy / Restructure Panel may halt the process in one or all of the selection pools.

13. Early Consultation

An early consultation meeting will be convened as soon as practicable with the potentially affected staff and their representatives to discuss proposals to restructure / make redundancies.

As a guide, employee's and their representatives will be given as much notice as possible and not less than 5 working days' notice of any early consultation meeting. Copies of any documentation relevant to the proposals (such as the business rationale, relevant budgetary information, pupil and curriculum information, list of affected staff and indicative timeline) should be shared with representatives as soon as is practicable in advance, and no later than 5 working days before the meeting.

During the early consultation meeting the Academy will explain their rationale, proposals for change and outline the process and timescales to be followed. Staff and their representatives will be invited to put forward their views and alternative proposals for consideration by the redundancy / restructure panel, with a view to reaching agreement, where possible. There will usually be an opportunity for representatives to attend a pre-meet with the Academy immediately before the consultation meeting and staff will have the opportunity to meet with their representatives at the end of the meeting.

The interval between early and formal consultation will usually not be less than 5 working days. At the end of this period the redundancy panel will meet to consider any response received. In some circumstances the Academy reserves the right to move to formal consultation immediately after the Early Consultation Meeting.

14. Formal Consultation

Following the early consultation meeting the Academy will enter into a period of formal consultation with employees and their representatives.

At this stage the proposals will be formally set out in writing by the redundancy panel. In the case of potential redundancy situations, written notification will be in accordance with the provisions of the Under Section 188 of the Trade Union Labour Relations (Consolidation) Act 1992.

Written consultation notification will include:

- Reasons for the proposals and any proposed redundancies
- Numbers and descriptions of Employees it is proposed to make redundant
- The total number of Employees of this description employed at the Academy
- The proposed method of selecting those who may be dismissed
- The proposed method of carrying out the dismissals, including the period over which dismissals will take place
- The proposed method of calculating redundancy payments
- Timescales for the process
- Other options for consideration and ways in which compulsory redundancies may be reduced or avoided – including inviting volunteers – or the consequences of redundancies mitigated
- Arrangements for individual consultation meetings
- Proposed selection criteria for those at risk of redundancy
- Invite employees and their representatives to put forward responses or counter proposals with a view to reaching agreement where possible.

In the case of a restructure, where no redundancies are proposed, this information may be modified and may additionally include:

- Details of the proposed changes to the structure and impact of these on employees Job Descriptions and / or Person Specifications for any new or changed posts
- Details of the selection process to any new roles.

The purpose of consultation is to formally explain the proposals and, in the case of a potential redundancy situation, to explore alternatives with a view to reaching agreement, if possible.

Particular attention will be paid to ensuring information is shared with employees who may not have been able to attend the meeting due to absence or maternity leave.

15. Timescales for Formal Consultation

Consideration will be given to allowing sufficient time for meaningful consultation with employees and their representatives.

Following the receipt of the written formal consultation document, there will be a formal consultation period during which time employees and their representatives are invited to make written comments about the proposals to the Redundancy Panel.

Formal consultation will usually not be less than 15 working days. A shorter timescale may apply in exceptional circumstances following agreement between the Academy and trade unions.

Where it is proposed that more than 20 Employees will be made redundant in a period of 90 days or less, the Academy will follow the Statutory Consultation process and timescales as required in the Trade Union and Labour Relations Act 1992 as set out in the table below:

Employees to be dismissed at the establishment over a 90-day period	Minimum period consultation should start before notice of first dismissal is issued
20 – 99 employees	30 days
More than 100 employees	45 days

(*please note under TULRA legislation statutory consultation timescales are defined as calendar days)

The Academy will notify the Department for Business Innovation and Skills in instances where it is proposed that more than 20 Employees will be made redundant within a 90-day period or less.

16. Individual Consultation

Employees are encouraged to engage in meaningful discussion about the proposals.

During the period of Formal Consultation, Employees in the selection pool will be given the opportunity to meet on a 1:1 basis with the Headteacher / Director of Performance and Standards / Director of HR or other appropriate member of the staff to discuss:

- The implications of the proposals for the individual
- The proposed method of selection and scoring
- Timescales
- Employee's views on the proposals and any comments / alternative considerations they wish to raise
- Suitable Alternative employment opportunities
- Making an expression of interest for voluntary redundancy

A written record of individual consultation meetings may be made and a copy shared with the employee.

The Academy will consider any comments made during individual consultation and respond in writing as appropriate.

A trade union representative or workplace colleague may be present at this meeting.

17. Consideration of Responses

At the end of the formal consultation period the Redundancy / Restructure Panel will consider any comments and counter proposals which have been made by employees' or their representatives and respond in writing, as appropriate.

Should alternative options become available as a result of consultation the Redundancy / Restructure Panel may halt the process in one or all of the selection pools.

Should the Academy's proposals be amended as a result of the consultation process employees and their representatives will be advised of this. Where counter proposals are rejected, the reasons will be stated.

18. Request for Volunteers

To prevent compulsory redundancies, applications for voluntary redundancy may be considered.

Volunteers should put their request in writing to the Redundancy / Restructure panel who will determine whether this can be accepted. The panel reserves the right to decline volunteers in circumstances where this may be detrimental to the business needs of the Academy. In order to consider requests from volunteers, the Academy may request that they be received by a specified date.

Should sufficient volunteers be accepted, the Redundancy / Restructure Panel may halt the process in one or all of the selection pools.

An acceptance of a volunteer is provisional pending the conclusion of the redundancy process. Should the situation within the Academy change prior to notice being issued, this offer may be withdrawn.

19. Slotting

Employees may be automatically placed or 'slotted' into a post in the reorganised structure if their current post is largely unaffected by the proposed changes.

In general terms slotting may be considered in instances where:

- The grade is unchanged or is 75% the same
- There are the same or greater number of jobs in the new structure as in the current structure
- The job is deemed to be 75% the same in terms of responsibility and accountability, job tasks and overall objectives.

Posts that are potentially eligible for slotting will be identified during the consultation process. The Redundancy / Restructure Panel will determine which posts will slot and eligible employees will receive written confirmation of this usually at the end of the Formal Consultation stage.

Wherever possible, slotted roles will be confirmed at the earliest opportunity to reduce uncertainty.

20. At Risk Notification

At the end of the Formal Consultation Period, and should no alternatives to restructure / redundancy have been identified, employees in the pool for selection will be notified in writing that they are formally 'at risk' of redundancy, if appropriate, and advised of the details of the redundancy / restructure selection process.

21. Selection Criteria

21.1. Selection for Redundancy

If, having taken the above steps, it has not been possible to avoid a compulsory redundancy situation, the Academy will establish a suitable objective and fair method for selecting Employees whose jobs will be made redundant. This proposed selection criteria and method will be shared during consultation.

Selection criteria may include one or more of the following:

- Standard core competencies
- Job specific competencies and specialist skills
- Formal Disciplinary records (unexpired disciplinary warnings only)
- Performance management records and achievement of objectives
- Relevant Qualifications
- Continuous Professional Development within the past 5 years
- Evidence of contribution to the wider Academy community

The above detailed analysis will ensure that the Academy retains the employees it needs based on its requirements and that the employees to be retained have the best quantifiable skills and experience for those requirements.

The precise selection criteria may vary dependent on the selection pool and what is reasonable given the circumstances.

When identifying selection criteria, the Academy will have careful regard to equalities issues and reasonable expectations for the job role. The Academy or Director should discuss the selection criteria to be applied with the Director of HR as part of the initial discussions and business case.

The Academy will seek to ensure that the selection criteria are robust and fairly applied and objectively scored for all candidates within the pool.

Selection criteria may be assessed either via:

- A skill's audit
- An application and interview process
- A selection activity

More than one selection method may be used. Where multiple methods are used the relative weighting of these will be specified during the consultation process.

The proposed selection criteria and method will be shared during consultation.

Where there is a single employee in the selection pool or all posts within a pool are to be removed from the structure, it will not be necessary to undertake a selection process.

21.2. Selection in a reorganisation

Where new posts or significantly different posts are created as a result of a restructure, recruitment to these will usually be via a competitive application / recruitment process. The precise process will be outlined during consultation.

In such circumstances, these vacancies may be ring fenced to certain groups of Employees or individuals, in the first instance. Any ring-fencing provisions will be outlined during consultation.

In this instance, any redundancies will be identified through non-recruitment to available posts.

22. Notification of Outcome: Selection for Redundancy

Employees will be notified in writing of the outcome of any selection process and, if provisionally selected for redundancy, the reasons for their selection and proposed dismissal on the grounds of redundancy.

This notification may also include the employee's individual audit or interview scores and an explanation of the reasons why they have been selected for redundancy.

This written notification will also include an invitation for the employee to attend a representation meeting and notification of their right to appeal.

23. Notification of Outcome: Offers of new posts or contractual variations

Where an employee is offered a new post or a variation made to their current post – the details will be confirmed in writing, including a full statement of any changed terms and conditions, confirmation of the effective date and any notice that may apply.

Where, in accordance with teaching or support staff provisions, salary protection arrangements apply these will also be confirmed in writing.

Employees will be asked to confirm their acceptance of any offer in writing and the Academy may specify a timescale in which confirmation should be given.

Where an offer of a new post is declined, an employee is entitled to make representations and appeal against the decision to terminate their current post. Where an employee has accepted alternative employment there is no right to representation or appeal.

Where variations to a contract or an offer of suitable alternative employment are unreasonably refused – the Academy reserves the right to dismiss the employee with notice and re-engage them on the new terms.

Representation Meeting

Employees who have been provisionally selected for redundancy or who have declined an offer of alternative employment / contractual variation will be invited to attend a representation meeting with the Redundancy Panel.

The purpose of this meeting is for the Redundancy Panel to explain the reasons for the employee's selection and for the employee to ask any questions relating to this. The employee may also wish to present reasons why they should not have been selected, to the Panel. However, it should be noted that the meeting is not an opportunity for the employee to add to information already provided during the selection process or comment on the performance of other employees in the pool. At the end of the meeting the employee may wish to ask the Panel to reconsider its provisional selection decision.

Any documentation that either party wishes to present to the representation meeting should be shared in advance – usually not less than 3 working days before the representation meeting.

Representation meetings should take place as soon as practicable, and usually within 5 working days of written notification of the outcome of the selection process. The panel may adjourn the representation meeting should the employee present information requiring further investigation.

A trade union representative or workplace colleague may be present at this meeting.

The meeting may be postponed for up to 5 working days if the trade union representative or workplace colleague cannot attend. It should be noted that where the proposed date of the representation meeting has been shared with employees and their representatives at the outset of the redundancy process, it would usually be expected that parties would be available to attend on the pre-arranged date unless issues had been raised when the timeline was originally shared. Where possible, the Academy will allow flexibility should a trade union representative be unable to attend a pre-arranged date. However, this will still be scheduled within 5 working days as stated above.

Employees are encouraged to attend this meeting but may choose not to, should they wish.

The outcome of the representation meeting will be confirmed in writing with the employee usually within 5 working days.

24. Notice Entitlement

Employees will receive written notice of their dismissal by reason of redundancy, once they have been advised of the outcome of any Representation meeting.

Notice will be the greater of either contractual or the statutory entitlement which is up to a maximum of 12 weeks, as determined by qualifying continuous service under the terms of the Local Government Modification Order. Where statutory notice is issued this will be 1 week for each year of service, up to the maximum of 12 weeks.

Length of service	Statutory minimum notice period
1 month to 2 years	1 week
3 to 12 years	1 week for each complete year up to 12 weeks
More than 12 years	12 weeks

In the case of teachers, notice will be issued with due regard to the contractual provisions and termination dates set out in the Burgundy Book detailed in table below or statutory entitlement whichever is the greater.

For redundancies at the end of the summer term	3 months' notice expiring 31 August
For redundancies at the end of the autumn term	2 months' notice expiring 31 December
For redundancies at the end of the spring term	2 months expiring 30 April

Please note that in the case of a Headteacher / Director of Performance and Standards and for some Trust employees the notice periods are longer than those above as set out below:

For redundancies at the end of the summer term	4 months' notice expiring 31 August
For redundancies at the end of the autumn term	3 months' notice expiring 31 December
For redundancies at the end of the spring term	3 months expiring 30 April

The Academy may reserve the right in certain circumstances to offer, by mutual agreement, a period of paid garden leave pending the expiry of an employee's notice period.

25. Appeal

Employees may appeal in writing against the decision to terminate their current contract by reason of redundancy. Appeals should be made within 5 working days of receipt of written notice and should state clearly the grounds for appeal.

Any documentation that the employee wishes to be considered by the appeal panel should be provided with the letter of appeal and in all cases no later than the deadline for the receipt of appeals.

Appeals will be heard by the redundancy appeal panel as soon as practicable, and usually within 10 working days of receipt.

The Academy will provide the employee with copies of any documents which will be referred to during the appeal in advance and usually no later than 5 working days before the appeal meeting.

A trade union representative or workplace colleague may be present at this meeting.

The meeting may be postponed for up to 5 working days if the trade union representative or workplace colleague cannot attend. It should be noted that where the proposed date of the representation meeting has been shared with employees and their representatives at the outset of the redundancy process, it would usually be expected that parties would be available to attend on the pre-arranged date.

The purpose of the Appeal is to review the original decision on the basis of the grounds for appeal presented by the employee.

The outcome may be:

- To uphold the previous decision to dismiss the employee on the grounds of redundancy
- To uphold the employee's appeal and withdraw the dismissal decision

The outcome of the appeal meeting will be confirmed in writing with the employee, usually within 5 working days.

The decision of the appeal panel is final and there is no further right of appeal.

26. Suitable Alternative Employment

The Academy will take reasonable steps to identify suitable alternative employment and redeployment opportunities for Employees under notice of redundancy.

Individuals will be made aware of any vacancies which arise within the Trust. While priority will be given wherever possible to Employees under notice of redundancy, each Academy reserves the right to appoint the best available candidate to any vacancy.

Any offers of alternative employment will be made in writing, including a full statement of the terms and conditions offered.

Where suitable alternative employment is offered, salary protection may be payable in accordance with the provisions of teaching or support staff pay and conditions. It should be noted that only posts identified during the consultation process as suitable alternatives will attract protection.

27. Considerations for Employees on maternity, adoption and additional paternity leave

An employee on maternity, adoption and additional paternity leave, and who is under notice of redundancy, will have a statutory automatic right to be offered suitable alternative work, if available, ahead of any other employees, known as priority protection. In the event that more employees fall into this category than posts available a selection process will need to be used.

Legislation from 6 April 2024 extends the period of priority protection in place to 18 months and will apply to pregnant employees from the day of notification to their employer of their pregnancy.

Priority protection during pregnancy applies where an employee notifies their employer of pregnancy on or after 6 April 2024. In a maternity, adoption or SPL situation, the new rules apply where the statutory period of leave ends on or after 6 April 2024.

Where an employee who is on maternity or adoption leave is made redundant, statutory maternity and adoption pay will continue until its expiry – however occupational maternity / adoption pay will cease at the date of redundancy.

28. Refusal of Suitable Alternative Employment

Should an employee feel unable to accept a contractual variation or offer of a new post they may wish to discuss the reasons for this informally with the Headteacher in the first instance. It will be for the employee to demonstrate to the Redundancy / Restructure Panel the reason why an alternative offer made by the Academy is not reasonable and suitable.

An employee, who unreasonably refuses an offer of suitable alternative employment made with broadly comparable terms and conditions, may lose their entitlement to redundancy pay. In such circumstances, dismissal would still be for reason of redundancy.

29. Statutory Trial Periods

Where an employee is under notice of redundancy, any offer of suitable alternative employment within the Academy, where the provisions of the new contract differ from the current contract, will be subject to a 28-day statutory trial period.

If either party determines within the trial period that the new job is not suitable, the employment will terminate by reason of redundancy on the date on which employment on the previous contract was due to end. In cases where an employee terminates the trial period without good reason the Academy reserves the right to withhold the redundancy payment.

The trial period may be extended beyond the initial 4 weeks by mutual agreement to enable further retraining. Any extension will be confirmed in writing.

The Academy may at its discretion offer trial periods to employees offered suitable alternative employment at an earlier stage of the redundancy process.

30. Time off to look for alternative employment

Employees under notice of redundancy have the statutory right to take a reasonable amount of time off work to look for another job, attend interviews or attend training.

While this provision normally relates only to those employees who have been continuously employed for two years or more, the Trust will allow employees to take reasonable paid time off for the reasons specified above.

In granting time off consideration will be given to the business needs of the Academy. Employees wishing to take advantage of this provision should make appropriate arrangements with their manager. Employees will also be expected to provide evidence that the time off requested will be used for the purpose of seeking alternative employment.

It is not expected that time off would exceed an average of 2 paid days per week or pro rata for part time staff.

31. Outstanding Leave

Employees who are to be made redundant will be advised of any outstanding leave. This should be taken during the notice period wherever possible. In the event that this is not possible, payment will be paid in lieu of any outstanding leave not taken.

32. Calculating Redundancy Payments

Redundancy payments will be calculated in accordance with the formula laid down in statute. If an employee is a TUPE transfer, then the redundancy payment in their current contract will apply.

In addition, under the terms of the Local Government Modification Order, the Trust will recognise prior continuous service with maintained schools and other bodies covered by the order. It should be noted that employment with a school will also count towards continuous local government service for redundancy purposes.

Details of those bodies covered by the Modification Order is available at Local Authority website.

Employees may be asked to provide evidence of their qualifying service under the modification order.

The amount of redundancy payment will be determined by the Employee's age and length of service as set out in Appendix 2. The Employee will be entitled to receive:

- Half a week's pay for each year of employment in which the Employee was aged 21 or under
- One week's pay for each year of employment in which the Employee was aged between 22 and 40, and
- One and a half weeks' pay for each year of employment in which the Employee was aged 41 or over

Service before the age of 18 years will not count. There is no upper age limit on statutory redundancy payments.

The maximum number of years of employment that can be taken into account is 20.

A week's pay will be based on the actual weekly pay of the employee.

Where an employee with two or more posts is made redundant from one post, service for redundancy calculation purposes will be based on the service accrued / current salary on this contract only.

Employees will receive a written estimate of redundancy monies payable. The redundancy payment will be based upon the contractual circumstances of the employee at the date statutory redundancy notice is issued.

33. Deductions from Redundancy Payments

Redundancy payments of less than £30,000 are free from normal payroll deductions. The redundancy payment is only taxable after the first £30,000 and these deductions will be made via the Academy payroll. Securing Alternative Employment and the Modification Order.

Employees will not normally be entitled to a redundancy payment if they are offered before their date of redundancy, 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 a 4-week break. Where this does occur, the Academy reserves the right to withhold redundancy payment.

Details of those bodies covered by the Modification Order is available on 'gov.uk' website.

Employees should advise the Academy as soon as possible if they are offered alternative local government employment which means they are no longer entitled to a redundancy payment.

The Academy may ask employees to provide a written declaration that they are not taking alternative employment which would invalidate their entitlement to a redundancy payment. Should the Academy

become aware that an employee has made a false declaration any redundancy payment may be withheld or reclaimed.

34. Leaving before the redundancy date

Should an employee wish to leave employment prior to the expiry of their notice period they should make the Academy aware of this as soon as possible and explain the reasons for requesting an early release as redundancy payment may be withheld.

Exceptionally the Academy may agree to the employee retaining their redundancy payment when leaving early.

35. Release Pension

35.1. Local Government Pension

Employees aged 55+ at the date of redundancy are entitled under the terms of the Local Government Pension Scheme to the immediate release of their local government pension.

35.2. Teachers' Pension

Teachers who are aged over 55 at the date of the redundancy may be eligible for the discretionary award. This will only apply to those teachers whose contracts of employment transferred to the Trust under the Transfer of Undertakings Employment Protection Act and where this was not listed as a measure.

Where Teachers have changed contracts since the date their Academy transferred to the Trust or are new entrants to the Trust's service this discretion will not apply.

36. Record Keeping

Notes may be taken of all discussions and formal / informal meetings held with an employee to discuss redundancy issues. Where notes are taken a copy will be made available to the employee.

Minutes will be taken at representation and appeal meetings and shared with the employee as soon as practicable. The employee will have the opportunity to check the accuracy of these minutes.

37. Other Considerations

37.1. Reasonable Adjustments

The Academy will consider making 'reasonable adjustments' in any redundancy consultation and selection process for employees with declared disabilities or additional needs. This may include the provision of an amanuensis (scribe) to assist in the completion of written audits. Individuals should make the Redundancy / Restructure panel aware of any additional requirements so that consideration may be given to appropriate adjustments.

37.2. Absent Employees

The Academy will seek to ensure absent employees are kept fully informed of the redundancy process by inviting them to consultation meetings and ensuring they receive copies of relevant written information. Where an individual is unable to attend meetings, the Academy will explore alternative means of ensuring effective communication is maintained.

38. Advice and Support to Employees

Employees are advised to seek support from their trade union representative or professional association with regards to redundancy issues. Employees may address questions about this procedure to the Headteacher or another delegated staff member.

Appendix 1 – Indicative Redundancy Timeline

1	Governing Body Meets <ul style="list-style-type: none"> Agree need to proceed with restructure and commence consultation Redundancy/Restructure Panel identified Appeal Panel identified 	Week 1
2	Early Consultation Meeting with Employees and Trade Union / Professional Associations <ul style="list-style-type: none"> Proposals Explained 	Week 2 At least 5 working days' notice of meeting
3.	Formal Consultation Period / S188 <ul style="list-style-type: none"> Section 188 letter and documentation circulated to unions Individual Consultation Meetings Held 	Week 3-5 15 working days' formal consultation
4.	Individual Consultation <ul style="list-style-type: none"> Employees given the opportunity to meet on 1:1 basis 	Week 3 - 4 Usually during first week of formal consultation
5	End of Formal Consultation <ul style="list-style-type: none"> Panel considers responses to consultation and whether original proposals should proceed 	Week 5 Asap after end of consultation
6	At risk letters sent <ul style="list-style-type: none"> Employees placed at risk and notified of selection process 	Week 7 Allow 1 week
7	Selection <ul style="list-style-type: none"> Audits / Applications to be returned by Selection Meeting Interviews Held (if applicable) 	Week 7 - 9 Allow 1 – 2 weeks
8	Notification of outcome <ul style="list-style-type: none"> Communicate outcome of process Inform Employees if their posts are selected for redundancy or Offer of an alternative post made / contractual variation confirmed Employees advised of right to representation & appeal 	End of Week 9 Asap after conclusion of selection process
9	Representation Meeting <ul style="list-style-type: none"> Representations to made by Representation to be heard by Employees advised of outcome by 	Week 10 Usually held within 5 working days after notification of outcome Week 11 Outcome within 5 working days of representation meeting
10	Notice Issued <ul style="list-style-type: none"> Notice will be the greater of statutory or contractual entitlement up to a maximum of 12 weeks 	Week 12 After representations and in line with statutory/contractual entitlement
11	Appeal Meeting <ul style="list-style-type: none"> Appeals to be made by Representations to be heard by Employees Advised of the outcome by 	5 working days to make appeal Appeals usually heard within 10 working days Outcome within 5 working days of appeal meeting
12	Contracts terminate by reason of redundancy	

Appendix 2 – Statutory Redundancy Calculations Chart

To calculate the number of week’s redundancy pay, cross reference the employee’s age with the years of service and then multiply that number by the weekly salary.

For example, an employee aged 25 with 5 years’ service will be entitled to four weeks salary.

Age	Service in years																			
	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	
17	1																			
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	17	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	