



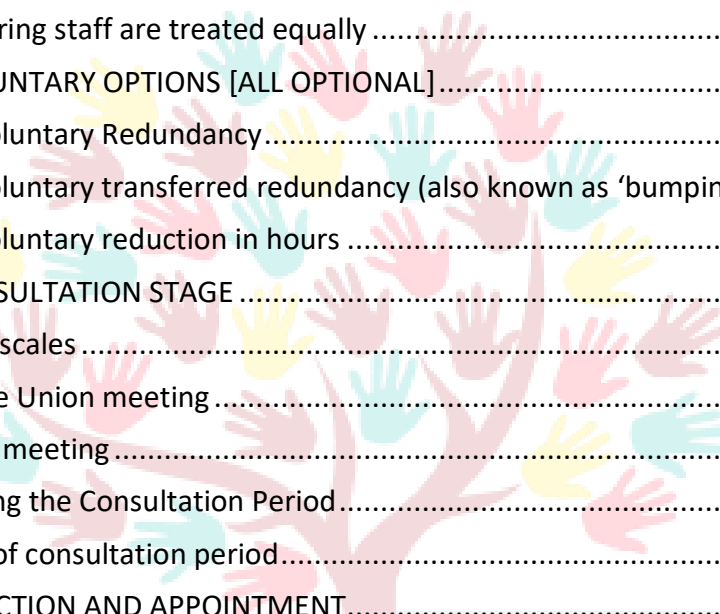
LEARNING
FOR LIFE
TRUST

Redundancy Policy

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Introduction

The Learning for Life Trust recognises that employees are its most important resource and that effective management of those employees will be a major contributor to the delivery and quality of its provision.

The Learning for Life Trust aims, by careful planning, to ensure as far as possible security of employment for its employees. However, it is recognised that there may be changes in business requirements, competitive conditions, organisational requirements etc. that may affect staffing needs.

The Learning for Life Trust will regularly review its staffing structures to ensure that the management and deployment of all staff, and the allocation of responsibilities and duties, is effective and focussed on teaching and learning. The Learning for Life Trust will always try to avoid compulsory redundancies but, on occasions, this may be necessary.

This policy sets out the Trust's position in relation to managing restructure and redundancy situations.

According to the definition in Section 139 of the Employment Rights Act 1996, redundancy arises where an employee is dismissed either:

- (a) the fact that his employer has ceased or intends to cease—
 - (i) to carry on the business for the purposes of which the employee was employed by him, or
 - (ii) to carry on that business in the place where the employee was so employed, or
- (b) the fact that the requirements of that business—
 - (i) for employees to carry out work of a particular kind, or
 - (ii) for employees to carry out work of a particular kind in the place where the employee was employed by the employer, have ceased or diminished or are expected to cease or diminish.

Purpose of this policy

This policy sets out how the Learning for Life Trust will manage:

- staffing restructures
- potential redundancy situations (whether arising from restructure or otherwise)

It will ensure that the Trust:

- adheres to relevant legislation and protocols
- has a consistent and fair approach to the management and funding of restructures and redundancies
- manages the financial risk of any redundancy costs
- seeks, wherever possible, to avoid compulsory redundancies

Scope of the policy

This policy covers all teaching and support staff who are contractually employed on permanent and fixed term contracts by the Trust at the start of consultation, regardless of their length of service.

Business Case for Proposed Changes

Headteachers, in conjunction with Trust leaders, will prepare the business case for sign off by the Trust.

This will include the following information:

- Rationale for changes
- Impact of the changes

- Existing structure and job descriptions
- Proposed structure and job descriptions
- Financial/ business impact
- Proposed method for achieving the change
- Timescales

Preparing the consultation documentation

The Learning for Life Trust recognises the importance and mutual benefit of providing staff and trade unions with as much information as possible about any proposed restructure. The consultation documentation will therefore include, where possible:

- The total number of employees who are employed at the school.
- The total number of posts (and categories) it is proposed to delete.
- The total number of employees affected and/or total number of employees who are at risk of redundancy.
- the draft revised structure
- an explanation of the need for the changes and why they are required (the business case).
- strategies considered and/or implemented to avoid redundancy
- the proposed method of calculating severance payments
- A copy of this policy
- existing and proposed draft job descriptions
- details of the implications for the school budget
- the draft implementation plan, with timescales and an indication when activities will be carried out.
- Proposed selection criteria and the process for appointment to the new structure
- contact details of the person to whom written comments/feedback on the proposed structure or the process should be made
- Details of any pay protection in line with STPCD/MAT policies.

Ensuring staff are treated equally

Before launching the consultation document, the Learning for Life Trust will take into account employment law considerations, such as the treatment of part-time employees, those on fixed-term contracts, expectant mothers and employees on maternity or paternity leave. It will also ensure that staff who are absent from work (e.g. on sickness leave, maternity or paternity leave, secondments etc.) are included in the consultation process.

Employees on fixed-term contracts will not be treated less favourably than employees on permanent contracts. Although a fixed-term contract may be terminated early by reason of redundancy, employees will not be selected for redundancy *as a consequence* of their contractual status. Employees on fixed-term contracts are entitled to a fair dismissal process which includes the right to make representations and appeal against the dismissal, to receive appropriate notice and access to redeployment opportunities.

Under Regulation 10 of the Maternity & Parental Leave etc. Regulations 1999, employees on maternity leave who will not continue to be employed under their existing contract must be offered suitable alternative employment in priority over other employees.

Voluntary Options [all optional]

The Trust will ensure that it explores all possible alternatives prior to opening a redundancy process.

Voluntary Redundancy

The Learning for Life Trust recognises that a voluntary redundancy scheme can mitigate the need for compulsory redundancies. Before considering compulsory redundancy, applications will therefore be invited from members of staff identified as at risk who may be willing to be considered for voluntary redundancy.

Acceptance or not of an employee's application for voluntary redundancy rests entirely at the discretion of the Trust.

Where the option of voluntary redundancy is offered:

- Employees considering voluntary redundancy are entitled to request an estimate of voluntary redundancy payment on a confidential basis.
- Applications for voluntary redundancy are made to the Academy Headteacher within the agreed period for volunteering (which should be a date before the end of the Consultation period). These applications will be discussed with Trust Executive Staff.
- The Headteacher and Trust Executive will consider applications for voluntary redundancy prior to any decision on the posts to be selected for compulsory redundancy.

If the Trust is not able to accept any applications for voluntary redundancy, it will explain the reasons to all volunteers. If there are no suitable volunteers for redundancy and the required reduction in staff cannot be achieved in any other way, the compulsory redundancy procedure will commence and the selection criteria applied to the pool at risk.

Employees who volunteer for redundancy can change their mind and withdraw their application at any time before the date specified in the consultation process.

Voluntary transferred redundancy (also known as 'bumping')

At the discretion of the Learning for Life Trust, employees who are not directly affected may also apply for voluntary redundancy in order that consideration may be given to transferred – or 'bumped' – redundancies. In considering any such applications, due regard will be given to:

- The skills, qualifications and experience of the volunteer and the requirements of that person's role
- Whether any employees in the redundancy pool have the skills, qualifications and/or experience to undertake the duties of the role vacated by the bumped redundancy
- The cost implications of any such arrangement to the school.

Voluntary reduction in hours

The Learning for Life Trust will also consider applications from staff who wish to reduce their hours to mitigate the possibility of redundancy. Please note that staff members wishing to voluntarily reduce their hours are not entitled to redundancy payment in respect of these reduced hours since they are reducing their working time rather than having an element of their post made redundant.

The Academy Headteacher, in conjunction with the Trust Leader, will make the final decision on any applications for reductions in hours.

Consultation Stage

The Learning for Life Trust recognises that consultation, communication and involvement are vital to any change process, whether or not it will involve redundancies. Consultation will be timely and meaningful. The Headteacher /chair of the redundancy committee will consider and respond to any questions, comments or suggestions put forward by employees or union representatives and, if rejecting suggestions, give sound business reasons for doing so.

Timescales

Although there is no minimum statutory consultation period when making less than 20 employees redundant, The Learning for Life Trust will aim to a minimum consultation period of 30 days where possible.

The period of consultation will be in line with the statutory requirements set out in the table below.

Number of employees to be made redundant	Timescale before first redundancy notice is issued
Less than 20 employees	At least 30 days before the first dismissal takes effect
20-99 employees (over a period of 90 days or less)	At least 30 days before the first dismissal takes effect
99+ employees (over a period of 90 days or less)	At least 45 days before the first dismissal takes effect

Trade Union meeting

Collective consultation allows trade unions to play an active part in the process. Where a redundancy/reorganisation situation has been identified, the Trust will, at the earliest opportunity, write to the representatives of all the recognised trade unions to invite them to attend a meeting to discuss the situation.

This meeting will usually be held immediately prior to the first meeting with staff.

Staff meeting

A meeting with all employees potentially affected by the staffing review will take place to initiate the formal consultation process. Recognised Trade union representatives will also be invited and will be able to hold separate, confidential meetings with their members following the staff meeting.

The purpose of the meeting is to:

- start the consultation process
- explain the situation and discuss possible options or alternatives
- explain the process to be followed and associated timescales
- provide appropriate information, including the proposed selection criteria and methods (if available)
- provide details for voluntary redundancy, if applicable.
- listen to any concerns
- answer any immediate questions from members of staff and union representatives
- Outline the support available

During the Consultation Period

During the Consultation Period, the Trust will consult meaningfully with staff and Trade Unions over the proposal. This may include:

- The Headteacher (or other delegated members of Trust/redundancy committee) will offer 1:2:1 meetings with staff affected to discuss individual feedback and options. Employees are entitled to representation at these meetings by either a work colleague or Trade Union representative.
- The Academy/Trust may also hold further group staff meetings during the consultation period in order to gather further feedback and/or answer any queries which have arisen.

End of consultation period

Following consultation, the Headteacher/redundancy committee will present to the Academy Governing Board/Trust Board the draft staffing structure and implementation plan, and the comments received, including, any formal written submissions from the recognised unions or others as a result of the consultation. The Headteacher/redundancy committee will advise of any amendments proposed as a result of the consultation, any proposals not incorporated and the reasons why.

The Trust Board will then seek to approve/amend/sign off the proposals.

Once the proposal has been approved, the Headteacher/redundancy committee will ensure that trade unions and staff are informed. The Headteacher will also advise staff and trade unions of the date on which the implementation plan will commence.

Selection and Appointment

Selection

Employees can be selected for redundancy by:

- Volunteering
- Being selected by application of selection criteria
- The process of recruiting to the new posts/new structure (i.e. where they are not successfully appointed to a post)

Where there is a reduction in a number of posts and compulsory redundancies cannot be avoided, then the method of competitive selection will be via application of the selection criteria, details of which will be fully explained during consultation.

Appointment to the new structure will, in most instances, take place top down (that is, appointing to the most senior posts first). Depending upon changes to the posts in the structure, some posts may be ring-fenced and details will have been provided in the consultation document.

Where posts in the revised structure are not appointed to, for instance in cases where post(s) are declined by employee(s), these posts will be advertised through normal recruitment procedures.

Unless other arrangements have been agreed, the Headteacher will normally inform employees that they have been selected for a post, or potential redundancy, in person, followed up in writing. Employees will be advised at the same time that they are entitled to an appeal hearing. This should be followed up with a formal letter.

Offers of suitable alternative employment

Where an employee indicates that they do not feel that the offer constitutes suitable alternative employment the employee will be required to submit any reasons for refusing an offer of suitable alternative employment in writing. Consideration will then be given as to whether any adjustments to the role can be made to accommodate the concerns raised (e.g. extra training, amendment to duties etc).

Where an offer of suitable alternative employment is declined and no other suitable posts are available, the employee must be given a notice of redundancy.

Employees who unreasonably refuse an offer of suitable alternative employment may lose their entitlement to redundancy pay.

During the notice period suitable alternative employment will continue to be sought for the employee.

Notice Periods

Employees will receive the period of notice to which they are both legally and contractually entitled whether or not they are entitled to a redundancy payment.

Redundancy Payments

An employee who is dismissed by reason of redundancy will be entitled to a redundancy payment providing they have at least two years' continuous service.

In accordance with the Employment Rights Act 1996, when an individual is entitled to a redundancy payment the statutory amount of redundancy pay they receive is calculated on the basis of their age and continuous service at the point of redundancy. These two figures are used to establish how many weeks' salary an individual is entitled to as a redundancy payment.

The dismissal letter issued by the Learning for Life Trust will set out in writing how the redundancy payment was calculated.

In addition, in some circumstances, employees may be entitled to early access to their respective pension scheme (either Teachers' Pensions or the LGPS).

Please note that an employee is not redundant and therefore not entitled to redundancy payment if:

- they secure alternative employment within the same or another local authority, or any other organisation recognised under the Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order 1999, and:
- the offer is made to them before their notice is effective; and
- the new post commences within four weeks of the effective date of dismissal

Appeals Process

Appeal Process

Employees are entitled to appeal their selection for redundancy to the Trust Board. To do so, the employee must lodge their appeal within five working days of receipt of the formal letter set out above, setting out, in writing, the specific grounds for the appeal. These grounds fall within two categories:

- A fair process has not been followed.
- The decision was flawed or disproportionate.

Employees will be given five working days' notice of the date of any such hearing and have the right to be represented by a trade union representative or work colleague. Employees are required to confirm attendance and, where applicable, the name of their representative.

The appeal will be heard by 3 members of the Trust Board in line with the Trusts' Scheme of Delegation.

At the appeal hearing, the Headteacher/chair of redundancy committee will present a statement of case. The statement of case will include reasons for the redundancy, details about the consultation process and an explanation of the selection criteria. This must be given to the employee, together with a copy of the conduct for the appeal hearing (see below), five working days prior to the hearing.

The employee statement of case and any documents to be submitted to the hearing should be received by the Appeal Panel two days before the hearing.

If an employee's appeal is upheld, a further letter will be issued by the Trust retracting the original dismissal.

Where a decision is upheld by the Appeals Panel, it may be necessary for the process to be completely restarted.

If an employee's appeal is not upheld, the decision will be confirmed in writing and the original notice will stand.

Conducting an Appeal Hearing

The purpose of the hearing is to consider appeals from employees who have been selected for redundancy.

- The Chair introduces all parties and outlines the purpose of the meeting.
- The Headteacher/chair of redundancy committee may make a statement concerning the selection of the employee against the criteria.
- The employee or their representative has the opportunity to ask questions of the Headteacher.
- The members of the Appeal Panel may then ask questions of the Headteacher.
- The employee or their representative may make a statement concerning their appropriateness for selection in relation to the agreed criteria.
- The Headteacher has the opportunity to ask questions of the employee and their representative.
- Members of the panel may then ask questions of the employee and their representative.
- The Headteacher, followed by the employee/representative will then have an opportunity to sum up if they so wish.
- The employee/representative and the Headteacher will then withdraw and the Appeal Panel will consider its decision.
- The Chair will announce the decision of the panel

or

- The decision will be confirmed in writing to the employee within five working days and it will be confirmed that there is no further right to appeal.

Confirming posts in a restructure

Once the appeals process has been completed, the new school structure be confirmed to all staff.

Alternative Employment

Support to find suitable alternative employment will be offered to an employee being dismissed on the grounds of redundancy, and this will continue until the date of redundancy. This process will commence as soon as possible once an individual has been notified of their potential redundancy.

Employees who are under notice of redundancy will be entitled to reasonable paid time off to look for alternative employment (e.g. attendance at interviews).

Redeployment

The Learning for Life Trust will take reasonable steps to identify suitable alternative employment opportunities for staff 'at risk' of redundancy (under notice of dismissal) and this will continue up until the last day of employment.

An employee who is redeployed to an alternative role has a statutory right to a trial period of four weeks in the alternative job where the provisions of the new contract differ from the original contract, without losing their entitlement to redundancy.

Where an employee unreasonably refuses offers of suitable employment they may lose all rights to redundancy compensation.

Four Week Trial

Where the employee is redeployed into a new role that differs wholly or on part from the original role, the employee is entitled to a statutory trial period of 4 weeks. If the trial period takes the employee beyond their proposed last date of service, this date will be extended to accommodate the 4-week trial period. This will not affect the entitlement to a redundancy payment should the trial period be unsuccessful.

