



**MULTI
ACADEMY
TRUST**

The Queen Katherine School Multi Academy Trust

REDUNDANCY PROCEDURE

This policy does not form part of any employee's contract of employment and we may amend it from time to time.

Committee	MAT Board
Date of adoption:	October 2020
Date of next review:	October 2022

Document Control Sheet

The information in the table below details earlier versions of this document with a brief description of each review and how to distinguish amendments made since the previous version date (if any)

Version	Amended by	Purpose	Approved by Trustees (date)
I	Tracy Houlden		Oct 2020

Redundancy in Schools Procedure

This procedure complies with current education regulations, employment law and ACAS guidance.

I. INTRODUCTION

- 1.1 The following procedure is designed to conform to the requirements of employment protection legislation, education legislation and good standards of industrial relations practice. Any reference to redundancy throughout this procedure shall be deemed to refer to the statutory definition of redundancy, as amended from time to time.
- 1.2 This document has been consulted on by the Trust and the recognised trade unions representing support and teaching employees in the schools (as listed in Appendix 1) and was adopted by the governing body of each school which shall be regarded as a party to this agreement for all related purposes.
- 1.3 In situations where it is clear from the outset that only one employee will be affected, the Trust will be entitled to condense the processes within this procedure in consultation with the relevant trade union.
- 1.4 It is the policy and intention of the Trust to ensure, as far as practicable, security of employment for employees employed in the schools. However, it is recognised that there may need to be changes in staffing to reflect changing circumstances. It is recognised by the parties to this agreement that where this situation arises within a school, the procedure as laid down in this document should be followed.
- 1.5 The definition of redundancy for the purposes of redundancy payment and unfair dismissal is contained in the Employment Rights Act 1996. By this definition, a dismissal is by reason of redundancy if it is attributable wholly or mainly to the fact that:
 - a) the employer has ceased or intends to cease, to carry on the business for the purposes of which the employee was employed, either generally or at the place where the employee was employed, or
 - b) the requirements of the business for employees to carry out work of a particular kind, either generally or at the place where the employee was employed, have ceased or diminished or are expected to cease or diminish.
- 1.6 A different definition of redundancy is applied in the context of the labour relations requirement to provide information to and consult with representatives of the recognised trade unions. In that context, “dismissal as redundant” is defined as a “dismissal for a reason not related to the individual”
- 1.7 Before any employee is dismissed on grounds of redundancy, the governing body shall ensure that it has received appropriate advice from the Trust’s HR Manager.
- 1.8 The most up to date Education (Modification of Enactments Relating to Employment) Regulations provide that a governing body of a school will be the respondent in law in the event of unfair dismissal and/or unlawful discrimination resulting from the exercise of statutory powers by the governing body. In some cases the Trust may also be a respondent. Awards determined by an Employment Tribunal will be charged against the individual school’s budget.

1.9 The governing body of the school will implement these procedures as appropriate as the relevant body. The flow diagram attached as **Appendix 2** sets out the key stages of this procedure. This should be used as a guide only, not as a substitute for the detailed procedure that follows.

2. MEASURES TO AVOID OR MINIMISE POTENTIAL REDUNDANCIES

2.1 In all cases where there is a possible redundancy, it should be noted that the governing body will seek to avoid (or reduce) such action. Under circumstances in which potential redundancies are envisaged the Headteacher shall consult with accredited representatives of the recognised trade unions and all employees as to whether it is possible to avoid/reduce potential redundancies by means such as: -

- (a) natural wastage;
- (b) a policy of restricted recruitment under which every reasonable attempt will be made to fill vacancies from amongst existing employees/ deletion of vacancies;
- (c) where practicable, provide appropriate training to equip employees for new duties/ areas of responsibility;
- (d) review as appropriate the non-renewal of employees on temporary contracts;
- (e) make reductions in working time where contracts of employment allow;
- (f) seek volunteers for reduced hours/weeks working on a fixed term or permanent basis;
- (g) invite applications for voluntary redeployment;
- (h) employees should be assured that expressing an interest in voluntary redeployment cannot in itself be used to subsequently select them for compulsory redundancy.

2.2 The Headteacher shall ensure that all employees, **including any who are absent from school**, are consulted on these issues and given appropriate time to respond.

2.3 In view of the potentially lengthy processes involved in terms of consultation and potential redeployment, governing bodies are asked to identify potential surplus staffing as far in advance as practicable and to take active steps as given above to avoid the necessity for redundancy.

3. COMPULSORY REDUNDANCY PROPOSALS

3.1 Where following consideration of the above measures it appears that compulsory redundancy cannot be avoided, the governing body shall make a formal redundancy proposal. Discussions shall focus on the school's staffing needs and the governing body shall not at this stage discuss or make reference to any individual employees.

3.2 If employees are to be selected for dismissal from a larger group or 'pool' of equivalent employees, those to be dismissed will be identified by the application of selection criteria. At an early stage in any compulsory redundancy process, the representatives of relevant recognised trade unions will be consulted about the selection criteria to be used.

4. ALLOCATION OF FUNCTIONS

4.1 The process of consultations, determination and application of selection criteria, where applicable, and hearing of representations shall be undertaken by the Headteacher supported by the Trust HR Manager.

4.2 An Appeals Committee of the governing body shall be established to hear any appeal(s) which may be lodged against redundancy dismissal. The Appeals Committee shall consist of at least three governors who have not been involved in any previous action or decision connected with the

dismissal. Where there are not enough such governors available, the appeal may be heard by two governors.

5. COLLECTIVE CONSULTATION PROCESSES

5.1 Where a governing body is proposing to dismiss as redundant 20 or more employees at one establishment within a period of 90 days or less formal consultation shall be undertaken with representatives of the recognised trade union who represent the employees who may be affected. This consultation is additional to the consultation about ways to avoid or minimise redundancies given at paragraph 2.1.

This collective consultation will begin in good time and in any event: -

- **at least 45 days before the first dismissal takes effect if 100 or more redundancies are proposed, and**
- **at least 30 days before the first dismissal takes effect if between 20 and 99 redundancies are proposed.**

There is no legal minimum consultation period for under 20 redundancies, however the school shall endeavour to allow an appropriate amount of time for meaningful consultation to take place.

5.2 The following information shall be disclosed in writing: -

- (a) the reasons why potential redundancies are proposed;
- (b) the numbers and descriptions of employees who it is proposed to dismiss as redundant;
- (c) the total number of employees of any such description employed in the school;
- (d) the proposed method of selection, if appropriate;
- (e) the proposed method of carrying out the dismissals including the period over which the dismissals are to take effect;
- (f) the method of calculating redundancy payments;
- (g) the number of agency workers working temporarily for and under the supervision and direction of the school;
- (h) the parts of the school undertaking in which those agency workers are working;
- (i) the type of work those agency workers are carrying out.

5.3 Appendix 3 contains additional information that, as a matter of best practice, it may be helpful to provide, in appropriate cases, as part of the consultation process.

5.4 The Headteacher shall meet with the representatives of the recognised trade unions. The meeting should be convened at the earliest practicable opportunity to consider the proposed redundancies. The consultation meeting shall consider ways of: -

- (a) avoiding the dismissals;
- (b) reducing the numbers to be dismissed; and
- (c) mitigating the consequences of the dismissals

and shall be undertaken with a view to reaching agreement with the recognised trade union representatives. **Failure to consult could lead to a claim for compensation known as a protective award.**

5.5 Following these consultations, the Headteacher shall convey formally the outcome of the consultation to the trade unions, in writing, and give reasons where any alternative proposals have been rejected by management. The Headteacher will ensure the governing body is advised of the outcome of the collective consultation exercise.

6. INDIVIDUAL CONSULTATION PROCESS

6.1 Where the outcome of the collective consultation exercise has not identified means by which redundancy of employees could be avoided, the Headteacher shall arrange for consultation to then take place with individual employees (and if they wish, accompanied by a trade union representative or colleague employed at the school) within the group of employees from which redundancy selection will be made. Each employee shall receive a copy of this procedure. Reasonable time shall be allowed to enable individual employees to consider their position and/or consult with a trade union representative or colleague. Such consultation shall serve to clarify:

- (a) the reason(s) for the redundancy proposal;
- (b) the timescale involved;
- (c) the proposed method of selection (including an explanation of how the selection criteria will be applied and the provision of a copy of the proposed selection criteria and score sheet);
- (d) the employee's personal aspirations;
- (e) any particular personal circumstances;

all of which shall then be taken into account **before making the selection.** The headteacher shall ensure that all relevant employees, including any who are absent from school are consulted.

6.2 All points made by the employees and/or their representatives shall be considered and reasons given in writing if any point is rejected.

6.3 In situations where it is clear that only a 'pool of one' exists, this consultation process may be combined with the Employee Representation Meeting.

7. SELECTION FOR REDUNDANCY

7.1 In situations where there is clearly a 'pool' of only one employee, being the post holder of the role proposed for redundancy, paragraphs 7.1 to 7.5 will not apply.

7.2 Criteria used shall be: -

- (a) objective (measurable), clear and precisely defined;
- (b) easily understood by all;
- (c) applied fairly and honestly;
- (d) non-discriminatory on any unlawful grounds.

7.3 Selection criteria, including score sheets and confirmation of how the criteria will be applied, shall be published to all employees within the group from which selection will take place and also forwarded to the recognised trade unions.

7.4 Employees shall then be given the opportunity **before selection takes place** to provide written details of how their own particular circumstances relate to the selection criteria. The Headteacher shall utilise this information in applying the criteria to identify the individual(s) whose posts are to be proposed for redundancy.

7.5 Following the application of the selection criteria, employees whose posts are proposed for redundancy shall, at the earliest opportunity, be so informed by the Headteacher. Written invitations shall then be given to the employees concerned to attend an Employee Representation Meeting with the Headteacher.

8. EMPLOYEE REPRESENTATION MEETINGS

8.1 The employee shall be given not less than five working days' notice in writing of the date, time and place of the meeting and shall be given the opportunity to be accompanied at the meeting by a trade union representative or colleague employed at the school. The employee shall be informed in writing of the circumstances which have led to his/her proposed dismissal including the reason for redundancy, the selection criteria, his/her detailed scores and the anonymised total scores of all other employees in the relevant group and shall be issued in advance with an outline structure for the meeting as set out in **Appendix 4** of this procedure.

8.2 The employee or their trade union representative or work colleague employed at the school [NB The statutory right to be represented is limited to a TU official or work colleague] shall have the opportunity of making representations including (if so wished) written representation to the Headteacher. The Headteacher shall have regard to such representations before reaching a decision. The Trust's HR Manager will normally attend to advise on the proceedings and will always attend when a possible outcome of the hearing could be dismissal. Any advice given by the HR Manager must be considered before any decision regarding the matter is taken. The Headteacher may adjourn to reach a decision. This decision may be given verbally to the employee at the end of the meeting (in which case it will be confirmed in writing within 5 working days) or may be sent to the employee in writing within 5 working days. Where appropriate, such notification will inform the employee that (s)he has a right to appeal against the decision and that any appeal must be sent, in writing, to the Trust HR Manager. If known, the notification will also include the details of the time, date, venue and arrangements of any appeal hearing.

8.3 If the decision is that the employee is dismissed because of redundancy, the written notification or confirmation of that decision will give formal notice of the termination of the employee's contract of employment, being the greater of the contractual or statutory notice to which the employee is entitled. If appropriate, the school may grant garden leave, rather than requiring the employee to work all or part of the period of the notice period.

9. APPEAL HEARINGS

9.1 If the decision of the Headteacher is to confirm the redundancy proposal, the employee shall be given the right to appeal against the decision that (s)he should be dismissed to a panel of governors (the Appeals Committee). Appeals shall be lodged by the employee in writing, giving reasons for the appeal, to the Clerk to Governors of the school within 10 working days the date of the letter informing the employee of the dismissal decision.

9.2 The employee shall be given not less than five working days' notice in writing of the date, time and place of the Hearing and shall be given the opportunity to be accompanied at the Hearing by a trade union representative or colleague employed at the school. The employee shall again be issued in advance with an outline structure for the meeting as set out in **Appendix 4** of this procedure. The employee or their trade union representative or work colleague employed at the academy shall have the opportunity of making representations including (if so wished) written representation to the Appeals Committee.

9.3 The structure of the meeting, will normally take the form of a full rehearing, in which case it will be in accordance with Appendix 4 of this Procedure. If, however, the grounds of appeal are limited to one or more discrete points, only those points will be examined at the appeal meeting.

The function of the Appeals Committee is: -

- to ratify the dismissal, or
- to overturn the decision to dismiss and allow the appeal.

When the appeal process has been completed, the employee shall be notified of the decision: this notification shall be given or confirmed in writing within 5 working days.

9.4 If the initial dismissal decision is confirmed, there shall be no further right of appeal. If the decision is to allow the appeal, the termination of the employment contract, issued by the school after the original dismissal decision shall be rescinded.

10. ADDITIONAL SUPPORT TO EMPLOYEES

Employees under notice of termination of employment on the grounds of compulsory redundancy shall be entitled to: -

- (a) Any relevant provisions for voluntary redeployment or voluntary severance declared by the Trust at that time.
- (b) Information and advice about future employment possibilities.
- (c) Access to any redeployment arrangements maintained by the Trust.
- (d) Information about the calculation of severance or statutory redundancy pay.
- (e) Reasonable leave of absence without loss of pay to attend interviews or arrange for training connected with future employment.
- (f) Release from their existing contracts where possible to take up alternative employment with the waiving of minimum notice periods by agreement.
- (g) Efforts to find suitable alternative employment within the school/Trust

If, following the issue of dismissal notices, the governors are able to find appropriate ways of avoiding the redundancies, such measures shall be adopted and any employee who has been dismissed will be offered continued employment.

Trade Union Contacts

The Trust's HR Manager will maintain an up to date contacts list for the County Secretaries of the following Trade Unions and Professional Associations:

ASCL

NEU

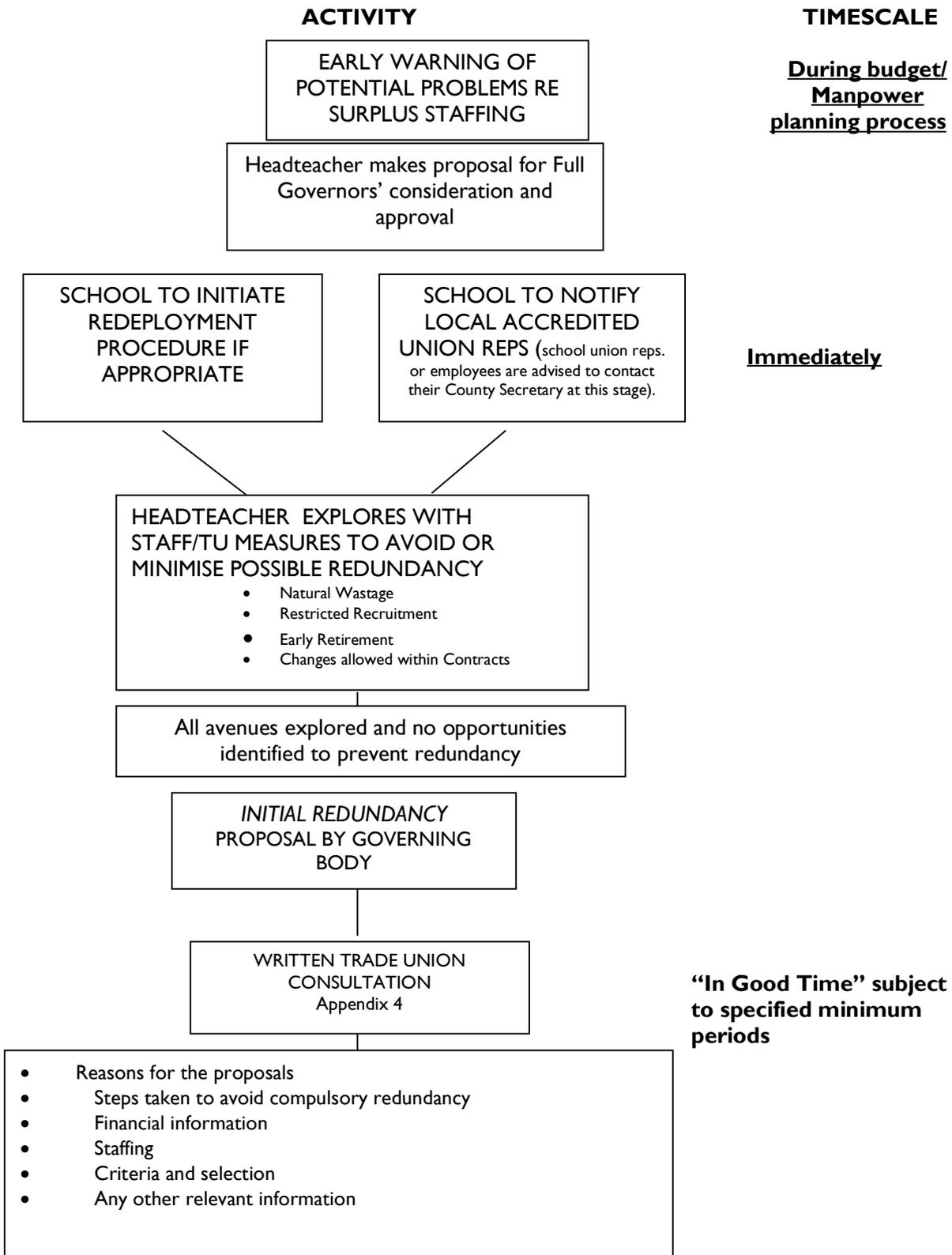
GMB

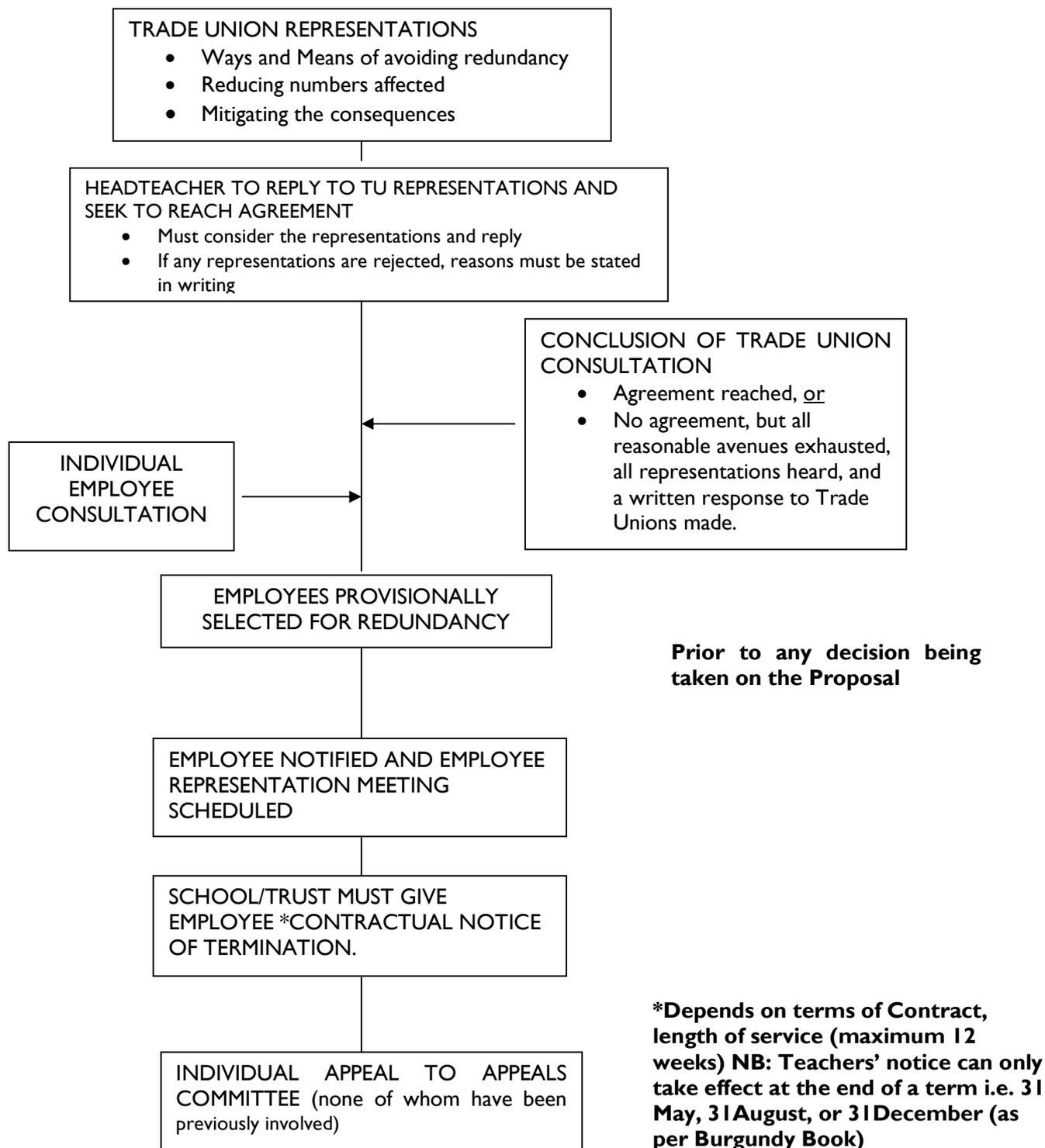
NASUWT

NAHT

UNISON

FLOW DIAGRAM RELATING TO REDUNDANCY IN SCHOOL





Consultation about Proposed Redundancies

As best practice, it may be helpful in appropriate cases to provide, as part of the consultation process, the additional information listed below:

To avoid compulsory redundancy

1. The steps the governors have taken to reduce spending in other areas to avoid the necessity for teacher redundancy.
2. Whether there is any likelihood of a response to any offer of early retirement, voluntary severance, stepping down, job sharing, or a voluntary reduction in hours.
3. Whether any fixed term contracts are being renewed.

Financial Information

1. Current budget statement.
2. Budget statement to show breakdown of income and expenditure for current year and next
3. Number of students on roll – last year, current year (current year 7) and projected roll for next year broken down by year group.
4. School Development Plan including Business Plan

Staffing

1. A list of all employees within the proposed redundancy group, length of service, pay group*, status of contract and FTE.
2. Current staffing plan and date approved.
3. Current, previous and proposed curriculum plan

*Main scale, Threshold, AST or Leadership

Criteria and Selection

1. A copy of any skills pro-forma issued to employees.
2. Full details of exact criteria for selection together with any priorities and weightings to be applied.
3. An explanation of the scoring which will be applied to any selection criteria, along with a copy of the selection criteria and score sheet.
4. Timetable (including dates) for the redundancy process.

Any other information that you feel has a bearing on this situation.

OUTLINE STRUCTURE FOR EMPLOYEE REPRESENTATION/APEAL MEETINGS

1. Introductions. Both sides may request an adjournment that will be considered by the Chair.
2. Purpose of Meeting - to determine outcome of redundancy proposal; or
- to hear an appeal against a decision to make the employee's post redundant.
3. Submission by the Presenter on behalf of the school:
 - (a) Reason for Proposal or Decision
 - (b) Method of Selection for Redundancy
 - (c) Proposed date of implementation
4. Questions on the Submission may be asked by:
 - (i) the Employee
 - (ii) the Employee's Representative
 - (iii) the Headteacher or Committee
 - (iv) the Trust's HR Manager
5. Representations by (or on behalf of) the Employee:

May be made orally and/or in writing
6. Questions on the Employee's representations may be asked by:
 - (i) the Presenter
 - (ii) the Headteacher or Committee
 - (iii) the Trust's HR Manager
7. Presenter
 - (i) to have a right of reply to the Employee's representations
 - (ii) may make a closing statement- but may not introduce any new matter.
8. Employee or his/her Representative

May make a closing statement but may not introduce any new matter.

Decision to be determined in conjunction with advice from the Trust's HR Manager. Normally to be communicated to the Employee immediately and confirmed in writing within 5 working days. Where the decision has the effect of determining the outcome of an initial redundancy proposal, communication of the outcome must include notification of Appeal provisions.