

# Redundancy Policy

Audience:	REAch2 Staff Local Governing Bodies Cluster Boards Trustees
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Policy owner:	Sue Northend, Director of HR
Review:	Every 2 years

At REAch2, our actions and our intentions as school leaders are guided by our Touchstones.



*Policy Overview*..... 4

*Policy In Detail* ..... 4

    Roles and Responsibilities..... 4

    When to use this Policy ..... 5

    Avoiding compulsory redundancies ..... 5

    Early retirement/voluntary redundancy..... 5

    Communication and Consultation..... 5

    Selection for redundancy ..... 7

    Communicating compulsory redundancies ..... 8

    Redundancy payments ..... 9

    Appeal..... 10

*Policy Review* ..... 10

## Policy Overview

### Overarching Principles

Change occurs within an organisation from time to time which may lead to restructures, changes to job roles, redeployment and/or redundancies. This policy sets out the Trust's approach to handling potential redundancies. The policy does not form part of any employee's contract of employment and may be amended at any time.

### Intended impact

This policy provides guidance to managers and employees through any change which may lead to redundancies to ensure that:

- We take reasonable steps to ensure the avoidance of redundancies where possible;
- Our approach to redeployment and redundancy reflects good practice and legislation;
- If a reduction in staffing is required, we will minimise the need for redundancies;
- Proposals for change allow time for clear and timely communication, meaningful consultation and a fair approach for anyone affected;
- Proposals do not discriminate against anyone on the grounds of any protected characteristic or against part-time or fixed-term employees
- Employees are represented and their views considered before proposals are implemented;
- Employees affected by potential compulsory redundancy, are offered support; and
- Everyone engaging with this policy is treated with respect, honesty and sensitivity.

## Policy In Detail

### Roles and Responsibilities

The role and responsibilities of line managers, supported by HR, in operating this policy are to:

- Describe effectively the nature of the work and any roles affected by proposed change
- Consider options to mitigate the need for compulsory redundancies
- Ensure that any change is managed fairly in line with employment and equalities legislation
- Communicate and consult with employees and their trade union representatives
- Undertake a fair assessment and selection process for redundancy
- Resolve issues promptly and constructively.

The Human Resources Team will

- Support the development of any plans for change
- Apply relevant employment law guidance and advice throughout the process
- Coordinate consultation and communication jointly with managers
- Support individual and collective consultation
- Oversee the provision of redundancy calculations
- Provide support to keep the process to planned timescales.

The role and responsibilities of employees are to:

- Engage in the consultation process
- Ask questions to ensure they fully understand the proposals and personal implications
- Consider suitable alternative employment opportunities available
- Take advantage of the redeployment support provided.

### **When to use this Policy**

Redundancy is a type of dismissal and applies when a role is no longer needed. We will only consider making redundancies if part, or all, of the organisation is:

- closing, or has already closed
- changing the types or number of roles needed to do certain work
- changing location.

If an employee is dismissed for another reason, for example due to performance or conduct, it's not redundancy.

### **Avoiding compulsory redundancies**

We will look at options to avoid the need for compulsory redundancies, which may include:

- changing working hours;
- offering voluntary redundancy;
- moving employees into different roles;
- reviewing the use of agency staff, self-employed contractors, and consultants;
- reducing overtime and additional hours;
- job-sharing and other flexible working arrangements;
- restricting recruitment or a vacancy freeze; and/or
- redeployment.

### **Early retirement/voluntary redundancy**

The Trust may consider options for early retirement or voluntary redundancy to reduce, or eliminate, the need for compulsory redundancies. In every case, the decision to offer early retirement or voluntary redundancy is at the discretion of the Trust.

Any measures adopted must not adversely affect the business of the Trust and its ability to meet the educational needs of its pupils.

## **Communication and Consultation**

### **Communicating a proposal**

By law, REAch2 will hold collective consultation where all of the following apply:

- We are planning 20 or more redundancies
- the redundancies are in one establishment – not necessarily in the organisation as a whole
- we plan to make the redundancies within 90 days.

We will also consult with employees individually, and with employees who may be affected by the proposals but not at risk of redundancy themselves, and with recognised trade union representatives.

<b>Number of proposed redundancies</b>	<b>When notification to RPS must be given</b>
20-99	30 working days before the first redundancy
100 or more	45 working days before the first redundancy

### **Consultation**

Formal consultation starts when a proposal has been provided in writing to anyone affected by it. For consultation to be meaningful, the proposal will include:

- the nature of the proposed changes and the reasons for them
- the likely impact of the proposed changes
- details of any proposed changes to job descriptions / roles of individuals
- details of any potential redundancies
- the number and groups of employees affected
- proposed methods of selecting the employees who may be dismissed
- a proposed timetable for the introduction of the changes, for consultation and when dismissals are proposed to take effect
- how redundancy payments will be calculated
- any relevant financial information including current and future financial projections
- how employees can respond to the consultation..

The line manager, or a senior manager leading the changes, will arrange an individual meeting with anyone affected and provide notification in writing.

The meeting can take place on a phone or video call. After the first meeting, we will determine the best way to continue talking to make sure we can respond to suggestions or requests. Reasonable adjustments will be made for any employees not at work and unable to attend a meeting in person.

We will abide by statutory periods for consultation:

Number of proposed redundancies	Minimum consultation period
20-99	30 working days
100 or more	45 working days

Where statutory requirements do not apply, we will ensure a reasonable consultation period based on the proposals.

Consultation is a chance for us to discuss the proposals and why roles are at risk of redundancy. We will encourage employees to ask questions and make suggestions on how redundancies can be reduced or avoided altogether.

If minor changes within an employee's job description are proposed, then effective communication and consultation will take place with the employee affected only.

### **Selection for redundancy**

#### **Selection from a 'pool' or individuals at risk of redundancy**

We may group together similar roles in a 'pool' to make sure that selection for redundancy is carried out in a fair way. Any criteria used for selection will be objective, transparent, non-discriminatory, fair, and based on the skills required to meet our existing and anticipated needs.

### **Salary protection**

Employees at risk of redundancy who are successful in obtaining employment within the Trust as the result of a restructure or redundancy selection exercise, shall have their salary protected as follows:

- A member of staff who has been redeployed to a post with a lower salary will be entitled to a period of salary protection at the rate of pay that the person was on at the time of their redeployment, or one grade above the substantive grade for the role to which the employee is redeployed (whichever is the lower)
- This rate of pay will be frozen at this level for two years from the date of redeployment. There will be no incremental increases, however national pay awards will be applied to pay scales in the normal way.
- At the end of the period of pay protection, the rate of pay will become that for the post being filled. The employee's salary will move to the pay scale at the top of the band if their previous salary is higher.
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Where a member of staff has rights to a safeguarded salary under protected contractual obligations, eg STPCD or TUPE, these will apply.

### **Suitable Alternative Employment**

We will make all reasonable efforts to identify another role (suitable alternative employment) for employees at risk of redundancy. We will consider the status, skills, experience, remuneration and location of affected employees when determining the suitability of any alternative employment.

An alternative role should start within 4 weeks of the current role ending. If not, an employee will still qualify as redundant and get redundancy pay.

All permanent vacancies will be advertised on the REAch2 website and employees at risk of redundancy will be given prior consideration for roles for which they have the appropriate qualifications, skills, knowledge, and/or experience. Vacancies will not be advertised externally until applicants, who are at risk of redundancy at the same location as the vacancy, have been considered. If there are no suitable candidates from employees at risk then the search may be widened to include employees who are not at risk and external candidates.

Offers of suitable alternative employment will be made in writing and require formal acceptance.

### **Trial Periods**

Staff who are redeployed into a post which differs from their previous post in respect of capacity, the place in which the employee was employed and the other terms and conditions of their employment differ wholly or in part, shall be entitled to a trial period of four weeks in their new role. Any trial period in a new role shall start only after any notice period and when the existing contract has ended.

If it is agreed during the trial period that the new role is not suitable, the employee will be eligible to receive a redundancy payment. If the manager determines that the trial period was unsuccessful, they will tell the employee the reasons for coming to this decision and confirm them in writing, in which case the employee will be dismissed for redundancy.

The trial period will not count towards the employee's period of notice if the trial is not successful.

The trial period may be extended for the purpose of further training and with the agreement of both parties up to a maximum of three calendar months.

An employee who unreasonably refuses an offer of suitable alternative employment may forfeit their right to receive a redundancy payment.

### **Communicating compulsory redundancies**

#### **Confirmation**

Where redundancies are compulsory, we will inform those affected and provide them with the following information in writing:

- the length of their notice period
- the date their notice period starts
- their last working day
- if they can leave before the end of their notice period
- if they need to take any unused holiday before they leave
- any redundancy payments and how these have been calculated
- how to appeal the decision.

#### **Notice periods**

Employees are usually required to work until the end of their notice period. Where this is not the case REAch2 will pay in lieu of notice (PILON).

#### **Counter Notice**

An employee who is given formal notice of redundancy may, if they wish, give 'counter notice' – that is notification of their intention to leave prior to their contractual end date – or request a shorter notice period. Such requests will be considered and, if accepted, will be without prejudice to the employee's right to receive a redundancy payment and the payment will be recalculated based on the revised leaving date.



## **Support and time off work**

We offer the following support to employees at risk of redundancy:

- Individual CV review
- Support to seek employment elsewhere
- Interview skills training / practice
- Access to Employee Assistance Programme.

Staff who are under formal notice of redundancy may have reasonable time off work, with pay, to attend external job interviews, subject to proof provided of the interview scheduled. This right does not apply to employees where redundancy has not been confirmed but requests for time off from 'at risk' staff will be considered.

## **Relocation**

Relocation support may be available to employees who are at risk of redundancy if they apply for, and are successful, a permanent role within the Trust which involves moving to a new location beyond reasonable commuting distance, by way of an alternative to redundancy. Relocation will be considered on a case-by-case basis.

## **Redundancy payments**

### **Entitlement to a redundancy payment**

Employees who are made redundant following two or more years' continuous service with the Trust at the date of dismissal, will be eligible for a redundancy payment. The period of continuous service will be calculated with reference to the Employment Rights Act and any continuous service recognised under the Redundancy Modification Order.

A redundancy payment will not apply where new employment is taken up with an employer under the Redundancy Payments (Continuity of Employment in Local Government etc. (Modification) Order 1999, within four weeks of the date of termination. This includes all Academies, Foundation Schools and Local Authorities.

### **Calculating a redundancy payment**

A redundancy payment will be calculated in accordance with the statutory redundancy pay provision. Redundancy pay is based on weekly pay before tax (gross pay); the number of complete years worked for REAch2 ('continuous employment') and age.

'Weekly pay,' for the purposes of calculating redundancy will be based on actual weekly earnings (the average you earned per week over the 12 weeks before the day you got your redundancy notice), and to a maximum service limit of 20 years. Up to £30,000 of redundancy pay is tax free.

The number of weeks' redundancy pay will be calculated as follows:

#### **For those aged 17 to 21**

REAch2 will pay:                      half a weeks' pay for each full year worked.

#### **For those aged 22 to 40**

REAch2 will pay:                      1 weeks' pay for each full year worked from age 22

half a week's pay for each full year worked before that

#### **For those aged 41 or over**

REAch2 will pay:                      1.5 weeks' pay for each full year worked from age 41  
   1 week's pay for each full year worked between ages 22 and 40  
   half a week's pay for each year worked between ages 17 and 21.

When working out redundancy pay, REAch2 will calculate any pay in lieu of notice based on the date employment would have ended if an employee had worked all of their statutory notice period.

An employee may not be eligible for statutory redundancy pay if they have been offered a suitable alternative job and they turn it down.

#### **Payment date**

Any redundancy payment due will normally be paid on the next available payroll date following the last date of employment. Payment dates will be confirmed to employees in the letter confirming their redundancy.

#### **Appeal**

Any employee who has given written notice of dismissal on the grounds of redundancy may appeal against the decision.

The appeal should be submitted in writing to the line manager within five working days of the written confirmation of the redundancy notice and the grounds of appeal clearly stated. The appeal must be lodged prior to the termination of employment on the grounds of redundancy.

The appeal will be considered by three directors, forming an Appeal Committee, at an appeal meeting and within ten working days. The employee will be given five working days' notice of the appeal meeting, at which they may be accompanied by a workplace colleague or trade union representative and should make every effort to attend.

The lodging of an appeal should not delay the application of any changes. If an appeal is heard after a change has taken place, this will not prejudice the rights of the employee making the appeal and will not be a reason for not upholding the appeal. Every effort will be made to ensure that the employee receives a response within ten working days.

The decision will be final with no further right of appeal.

## **Policy Review**

The Redundancy Policy will be reviewed **every 2 years** or sooner to reflect legislative changes.

Any changes made to this policy will be communicated to all relevant stakeholders.