

# The Auriga Academy Trust

## Redundancy Policy

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Please note that all Trust policies are reviewed annually. Should you have any queries regards this policy, note an omission or wish to propose an amendment, please email [sconnor@strathmore.org.uk](mailto:sconnor@strathmore.org.uk).

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## **1. Scope**

This policy applies to all employees employed by The Auriga Academy Trust. However, redundancy payments will only apply to those employees who have more than 2 years' continuous service at the date of termination of employment.

The recognised trade unions have been consulted.

## **2. Purpose**

The purpose of this policy is to ensure there is a structured process in place for dealing with employment matters and supporting employees during periods of change where the deletion of posts and staff redundancies may be involved.

## **3. General Principles**

The Trust will aim, through an on-going process of planning and review of future staffing requirements, to avoid or minimise the risk of compulsory redundancies.

If redundancies appear necessary, the school will consult with affected staff and trade union representatives and take appropriate steps to keep the number of redundancies to a minimum, whilst taking into account the future needs of the school.

The Trust will seek to ensure that the redundancy process is conducted with fairness, consideration and confidentiality.

An employee selected for redundancy will have the right to appeal if they feel the selection criteria was unfair and/or the method of applying the selection criteria was unfair.

The school will consider redeployment to avoid compulsory redundancies.

## **4. What is redundancy?**

A redundancy arises where:

- The employer has ceased, or intends to cease, to carry on the business for the purposes of which the employee was so employed; or
- The employer has ceased, or intends to cease, to carry on the business in the place where the employee was so employed; or
- The requirements of the business for employees to carry out work of a particular kind has ceased or diminished or are expected to cease or diminish; or
- The requirements of the business for the employees to carry out work of a particular kind, in the place where they were so employed, has ceased or diminished or are expected to cease or diminish.

An employee who is dismissed shall be taken to be dismissed by reason of redundancy if the dismissal is wholly or mainly attributable to the factors stated above.

## **5. Measures to avoid or minimise redundancy**

Early identification of the potential need to reduce staffing numbers is essential and can be achieved through forward planning. Projections of future pupil numbers, curriculum needs and financial resources will assist the school in this task. Likewise, projections of staff losses through retirement, promotion and resignations will give some indication of the potential mismatch between present and future resources.

Careful consideration should be given before any decision is taken to fill vacant posts or establish new ones. Strategies including awarding additional hours, issuing temporary or specific purpose employment contracts should be adopted if there is any doubt at continuing needs or if there are likely to be budget pressures.

## **6. Roles and Responsibilities**

### **6.1 Role of the Headteacher**

The Headteacher would report to the Trust and Local Governing Body on all matters relating to potential redundancies and would have the right to attend all meetings for the purpose of offering advice. It should be noted that the Headteacher would not be acting as a Governor.

### **6.2 Role of the Selection Committee**

The Selection Committee, consisting of 2 Trustee and 1 local governors who are not staff governors and, ideally, not parent governors, would be charged with considering proposals for redundancy and subsequently has the responsibility for provisionally selecting/nominating employees for potential redundancy.

No other members of the Governing Body should be aware of details of the proposals: the Selection Committee should not include Trustees or governors who have had prior involvement, who may have an interest or who may find personal conflict in any decisions taken.

### **6.3 Role of the Appeal Committee**

The Appeal Committee should consist of 2 Trustee and 1 local governors who are not staff governors and, ideally, not parent governors, who have not been involved in any previous action or decision connected with the dismissals. The Appeal Committee will be responsible for considering appeals from staff who have been dismissed by reason of redundancy.

## **7. Consultation**

Employers are required to consult with the 'appropriate representatives' of any of the employees who may be affected (directly or indirectly) by the proposed dismissals or by any measures taken in connection with those dismissals. The consultation should include ways of avoiding the dismissals, reducing the number of employees to be dismissed, and mitigating the effects of dismissals. This duty applies even in cases of voluntary redundancies.

Where the Trust concludes that it is necessary to consider redundancies it will agree the proposal for consultation with staff, the recognised trade unions or employees' elected representatives of the affected staff. At this stage, no named individuals should be identified as potentially redundant. If a unique post has been provisionally identified however, it will be self-evident that a specific individual is potentially at risk of redundancy. This may also be the case where the group of staff affected may be relatively small.

Consultation should begin in good time and complete the process before any redundancy notices are issued. This should take account of the appropriate contractual notice requirements to be met.

Specifically for teachers, consideration will need to be given to the fact that they need to be given notice in accordance with Conditions of Service for School Teachers.

There is no statutory set period for consultation laid down where the redundancies involve fewer than 20 employees. In these cases the school should consider a period of time considered reasonable to allow for meaningful consultation with staff and their representatives.

In cases of a collective redundancy situation, where 20 or more redundancies are proposed, the statutory timetable for collective consultation should be regarded as a minimum and is as follows:

Number of Employees to be dismissed at an establishment over a 90 day period	Consultation must begin at least:
20 – 99	30 days before the first dismissal takes effect
100+	45 days before the first dismissal takes effect

It is also necessary to notify the [Redundancy Payments Service \(RPS\)](#) (who act on behalf of the Secretary of State for Business, Innovation and Skills) of a proposal to dismiss 20 or more employees as redundant at one establishment within a period of 90 days or less.

### **7.1 Consultation with Trade Unions/Elected Employee Representatives**

Employers must disclose, in writing, to the appropriate representatives the following information concerning proposals for redundancies so that they can play a constructive part in the consultation process:

- The reasons for the proposals
- The numbers and descriptions of employees it is proposed to dismiss as redundant
- The total number of employees of any such description employed at the establishment
- The way in which the employees will be selected for redundancy
- How the dismissals are to be carried out, taking account of any agreed procedure, including the period over which the dismissals are to take effect.
- The method of calculating the amount of redundancy payments to be made to those who are dismissed.

In addition, it is recommended that the following be also included where the redundancies are as a result of financial pressures or decline in pupil intake e.g. diminishing service:

- Appropriate budget information (current and projected) and likely shortfalls etc. where the reasons for the redundancies is due to financial reasons
- Curricular provision
- Pupil number trends and projections

so that all those involved can have a clear picture of the existing and proposed staffing arrangements. It is recommended that the existing and proposed staffing structure charts are included.

When this information is given to the trade unions/elected employee representatives, will be determined by any local arrangements. The information may be given at the consultation meeting with employees (7.2 below) or prior to the consultation meeting. However, where the elected employee representatives are from the selection pool (Section 8), they should not receive the information prior to the consultation meeting with other affected staff.

### **7.2 Consultation with employees**

The obligation for employers to consult also covers consulting with employees who are affected. The Headteacher should arrange to hold a meeting with the affected employees to provide them with the details of the proposal and give them the relevant documentation. The information provided to employees will be the same as that given to the trade unions/elected employee representatives.

The consultation meeting with the affected employees will signify the start of the period of formal consultation.

Employees who are absent from work due to, for example, maternity leave or long-term sickness absence, will need to be included in the consultation process.

The trade unions/elected employee representatives should also be invited to this meeting. The period of notice given to the trade unions/elected employee representatives by the school of the meeting will be determined by local arrangements, but it should be no less than a calendar week.

### **7.3 At risk of redundancy notification**

The information given to employees at risk of redundancy should be accompanied by 'at risk of redundancy' letter at Appendix 5.

## **8. Selection Pool**

Employees will be potentially redundant if they are in the defined selection pool:

- Where a unique post with specific duties is deleted, the employee occupying that post would be identified as potentially redundant.
- Where numbers of staff employed in a generic post are reduced, all the employees in the generic post would be identified as potentially redundant.

## **9. Selection Criteria**

As far as possible, objective criteria, precisely defined and capable of being applied in an independent way should be used when determining which employees are to be selected for redundancy. The purpose of having objective criteria is to ensure that employees are not unfairly selected for redundancy. Care should be taken to ensure that the selection criteria are not directly or indirectly discriminatory under the Equality Act.

The following are examples of selection criteria which may be adopted although this list is not meant to be exhaustive. Normally one criterion would be applied although in some cases a second criterion may be necessary; for example, if there are more than the required numbers of staff in posts under proposal for deletion who meet the set criteria.

### **9.1 Skills and experience**

The needs of the school are the paramount selection criteria. Selection would be made on the basis of the needs of the school, the overriding principle being the maintenance of the school's curricular and pastoral needs. The needs of the school will have been identified through the process of forward planning and review outlined in Section 5 and will have been informed by the school's continuing development planning, the requirements of the National Curriculum and staffing and budgetary projections.

Selection would be determined by the fact that the requirements of the school for staff working with particular age groups, curriculum areas or for particular categories of pupils has diminished, ceased or are expected to do so.

At the same time, consideration will need to be given to projected needs of the school. Some staff identified as being at risk of redundancy may be able to offer skills or experience relevant to the school's future needs. It will then be necessary to carry out an assessment to determine whose skills and experience meet those needs and to what extent reasonable training and support might be available to enable those needs to be met. To assist this process, employees should be asked to complete the appropriate Staff Profile Form given at Appendices 2 and 3.

The aim should be to maintain an appropriate balance of skills and experience by selecting for dismissal staff falling within the definition of redundancy who have no other relevant skills or whose skills are either not required at the school or are less needed in terms of the existing or future requirements of the school.

## **9.2 Attendance records**

It will be necessary to ensure that records are accurate and reflect working days' absence. Before selecting on the basis of attendance it is important to know the reasons for and the extent of any absences. This is particularly important when considering sickness absence and it will be necessary to look carefully at the duration of the spells of sickness; for example whether an employee has had one continuous lengthy bout of sickness or whether the absences were of a more intermittent nature but over a longer period.

Absences related directly to pregnancy e.g., maternity leave and related sickness absence during pregnancy must be discounted. Also any periods of absence directly relating to an employee's disability should be discounted when using attendance as a selection criterion.

## **9.3 Disciplinary records**

It will be necessary to ensure that records of any disciplinary action taken are accurate. They must involve 'live' sanctions on the employee's file with consideration being given to the nature of the original misconduct and the unspent life of the warning. Any records should be maintained in accordance with the school's disciplinary procedures.

## **9.4 Capability/Performance**

This criterion relates to individual standard of work performance. There should be objective evidence based on performance appraisal reviews to support selection. Any shortcomings in an employee's work performance should have been discussed with them prior to any potential redundancy consideration. This can be for example by means of an appraisal system or dealt with under the Capability Procedure.

## **9.5 Length of service (LIFO – Last in first out)**

LIFO is based on total service with the employer.

LIFO should only be used as a last resort and in combination with other criteria, where all other factors are equal. It is vital that legal obligations, particularly with regard to discrimination, are taken into account when seeking to use this criterion.

Schools are strongly advised to seek advice from Schools HR in the first instance if they are considering using this criterion.

## **10. Notification of Redundancy**

An employee who has been selected for redundancy should be notified of the decision at a meeting with the Headteacher/designated person and informed of their right of appeal. This decision should then be confirmed in writing with details of the appeal process.

## **11. Right of Appeal**

An employee who has been selected for redundancy will have the right of appeal to an Appeal Committee. At the Appeal Hearing the employee is entitled to be accompanied by a trade union representative, elected employee representative, or a work colleague. A member of the Selection Committee involved in the selection/nomination process will be invited to attend to present the school's case.

Where an employee has been selected for redundancy from a specific employee group, the basis of the appeal can be:

- The selection criteria were unfair and/or
- The methods of applying the selection criteria were unfair.

Where the post is unique or where it has been deleted because the governing body have reached the view that the revised duties are sufficiently different to change the nature of the post and in effect create a different post, the member of staff may appeal against that decision.

There is no right of appeal against the need to reduce staff numbers or the criteria themselves.

An appeal must be made in writing to the Clerk of the Governing Body within 10 working days of the receipt of notification of redundancy letter.

The Appeal Committee will hear the appeal within 3 weeks of receipt of notice of appeal. It is anticipated that most appeals will be heard during the notice period and if the appeal is upheld, notice would be withdrawn. Where the appeal takes place after the end of the notice period, and the appeal is upheld, the employee will be re-instated.

The outcome of the Appeal Hearing should be confirmed in writing to the employee within 5 working days of the meeting.

## **12. Redeployment**

The school will seek to redeploy any employee who has been selected for redundancy during their period of notice.

The Headteacher should ensure that the employee has reasonable access to where information about the school's vacant posts is advertised or displayed. The employee should be invited to alert the Headteacher to any post for which they would like to be considered. Independently of the employee, the Headteacher will also consider if there are any vacant posts within the school that would provide the opportunity of suitable alternative employment. Whether a job is suitable depends on:

- How similar the work is to the employee's current job
- The terms of the job being offered
- The employee's skills and abilities and circumstances in relation to the job
- Pay (including benefits), status, hours location.

If any such opportunities arise the Headteacher will notify the employee providing sufficient details of the post for the employee to make a considered decision.

An employee who is offered a post that is deemed to be a suitable alternative employment, but unreasonably refuses to accept it, will lose their right to a redundancy payment.



Any offer of suitable alternative employment will be subject to a statutory trial period of a minimum of 4 weeks' duration. Where retraining is necessary, the trial period may be longer, subject to prior negotiation and agreement. If the alternative employment is found to be unsuitable following trial, redundancy will take place as before the trial period.

### **13. Support for employees serving notice of redundancy**

Employees who are under notice of redundancy will be permitted reasonable time off with pay to look for alternative employment or to make arrangements for training.

The Trust should offer the facility for appropriate advice and counselling to staff under notice of redundancy, including practical assistance in completing applications and guidance on attending interviews where requested.

An employee who wishes to bring forward the date of dismissal on grounds of redundancy must discuss this with the Headteacher. If agreement is reached on an earlier date, the employee is still entitled to a redundancy payment, but the payment will be recalculated with the date of dismissal being the expiry of the employee's notice period and not the date in the original notice of dismissal, if this is different.

### **14. Requirements of the Modification Order**

If an employee who is under notice of redundancy receives an offer of a job with a local authority or a similar employer, covered by the current [Modification Order](#), before the termination of their employment and takes it up within 4 weeks after their last day of service, will not be entitled to a redundancy payment.

### **15. Calculation of redundancy payment**

Redundancy payments will be calculated in accordance with the prevailing terms and conditions in place and which may adhere to the relevant local authority's rules and regulations.

## **Redundancy Checklist**

### **Step 1:**

At the time it is identified that there is a need to review the staffing structure, draw up a proposal for consultation with trade unions/elected employee representatives and employees. The proposal should include the current structure and the proposed structure together with the following information:

- The reason for the proposals
- The numbers and descriptions of employees it is proposed to dismiss as redundant
- The total number of employees of any such description employed at the establishment
- The way in which the employees will be selected for redundancy
- How the dismissals are to be carried out, taking account of any agreed procedure, including the period over which the dismissals are to take effect.
- The method of calculating the amount of redundancy payments to be made to those who are dismissed.

In addition, it is recommended that the following be also included where the redundancies are as a result of financial pressures or decline in pupil intake e.g. diminishing service:

- Appropriate budget information (current and projected) with likely budget shortfalls
- Curricular Provision
- Pupil number trends and projections.

### **Step 2:**

If it is proposed to make 20 or more employees redundant over a 90 day period, the [Redundancy Payments Service \(RPS\)](#) (who act on behalf of the Secretary of State for Business, Innovation and Skills) will need to be notified.

### **Step 3:**

Send proposal to trade union representatives/elected employee representatives and employees for consultation. Period of consultation should be in line with Section 7 of this document.

### **Step 4:**

Invite affected employees to a meeting to explain the proposal. Employees should be advised to seek advice from their unions. It is recommended that trade union/elected employee representatives should also be invited to this meeting.

### **Step 5:**

At the end of the consultation period, consider all the views/suggestions received. Incorporate any views/suggestions which are considered acceptable and provide explanation for any which cannot be considered. Consider a further period of consultation where there is a significant change to the original proposal following incorporation of any of the responses received during the period of consultation.

**Step 6:**

Carry out selection to the posts in the revised structure as set out in the proposal document.

If selection is to be based on skills and experience, a skills and experience audit will need to be carried out and the Staff Profile Forms (Appendices 2 and 3) can be used to assist this process.

**Step 7:**

Inform the employees selected for redundancy in writing of the decision and their right of appeal.

**Step 8:**

Employees selected for redundancy have a right of appeal. Employees must submit an appeal in writing within 10 days of receiving dismissal notice. The Appeal Hearing will be convened within 3 weeks of receiving the appeal. Appeals should be heard during the employee's period of notice.

**Step 9:**

Efforts for redeployment will continue throughout the period of notice.

**Step 10:**

Consider additional support for employees:

- Advice and Counselling
- Reasonable time off with pay to look for alternative employment
- Practical guidance on completing application forms and attending interviews.

**Staff Profile Form – Teacher**

**CONFIDENTIAL**

The purpose of the staff profile form is to give you the opportunity to provide the **Trust Selection Committee** with up-to-date details of your skills, knowledge and experience. If you have any queries or concerns over the completion of this form, then please raise these with your Headteacher.

Please use additional sheets if you require more space for your response.

**School:**

**Name:**

**Present Post:**

**Current Job:**

**Year group(s) taught and (where relevant) subjects taught:**

**Other areas of job responsibility:**

- 1. Professional Standards for the job** (e.g. *Teachers' Standards*)
  
- 2. Commitment to raising standards of education** (e.g. *contributing to making the school one to which parents want to send their children and children want to attend; contribution to the well-being of children; demonstrating high expectations etc.*)

3. **Contributing to the good standing of the school in the community** (*e.g. gaining the respect and confidence of parents and governors etc.*)
  
4. **Communication Skills** (*e.g. demonstrated good relationships with others; effective written reports etc.*)
  
5. **Flexibility and adaptability** (*e.g. ability to contribute effectively to the development and implementation of new methods of working etc.*)
  
6. **Skills and Competencies** (*e.g. specific expertise that supports the school's future development etc.*)
  
7. **Keeping self professionally up to date** (*e.g. steps taken to ensure an up to date knowledge of current education issues to enable an effective contribution to the school etc.*)

**I confirm that the information included in this form is accurate.**

**Signed** \_\_\_\_\_

**Date** \_\_\_\_\_





An initial meeting is to be held at the school on ..... at which you are entitled to be present. The purpose of the meeting is to inform staff of the situation and to explore fully the alternative way of addressing the situation.

It is hoped that the changes can be implemented by collaborative means and the need for compulsory redundancy can be avoided. However, I am taking the precaution of advising you of the details set out in Section 188 of the Trade Unions and Labour Relations (Consolidation) Act 1992.

The attached sets out:

- Reasons for the proposal
- The numbers and descriptions of employees it is proposed to dismiss as redundant
- The total number of employees of that description employed at the school
- The proposed method of selecting the employees who may be dismissed
- The proposed method of carrying out the dismissals including the period over which the dismissals are to take effect
- The method of calculating redundancy payments.

Yours sincerely



**Letter to Employee - At risk of redundancy notification (to employees at risk of redundancy)**

**STRICTLY PRIVATE AND CONFIDENTIAL**

Dear

**Proposal to Restructure .....**

I write to inform you that your post of *(job title)* at *(location)* is at risk of redundancy and the reasons are set out in the attached proposal.

It is recognised that this will be a difficult time for you and I would like to take this opportunity to remind you of the school's Employee Assistance Programme (EAP), should you require this support. Details of the EAP service are attached.

Yours sincerely

Headteacher

**Letter to Employee – Notice of Redundancy**

**STRICTLY PRIVATE AND CONFIDENTIAL**

Dear

**NOTICE OF REDUNDANCY**

With reference to our recent consultation with you in relation to your employment as ....., I now write to give you formal notice that your employment with *(name of school)* will terminate on the grounds of redundancy on ....., which will be your last day of service.

**2.1 EITHER**

You are entitled to a period of ... weeks' notice of the termination of your contract. However, it has been decided that you will be given a payment in lieu of this notice, and therefore the termination of your employment has been brought forward to the date given above.

**2.1 OR**

You are entitled to a period of ... weeks' notice and this will be effective from ..... You will/will not be required to work during your period of notice.

You will receive the following benefits: *(where the payment is being made in one tranche)*

The payments set out below are your statutory entitlements on redundancy, and these will be payable to you within 30 days of the termination of your employment, together with any other contractual payments that may be due to you.

Type of payment	£
Statutory redundancy payment	
Pension Fund lump sum	
<b>TOTAL LUMP SUM PAYMENT (not including any contractual payments due)</b>	
Per annum Pension Fund payments, paid in monthly instalments	

OR

You will receive the following benefits: *(where the payment is being made in two separate tranches)*

The first tranche of payments set out below are your statutory entitlements on redundancy, and these will be payable to you within 30 days of the termination of your employment, together with any other contractual payments that may be due to you.

The second tranche of payments are discretionary and will be made after 3 months have elapsed following the termination date, provided that the school has received written confirmation from you that no court action has been initiated by you or your representative.

**FIRST TRANCHE**

Type of payment	£
Statutory redundancy payment	
Pension Fund lump sum	
<b>TOTAL LUMP SUM PAYMENT (not including any contractual payments</b>	

<b>due)</b>	
Per annum Pension Fund payments, paid in monthly instalments	

**SECOND TRANCHE**

Type of payment	£
Discretionary redundancy payment paid as a lump sum	

Please note the following important points:

1. It is expected that your final salary payment will be paid on your normal pay day and credited to your bank account in the usual way.
2. Lump sum payments of over £30,000 (excluding payments from the Pension Fund) are subject to tax.
3. You will not be permitted a redundancy payment if, whilst under notice of redundancy, you receive an offer of a job with a local authority or a similar employer, covered by the current Modification Order, before the termination of your employment and you take it up within 4 weeks after your last day of service. Please let the school know without delay if this was to be the case so that financial adjustments can be made.
4. It is the school's policy that every effort is made to redeploy staff who find themselves in a redundancy situation. Employees are expected to co-operate with the school's efforts to redeploy them up to their last day of service and failure to do so may result in the forfeiture of the discretionary second tranche payments.
5. You are entitled during your notice period to reasonable time off work with pay to look for other employment or to arrange for training for future employment.

You have the right of appeal against the decision to declare your redundancy. Should you wish to exercise this right, you should put the reasons for the appeal in writing to me within 10 working days of the date of this letter. You must clearly state in the letter the reason(s) for your appeal and you should provide any supporting information. Your reason(s) should relate to possible failures of the Redundancy Policy and Procedure as stated in the attached document.

If you have any enquiries regarding the content of this letter, please contact me.

Finally, I would like to place on record my appreciation of the work and contribution you have given to the school and I wish you well for the future.

Yours sincerely