

# Eastwood Park Academy Trust (EPAT)

EPAT

Believe Succeed Together

## Redundancy and Restructuring Policy

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## 1.0 Definition of Redundancy

According to the Employment Rights Act 1996, an employee is dismissed by reason of redundancy if the dismissal is wholly or mainly attributable to the fact that:

*'The employer has ceased, or intends to cease, to carry on the business for the purposes of which the employee was employed by him/her; or has ceased, or intends to cease, to carry on that business in the place where the employee was so employed; or the requirements of that business for employees to carry out work of a particular kind, or to carry out work of a particular kind in the place where he/she was so employed, have ceased or diminished or are expected to cease or diminish.'*

Redundancy situations may arise as a result of:

- School closure, amalgamation, re-organisation or restructuring.
- Fall in pupil numbers.
- Changes to the curriculum resulting in reduced staffing requirements.
- Withdrawal or reduction of SEND or other special provision/funding.
- Other circumstances where the need for employees to carry out work of a particular kind ceases or diminishes, including the cessation of fixed term contracts.

A re-structuring can be defined as any change to the staffing structure. A restructuring may or may not lead to a redundancy situation.

## 2.0 Redundancy Procedure

### 2.1 Avoidance

The Principal of the constituent academy will be required to instigate compulsory redundancy avoidance measures including:

- Where appropriate, not filling vacant posts externally.
- Filling appropriate posts within the Trust<sup>1</sup>
- Ring fenced selection for posts within the Trust<sup>1</sup>
- Searching for suitable alternative posts<sup>1/2</sup>
- Exploring other options with employees and their representatives e.g. change of hours, change to part-time work etc.
- Seeking volunteers for redundancy<sup>3</sup>
- Seeking volunteers for flexible retirement<sup>4</sup>

<sup>1</sup>With salary protection in line with STPCD (in the case of teachers) and a maximum period of 18 months (in the case of support staff).

<sup>2</sup>The Trust will make every effort to seek suitable alternative employment for 'at risk' staff, including at other academies within the Trust, where appropriate. An employee who unreasonably refuses an offer of suitable alternative employment will not be entitled to a redundancy payment.

<sup>3</sup>Voluntary redundancy will not be considered until or unless all other means of avoidance have proved unsuccessful. Applications for voluntary redundancy will only be accepted where this would not be detrimental to the needs of the Trust. Where there are more volunteers than needed, the selection criteria may be applied.

<sup>4</sup>Employees are free to pursue flexible retirement options. Some options require the Trust's approval but this will not normally be withheld where there is no cost to the Trust.

## **2.2 Consultation**

The Principal will discuss any potential redundancy situations with staff at the earliest opportunity, where appropriate, before formal declaration of a redundancy.

In the case of re-structuring, the scope and period of consultation will depend on the extent of the proposed changes. Where a significant change is proposed, a consultation document will normally be produced as part of the consultation process to explain exactly how the process will be managed, and its effect on staff, including the possibility of redundancy.

Staff are encouraged to engage in meaningful discussion and to comment on any new structure and how it might be implemented and measures which might be taken to avoid any redundancies. Formal consultation meetings will be recorded.

In the case of fewer than 20 planned redundancies, the Trust will seek to consult fully with staff and their professional associations/trade union representatives, including the offer of individual consultation meetings.

In the case of 20 or more planned redundancies, the Trust will follow collective consultation rules - <https://www.gov.uk/staff-redundant/redundancy-consultations>

Where the Trust proposes to make 20 or more employees redundant within a 90 day period, in accordance with statute, the Trust will issue a Section 188 notice and an HR1 notification to the Department for Business Innovation and Skills (insolvency service), disclosing in writing information relevant to the potential redundancy. Formal responses should be received within 2 working weeks.

Where the Trust proposes to make between 20 and 99 employees redundant, consultation must start 30 days before the first redundancy.

Where the Trust proposes to make 100 or more employees redundant, the consultation must start 45 days before the first redundancy.

The Trust and Principal will consider any representations made by staff and/or the professional associations/trade unions. Replies will be made to formal representations in writing and, if any are rejected, the reasons will be stated.

## **2.3 Selection**

In order to fairly select an individual employee for redundancy, the Trust must apply objective selection criteria. As each redundancy situation will be different, the detail of the selection criteria will need to be determined on a case by case basis. In all cases, staff and their representatives will be consulted on this process, however, all selection decisions will follow the stages below.

1. Determine the 'at risk' group i.e. whole academy, department, section, or group within the establishment which has surplus staff. Where there is only one employee in this group, they will be selected for redundancy without the need to apply the remaining selection criteria.
2. Determine the requirements of the academy, department or section.
3. Determine the suitability (with reference, for example, to skills and qualifications where relevant) of those in the 'at risk' group in relation to the requirements of the academy, department or section.

4. Suitability will be assessed objectively. Employees will contribute to this usually by completion of a skills audit linked to the requirements determined in (2) above. Employees' managers, in addition to the Principal, may also be required to contribute to this process.
5. A judgement will be made as to which staff best meet the requirements of the academy, department or section and thereby which employee(s) may be selected for redundancy.

#### **2.4 Notification**

Once an individual has been identified as redundant, they will be notified verbally by the Principal. The Principal will then write to the individual setting out the details of how the decision was reached and inviting the employee to a meeting.

#### **2.5 Meeting**

The employee will be given at least 5 school days' notice of the meeting and provided with papers relevant to the case.

The employee has the right to be accompanied by a representative, friend, colleague or other appropriate person. One postponement may be allowed where the employee's chosen representative is unavailable on the proposed date. In this instance, an alternative date, within 5 school days of the original date, will be set.

The employee must submit any papers they wish to be considered and the name of their representative at least 2 school days before the meeting.

At the meeting, the Principal, who may be accompanied by an HR Adviser, will set out their reasons for selecting the employee and listen to their representations.

After the meeting, the Principal will write to the employee to inform them of the outcome and their right of appeal.

Following the meeting, where the decision is to dismiss on the grounds of redundancy, the Trust will issue notice, to the individual, in accordance with the appropriate conditions of service and statutory requirements.

#### **2.6 Appeal**

If the employee wishes to appeal, they must inform the Chair of Trustees, in writing, including the grounds of the appeal, within 5 school days of receipt of the written outcome of the meeting.

The employee will be invited to a meeting of the Dismissal Appeals Committee and be given at least 5 school days' notice of this meeting.

The Principal will supply the employee with papers relevant to the appeal at least 3 school days before the appeal meeting.

The employee must take all reasonable steps to attend this appeal meeting and has the right to be accompanied by a representative, friend, colleague or other appropriate person.

The employee must supply the Principal and the Dismissal Appeals Committee with copies of any papers they wish to be considered, and the name of their representative, at least 3 school days before the meeting.

The Dismissal Appeals Committee will hear evidence from the Principal and the employee.

The Dismissal Appeal Committee may be advised by an HR adviser.

The Dismissal Appeal Committee will inform the employee, in writing, of the final decision within 3 school days of the appeal meeting.

## **2.7 Support for Employees**

The Trust will provide reasonable support for employees at risk of redundancy e.g.

- Reasonable time off to attend interviews and training and development.
- Support with writing applications.
- Exploration of re-training opportunities.
- Notification of internal vacancies.
- Access to the [Employee Assistance Programme \(EAP\)](#).

## **3.0 Data Protection**

A written record of all meetings conducted under this policy will be made, either by the person holding the meeting or by an alternative person arranged by the Trust to take notes.

The Trust processes any personal data collected during the redundancy or restructuring procedure in accordance with its Data Protection Policy. Any data collected is held securely and accessed by, and disclosed to, individuals only for the purposes of completing the redundancy or restructuring procedure. On the conclusion of the procedure, data collected will be held in accordance with the Trust's Retention Policy. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Trust's Data Protection Policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the Trust's Employee Disciplinary (Misconduct) Policy.

## **4.0 Redundancy Pay**

Employees with more than 2 years continuous service may be eligible for a redundancy payment in the event of termination of their contact by reason of redundancy.

For each complete year of service up to a maximum of 20, eligible employees are entitled to:

- For each complete year of service under the age 22 – half a week's pay.
- For each complete year of service between the ages of 22-40 – one week's pay.
- For each complete year of service aged 41 and over – one and a half week's pay.

Redundancy payments are calculated using actual weekly pay rather than the statutory maximum.

A ready-reckoner for calculating statutory redundancy payments is included in **Appendix A**.

Where employees with more than one contract are made redundant from only one post, service for redundancy purposes will relate to the redundant post only.

Employees will **not** be entitled to a redundancy payment if they secure suitable 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 the 4 week break. Where this does occur, employees will not be entitled to a redundancy payment.

## Appendix A – Ready-Reckoner

Age	Completed Years of Service																			
	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	
16																				
17	½																			
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	16	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	