



West Norfolk
Academies Trust

REDUNDANCY HANDLING POLICY AND PROCEDURE

Reviewed by: Trustees

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**Consulted with recognised trade unions on
2nd December 2020**

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1. Introduction

- 1.1** The Trust is committed to ensuring its workforce operates effectively and efficiently.
- 1.2** The Trust will exercise good practice and regularly review its organisational structure to ensure that it is fit for purpose and delivers the best possible outcomes for pupils and is financially sustainable longer term.
- 1.3** The Trust aims to ensure the security and stability of employment as far as possible. However, in light of funding limitations, service delivery requirements and external factors, redundancy may be necessary.
- 1.4** When considering proposals for staffing reductions, Trustees will ensure that there is no disproportionate effect on any employee groups.

2. Terms of Reference

2.1 Definitions:

- “Executive Headteacher” also refers to any other title used to identify the Executive Headteacher, where appropriate, or other senior manager delegated to deal with the matter by the Executive Headteacher.
- “Headteacher/Senior Manager” refers, where appropriate, to any other title used to identify the Headteacher/Senior Manager.
- “Employee” refers to any employee, teaching and support, employed to work at the School/Trust
- “Companion” refers to a person chosen by the employee to accompany him/her at a formal meeting, who shall be a trade union representative or a workplace colleague. A companion is entitled to speak to the employee during any meeting, and confer privately, but may not answer questions on the employee’s behalf.
- “WNAT” refers to the West Norfolk Academies Trust.

3. Scope

- 3.1** This policy applies to all employees of the Trust excluding the Executive Headteacher.
- 3.2** In the event of the Executive Headteacher post being in scope for reorganisation or redundancy, a parallel process as identified in this policy will be undertaken but reference to the Executive Headteacher will be replaced by Trustees who will lead the process.
- 3.3** This policy does not form part of the employee’s contractual terms and conditions and may be amended from time to time.

4. Principles

- 4.1** When managing potential redundancies, the Trust will comply with all legislative requirements and operate in accordance with this policy.
- 4.2** The Trust is committed to a consistent, and ongoing, approach to resource planning. Non-pay spending will be continually reviewed in order to minimise budget-driven staffing reductions.
- 4.3** Employees who are affected by staffing reductions will be provided with appropriate information and support in a timely manner. This includes employees who are absent from work for any reason.

5. Scheme of Delegation

5.1 Those responsible for managing organisational change will do so in accordance with the Trust's Scheme of Delegation.

6. Avoiding redundancies

6.1 Within the context of the needs of the School, the Trustees will make every effort to avoid compulsory redundancy by achieving reductions through:

- Review of and, where appropriate, reduction of non-staffing costs
- Review of genuine fixed-term contracts
- Reduced use of agency workers or other contractors
- Natural turnover and employee resignations.
- Deletion of appropriate vacancies and/or recruitment freeze
- Voluntary redeployment of staff into other suitable posts within the School
- Voluntary transfer to part-time working, reduced hours or job-sharing arrangements
- Voluntary redundancy

7. Consultation

7.1 In the event that it is necessary to make a reduction in employees, normally a minimum period of 30 days formal consultation will be held with employees directly affected and the recognised trade unions.

7.2 The Executive Headteacher will carefully consider any representations made to it and respond to them. If there is a rejection of any representations, the reasons will be given in writing.

The consultation will include the following:

- a) The reasons for the redundancy
- b) The number and descriptions of the employees to be dismissed as redundant
- c) The total number of employees of any such description employed at the School
- d) The proposed method of selecting the employees to be dismissed
- 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 any compensation to be paid to redundant employees
- g) The number of agency workers working temporarily for and under the supervision and direction of the School
- h) The parts of the School in which the agency workers are working and the type of work they are carrying out
- i) The proposed timeline for the redundancy process

7.3 Any employee who seeks information on the benefits available as a result of volunteering to be selected for redundancy will be entitled to do so without prejudice to their position.

7.4 The Executive Headteacher will decide if any requests for volunteering to be selected for redundancy can be accepted. If a request is accepted, an offer will be made to the employee identifying the level of compensation that will be paid if the employee is dismissed as redundant.

The offer will be in writing and include:

- a) The amount of any redundancy payment under the Employment Rights Act 1996
- b) The amount of any premature retirement compensation in accordance with the School's policy
- c) The date on which the redundancy would be effective
- d) Advice on who to contact regarding pension benefits, where appropriate
- e) Advice that the employee should consult their trade union

8. Compulsory Selection

8.1 If the necessary reduction is not achieved by the above means the Headteacher will, following the consultative process, and where they have the delegated power of dismissal, delegate a senior manager to meet individually with those employees who are identified as at risk in the category of employees to be reduced to confirm or clarify any selection information "skills audit" provided by the employee. Individuals will be given due notice of the meeting in writing and may be accompanied by a trade union representative or workplace colleague.

8.2 Following the meeting/s outlined in for compulsory selection, the senior manager will make the selection on the basis of all the information available and in accordance with the selection criteria. The employee/s selected will be informed in writing that the senior manager will recommend to the Headteacher (with power to dismiss delegated by the Executive Headteacher) that the employee/s be dismissed on grounds of redundancy. The employee/s, who will be given at least 5 working days' notice of the meeting, will have the right to an individual hearing at which they may be present and be accompanied by a trade union representative or workplace colleague.

8.3 Following the hearing to consider the senior manager's recommendation to dismiss the individual/s on the grounds of redundancy outlined in 9 (above), the Headteacher will inform the employee/s of their decision/s. If the decision is to dismiss, then the Headteacher will ensure that any employee to be dismissed is given written notice of dismissal which will include advice that the employee has the right of appeal against the decision. The outcome of the meeting will be communicated to the employee within five working days of the meeting taking place. The employee/s will be given at least 5 working days' notice of the date for any appeal hearing and, if submitting an appeal, the employee/s must do so in writing by the date specified by the Headteacher. The period allowed by the Headteacher for the employee to decide whether or not to enter any appeal will not be less than 5 working days stating clearly their grounds of appeal in writing to the Executive Headteacher.

8.4 An employee who is made redundant is entitled to either their contractual or statutory notice period, whichever is greater.

8.5 The Trust will ensure that employees who are under notice of redundancy, are informed of any vacancies that arise in the Trust, and given the opportunity to demonstrate that the vacancy is a suitable alternative to redundancy, based on their skills, experience, qualifications or knowledge and the requirements of the position.

9. Appeals

- 9.1** An appeal will be heard by a panel consisting of the Executive Headteacher and no less than 2 Trustees who have not previously been involved in the case.
- 9.2** If the appeal panel decides to uphold the appeal against dismissal the notice of dismissal will be withdrawn and confirmed in writing.

10. Pay protection

- 10.1** If an employee finds suitable alternative employment they may be eligible for pay protection if their new post attracts a lower salary than their redundant post.

For teaching staff, pay protection will be in line with the School Teachers Pay and Conditions Document.

For non-teaching staff, pay protection is paid at 18 months of compensation based on the difference in pay between the new salary and the old salary but capped at two grades difference or 20% of the old salary, whichever is lower.