



Redundancy Policy

This policy is applicable to our current schools, Khalsa Secondary Academy (KSA), ATAM and The Khalsa Academy Wolverhampton and for any further schools we open.

Document control	
Date Approved	September 2020
Date for Review	September 2022
Authorised By	Board
Published Location	Trust Website
Document Owner	HR

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PART A - Policy

1. POLICY STATEMENT

It is the aim of the Trust to safeguard the current and future employment of the school workforce as far as reasonably practicable. However, it is recognised that changes may occur in areas such as funding, student need, number on roll, technological, organisational or curriculum development.

The Trust is committed to protecting the employment security of employees by appropriate planning. It will ensure that, as far as practicable, the overall and departmental planning and budget setting processes will take account of potential staffing implications and wherever possible avoid the need for redundancy. There may, however, be occasions when changes in funding provision, the demand for services, or organisational, technological or academic developments impact on staffing requirements. This policy and procedure outlines the approach to be adopted in cases of potential redundancy and shall be applied with due regard to legislative provisions relating to redundancy.

This procedure applies to all employees employed by the Trust under a contract of employment.

Nothing in this document shall preclude The /Trust from seeking volunteers for redundancy or any employee from agreeing to an offer of voluntary severance at any stage of the procedure.

Selection of volunteers for redundancy shall be at the discretion of The Trust and shall be determined by The Trust at its sole discretion taking account of requirements to retain key skills and experience to meet the present and anticipated needs of The Trust.

A potential redundancy situation arises in the following circumstances:

- When the Trust has ceased, or intends to cease, to carry on the business for which the employee was employed 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 The Trust for employees to carry out work of a particular kind, or for employees to carry out work of a particular kind in the place where the employee was so employed, have ceased or diminished or are expected to cease or diminish.

The Trust is committed to keeping staff informed, as fully as possible, about staffing requirements and any potential need for redundancies and following good practice as defined by ACAS.

The Trust, in consultation with staff representatives, will seek to minimise the effect of any redundancies by apply the principles contained in these guidelines. The Trust will handle the process in a fair, consistent and sympathetic manner to minimise, as far as possible, any distress that may be suffered by the employee at risk.

This policy applies to all employees. It does not apply to agency workers, consultants or self-employed contractors.

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

PART B – Procedure

1. ROLES AND RESPONSIBILITIES

The Headteacher and the Local Advisory Board of Governors have a responsibility to ensure:

- The policy is followed in all cases of redundancy
- Redundancies are avoided or minimised wherever possible
- Redundancy processes are applied fairly and consistently
- Selection criteria used are fair, objectively applied and non-discriminatory
- Full and open consultation with staff and their representatives
- Where possible suitable alternative or alternative work is offered
- All staff have an awareness of this policy

2. AVOIDING REDUNDANCIES

Wherever possible the Head teacher and the LAB will forward plan to try to avoid or minimise the need for redundancies. Consideration will therefore be given to: -

- Achieving reductions through natural wastage
- Seeking to reach agreement on a voluntary basis to reduce working hours and or redeploy and or retrain staff wherever possible to avoid the need for redundancies.
- Where reorganisation is unavoidable and known about to limit the use of permanent appointments.

3. VOLUNTARY REDUNDANCIES

The School may seek volunteers for redundancy prior to imposing compulsory redundancies. Applications for voluntary redundancy will be considered by the Staff Redundancy, Re-deployment and Early Retirement Panel (hereafter referred to as *the Redundancy Committee*) based on the operational needs of the School.

The Redundancy Committee has the right to reasonably refuse a request for redundancy where the specialist knowledge, skills training and qualifications of the individual are still required in the School.

4. COMPULSORY REDUNDANCIES

Where it has not been possible to avoid and or to achieve redundancies through voluntary means, the Redundancy Committee will consider compulsory redundancies.

5. PRIOR TO CONSULTATION

Once it has been recognised that there is potentially a redundancy issue at the School the LAB will determine the number and types of post which may be surplus to the needs of the School. This will be done in consultation with the Headteacher.

Discussions at this stage will be restricted to the broad issues only in order to ensure that the LAB who will be involved in the Redundancy Committee will not have detailed prior knowledge.

A Committee of three governors will constitute a Redundancy Committee. A Committee of three Trust Board members will constitute a Redundancy Appeals Committee. The Headteacher will not be on either of these Committees but will attend to present the case or answer questions. The committees will be supported by HR. A formal record of the proceedings will be kept.

The Redundancy Committee has delegated responsibility to consider the issue and produce draft proposals for solving the problem. The Appeals Committee is to hear appeals against selection for redundancy. No Governor can serve on both committees or on either committee if they have or may have a vested interest in the outcome.

In determining the implementation plan, the Redundancy Committee will map the affected existing posts against the posts that will remain in the new structure. The Redundancy Committee will at its sole discretion pool posts together in groups as part of this process.

For each post in the existing structure that is affected by the changes the following decision making process will be followed:

- Does a fair and reasonable opportunity exist to slide the current post holder into an equivalent (suitable alternative) post in the new structure?
- Does a fair and reasonable opportunity exist to consider a pool of post holders for a group of posts in the new structure (known as selection for redundancy)?
- Are there new posts that will exist in the structure that post holders affected by the changes should have the opportunity to apply for (selection for appointment)?
- Are there any posts, and post holders, in the existing structure for whom there is no obvious opportunity in the new structure?

Where selection for redundancy is to be applied, the process will be a desk top matrix against criteria which are fair, objective, consistent and non-discriminatory.

Where selection for appointment is to be applied the School's usual recruitment process will be followed although consideration will be given to limiting the applicant pool, in the first instance, to post holders at risk of redundancy.

6. CONSULTATION

In most cases, the Redundancy Committee will ask the Headteacher to lead on the redundancy/restructuring process and provide regular updates.

The school will ensure that any employees whose substantive post is affected by the changes but who are absent, for example due to illness, maternity or some other reason, are included in the consultation process.

Generally speaking, the school will ensure that the period of consultation is proportionate, reasonable and fair taking into account any period of school closure (This likely to be between 2 to 4 weeks).

Where the number of affected posts is large, the minimum statutory period for collective consultation will be applied as follows:

- 20 - 99 redundancies - the consultation must start at least 30 days before any dismissals take effect
- 100 or more redundancies - the consultation must start at least 45 days before any dismissals take effect

The school will inform and warn staff, and the relevant staff representatives and consult with them about:

- Why it is felt redundancies are necessary.
- The numbers and descriptions of employees whom it is proposed to make redundant and the total
- Number of employees in these positions
- The proposed method of selecting staff for redundancy
- The proposed method of carrying out the dismissal and the timescale over which this will take place
- The proposed method of calculating any redundancy pay
- The date and time of the first consultation meeting
- Suitable information about the school's use of agency workers

During the consultation process comments will be invited from staff representatives and staff to help produce a constructive approach to the situation. Consultation will include: -

- Strategies to avoid redundancies
- The reason for the proposed staffing reduction
- The procedure to be used for redundancies
- The mapping of affected posts against the new posts and the selection criteria and method to be applied.
- Selection for redundancy criteria could include:
 - Relevant skills and experience.
 - Documented evidence about work performance
 - Contribution to broader 'life of the School (subject to the opportunities to deliver the same within the school and not the extended school day);
 - Live disciplinary and or work performance and or attendance warnings on file;
 - Attendance record (not including maternity or absence related to a disability).

The Redundancy Committee will consult over draft criteria and establish a scoring formula for the criteria. Unless the proposals for staffing reduction are self-selecting, Governors will use criteria which are weighted according to importance. It is also possible to give "plus points" to certain staff (e.g. post holders who have difficult to replace skills).

All selection processes will be conducted 'anonymously' i.e. no names will be included on any selection paperwork that is considered by the Redundancy Committee.

Volunteers for redundancy may be sought during the consultation stage but the School reserves the right to reasonably refuse any request for voluntary redundancy.

7. IMPLEMENTATION

On conclusion of the consultation period the Redundancy Committee will determine if the proposals are to be implemented and or if there are any changes arising from the consultation process before commencing implementation of the changes.

At this stage those post holders affected by the proposal will be informed that they are at risk of redundancy.

The Redundancy Committee will consider applications for voluntary redundancy at this stage. Volunteers will be advised at this stage whether their application has been successful and that they have the right of appeal against the decision made.

If the reductions have not been achieved through voluntary means the selection for redundancy processes and or selection for appointment processes identified in the consultation process will be implemented.

8. SELECTION PROCESS (if required)

The Headteacher will lead and manage the selection process and will make recommendations to the Redundancy Committee and provide them with anonymised scoring. The selection for posts will be decided on a range of assessments such as interviews, supporting statements, lesson observations, written tests. The Headteacher will decide on the composition of the selection panel including themselves.

9. DISMISSAL MEETING

If the Redundancy Committee decides to uphold selection for redundancy decision then the Chair of the Redundancy Committee will invite the employee to attend a meeting along with their staff representative, trade union rep or work colleague to receive the outcome of this decision. The employee will be given 5 working days notice.

Staff made redundant will be entitled to statutory notice, and to any statutory redundancy entitlement.

10. REDUNDANCY ENTITLEMENT

There is a statutory entitlement to a redundancy payment subject to:

- The employee having at least two years' continuous service with the school
The current statutory entitlement is:
 - 0.5 weeks' pay for each completed year of service aged 18 but under 22
 - 1 weeks' pay for each completed year of service aged 22 but under 41
 - 1.5 weeks' pay for each completed year of service aged 41 or more
-

Subject to the limits applicable at the date of redundancy for maximum years of service (currently capped at 20) and the limit on a week's pay (currently £538 per week).

For term time only employees a week's pay for redundancy purposes is the actual part time annual salary divided by the paid weeks per annum.

11. APPEAL AGAINST DISMISSAL

A notification of appeal against a decision to terminate employment on the grounds of redundancy must be submitted in writing to the Clerk of the LAB within 5 working days of receipt of the decision.

The Clerk to the LAB convenes Appeal hearings if necessary and will arrange a meeting for the Appeal hearing to be held as soon as reasonably practicable following receipt of the appeal notification. The member of staff may be accompanied at the hearing by a colleague or trade union representative.

At least 5 working days' notice of the Appeal hearing will be given (reasonable requests to delay should be considered e.g. union representative unavailable).

The member of staff will be afforded the opportunity to make representations to the Redundancy Appeal Committee. The Appeal committee will also consider the original business case for change and may invite the Head teacher to present this information as well as considering the specific points of appeal.

The Appeal Hearing Committee will inform the member of staff of the outcome of the appeal in writing.

12. REDPLOYMENT

Throughout the period from members of staff being advised of being at risk through to the end of the notice period, the School will keep staff advised of any vacancies at the school and will strive to identify opportunities for suitable alternative employment (similar grade, status, job content and working pattern) or alternative employment (other vacancies) to avoid redundancies.

During this period priority will be afforded to those on maternity leave in accordance with the maternity regulations, and any suitable alternative vacancy arising at this time would be offered first to a person on maternity leave.

The Headteacher and Redundancy Committee will honour their obligations to meet reasonable request for staff to seek alternative employment during their notice period and will consider counter notice requests from individuals who secure alternative employment and wish to be released during the notice period. Where counter notice is served by the employee and a mutually agreeable leaving date is agreed prior to the end of the notice period, the employee would not be eligible for payment for the part of the notice period the employee will not be available to work.

13. MONITORING AND REVIEW

The Trustees of Khalsa Academies Trust have the responsibility to ensure that the Head teacher and Senior Leaders implement this policy consistently.

However, all staff are responsible for keeping themselves informed of the policies and procedures.

This policy will be reviewed every two years, or earlier, if necessary.
