Redundancy Procedure

1 Introduction

The Trust is committed to the avoidance of redundancy wherever possible. Where a redundancy situation arises or is necessary, these procedures provide guidance on how redundancy situations will be managed for the Heart of Mercia Multi Academy Trust (HoM).

This policy has been developed with reference to ACAS guidance. This can be found here at Redundancy | Acas

This policy does not form part of terms and conditions of employment.

2 Aims & Objectives

2.1 This procedure provides a framework for dealing with redundancy situations. The aim is to ensure consistent and fair treatment for all employees without discrimination. The procedure covers all HoM staff including those designated as 'senior post holders' of the Trust.

2.2 The Chief Executive Officer (CEO) may designate alternate senior post holders of the Trust within the relevant academy to act and undertake the administration and implementation of this procedure. Designated alternates are:

- Academy Principals or Headteachers.
- Academy Vice/Deputy Principals/Heads.
- Other officers of the Trust as appropriate.

2.3 Staff planning and review.

The Trust and its academies will seek to ensure the security of employment of its staff through forward planning and sound financial management.

There will be a regular review to seek to ensure that any required adjustments in staffing can be achieved as opportunities present themselves through normal staff turnover, deployments, promotions, and retirements. Such review will be undertaken by the academy governors and Principal/Headteacher and will:

- include consultation with the appropriate unions;
- be informed by full information on the budgetary and staffing situation;
- include a skills audit which will establish the complete skills, qualifications, and experience of staff; and
- consider the Academy's Strategic Plan.

The Academy Governing Body and Principal/Headteacher will seek to keep staff fully informed of the progress of the review, and consultation with staff employed in the academy and their trade unions.
The principles below will be followed:

- Any vacancies occurring will be given detailed consideration before decisions are made regarding possible replacements.
- Staff appointments will usually be permanent other than in circumstances when a temporary appointment may be more appropriate.
- The academy will maintain a positive policy of staff development, giving support to the needs and priorities identified by the academy.

Where the review reveals a situation in which the academy appears to have no alternative but to consider reducing teacher or support staff staffing levels, it will undertake the measures listed below. If, however, because of pressures of time relating to budgetary periods, notice or consultation requirements this is not possible in advance of statutory procedures, the Principal/Headteacher will proceed to the measures set out in Section 3.

- Inform representatives of the unions within the academy.
- Inform the staff of the academy of the situation, preferably at a meeting convened for the purpose.
- Undertake, in consultation with unions, a full exploration of the alternatives available within the academy.
- Seek the co-operation of other institutions within the Trust in exploring alternatives.

Such consideration shall include:

- natural wastage;
- transfer of staff(s) into other suitable work within the academy (re-training where applicable);
- voluntary transfer to part-time employment within the academy;
- voluntary early retirement or severance.

3 Where a reduction in the number of employees is being considered

3.1 Where either staff planning and the measures identified in point 2.3 above are unsuccessful or where pressures of time as detailed in point 2.3 above prevent the operation of the measures listed in advance of the statutory procedures, the Trust will move directly to the declaration of a redundancy situation by the issuing of an appropriate notice under section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992. The measures identified in point 2.3 above will need to be undertaken as part of the redundancy procedure.

The CEO or designated alternate will circulate relevant information to employees directly affected by the changes and to relevant recognised trade unions proposing a meeting for further discussions to take place.

The CEO or designated alternate will give due consideration to the terms of the Protection from Redundancy (Pregnancy and Family Leave) Act 2023. This makes provision about protection from redundancy and the right to be offered suitable alternative employment during or after pregnancy or after periods of maternity, adoption, or shared parental leave.

The CEO or designated alternate may wish to reassure staff that the Trust will endeavour to achieve any necessary reductions by voluntary rather than compulsory redundancy, wherever it is consistent with the needs of the Trust or individual academy, and express a willingness to discuss informally, on a totally without commitment basis, an individual employee's position with respect to voluntary redundancy arrangements.

3.2 At the meeting, the information should be presented again, and comments/questions invited. If, as a result of the meeting and individual discussions with employees who have expressed an interest in voluntary redundancy, the Trust or individual academies' target staffing level cannot be achieved then it may be necessary to consider introducing compulsory redundancy arrangements. The Trust will need then to agree its criteria for selecting employees for redundancy (paragraph 6.10 in the notes for guidance).

3.3 Employers have a statutory duty to consult relevant recognised trade unions in good time once redundancies are proposed. In addition, they should also consult individual employees who may be concerned.

Current legislation requires that consultation must in any event begin at least 30 days before the first dismissal takes effect if between 20 and 99 employees are to be made redundant at one establishment over a period of 90 days or less or 45 days before the first dismissal takes effect if 100 or more employees are to be made redundant at one establishment over a period of 90 days or less.

Where less than 20 employees are to be made redundant there are no set rules to follow, however the Trust recognises that it is good practice to fully consult employees and their representatives before any dismissals take place. It is best practice, in terms of allowing for meaningful consultation, to undertake consultations before redundancy notices are issued.

3.4 Under the Trade Union and Labour Relations (Consolidation) Act 1992, such consultation should include consultation about ways of:

(a) avoiding dismissals;

(b) reducing the number of employees to be dismissed; and

(c) mitigating the consequences of the dismissals.

and should be undertaken with a view to reaching agreement with the trade unions.

3.5 As part of that consultation, under section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992 employers have a statutory duty to disclose in writing the following information:

(i) the reasons for the proposals;
(ii) the numbers and descriptions of employees it is proposed to dismiss as redundant;

(iii) the total number of employees of any such description employed at the relevant academy;

(iv) the proposed method of selecting the employees who may be dismissed;

(v) the proposed method of carrying out the dismissals, with due regard to any agreed procedure, including the period over which the dismissals are to take effect;

(vi) the proposed method of calculating the amount of any redundancy payments to be made (where such payments are in excess of the statutory minimum) to employees who may be dismissed.

3.6 All points made by the union representatives and employees concerned must be considered and reasons given in writing if any point is rejected. At this stage suitable alternative employment for any employees concerned must also be considered. (The Trust will need to determine whether this formal consultation stage should be carried out by the CEO/Designated Alternate or by an appropriate Committee of the Trust Board e.g., Academy Local Governing Body).

3.7 Employees under notice of redundancy will be given reasonable time off to seek alternative employment.

3.8 The CEO or Designated Alternate should ensure that employees selected for redundancy are notified in writing and advised of the estimated level of settlement and notice period they will receive. Employees will also be informed of their right to appeal against the decision to the Academy Principal, where the decision was made by an Academy Vice/Deputy Principal or to the Trust Board or an appropriate Committee e.g., the Local Governing Body, when the decision was made by the CEO, Academy Principal or Headteacher.

Appeals should be lodged in writing to the CEO, Academy Principal/Headteacher or Clerk to the Trust within ten working days of the receipt of the letter informing the employee of the decision. The decision at appeal is final. (Where the Local Governing Body has been involved in some of the earlier stages of the redundancy procedure, then a different Committee of the Multi Academy Trust Board should be involved at the appeal stage).

4 Fixed Term Contracts

4.1 Where a fixed-term contract is due to come to an end for reason of redundancy, the same redundancy procedures will apply. The Trust will need to consider pooling employees, whether fixed term or permanent, who are carrying out the same or similar work, and go through a selection process.

5 Redundancy Procedures: Notes for Guidance

5.1 These notes are intended to set out some general considerations in any redundancy situation. Throughout these notes for guidance the term ‘Trust’ is used in general without identifying specific roles for the full Trust Board, a committee of the Trust and the CEO or Academy Principal/Head.

5.2 In relation to the model procedures, important decisions need to be taken about the responsibilities of the CEO or Designated Alternate.

The most appropriate arrangement is probably for the CEO/Academy Principal/Head or delegated alternate to undertake most of the early stages of the procedure.

The decisions on dismissal on the grounds of redundancy should then be taken by an Academy Vice/Deputy Principal/Head or designated alternate, and the CEO, Academy Principal or a Committee of the Multi Academy Trust Board could then hear appeals against such notices of dismissal as displayed in the table at the foot of this guidance.

5.3 Redundancy is defined by s.139 of the Employment Rights Act 1996 broadly as:

(a) resulting from the ceasing of an activity altogether at a particular location or

(b) the requirement for employees to carry out work of a particular kind ceasing or diminishing or being expected to cease or diminish.

5.4 It is important therefore in considering any case for redundancy to demonstrate either: -

(a) an actual or intended cessation of activity, either completely or at a particular workplace or

(b) that there has been, or is likely to be, a reduction in the requirement for employees to undertake the kind of work for which they were previously employed.

5.5 It is important to bear in mind when approaching questions of redundancy (which can include a reduction in hours) that:

(a) it is posts that are being considered for redundancy initially;

(b) there is a requirement to consult with relevant recognised unions and individual employees in good time;

(c) it may be necessary to determine general criteria for selection for redundancy;

(d) before a final decision is taken to declare an employee redundant, possible alternatives such as redeployment to other work must be explored.

6 Identification of the number and type of posts

6.1 In order to identify the number of posts and type of posts required in the Trust or one of its academies, the Trust will need first to take account of a range of factors including:

(i) the priorities of the Trust which will be identified in the strategic plan;

(ii) the action plans which flow from the strategic plan; and

(iii) the resources available, both in general and for particular courses.

6.2 When the Trust has, by this process, identified particular areas where a reduction in the number of posts may be necessary, the rationale for the reductions may be sufficient to identify one or more specific posts as redundant. However, in some cases there will be a need to apply further criteria to identify redundant posts.

6.3 Before looking at other selection criteria, the Trust must be able to show that it has acted reasonably by considering, in consultation with representatives of all relevant, recognised trade unions whether it is possible to avoid redundancies by means such as:

(i) restriction on recruitment;

(ii) retirement of employees who are beyond normal retiring age;

(iii) reduction of staff levels by natural wastage;

(iv) agreed reductions in hours;

(v) for support staff, reduction in any overtime;

(vi) re-training or transfer to other work in the Trust or one of its academies.

6.4 There are often a number of staff employed whose appointments are on a temporary basis because the future staffing requirements of the Trust or one of its academies are uncertain. The Trust may wish to review the appropriate levels of such temporary staff before seeking to reduce staffing levels amongst the permanent staff.

Where a fixed-term contract is due to come to an end for reason of redundancy, the same redundancy procedures will apply. Such staff will be entitled, if they have 2 years' continuous service, to redundancy payments.

6.5 If, having fully considered the above options, it appears that redundancies cannot be avoided, then formal detailed consultations with the relevant, recognised trade unions and the individuals likely to be concerned will be necessary, as referred to in the procedure.

6.6 Where the Trust has identified a group of employees from which to select one or more for redundancy the possibility of individuals volunteering for redundancy must be explored.

6.7 Employees aged 55 years or over may be eligible for early retirement with added benefits when dismissed by reason of redundancy where it is deemed appropriate.

6.8 Volunteers for redundancy may be considered but such applications will only be accepted where there is no conflict with the needs of the Trust. Where there are more volunteers than needed, then the selection criteria referred to in Paragraph 6.10 below will need to be used to determine the applications to be accepted.

6.9 Some possible criteria for selection for redundancy include:

(i) skills or qualifications – the Trust will want to bear in mind the retention of those skills and qualifications most valuable to them and to retain the balance within the Trust that is most useful in relation to future staffing requirements.

(ii) standard of work performance - the Trust would need to handle this very carefully and show the use of objective evidence to support selection on this basis.

(iii) attendance or disciplinary records – again this would need to be handled carefully to ensure e.g., that records of attendance were accurate and the reasons for and extent of any absences were known.

(iv) if these criteria do not resolve the selection the committee may, subject to the avoidance of discrimination above, consider employing length of service as a further criterion.

6.11 Selection for redundancy should be in accordance with the agreed procedure unless there are special reasons to justify departure from it. The criteria to be applied must be used fairly in considering the position for all employees in a potential redundancy situation.

The Trust will fulfil its duties and obligations under equality legislation and ensure that selection for redundancy is fair. For further details on what would constitute unfair criteria for selection see: https://www.gov.uk/redundancy-your-rights/being-selected-for-redundancy

7 Table: Appeal Forum for Redundancy Procedures

Decision	Initial decision/Forum	Appeal forum
Selection criteria for redundancy	CEO, Academy Principal/Head or delegated alternate.	Not applicable
An individual's selection and possible redundancy.	CEO, Academy Vice/Deputy Principal/Head or delegated alternate.	CEO, Academy Principal, or a Committee of the Multi Academy Trust Board.

8 Equality Impact

The Trust's responsibilities towards promoting equality, diversity and inclusion have been considered when drafting this policy.

Date of review	Date agreed	LGBs	MAT Board	Review date	Comments
May 2024	June 2024	Autumn 2024	July 2024	June 2025	