

REDUNDANCY POLICY

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THIS POLICY DOES NOT CREATE ANY CONTRACTUAL OBLIGATIONS ON OUR LADY IMMACULATE CATHOLIC ACADEMIES TRUST			

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1. Introduction

When considering restructures and redundancies, Our Lady Immaculate Catholic Academies Trust (the Trust) and its academies/schools therein will use the following policy and procedure in order to treat employees fairly and consistently.

If the Trust or Local Academy Committees wishes to deviate from this policy or adopt any other policy, the Trust will arrange consultation with the appropriate representatives from the recognised trade unions.

2. Scope

This policy applies to all employees within the Our Lady Immaculate Catholic Academies Trust (the Trust) and its academies/schools therein.

<h1>3. Legal Framework</h1>

- Employment Rights Act 1996
- Trade Union and Labour Relations (Consolidation) Act 19992
- Transfer of Undertakings (Protection of Employment) Regulations 2006
- Protection from Redundancy (Pregnancy and Family Leave) Act 2023
- ACAS
- Redundancy Payments (Continuity of Employment in Local government, etc) (Modification Order);

4. Definitions

OLICAT – Our Lady Immaculate Catholic Academies Trust (The Trust)

Redundancy is a potentially fair reason for dismissal. An employee may be in a redundancy situation if the Trust or academy/school:

- intends to stop doing the work which they are employed to do,
- intends to stop doing the work which they are employed to do in the place where they work,
- needs less people to do the work they are employed to do, or
- needs less people to do the work they are employed to do in the place where they work.

Redeployment is the process of trying to find suitable alternative employment for an employee who has been selected for redundancy.

Suitable alternative employment means work that is suitable in relation to the employee and appropriate for them to do, taking into account the job content and status and the knowledge, skills and experience required. The terms and conditions of suitable alternative employment will not be substantially less favourable than those of the employee’s original position.

5. Roles and Responsibilities

5.1 Headteacher Responsibilities

The Headteacher normally has delegated responsibility from the Trust for the management of the redundancy process at the school level. The responsibilities include:

- seeking professional advice from the Strategic Executive Lead (SEL)¹, Trust HR Director and where appropriate Trust Finance.
- providing information to the trade unions where appropriate in good time.

¹ SEL – Duties of the Chief Executive Officer are encompassed within the role of Strategic Executive Lead

- leading the consultation, with support from Trust HR, with employees and trade union representatives.
- making recommendations relating to the selection method to be used in the event of compulsory redundancies.
- seeking to redeploy employees at risk of redundancy within the Trust.
- providing all relevant information for the Redundancy and Appeals Committees.

5.2 Trust Board Responsibilities

The Trust Board will:

- record any proposed redundancies at a meeting of the full Trust Board before formal procedures commence. It may be necessary to call an extraordinary meeting of the Trust Board in order to meet required timescales.
- nominate a Redundancy Committee consisting of one or more Trust Board members plus the SEL and nominate an Appeal Committee consisting of two or more Trust Board Directors in addition to the SEL. No Headteacher or school employee will be part of this Committee. The Trust HR Director will be in attendance at both Committees in an advisory capacity.

No individual can serve on both Committees.

The Redundancy Committee will:

- Have overall responsibility for the redundancy process.
- Normally delegate the consultation exercise with employees and unions to the Headteacher. The Headteacher must be supported by the Trust HR Director and may be supported by a representative of the Redundancy Committee during the consultation process.
- Have fully delegated responsibility to take decisions on any employees to be dismissed by reason of (voluntary or compulsory) redundancy.
- Treat all matters relating to any meetings are treated as strictly confidential.

The Appeal Committee will:

- Hear any appeals against dismissal on the grounds of redundancy.

6. Principles

6.1 Support for employees

Redundancy can be a distressing experience for employees and the Trust Board will provide as much information, advice and help as possible. Further advice and support is available as follows:

Employees should be made aware of any support available to them through confidential counselling services: The Education Support Partnership - <https://www.educationsupportpartnership.org.uk/> , telephone 08000 562561.

Employees may also be able to get support from:

- a trade union representative.
- a 'companion'²

6.2 Examples of Redundancy situations

Situations which may result in the need for redundancies include:

- school closure/ amalgamation;
- falling pupil rolls;

² 'Companion' – either a willing work colleague or an accredited trade union representative or an official employed by a trade union.

- amalgamation or closure of facilities/departments;
- budgetary problems;
- a change in the demand from certain subject areas or job requirements; or
- reorganisation of management or departmental structures.

6.3 Avoiding the need for redundancy

The academy/school will receive its final budget annually and should be aware of any potential financial difficulties prior to this time, as announcements regarding levels of funding and access to budget planning tools are provided by the Government.

If a financial deficit is indicated, the Headteacher and Trust Board will initially explore all possible methods of making savings to avoid redundancy, for example:

- financial management to reduce other costs;
- not filling vacancies (natural wastage); and/or
- accepting requests to job share or reduce hours.

6.4 Equality

The academy/school will take steps to make sure that the way individuals are selected for redundancy does not unfairly disadvantage any staff who have a protected characteristic under the Equality Act 2010.

6.5 Creation of New Jobs

If the academy/school is proposing to create new support staff jobs as part of a restructure, these jobs will normally be designed and evaluated before the school begins consultation.

6.6 Voluntary Redundancy

Normally, the academy/school will consider voluntary redundancy to mitigate the need for compulsory redundancies. This may happen in advance of, or during, the formal consultation period. Trade Unions will be informed if expressions of interest are to be invited.

Whilst every effort will be made to accept volunteers for redundancy, employees should be aware that there is no automatic entitlement to this. When deciding whether to accept an application for voluntary redundancy needs of the academy/school will be given priority.

6.7 Job Matching and Ringfencing

In some circumstances, it may be appropriate to match employees to new posts. Matching is likely to arise during restructuring exercises when:

- there is a high degree of similarity between the existing job profile and the job profile within the new structure (normally 70% or more similarity)
- the grade is the same; and
- there is no reduction in the number of jobs.

Where this is the case the employee(s) will be assimilated into the new posts without applying any selection process.

In some circumstances, it may be appropriate to ring-fence a new post to a particular group of employees. Ring-fencing is likely to arise during restructuring exercises when:

- there is a substantial similarity between the existing job profile and a new job profile;
- there is a substantial similarity between the skills and experience required for the existing job and the new job; and
- the new job is normally at the same grade or within one grade of the existing job.

Where this is the case such vacancies may be restricted to specific groups of employees i.e. to those initially with a substantial similarity/match. This is known as ring-fencing. Employees with job roles ring-fenced to them will still be required to follow a selection process but will not be required to compete with applicants outside of the ring-fenced group.

6.8 Redeployment

The academy/school will look for suitable alternative employment for employees who are selected for redundancy within the academy/school and/or across the Trust, providing there are suitable vacancies available.

If suitable alternative employment is offered and the employee unreasonably refuses that offer, the employee may forfeit the right to a redundancy payment. Such an offer needs to be made before the end of the employee's employment and must take effect immediately at the end of employment or within 4 weeks.

The suitability of alternative employment is a matter for objective assessment and the question of the reasonableness of an employee's refusal is assessed on an individual basis. The Headteacher will seek HR advice from the Trust HR Director.

Employees who are redeployed are entitled to a trial period of 4 weeks. If the new job requires retraining, this time period may be extended by written agreement before the start of the trial period. The purpose of the trial period is for both the employee and the school to assess whether or not the post is suitable. If, during or at the end of the trial period, either the school or the employee reasonably concludes that the job is not suitable for the employee, the position reverts back to that of redundancy and the employee's employment will terminate (assuming no other suitable alternative job is available). If employment terminates in such circumstances the employee retains their right to a redundancy payment.

If the employee wishes to apply for higher graded jobs, normally their redeployee status will not apply, and they must compete alongside other applicants.

The Headteacher will ensure that all employees at risk of redundancy are made aware of any vacancies in the academy/school and within the Trust during the consultation period and any notice periods.

It is essential that employees who are absent from the school have the same opportunities to access vacancy / redeployment opportunities.

6.9 Pregnancy, Maternity, Adoption and Shared Parental Leave protection

When carrying out a redundancy exercise particular care will be taken when dealing with employees who are on maternity, adoption, or shared parental leave. Such employees are afforded special protection under the law.

The academy/school will not select an employee for redundancy for reasons connected to pregnancy, childbirth, maternity, adoption or shared parental leave.

However, if there is a genuine redundancy situation and a fair procedure is being carried out, an employee on maternity, adoption or shared parental leave can be included in the selection pool for redundancy and can be selected for redundancy.

If an employee on maternity, adoption or shared parental leave is selected for redundancy, the school will take all reasonable steps to identify suitable alternative employment for them.

If suitable alternative employment is identified the job will be offered to an employee on maternity, adoption or shared parental leave in preference to another employee who is not but whose job is also redundant. This is the case even if the other employee is better qualified for the position.

The alternative job must be offered to the employee before their existing contract comes to an end, and the new contract must take effect immediately afterwards. The fact that the employee is not ready to return to work at the time their job is made redundant, will be disregarded when considering whether or not to offer an alternative position.

6.10 Time off for Interviews

Employees who are under notice of redundancy will be entitled to reasonable time off with pay (as agreed with their Headteacher) to look for alternative employment or to arrange training.

6.11 Redundancy Payments

Redundant employees are entitled to a redundancy payment if:

- They have at least two years' continuous service with organisations listed in the Redundancy Payments (Continuity of Employment in Local government, etc) (Modification Order);
- They have not unreasonably refused an offer of suitable alternative employment.

Redundancy payments will only be payable from the date the dismissal takes effect.

Redundancy payments are calculated in accordance with the Employment Rights Act 1996 but based on actual gross pay rather than subject to the statutory maximum wage.

6.12 Funding Redundancy Payments

The Trust will confirm the method of funding any redundancy payments before the consultation period closes but will normally be met by the school where the redundancies are taking effect.

6.13 Pension Benefits

Redundant employees who are aged 55 or over may be entitled to premature retirement benefits. For further information, visit:

- Local Government Pension Service – for Northampton: <https://pensions.northamptonshire.gov.uk/lgps/> or Bedford: <https://www.bedspensionfund.org/>
- Teachers Pensions <https://www.teacherspensions.co.uk/>

7. Redundancy Procedure

Before starting the procedure, Trust HR in liaison with the academy/school, will draw up a timetable covering all of the following steps.

7.1 Step 1 – Redundancy Proposal approved by LAC

The Headteacher should present their proposal to make post(s) redundant to their LAC Committee and seek their approval. The proposal must include details of the post, full costings of the redundancy, impact on the school of the redundancy and any risks in terms of the redundancy. Following approval by the LAC, the proposal will be presented to the Trust Board.

7.2 Step 2 – Trust Board Meeting

The Trust HR Director will present to the Board, on behalf of the Headteacher, the proposal presenting the rationale for redundancies.

The Trust Board, if they are in agreement, will pass a resolution at this meeting that the academy/school is in a redundancy situation. This resolution will be formally minuted and the Headteacher informed of the outcome.

If the Redundancy Committee and the Appeal Committee have not yet been set up, this will be done at this meeting (see [Roles and Responsibilities](#) for more details).

7.3 Step 3 – Consultation

Consultation will normally be led by the Headteacher, with support from the Trust HR Director; they may also be accompanied at meetings by a representative of the Redundancy Committee. The consultation period will commence from the date of formal notification of the proposed redundancies to the trade unions and employees. The consultation period will normally last a minimum of 4 calendar weeks and the school will comply with any minimum periods for formal consultation that are legally required. The consultation period may be extended by mutual agreement.

Consultation gives employees and trade unions the opportunity to make suggestions and proposals for avoiding the loss of posts or reducing the number of posts to be lost.

A consultation document will be produced containing the following information:

- the reasons for the proposed redundancies;
- the numbers and descriptions of posts affected;
- the numbers of employees in each post affected;
- current structure and proposed structure;
- job descriptions and person specifications for any new/revised jobs;
- how the school proposed to select employees for redundancy;
- how redundancies will be carried out;
- how redundancy payments will be calculated; and
- the proposed timetable for redundancy process including the date the proposed dismissals are to take effect.

Trade Unions and affected employees will be invited to a consultation meeting to discuss the proposals. A copy of the consultation document will be enclosed with the invite. A copy of this Redundancy Policy will also be made available.

Employees who are absent from work (e.g., on maternity or sick leave) will be sent a copy of the document to their home address at the same time.

The Headteacher will arrange for formal notes will be taken at the consultation meeting. At the meeting, meaningful consultation will take place on all the above matters, with a view to reaching agreement. Expressions of interest in voluntary redundancy may be requested at this meeting if this has not been done previously.

During the consultation period, affected employees will also have the opportunity to have an individual consultation meeting with the Headteacher.

Voluntary Redundancy

If expressions of interest have been invited, they should be put in writing and be submitted by a specific date taking into account the time required for potential volunteers to seek advice and information on their redundancy/early retirement benefits.

If an employee submits an expression of interest, the Headteacher will meet individually with them, normally during the consultation period.

The purpose of the meeting is to talk through the process, answer any queries, ensure that the employee is aware of the procedure and all the implications of volunteering for redundancy. The employee may be accompanied at this meeting by a work colleague, or a trade union representative and the Trust HR Director may also be in attendance.

During or at the end of this meeting, the employee may withdraw their request if they change their mind about volunteering. At the end of the meeting the employee will be asked if they still wish to continue. It will be explained that if the employee decides to continue, a recommendation will be made to the redundancy committee which may result in a decision to dismiss the employee on the grounds of (voluntary) redundancy.

Outcome of Consultation

At the end of the consultation period, the Redundancy Committee will meet to consider comments and suggestions from employees and the trade unions.

At this meeting the Redundancy Committee will decide:

- whether to make any revisions to the proposals
- whether any applications for voluntary redundancy are accepted
- which employees are to be given notice of compulsory redundancy without any need for selection process (where a category of post is being deleted in its entirety rather than reduced in number)
- which employees will be in a selection pool for redundancy, and what selection method and criteria will be applied.

The Committee will confirm the above decisions to the relevant employees and trade unions in writing.

7.4 Step 4 – Selection (if applicable)

If there are any pools of employees from which selection for redundancy needs to take place, this will be the next step. How this takes place will depend on what method of selection is being used. This process will take place as soon as possible following end of the consultation period.

The Redundancy Committee will decide who will form the selection panel. The selection panel will normally include representatives from the Committee and the Headteacher but may include another relevant member of the school leadership team. The Trust HR Director will support the selection panel in an advisory capacity. There may be a different selection panel for each category of post.

7.5 Step 5 - Notification of Decisions

The Trust HR Director on behalf of the Chair of the Redundancy Committee will write to each employee who has been selected for dismissal by reason of redundancy. The letter should state:

- that the employee's post has been selected for redundancy;
- the reason for the selection e.g. the role no longer required, the application of selection criteria, outcome of competitive interview;
- that the employee or his/her representative may make written and/or personal representations to the Redundancy Committee. (the employee will be given at least seven calendar days' written notice of a representations meeting).

7.6 Step 6 – Representations Meeting

At least seven calendar days before the scheduled Representations Meeting, all papers relating to the redundancy will be shared with the parties to the meeting. These papers include:

- the original information sent to employees and trade unions explaining the need for redundancies;
- details of the method of selection and any criteria used by the Redundancy Committee to make its decision;
- information relating to the employee's personal selection (the employee has no right to see information relating to any other employee included in the selection process); and
- the agenda for the meeting.

Any written representation submitted by the employee, or their representative should be sent to the Headteacher at least five calendar days before the date of the meeting.

If an employee chooses to have a Representations Meeting, the following people may be in attendance:

- The Redundancy Committee.
- The Trust HR Director to advise the Redundancy Committee;
- The Headteacher may be present to explain the reason for redundancy and to provide information and clarification;
- The employee making the representations;
- If the employee wishes, a trade union representative or workplace colleague (the employee must make their own arrangements to be accompanied);
- a note-taker, as arranged by the Headteacher.

Where more than one employee has been nominated for redundancy, the same Redundancy Committee must consider all the proposed redundancies. Each employee's representations will be heard separately, unless they are represented by the same union representative and elect to have their cases heard together. Each employee still has the right to make individual representations, even if in the presence of others.

The Chair of the Redundancy Committee is responsible for the conduct of the proceedings and for any variations considered appropriate. The Chair of the Redundancy Committee will ensure that the employee has full opportunity to make their representations and the Headteacher has the opportunity to respond as appropriate or clarify any points.

The Chair of the Redundancy Committee may decide to adjourn the meeting for a specified time, or to another date, if new evidence is brought to the meeting which all parties have not had time to consider, or for some other good reason. In such circumstances, the reconvened Redundancy Committee must comprise the same membership.

At the end of the meeting, the Redundancy Committee will make its decision and notify all parties. This may be done in person by recalling all parties and following up in writing to the employee, or in writing only to the employee copied to all other parties.

7.7 Step 7 – Notice of Dismissal

Once the selection process and representation meetings with the Redundancy Committee have been completed, notice will be served to the employee(s) by the Trust Board.

Notice periods will be in line with contractual notice or statutory notice, whichever is the greater. Statutory notice is one week for each year of service up to a maximum of 12 weeks. Contractual notice is stated in the contract of employment.

The notice letter will explain the right of appeal.

During the notice period the manager will continue to keep in regular contact and offer support to the employee.

7.8 Step 8 – Appeals

If the employee wishes to appeal against dismissal, they must write to the Trust HR Director, copied to the Headteacher stating in detail the grounds for appeal within seven calendar days of the date of notification of dismissal.

The Appeal Committee will normally meet within 14 calendar days of receipt of the employee's appeal. The employee will be given at least seven calendar days' notice of the appeal hearing.

Any written submissions from the employee or their representative must be sent to the Trust HR Director for circulation at least five calendar days before the date of the meeting.

The Trust HR Director in liaison with the Headteacher will then send copies of all papers relating to the redundancy to all parties (unless they have already received them). These papers include:

- the original information sent to employees and trade unions explaining the need for redundancies;
- details of the method of selection and any criteria used by the Redundancy Committee to make its decision;
- information relating to the employee's personal selection (the employee has no right to see information relating to any other employee included in the selection process);
- documents from any Representations Meeting, including the notes of that meeting;
- the employee's submissions for the appeal; and
- the agenda for the meeting.

The following people will be in attendance at an appeal:

- The Appeal Committee;
- The Chair of the Redundancy Committee;
- The Headteacher may be present to provide information and clarification;
- Trust HR Director to advise the Appeal Committee;
- The employee making the appeal;
- If the employee wishes, a trade union representative or workplace colleague (the employee must make their own arrangements to be accompanied); and
- a note-taker, as arranged by the Headteacher.

The Chair of the Appeal Committee is responsible for the conduct of the proceedings and for any variations considered appropriate. The Chair of the Appeal Committee will ensure that:

- the employee has full opportunity to make their appeal,
- the Chair of the Redundancy Committee has the opportunity to explain their decision and respond to the appeal as appropriate, and
- the Headteacher has the opportunity to clarify any points.

Outcome of Appeal

The possible outcomes of an appeal are:

- Appeal rejected and no change to the decision to dismiss on the grounds of redundancy; or
- Appeal successful, in which case the notice of dismissal will be withdrawn and the procedure may have to return to Step 4.

Notification of outcome

At the end of the meeting, the Appeal Committee will make its decision and notify all parties. This may be done in person by recalling all parties and following up in writing to the employee, or in writing only to the employee copied to all other parties.

8. Data Protection

Any data collected as part of employing and managing employees is held securely and in accordance with GDPR requirements and Data Protection Act 2018. It is accessed by, and disclosed to, individuals only for the purposes of completing that specific procedure; process or activity.

Records are retained and destroyed in accordance with the Trust's Retention Schedule.

Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the organisation's Data Protection Policy immediately. It may also constitute a disciplinary offence, which may be dealt with under the Disciplinary Procedure.

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