

## Redundancy Policy

Policy Code:	HR10
Policy Start Date:	September 2022
Policy Review Date:	September 2025

Please read this policy in conjunction with the policies listed below:

- HR11 Teachers Pay Policy

## **1 Policy Statement**

- 1.1 The Trust recognises that employees are its most important resource and that effective management of those employees will be a major contributor to the delivery and quality of its provision.
- 1.2 The Trust aims by careful planning to ensure as far as possible security of employment for its employees. However, it is recognised that there may be changes in business requirements, competitive conditions, organisational requirements etc. that may affect staffing needs. The Trust will always try to avoid compulsory redundancies but, on occasions, this may be necessary.
- 1.3 This policy sets out the Trust's position in relation to any potential redundancy situation, helping anyone involved to understand the process and ensure it is carried out fairly.
- 1.4 References to the Trust or Academy within this policy specifically include all primary, secondary and special academies within the Trust, as well as the Early Years setting at the Priory Witham Academy, Priory Apprenticeships and Lincolnshire SCITT.
- 1.5 This policy does not form part of any member of staff's contract of employment and it may be amended at any time.

## **2 Roles, Responsibilities and Implementation**

- 2.1 The Pay, Performance and HR Committee has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. This committee delegates day-to-day responsibility for operating the policy and ensuring its maintenance and review to the Trusts Human Resources Lead.
- 2.2 Leaders and Managers have a specific responsibility to ensure the fair application of this policy and all employees are responsible for supporting colleagues and ensuring its success.

## **3 Aims**

- 3.1 To ensure that employees impacted by redundancy are treated in a fair, consistent and sensitive manner.

## **4 Policy Details**

### **4.1 Definition of Redundancy**

The definition of redundancy is as follows:

- The employer has ceased, or intends to cease, to carry on the business for the purposes of which the employee was so employed; or
- The employer has ceased, or intends to cease, to carry on the business in the place where the employee was so employed; or
- The requirements of the business for employees to carry out work of particular kind has ceased or diminished or are expected to cease or diminish ;or
- The requirements of the business for the employees to carry out work of a particular kind, on the place where they were so employed, has ceased or diminished or are expected to cease or diminish.

### **4.2 Avoiding Redundancies**

The Trust will endeavour to avoid compulsory redundancies wherever possible. Measures for avoiding compulsory redundancies may include a mixture of the following or other viable suggestions, as deemed to be appropriate:

- Natural turnover.
- Reducing employment of casual staff and staff employed via agencies.
- Seeking volunteers for early retirement and/or voluntary redundancy. In all cases the acceptance of a volunteer for redundancy will be at the discretion of the Trust and the Trust reserves the right not to offer voluntary redundancy terms or to refuse an application where it is not in the interests of the Trust to do so.
- Considering volunteers for part-time or job sharing where these are practicable.
- Redeployment and, if possible, retraining, to other parts of the organisation (where vacancies exist).
- Wherever possible, reduction or elimination of overtime working.
- Restrictions on recruitment.
- Considering suggestions from employees, employee representatives and Trade Union representatives.
- Trying to make savings in other areas.
- Freezing salaries for a specified period.

## 4.3 Consultation

### 4.3.1 Announcement of redundancy

The workforce, or relevant part of the workforce, will be informed in broad terms, of the reasons for the proposed redundancies, the numbers and areas to be affected, the timescale, the consultation plans and whether volunteers are to be sought.

Consideration must give to the fact that:

- As much warning as possible must be given.
- The collective consultation must be “in good time”.
- Communication with employees must be timely and appropriate.
- If volunteers are to be sought, this information should be indicated in the formal announcement for redundancies.

### 4.3.2 Written Notification

Following due consideration of the alternatives to redundancy, if the management of the Trust considers that the required staff reduction can only be achieved, the relevant Trade Union representative(s) will receive written details of the redundancy proposals, including:

- The reason for the proposed redundancies.
- The numbers and descriptions of employees it is proposed to make redundant.
- The total number of employees of such description who are employed at that location.
- The proposed method of selecting employees.
- The proposed method of carrying out the redundancies, including how long it is proposed to take and if notice will be paid as money in lieu.
- The proposed method of calculating any redundancy payments (other than in accordance with statutory requirements).

The statutory consultation process is begun by giving each of the employee’s representatives this information.

The management of the Trust will consider any suggestions made by Trade Union representatives to avoid redundancies and will give a response in writing.

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#### 4.3.3 Proposed Redundancy of 20 or more employees

- In the event that the Trust is proposing to make 20 to 99 employees redundant within a period of 90 days or less, consultation will take place for a period of at least 30 days before the first redundancy will take effect. The Redundancy Payments Office should be notified using an HR1 form, 30 days before the first redundancy takes effect.
- In the event that the Trust is proposing to make 100 or more employees redundant within a period of 90 days or less, consultation will take place for a period of at least 45 days before the first redundancy will take effect. The Redundancy Payments Office should be informed 45 days before the dismissal takes effect. In the event of 20 or more redundancies, the Trust will consult with Trade Union representatives of affected areas.

#### 4.3.4 Consultation

The purpose of consultation is to provide as early an opportunity as practicable for all concerned to share the problem and explore the options. Where it is identified that there is a potential redundancy situation the individual(s) involved and the appropriate representative(s) of the relevant recognised Trade Union(s) will be notified and consulted with. This notification and consultation will begin as soon as possible and in any event in good time to ensure all alternatives to redundancy are explored.

Consultation will be concerned with the following:

- Explaining the background / circumstances/reason(s) for proposed redundancies.
- Exploring any alternatives to redundancy (including but not limited to those set out in section 4.2 above) and ways of reducing the numbers involved.
- Defining the areas potentially affected by redundancy.
- Defining the potential numbers affected and the total number employed within each area.
- Selection criteria applicable to this redundancy situation.
- The timescale.
- Inviting volunteers (if appropriate).
- Employee's entitlement on redundancy.

#### 4.4 Selection Criteria

Where selection criteria are required, the management of the Trust will seek to agree those criteria with the recognised Trade Union(s).

Since the need to maintain a balanced, skilled and experienced workforce after redundancies is paramount, various selection criteria will be used to help achieve this. If appropriate, the selection criteria may be varied for any particular redundancy situation following collective consultation, in line with current legislation.

The selection criteria may include some or all of the following. The list is not exhaustive:

<b>Objective</b>	<b>Subjective</b>
Attendance	Experience ( gained in formal or informal setting)
Disciplinary Record	Flexibility/ Adaptability
Qualifications/training	Quality and standard of work
	Job Knowledge
	Job Performance

Where a matrix assessment is being determined, it will so far as possible be designed to include a reasonable balance of subjective and objective criteria.

The Trust may wish to weight the criteria to reflect the future curricular, pastoral or organisational requirements of the Trust.

- When attendance records are to be used the Trust will carefully assess the reasons for and extent of absences. Absences relating to disability or Statutory Family Friendly policies will be discounted. Any absences agreed by the Trust e.g. unpaid leave, compassionate leave, etc will also be discounted.
- A matrix based assessment, where possible, will be undertaken by at least two people who know the work and ability of the employees they are assessing.
- Where possible the matrix will be moderated by a third person.

In carrying out any redundancy exercise and applying any selection criteria the Trust will not discriminate directly or indirectly on grounds of gender, sexual orientation, marital or civil partner status, gender reassignment, race, colour, nationality, ethnic or national origin, religion or belief, disability or age. Part-time

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employees and those working under fixed-term contracts will not be treated differently to permanent, full time comparators.

Each employee will be assessed as objectively as possible against the selection criteria, by a panel of senior staff with knowledge of the individual.

#### **4.5 Individual Consultation**

As part of the consultation process, the Trust will enter into individual consultation with those employees identified as being at risk of redundancy.

Employees who have been identified will be invited to attend an individual consultation meeting with a relevant Manager and the Trusts Human Resources Lead. They will be entitled to be accompanied to all meetings by a colleague or Trade Union representation, should they wish.

#### **4.6 Conduct of Consultation Meeting**

After initially advising the employee that they are at risk of redundancy, the employer will send a letter to the employee setting out the reasons for the potential redundancy and the possible outcomes of the consultation meeting. (This will consist of the information already provided to the Trade Union at 4.3.2).

The letter will invite the employee to discuss the matter and confirm the time, date and location of the meeting. Any employee who has difficulty understanding such a letter should ask the Trusts Human Resources Lead for an explanation.

Before the meeting the employee will be provided with all relevant information and given reasonable opportunity to consider, together with their companion, his or her response to that information. This will include, where appropriate, alternative vacancies.

All consultation meetings including appeals, will be held at a reasonable time and place. An employee who has been invited to attend a meeting must take all reasonable steps to attend the meeting.

Other than the initial meeting, an employee has the right to be accompanied by a colleague or Trade Union representative of his or her choice at all meetings, including appeal meetings. The companion may address the meeting to put the employee's case, sum up his or her case or respond on the employee's behalf to any view expressed at consultation meetings. He or she may also confer with the employee during the meeting, but does not have the right to answer

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questions on his or her behalf, address the meeting if employee does not want him or her to / or prevent anyone, including the employee, from making his or her contribution at the meeting.

The Trusts Human Resources Lead will conduct the meetings along with the employee's line manager. At the meeting, the Trusts Human Resources Lead will explain the role of those attending. The Trusts Human Resources Lead will then explain the reasons for their provisional selection for redundancy and will give the employee the opportunity to respond in full. The Trusts Human Resources Lead will duly consider any representation put forward, and advise the employee of the outcome of such considerations at the second or subsequent meeting. A minimum of two consultation meetings will be held during the individual consultation process. As many meetings as are necessary will be held, to properly consult with the employee.

#### **4.7 Confirmation of Decision**

The Trusts Human Resources Lead will carefully consider representations made by at risk employees.

Once a decision either way has been made, the Trusts Human Resources Lead will confirm that decision in writing to the employee. If the decision is that the employee is to be made redundant, the letter will include:

- Confirmation that the employee has been selected for redundancy.
- The effective date of termination of the employee's contract of employment.
- The right of appeal against the decision and detail of how to lodge an appeal.

If an employee is selected for redundancy, they will have the right to appeal (see 4.9 below).

Subject to the Trust's operational needs, employees who have been made redundant will be given permission to take time off work during their notice period to look for work or seek retraining opportunities in accordance with current legislation.

#### **4.8 Suitable alternative employment within the Trust**

The Trust will consider whether employees likely to be affected by redundancy can be offered suitable alternative work within the organisation and will continue to do so until the employee's effective date of termination. If available, full details will be given to the employee to enable them to decide whether to accept

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or not. In order for the Trust and the employee to have an opportunity to decide whether an alternative job is suitable, a trial period of four calendar weeks will take place. This will be confirmed in writing to the employee. A longer trial period can be agreed by both parties if required and will also be confirmed in writing. If, at the end of the trial period the alternative employment is not suitable, the employee will still be entitled to redundancy pay. Employees unreasonably refusing suitable alternative employment may lose their entitlement to redundancy pay.

#### **4.9 Appeal**

All employees will have the right to appeal against dismissal for redundancy and to exercise this right must formally lodge an appeal, addressed to the Clerk to the Trust, within 10 working days of receipt of notice or redundancy. The employee must set out in the letter the grounds for their appeal. The employee will be invited to an appeal hearing – this will be held at a reasonable time and place. The employee will have the right to be accompanied by a colleague or Trade Union representative of their choice. The rights of the companion are as detailed in section 4.6 above.

To hear the appeal, the Chief Executive Officer will appoint an Appeal Officer from the Trust Executive Management Team. No one hearing the appeal will have been involved in any earlier stages of the process. The grounds of appeal will be carefully considered and the employee will be given an opportunity at the appeal hearing to present their reasons for appealing and to state their case.

The Appeal Officer will reserve the right to hear the appeal in the individual's absence if they are unwilling to attend an appeal hearing at a reasonable time and place, if the hearing has already been rescheduled once at the employee's request. Any written submission, whether or not the employee is in attendance, will be considered by the Appeal Officer. Additional evidence may also be considered by the Appeal Officer, subject to it having been submitted no less than seven days before the hearing.

The Clerk to the Trust will inform the employee of the decision and this decision will be confirmed in writing, without unreasonable delay.

The outcome of the appeal hearing will be final.

### **5 Policy Change**

This policy may only be amended or withdrawn by the Priory Federation of Academies Trust.



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# **The Priory Federation of Academies Trust**

## **Redundancy Policy**

This Policy has been approved by the Pay, Performance and HR Committee:

Signed..... Name..... Date:

Trustee

Signed..... Name..... Date:

Chief Executive Officer

Signed..... Name..... Date:

Trusts Member of Staff

Please note that a signed copy of this agreement is available via Human Resources.