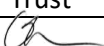




Victoria Academies Trust

Redundancy and Redeployment Policy

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Signed			

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1. Introduction

Victoria Academies Trust (the Trust) is committed to ensuring, as far is reasonably possible, a secure and stable working environment through the retention of its finest asset, its staff. Through positive workforce planning, the Trust and its schools will endeavour to maintain the efficiency and effectiveness of service provision in order to safeguard the current and future employment of its employees. However, it is recognised that, circumstances may arise that will affect employees within the organisation and some employees may be placed 'at risk' of redundancy.

In the event that redundancies are considered unavoidable, the Trust will first ensure it explores other alternatives. The Trust will endeavour to support all employees throughout this process.

This policy sets out the Trust's approach to conducting a redundancy exercise. The Trust will always aim to avoid redundancies in the first instance. However, where they are unavoidable, it is the aim of the Trust to keep the impact of such change to a minimum.

The Trust is committed to keeping employees and their trade unions consulted throughout any redundancy process and to provide support through what can be a distressing time.

The Trust is aware of the statutory obligations in respect of redundancies provided for by the following pieces of legislation:

- Equality Act 2010
- Employment Rights Act 1996
- Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002 and
- Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000.

This policy does not make up part of an employee's contractual terms and conditions.

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2. Scope

This policy applies to all employees of the Trust.

3. Alternatives to Redundancy

Prior to confirming any redundancies, the Trust will explore other alternatives that are suitable to maintain the needs of the organisation. The measures to be taken will depend on the exact circumstances at the time a decision is made. However, the following represents measures that will be explored:

- restrictions on recruitment (non-recruitment to vacant posts, internal recruitment only etc)
- seeking volunteers for redundancy with due regard to the costs and the needs of the Trust/School
- cessation of temporary/fixed term contracts where this is lawful and fair
- reduction in the use of agency, casual and/or supply staff
- exploring other options with employees such as a reduction in hours/additional hours/overtime/job share opportunities
- redeployment to alternative posts in the Trust as appropriate

4. Voluntary Redundancy

When a redundancy exercise is proposed, the Trust may take the initial step of inviting applications for voluntary redundancy for a restricted period of time.

The final decision on accepting a voluntary redundancy application will be made by the Trust and employees must be aware that volunteering for redundancy will not necessarily lead to an approval of that application. The Trust may deem that the volunteer's skills and capabilities are such that it would be detrimental to the Trust/school's future prospects if they were no longer available. In these circumstances, the application is likely to be denied.

Any acceptance of an application for voluntary redundancy will be confirmed in writing and the individual invited to a meeting to discuss arrangements for the termination of their employment, including any entitlement to redundancy pay which may or may not include an entitlement to enhanced redundancy pay.

5. Consultation and Information

The Trust will engage in meaningful consultation with recognised trade unions to discuss the proposed redundancies. A thorough consultation process will take place which will include both group and individual consultation.

The Trust is committed to the full involvement of employees and their representatives throughout any redundancy exercise and sufficient time will be allocated to ensure consultation is meaningful. To this end, the Trust will engage with trade union/employee representatives to analyse any proposals submitted. The Trust will ensure, wherever possible, these submissions are incorporated into the process of handling the prospective redundancies.

There will be an opportunity for trade union representatives to attend a pre-meeting with the Headteacher immediately before the consultation meeting.

The Consultation Period

Minimum consultation periods for large redundancies are prescribed in law, as follows:

- a minimum of 30 days' consultation where between 20 and 99 proposed redundancies are to take place at one establishment over a 90-day period or
- a minimum of 45 days' consultation where 100 or more proposed redundancies are to take place at one establishment.

There is no statutory timescale where up to 19 employees are due to be dismissed due to redundancy in an establishment.

However, employees have a right to genuine consultation with regard to redundancy proposals, a reasonable timeframe will be 30 working days.

A draft timeline will be provided as part of the Early Consultation process, for teachers this will normally be:

1 March for 31 August
1 July for 31 December
1 December for 30 April

Stage 1 – Early Consultation (15 working days)

The purpose of this stage is not to identify posts at risk but to:

- Inform staff and recognised Trade Unions of the factors affecting the Trust/school that may lead to a reduction/adjustment of the staffing establishment and the numbers of redundancies being considered.
- Provide an opportunity for staff (collectively or individually) and Trade Unions to put forward ways in which reduction/adjustment can be avoided or achieved voluntarily.
- Discuss the criteria for selection for redundancy.

Redundancy figures will be provided to staff on request.

Staff and recognised Trade Unions will be provided with the relevant information.

15 working days will be allowed for staff and Trade Unions to respond to the information provided, including individual consultation meetings with Trade Unions where requested.

At the end of the consultation period the Headteacher will consider all the comments received and determine:

- Whether the projected information still indicates a need to reduce the staffing establishment.
- Whether a reduction can be achieved through voluntary means e.g. job share, reduced hours or voluntary redundancy.

Where an option that is put forward proves viable the process ends here.

Where the reduction cannot be achieved by voluntary means, the process will move to Stage Two of these procedures.

Stage 2 – Formal Consultation (15 working days)

The Headteacher will confirm the selection criteria to identify posts at risk.

The Headteacher will determine the number of posts by which the establishment will be reduced. The agreed selection criteria will then be applied to identify the posts “at risk” of compulsory redundancy. The Academy will continue to seek means by which to avoid a compulsory redundancy.

The Headteacher will prepare the Section 188 to satisfy the relevant statutory requirements and send the information to the recognised Trade Unions. Copies will be provided to school-based representatives and staff.

During the period of consultation, the following information will be outlined:

- the business reason(s) for the proposed redundancies
- the outline and specifics of those effected including numbers and description of employees
- the proposed method of selecting those who may be dismissed

- the proposed method of carrying out the dismissals, including the period over which the dismissals will take place
- the method of calculating redundancy payments
- the timescales for the process
- the volume and usage of agency workers working with the School/Trust
- other options for consideration and ways in which compulsory redundancies may be reduced or mitigated

The minimum period of consultation on the Section 188 proposals will be 15 working days.

During the consultation period the Headteacher will receive written comments or agree to meet the Trade Unions representatives and or individual employees to discuss the proposals.

The Headteacher will consider all the responses to the consultation and after considering the advice from a HR representative will:

- Take no further action.
- Modify the proposals and allow a further period of consultation (minimum 5 working days) on the changes.
- Confirm the proposals and apply the agreed selection criteria to identify the post(s) and name the employee(s) at risk of compulsory redundancy.

The employee(s) will be notified in writing of the decision of the Headteacher and their rights to a personal hearing with the Headteacher. (Where possible the employee and their representative will be advised of provisional dates for hearing and appeal meetings at this stage).

- The employee(s) should confirm in writing within five working days of the above notification if they wish to have a personal hearing with the Headteacher.

The hearing will be held within 10 working days of the notification of the decision to the employee(s).

If the employee does not request a personal hearing notice of redundancy will be issued in writing.

6. Personal Hearing and Appeal

The personal hearing should take place during the normal school day, or if this is not possible, as soon after the end of the afternoon session as possible.

The conduct of the personal hearing is given in Appendix 2. The decision of the Headteacher will be given to the employee in writing.

Where the Headteacher confirms the decision that the employee is at risk of compulsory redundancy, termination of employment notice will be issued and the employee will be informed in writing of their right to appeal to the Chief Executive Officer (CEO) of the Trust who was not involved with their selection.

The employee should confirm, in writing, within five working days of receipt of the Headteachers decision if they wish to exercise their right of appeal.

The appeal meeting will normally be held within ten working days of the notification to the employee of the decision of the personal hearing.

The appeal should take place during the normal school day, or if this is not possible, as soon after the end of the afternoon session as possible.

The conduct of the appeal is given in Appendix 3.

Where the appeal is:

- NOT UPHOLD – a formal notice of redundancy will be issued within 14 days of the written notice from the appeal.
- UPHOLD - the employee will be informed in writing and no further action taken.

7. Selection

If, having taken the above steps, it has not been possible to avoid a compulsory redundancy situation; the Trust/School will use objective criteria to establish at the outset those employees who will be in the selection pool. The precise pool(s) will be determined by the circumstances and may comprise of the whole School / a department or a particular group of employees or individual employees who undertake the same or similar work.

The Trust/School will establish a suitable, objective and fair method of selecting employees whose posts will be made redundant. The proposed selection criteria will be subject to consultation with the recognised trade union representatives and will include:

- a clear definition of the workgroup(s) where reductions are required
- that the operational needs of the Trust/School will be considered first
- the possible criteria excluding any other age-related criteria that cannot be justified as proportionate
- the method by which the selection criteria will be assessed

8. Alternative work

In an attempt to avoid redundancies, the Trust will ensure that action is taken to seek suitable alternative employment options for employees who have been notified of their redundancy until the point of termination. Existing vacancies in the organisation will be outlined and be subject to discussion with the employees concerned. For this purpose, further meetings may be arranged between the employee and their line manager. If a role is found to be suitable and an offer presented, a trial period of four weeks will apply.

If, during the trial period, the alternative vacancy is deemed unsuitable then the employee's employment will be terminated upon conclusion of the trial period. The employee's entitlement to a statutory redundancy payment will not be affected by this decision. In the event that further suitable alternative work is found, the employee will again undertake a trial period of four weeks in that role. The trial period may be extended if extra training needs are identified.

The employee loses their entitlement to a statutory redundancy payment upon an unreasonable refusal of a suitable alternative role. The same will apply in the event that the employee, having taken up the offer of the suitable alternative role, then resigns before the end of the trial period.

Where there is more than one suitable applicant for a vacancy, the Trust reserves the right to introduce a selection process akin to those used in a normal recruitment process, to allow for fair selection of the most suitable applicant.

Employees identified as at risk of redundancy who are pregnant, or on maternity, adoption or shared parental leave, are entitled to be offered any suitable alternative roles within the Trust and given first refusal over other affected employees.

For pregnant employees, this protection applies from the point the employee tells the Trust that they are pregnant and continues to apply for 18 months after either the expected week of childbirth, or the exact date of birth, if the employee informs the Trust of this, and includes the period spent on maternity leave.

For employees who take maternity leave, protection will apply for 18 months beginning with the date that childbirth occurred.

For employees who take adoption leave, the protection will apply for 18 months starting from the date of placement of the child.

For employees who take shared parental leave, the protected period is for 18 months from when the child is born. The employee must have taken six or more consecutive weeks of shared parental leave and not taken maternity or adoption leave for the protection to apply. If less than six consecutive weeks of shared parental leave are taken, protection will only apply during the period of shared parental leave.

9. Time-off to look for work / undergo training

If a notice of redundancy dismissal is served, employees will be allowed time off work to seek other employment. A reasonable amount of time off will be granted for the purpose of attendance at interviews and participating in training for other form of employment. Any time off should be discussed with the employee's relevant manager prior to being arranged.

10. Redundancy payments

Employees with two or more years' continuous service, as calculated in accordance with the Employment Rights Act 1996 and the Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order (Amendment) Order 2010, who are dismissed on grounds of redundancy, will be entitled to a redundancy payment based on their final salary. Payment is based on each complete year of service up to a total of 20 (counting backwards from the date of termination) on the following scale based on age during employment:

- age under 22, half a week's pay;
- age 22 to 41, a week's pay;
- age 41 and above, a week and a half's pay

Length of service is capped at 20 years.

11. Notice and termination of employment

Normally, employees will be required to work during their redundancy notice period, however, the Trust reserves the right to make a payment in lieu of notice (PILON). In these circumstances the Trust may consider a request from an employee to reduce their contractual notice period, or the employee may provide a counter notice in line with statutory provisions. In the case of the latter, the Trust will normally accept a counter notice unless exceptional circumstances apply.

APPENDIX 1 – Indicative Redundancy Timelines

Stage	Actions	Timeline
Planning	The Headteacher prepares a business case to seek approval to commence consultation procedures.	
Stage 1 – Early Consultation	Consultation with trade union representatives and affected employees to: <ul style="list-style-type: none"> • explain proposals • issue provisional timeline • discuss selection criteria 	15 working days
Stage 2 – Formal Consultation	Headteacher to confirm or amend proposals and issue Section 188 to trade union representatives and affected employees	15 working days
Application of Selection Criteria	Selection criteria applied to identify employees at risk of redundancy	
Notification to Employees	Employees will be notified in writing and informed of their right to a personal hearing with the Headteacher	
Personal Hearing	Employee requests a personal hearing in writing. Hearing held in accordance with Appendix 2. Employee may present information for further consideration of the decision	5 working days
Notice Issued to Employees	Employee issued with their notice in writing in accordance with their notice entitlement and notified of their right to appeal the decision to the CEO.	
Appeal Hearing	Employee appeals in writing. Appeal hearing with the CEO held in accordance with Appendix 3. Decision to confirm the original selection or uphold the appeal.	5 working days
Contract Terminated	Employment terminated on the grounds of redundancy.	

APPENDIX 2 – Personal Hearing with Headteacher

The main purpose of the hearing is for the employee to have an opportunity to present to the Headteacher who has made the decision that she/he is at risk, reasons for further consideration of that decision.

1. Attendance at the meeting will consist of: -
 - The Headteacher
 - Human Resources representative
 - The employee
 - The employee's representative
2. The meeting will be conducted as follows:
 - The Headteacher will explain the purpose and conduct of the meeting, and that the notes will be confidential (though available to all parties present)
 - The HR representative will outline the process followed in arriving at the initial decision
 - The employee or her/his representative will present reasons for the Headteacher to reconsider their decision
 - The employee or her/his representative may make a concluding statement
 - The employee and her/his representative will then leave the meeting
 - The HR representative will provide the Headteacher with procedural advice to assist in arriving at a decision
 - Where the Headteacher determines that the employee is no longer "at risk" no further action will be taken. Where the Headteacher confirms the "at risk" status the employee will be issued with their redundancy notice and be informed of the right to appeal to the CEO of the Trust.

Appendix 3 – Appeal to CEO

The main purpose of the appeal is to review the procedure followed and that it has been applied fairly.

1. Attendance at the appeal will be:
 - the CEO
 - the Human Resources or representative
 - the Headteacher
 - the employee
 - the employee's representative
2. The conduct of the meeting will be: -
 - the CEO will explain the purpose and conduct of the meeting, and that the notes will be confidential (though available to all parties present)
 - the employee (or her/his representative) presents the grounds on which the appeal is based.
 - the Headteacher will present factors taken into account in arriving at their decision.
 - the CEO may ask questions of either party
 - the employee, her/his representative and the Headteacher may ask questions of each other through the CEO
 - the employee or her/his representative may make a concluding statement
 - the Headteacher may make a concluding statement
 - the employee, her/his representative and the Headteacher will leave the meeting while the CEO arrives at a decision
 - all parties may be recalled if the CEO requires further information
 - all parties are recalled for the decision of the CEO
 - the decision of the CEO will be confirmed, in writing to the employee
 - where the CEO upholds the appeal, the notice will be withdrawn. Where the CEO rejects the appeal the termination of contract/notice will be continue.