



**THE BAY
LEARNING TRUST**

Redundancy Policy

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THE BAY LEARNING TRUST

REDUNDANCY POLICY

1 SCOPE AND PURPOSE

1.1 It is the intention of the Trust to manage the organisation in a manner which results in secure employment for employees. The Trust will try to avoid the need for compulsory redundancies but sometimes these may be necessary. The pattern or volume of work to be performed or methods of working may change and requirements for employees may reduce.

1.2 Where the Trust is unable to avoid reducing employee numbers it will try to minimise the effect of redundancies through the steps set out in this policy. In doing so the Trust will not discriminate directly or indirectly on grounds of gender, pregnancy, maternity leave, parental leave, sexual orientation, marital or civil partner status, gender reassignment, race, colour, nationality, ethnic or national origin, religion or belief, disability or age. Part-time employees and those working under fixed-term contracts will not be treated differently to permanent, full-time comparators.

1.3 This policy will be reviewed from time to time to ensure that it reflects the Trust's legal obligations and its organisational and business needs.

1.4 The purpose of this policy is to ensure that whenever a reduction in employee numbers may become necessary:

1.4.1 The Trust communicates clearly with all affected employees and ensures that they are treated fairly;

1.4.2 The Trust tries to find ways of avoiding compulsory redundancies;

1.4.3 The Trust consults with employees and with recognised trade unions or employee representatives as appropriate; and

1.4.4 Any selection for compulsory redundancy is undertaken fairly, reasonably and without discrimination.

1.5 This policy does not form part of any employee's contract of employment and it may be amended at any time. The Trust may also vary the procedures set out in this policy, including any time limits, as appropriate in any case. Any changes will normally be the subject of consultation with the recognised Trade Unions.

1.6 In this policy references to personnel/bodies are to the personnel/bodies present within the Academy at which the particular member of staff reading or exercising the policy is engaged.

2. WHO IS COVERED BY THIS POLICY?

2.1 This policy covers all employees at all levels and grades, including senior managers, officers, employees, trainees, part-time and fixed-term employees (collectively referred to as **employees** in this policy).

2.2 It does not apply to agency staff and self-employed contractors.

3. WHO IS RESPONSIBLE FOR THE POLICY?

3.1 The Trust has overall responsibility for the effective operation, maintenance and review of this policy. The Trust has delegated day-to-day responsibility for operating the policy to each Academy and the Academy Executive Headteacher/Headteacher under the strategic oversight of the Chief Executive.

3.2 The Chief Executive and the Senior Leadership Teams of Trust Academies have a specific responsibility to ensure the fair application of this policy.

4. AVOIDING COMPULSORY REDUNDANCIES

4.1 Where the Trust is proposing to make redundancies, it will enter into consultation with all affected employees on an individual basis and, where appropriate, also with the appropriate recognised trade unions or employee representatives. Trade unions or employee representatives will be kept informed of any redundancies even if the numbers are less than 20 affected staff. It should be noted that there may be roles that may be created that lead to an application process and nothing else. Where the Trust is proposing to make more than 20 redundancies, the Trust will comply with its collective consultation obligations in accordance with the Trade Union and Labour Relations (Consolidation) Act 1992.

4.2 In the first instance, the Trust will consider steps that might, depending on the circumstances, be taken to avoid the need for compulsory redundancies. Examples of such steps include:

4.2.1 reviewing the use of temporary staff, agency staff, self-employed contractors and consultants.

4.2.2 restricting recruitment in affected categories of employee and in those areas into which affected employees might be redeployed.

4.2.3 reducing overtime in affected departments to that needed to meet commitments or provide essential services.

4.2.4 inviting expressions of interest in part time working, job-sharing or other flexible working arrangements, where these are practicable.

4.2.5 identifying suitable alternative work elsewhere in the Trust that might be offered to potentially redundant employees.

4.2.6 inviting applications for early retirement or voluntary redundancy. In all cases the acceptance of a volunteer for redundancy will be a matter of the Trust's discretion and it reserves

the right not to offer voluntary redundancy terms or to refuse an application where it is not in the interests of the Trust or financially prohibitive to do so.

4.3 Any measures adopted must not adversely affect the Trust's business and its ability to provide a service that meets the educational needs of its pupils.

5. MAKING COMPULSORY REDUNDANCIES

5.1 When it is not possible to avoid making compulsory redundancies, all affected employees and, where appropriate, recognised trade unions or employee representatives will be advised that compulsory redundancies cannot be avoided. They will be consulted on the procedure that will then be followed and the criteria that will be applied.

5.2 The criteria used to select those employees who will potentially be at risk of redundancy will be objective, transparent fair and based on the skills required to meet the existing and anticipated needs of the Trust. The Trust will where considered appropriate consult with the recognised trade unions on any proposed selection criteria.

5.3 Those employees who have been provisionally selected for redundancy will be consulted with individually.

5.4 Where selection for redundancy is confirmed, employees selected for redundancy will be given notice of termination of employment in accordance with their contracts of employment and written confirmation of the payments that they will receive. Employees will be given the opportunity to appeal against this decision.

5.5 The Trust will continue to look for alternative employment for redundant employees and inform them of any available vacancies in the Trust until their termination dates. The manner in which redundant employees will be invited to apply for and be interviewed for vacancies will be organised depending on the circumstances existing at the time. Alternative employment may be offered subject to a trial period where appropriate in accordance with relevant law.

5.6 Where the Trust is unable to offer alternative employment it will assist employees to look for work with other employers. Employees under notice of redundancy will be entitled to take a reasonable amount of paid time off work to look for alternative employment or to arrange training for future employment with the prior agreement of the Executive Headteacher/Headteacher.

6. REDUNDANCY PAYMENTS

6.1 Employees who are made redundant following 2 or more years' continuous service with the Trust as at the date of dismissal will be eligible for a redundancy payment.

6.2 Employees who have at least two years continuous service with one or more local authorities or any organisation that is covered by the Redundancy Payments (Continuity of Employment in Local Government etc (Modification) Order 1999 will normally be entitled to a redundancy payment. This entitlement will be lost if they return to work for the same employer or one within the Modification Order, within four clear weeks (plus one day) of departure. This will include all Academies and Foundation

Schools. Where such an offer of alternative employment is made, the start date of this employment should not be artificially delayed to facilitate the 4 week break.

6.3 The redundancy payment due to an employee depends on their age, length of service (subject to a maximum service limit of 20 years) and weekly pay (subject to the statutory maximum).

6.4 The redundancy payments are based on the following formula:

- 0.5 week's pay (subject to the statutory maximum) for each full year of service where age is less than 22

- 1 week's pay (subject to the statutory maximum) for each full year of service where age during year is 22 or above, but less than 41

- 1.5 weeks' pay (subject to the statutory maximum) for each full year or service where age during the year is 41 or above.

6.5 The Payroll and Pensions department will be available to offer advice regarding accessing pensions.

7. RIGHT OF APPEAL

7.1 Employees who are made compulsorily redundant have a right of appeal against such a decision in writing within 5 working days. This will be to the Chief Executive or the Trust Appeals Panel as necessary.