



Redundancy Policy

Purpose

This policy is to clarify the procedures that will be followed in the event of redundancies becoming unavoidable in the School. Every effort will be made to ensure that redundancies are avoided, but the School accepts that there could be circumstances beyond its control, which makes this necessary.

However, if redundancy situations do arise, then they will be managed in line with legal requirements and with the aim of minimising the adverse impact on both employees who lose their jobs and those remaining in employment.

In such a scenario, this policy will help employees understand the School's full dedication to supporting a fair, honest and objective process for redundancy selection and to support those who may have potential loss of employment.

The main focus of this policy is to communicate:

- School's strong commitment to avoiding and minimising the need for redundancies
- the procedures of consultation
- the fair and objective process for selection
- how the School will support employees throughout the process
- what employees should expect should such a situation arise.

The School will ensure that the process implemented will be legally compliant and free from any discrimination, bias or unethical practice.

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This redundancy policy has no contractual force and should be regarded as providing guidelines only.

What is Redundancy?

Redundancy is when a role or job is no longer required within an organisation for one or more of the following reasons, for example:

- Economical or technological influences
- Competitive environment
- Organisational change
- Re-structures
- Job re-design
- Financial viability
- Reduced volume of work



Under the Employment Rights Act 1996, redundancy is considered a reason for dismissal or termination of employment if it is done for one of the following reasons:

- A cessation of business - the employer has stopped or intends to stop with the nature of the business that the employee was or is employed for
- A cessation of business at the employee's site - the employer plans to stop or has stopped performing the business at the location where the employee was employed*
- Reduction or cessation of work - the role or function of the employee is no longer required or expected to no longer be required by the business

* Mobility clauses will be taken into account - should a contract state that an employee may be required to relocate if the business requires it, then the School is under no obligation to make redundant those employees.

The School will take the following measures to reduce redundancy

The School, where practicable, will take reasonable steps to reduce redundancies by considering options such as:

- natural wastage
- reducing overtime
- terminating the engagements of any temporary agency staff
- ceasing sub-contract work
- freezing recruitment or secondments
- retraining and redeploying staff
- reducing hours of work (but only with employees' agreement)
- cutting or stopping bonus payments (taking care not to act in breach of contract)
- offering sabbaticals.

Relocation

If relocation is required then the School will:

- have a justified reason for the relocation.
- check the employment contract mobility clause is reasonable.
- consult with the employee about the relocation.
- give reasonable time for the relocation.
- where possible, provide support with the relocation.

Voluntary redundancy

Whilst it is not a statutory requirement to offer voluntary redundancy, the School, where appropriate, may initially invite employees for voluntary redundancy. This will be done in writing with details of the relevant forms needing to be completed, dates for applications to be submitted and details on whom to contact for further information.



The School may implement this option as part of its continued commitment to reducing the need for compulsory redundancy.

To assess current and future business needs, there may be a need to specify which areas of the School may be eligible to apply for voluntary redundancy. The School reserves the right to accept or not accept an employee's application for voluntary redundancy.

Offer of alternative work

The School will seek to explore alternative roles within the organisation, if possible, to reduce the need for compulsory redundancy, and will ensure that any 'suitable' alternative roles are shared with those employees selected for redundancy.

An alternative role is considered 'suitable' when:

- the same terms and conditions apply as the Employee's previous post.
- it is a 'suitable' role for that particular Employee / his/her skill set.

Employees who are offered 'suitable' alternative roles may need to apply and be interviewed for those roles. Should an Employee not accept a suitable alternative role, the School may not be obliged to provide Statutory Redundancy Pay. In this instance the School may seek to gain a clear understanding as to why the role has been refused to assess how to best continue to support the Employee.

Should an employee accept an alternative role, which has different terms and conditions to their previous post, they are entitled to a trial period in the alternative position to assess whether it is suitable for them. The statutory trial period is 4 weeks, unless otherwise agreed with management.

Where practicable the School will also consider the following aspects when offering alternative employment:

- pay – potential decrease or opportunities to increase.
- status – potential decrease or opportunities to increase.
- location – potential levels of disruption, expenses, time and domestic circumstances.
- working environment – potential impact on employees with disability.
- hours of work – shift patterns.
- possible retention on a temporary basis until there is a capacity to retain on a permanent basis.

The School will invest its efforts to continue to seek alternative roles within the organisation until potential redundancy dismissal dates with the intention of retaining employees where possible.



Selection for redundancy

The School will ensure all aspects of the selection process are fair and objective and that the process is conducted with integrity and transparency.

The criteria that will determine employees for redundancy selection will be objective, non-discriminatory, consistent and communicated to employees.

Assessment of the employees on these criteria will be verifiable and the information will be shared with the relevant employees.

All senior leaders are committed to conducting the process in an objective, consistent, neutral manner and will maintain transparency of the process.

Selection criteria

A selection criteria is required when there is a group of employees at risk of redundancy who are all doing the same or a very similar job and the School needs to reduce the number of staff doing this role. This is known as a 'pool of selection'. If a job no longer exists then there is no requirement for a selection criteria.

The criteria for selection will be fair, objective and verifiable and based on criteria like:

- attendance (excluding any absences due to pregnancy, disability etc.)
- disciplinary records
- timekeeping
- relevance of experience
- capability
- job performance (reference relevant records and school appraisal system)
- relevant knowledge and skills
- appropriate qualifications

The following will not be considered when selecting for redundancy:

- Trade union membership or activities
- for carrying out duties as an employee representative for consultation on redundancies or business transfers
- health and safety representative activities
- for performing the duties of an occupational pension scheme trustee
- for performing or proposing to perform the duties of a workforce representative for the purposes of the Transnational Information and Consultation of Employees Regulations 1999
- for taking lawfully organized industrial action lasting eight weeks or less
- for asserting a statutory employment right
- on maternity-related grounds
- by reason of his or her refusal or proposal to refuse to do shop work or betting work on Sundays (England and Wales only)



- for a reason relating to rights under the Maternity and Parental Leave etc Regulations 1999
- for making a protected disclosure (whistle blowing)
- for exercising or seeking to exercise the right to be accompanied at a disciplinary or grievance hearing
- for requesting flexible working arrangements

Entitlement to Statutory Redundancy Pay (SRP)

Eligibility:

- The Employee has been dismissed under the reason of redundancy.
- An Employee has been employed with the School in continuous employment for over 2 years.

The following are not eligible for Statutory Redundancy Pay:

- Apprentices who are not employed at the end of their training.
- A Domestic servant who is a member of the employer's immediate family.

Calculation of Statutory Redundancy Pay (SRP)

The current legislation calculates SRP according to age and length of service (maximum 20 years) of an employee.

To calculate the number of weeks pay due, the following apply:

- 0.5 week's pay for each completed year of employment when below the age of 22
- 1 week's pay for each completed year of employment not below the age of 22 but below the age of 41
- 1.5 week's pay for each completed year of employment not below the age of 41

An interactive redundancy pay calculator is available at www.gov.uk/calculate-your-redundancy-pay.

The statutory rates of pay will apply for SRP.

Redundancy payment and insolvency

Should the unfortunate situation arise whereby the School is making redundancies due to financial problems and has to declare insolvency, this may impact the School's ability to make redundancy payments.

In this instance employees may be entitled to statutory and other related payments through the Redundancy Payment Service, further details can be found on the government website: <https://www.gov.uk/your-rights-if-your-employer-is-insolvent/overview>.



The School consultation process

The School is committed to meaningful individual and collective consultation, where required, and has a statutory obligation to consult on:

- avoiding dismissals
- reducing the number of potential compulsory redundancies
- managing the impact of the redundancy process on the workforce

The consultation process should also:

- make the process more manageable for Employees
- support employees through the process
- ensure effective communication

Should the School intend to make:

- 1 - 20 Employees redundant - individual consultation may suffice
- 20 to 99 Employees redundant - the School must consult with Employee representative body and/or Trade Union
When putting more than 20 employees at risk of redundancy, the School must notify the Secretary of State. A copy of the Advance Notification of Redundancies form (known as HR1) can be obtained from the Insolvency Service at www.insolvency.gov.uk '20 - 99 possible redundancies – inform Secretary of State, Innovation and Skills, at least 30 days before first dismissal
- More than 100 possible redundancies – inform Secretary of State, Innovation and Skills, at least 45 days before first dismissal

Note: In both instances, the Secretary of State for Innovation and Skills regards the date of notification as the date on which they receive the form.

Individual consultation

When less than 20 employees are being made redundant, the School will individually consult all employees, who may potentially be selected for redundancy.

If any employee is being dismissed under redundancy circumstances, and is not involved in any collective consultative arrangements, then the following procedure will be followed.

- The employee will be advised of the reason for redundancy, and be invited to a meeting to discuss the matter further.
- The meeting will be to discuss the situation with the Employee in greater detail. The employee has the right to be accompanied by a work colleague or Trade Union representative. The employee should advise the relevant Manager of who the representative will be and confirm their attendance.



During the meeting the facts will be explained to the employee and a decision made. If selected for redundancy, the Employee will be made aware of the appeal process.

The process of appeal is:

- The employee must inform the School in writing that they would like to appeal the decision
- Address the letter to the specified person responsible for the appeal process
- The letter must be sent within 5 working days of the date that the employee was advised of the decision

The employee will be invited to an Appeal meeting. Where possible, a senior manager who has not been directly involved in the decision to select the employee for redundancy will hold the appeal meeting. The manager who chairs the appeal meeting will ensure a complete and fair opportunity is given to the employee to explain their reasons for appealing.

The employee has the right to be accompanied by a work colleague or trade union representative. The appeal will be heard, and the employee will be informed of the final decision in writing.

Collective consultation

Where potentially 20-99 employees are at risk of redundancy, the relevant employee representative bodies or trade unions will be consulted 30 days prior to any provisional dates of employment termination.

Should there be a need for over 100 employees to be put at risk of redundancy, the employee representative or trade union body will be informed 45 days prior to any potential dates of employment termination.

If the School does not already have any appropriate representatives, then the employer will need to arrange fair elections prior to any consultation taking place.

All individuals will still be consulted in conjunction with collective consultation.

Disclosure of information for successful consultation

The School will provide the following information to collective representative bodies to support a meaningful, effective consultation process and to fulfil legal requirements:

- The reasons for the redundancy proposals.
- The numbers and descriptions of employees proposed for redundancy.
- The total number of employees employed at each establishment affected by the redundancies.
- The process which will be used to select employees for redundancy.
- How potential dismissals will be carried out, with details of any agreed procedure and when they may take effect.



- How redundancy pay will be calculated for those employees who will be eligible.
- The total number of agency workers, where they are working and the type of work they are doing

This information should be given in writing.

Further information may also be provided, where appropriate on:

- How the selection process will be applied, if it will be to all or certain areas of the business.
- If a transfer or downgrading is accepted as an alternative to redundancy, details on how earnings may be affected.
- If a selected employee may leave employment during the notice period and retain full entitlement to redundancy pay.
- Any potential extension to the trial period of an alternative job within the organisation.
- If work is accepted in an alternative location, details on travel related expenses

Rights for employee representatives

To enable employee representatives to conduct their functions as required the School will do the following:

- Support employee representatives in having access and opportunities to interact with those employees who may be affected by potential redundancy selection. If required accommodation and facilities will be provided to ensure this is possible.
- Representatives and candidates for election will be provided with reasonable paid time off to pursue their functions and for any related training required.
- Discrimination will not be tolerated to those representatives or candidates for election due to their role, status and duties. Any discrimination, disciplinary or dismissal of an employee based solely on their role as an employee representative or potential candidate for election will be deemed as unfair and not condoned by the School.

Support for employees who are 'at risk'

The School recognises that being made redundant can be stressful and unpleasant for employees and will provide support where possible to enable the employees to seek alternative employment.

During the final notice period employees will be given reasonable paid time off work to seek new employment, for example to attend interviews and meetings with recruitment agencies.

Should alternative jobs be available within the School, and accepted by an employee selected for redundancy, then they will be able to have a trial period, usually 4 weeks, to help them decide if they wish to continue with this alternative role permanently.



Withdrawal of redundancy notice due to change of circumstances

In the event of changes to business circumstances there may no longer be a need for an employee to be made redundant. This may occur during the at risk period.

Should this occur the School will inform the employee in writing of the changes and will request if the employee would like to consent to a withdrawal of the redundancy notice.

If an employee declines to renew their contract of employment, they may lose the right to Statutory Redundancy Pay. This would happen if the employee is offered to return to their current position with the same terms and conditions. To ensure a fair decision is taken in this instance the employee should provide a detailed explanation as to why they are refusing to return to their role.

If an employee has secured alternative employment, their refusal to take back their post may be regarded as reasonable.

Redundancy during pregnancy or while on maternity leave

If an employer has decided that they need fewer employees, they will need to go through the usual redundancy selection process, ensuring that a woman who is absent on maternity leave is not disadvantaged and is properly consulted.

An employee on maternity leave takes precedence over other employees in being offered suitable alternative employment. She should not be asked to apply for the suitable alternative job but should be offered it. If the job is genuinely suitable and she turns it down, she may lose her entitlement to a redundancy payment. The job must be suitable and appropriate for her in the circumstances. It must be no worse than per previous job with regards to location, terms and conditions, and status.

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