



## RESTRUCTURING & REDUNDANCY POLICY

<b>Presented and Approved by OLOG Board of Governors (Directors)</b>	<b>1<sup>st</sup> July 2020</b>
<b>Signature of Chair of Board of Directors:</b>	
<b>Name of Chair of Board</b>	<b>Michael Coleman</b>
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# Restructuring and Redundancy Policy

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## **Mission Statement**

Schools within Our Lady of Grace Catholic Academy Trust are places where mercy is freely given; where everyone is welcome, loved, forgiven and encouraged to live the good life of the Gospel

## **Aim**

It is the aim Our Lady of Grace Catholic Academy Trust (subsequently referred to as the Trust) to safeguard the current and future employment of the school workforce as far as reasonably practicable. However, it is recognised that changes may occur in areas such as funding, student need, number on roll, technological, organisational or curriculum development. This policy is based on a model policy provided by Strictly Education.

## **Redundancy Policy Statement**

The Trust is committed to protecting the employment security of employees by appropriate planning. It will ensure that, as far as practicable, the overall and departmental planning and budget setting processes will take account of potential staffing implications and wherever possible avoid the need for redundancy. There may, however, be occasions when changes in funding provision, the demand for services, or organisational, technological or academic developments impact on staffing requirements. This policy and procedure outlines the approach to be adopted in cases of potential redundancy and shall be applied with due regard to legislative provisions relating to redundancy.

This procedure applies to all employees employed by Trust under a contract of employment. Nothing in this document shall preclude the Trust from seeking volunteers for redundancy or any employee from agreeing to an offer of voluntary severance at any stage of the procedure. Selection of volunteers for redundancy shall be at the discretion of the Trust and shall be determined by the Trust at its sole discretion taking account of requirements to retain key skills and experience to meet the present and anticipated needs of the Trust.

A potential redundancy situation arises in the following circumstances:

- When the Trust has ceased, or intends to cease, to carry on the business for which the employee was employed or has ceased or intends to cease to carry on that business in the place where the employee was so employed or
- the requirements of the Trust for employees to carry out work of a particular kind, or for employees to carry out work of a particular kind in the place where the employee was so employed, have ceased or diminished or are expected to cease or diminish.

The Trust is committed to keeping recognised Trade Unions and staff informed, as fully as possible, about staffing requirements and any potential need for redundancies and following good practice as defined by ACAS.

The Trust, in consultation with the recognised Trade Unions and staff, will seek to minimise the effect of any redundancies by apply the principles contained in these guidelines.

The Trust will handle the process in a fair, consistent and sympathetic manner to minimise, as far as possible, any distress that may be suffered by the employee at risk.

This policy applies to all employees. It does not apply to agency workers, consultants or self-employed contractors. This policy does not form part of any employee's contract of employment and the Trust may amend it from time to time.

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## Redundancy Procedure

### 1. ROLES AND RESPONSIBILITIES

The Headteacher and Trustees have a responsibility to ensure:

- The policy is followed in all cases of redundancy
- Redundancies are avoided or minimised wherever possible
- Redundancy processes are applied fairly and consistently
- Selection criteria used are fair, objectively applied and non-discriminatory
- Full and open consultation with staff and unions
- Where possible suitable alternative or alternative work is offered
- All staff have an awareness of this policy

### 2. AVOIDING REDUNDANCIES

Wherever possible the Head teacher and Local Governing Body (LGB) will forward a plan to try to avoid or minimise the need for redundancies. Consideration will therefore be given to: -

- Achieving reductions through natural wastage
- Seeking to reach agreement on a voluntary basis to reduce working hours and or redeploy and or retrain staff wherever possible to avoid the need for redundancies.
- Where reorganisation is unavoidable and known about to limit the use of permanent appointments.

### 3. VOLUNTARY REDUNDANCIES

The Trust may seek volunteers for redundancy prior to imposing compulsory redundancies. Applications for voluntary redundancy will be considered by the Staff Redundancy, Re-deployment and Early Retirement Panel (hereafter referred to as the Redundancy Committee) based on the operational needs of the Trust.

The Redundancy Committee has the right to reasonably refuse a request for redundancy where the specialist knowledge, skills training and qualifications of the individual are still required in the Trust.

Even if a member of staff applies for voluntary redundancy they still have the right to appeal the decision once they have received a letter confirming their request.

### 4. COMPULSORY REDUNDANCIES

Where it has not been possible to avoid and or to achieve redundancies through voluntary means, the Redundancy Committee will consider compulsory redundancies.

### 5. PRIOR TO CONSULTATION

Once it has been recognised that there is potentially a redundancy issue at the Trust, the LBG will determine the number and types of post which may be surplus to the needs of the School. This will be done in consultation with the Headteacher and Trustees.

Discussions at this stage will be restricted to the broad issues only in order to ensure that Governors who will be involved in the Redundancy and Appeal committees will not have detailed prior knowledge.

Two committees of governors will be established (usually three people in each committee) a Redundancy Committee and an Appeals Committee. The Headteacher will not be on either committee but will attend to present the case or answer questions. The committees may also be supported by an HR Consultant. A formal record of the proceedings will be kept.

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The Redundancy Committee has delegated responsibility to consider the issue and produce draft proposals for solving the problem. The Appeals Committee is to hear appeals against selection for redundancy. No Governor can serve on both committees or on either committee if they have or may have a vested interest in the outcome.

In determining the implementation plan, the Redundancy Committee will map the affected existing posts against the posts that will remain in the new structure. The Redundancy Committee will at its sole discretion pool posts together in groups as part of this process.

For each post in the existing structure that is affected by the changes the following decision making process will be followed:

- Does a fair and reasonable opportunity exist to slide the current post holder into an equivalent (suitable alternative) post in the new structure?
- Does a fair and reasonable opportunity exist to consider a pool of post holders for a group of posts in the new structure (known as selection for redundancy)?
- Are there new posts that will exist in the structure that post holders affected by the changes should have the opportunity to apply for (selection for appointment)?
- Are there any posts, and post holders, in the existing structure for whom there is no obvious opportunity in the new structure?
- If it is fair and reasonable to adopt the method referred to as “bumping” to amalgamate pools of post holders who may be of differing grades but overlapping skills sets (specifically enabling higher graded post holders to be considered for lower graded posts in the new structure).

Where selection for redundancy is to be applied, the process will be a desk top matrix against criteria which are fair, objective, consistent and non-discriminatory. The redundancy committee may also set out criteria of last resort to be applied where scores are equal (e.g. last in first out).

Where selection for appointment is to be applied the School’s usual recruitment process will be followed although consideration will be given to limiting the applicant pool, in the first instance, to post holders at risk of redundancy.

## 6. CONSULTATION

The school will ensure that any employees whose substantive post is affected by the changes but who are absent, for example due to illness, maternity or some other reason, are included in the consultation process.

Generally speaking, the school will ensure that the period of consultation is proportionate, reasonable and fair taking into account any period of school closure.

Where the number of affected posts is large, the minimum statutory period for collective consultation will be applied as follows:

- 20 - 99 redundancies - the consultation must start at least 30 days before any dismissals take effect
- 100 or more redundancies - the consultation must start at least 45 days before any dismissals take effect

The school will inform and warn staff, and the relevant trades unions representatives and consult with them about:

- Why it is felt redundancies are necessary.
- The numbers and descriptions of employees whom it is proposed to make redundant and the total
- Number of employees in these positions
- The proposed method of selecting staff for redundancy
- The proposed method of carrying out the dismissal and the timescale over which this will take place
- The proposed method of calculating any redundancy pay
- The date and time of the first consultation meeting
- Suitable information about the school’s use of agency workers

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During the consultation process comments will be invited from both unions and staff to help produce a constructive approach to the situation. Consultation will include: -

- Strategies to avoid redundancies
- The reason for the proposed staffing reduction
- The procedure to be used for redundancies
- The mapping of affected posts against the new posts and the selection criteria and method to be applied.
- Selection for redundancy criteria could include:
  - i) Relevant skills and experience.
  - ii) Documented evidence about work performance
  - iii)
- Criteria of last resort where scores are equal may include:
  - i) Last in first out
  - ii) Contribution to broader ‘life of the School (subject to the opportunities to deliver the same within the school and not the extended school day);
  - iii) Live disciplinary and or work performance and or attendance warnings on file;
  - iv) Attendance record (not including maternity or absence related to a disability).

The Redundancy Committee will consult over draft criteria and establish a scoring formula for the criteria. Unless the proposals for staffing reduction are self-selecting, Governors will use criteria which are weighted according to importance. It is also possible to give “plus points” to certain staff (e.g. post holders who have difficult to replace skills).

All selection processes will be conducted ‘anonymously’ i.e. no names will be included on any selection paperwork that is considered by the Redundancy Committee.

Volunteers for redundancy may be sought during the consultation stage but the School reserves the right to reasonably refuse any request for voluntary redundancy.

## 7. IMPLEMENTATION

On conclusion of the consultation period the Redundancy Committee will determine if the proposals are to be implemented and or if there are any changes arising from the consultation process before commencing implementation of the changes.

At this stage those post holders affected by the proposal will be informed that they are at risk of redundancy.

The Redundancy Committee will consider applications for voluntary redundancy at this stage. Volunteers will be advised at this stage whether their application has been successful and that they have the right of appeal against the decision made.

If the reductions have not been achieved through voluntary means the selection for redundancy processes and or selection for appointment processes identified in the consultation process will be implemented.

Where selection for redundancy applies, the affected post holders will be asked to complete a criteria matrix with support from the Headteacher or appropriate manager. Once these have been completed the Redundancy committee will meet again to determine which post holders have been selected for redundancy subject to the representations stage of the process (see below).

Where an individual has been selected for redundancy they will be afforded the opportunity to make representations to the Redundancy Committee.

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Individuals will be given 5 working days' written notice of a hearing which will confirm their right to be accompanied by a colleague or trade union representative (reasonable requests to delay will be considered e.g. union representative unavailable).

The Redundancy Committee will confirm to the individual in writing the decision of the committee and inform them of the right of appeal.

Employees must inform the School of their wish to appeal against such a decision within 5 working days of being notified of the outcome of the representations meeting.

Where the individual chooses not to attend and or not to put representations in writing, the representations committee and or the representations appeal committee will consider their situation in their absence on the basis of the information available to them that resulted in their selection for redundancy.

## 8. DISMISSAL

If the Redundancy Committee decides to uphold selection for redundancy decision notice of termination of employment on the grounds of redundancy will be served to the employee in writing.

Staff made redundant will be entitled to the better of contractual or statutory notice, and to any statutory redundancy entitlement.

## 9. REDUNDANCY ENTITLEMENT

In accordance with the Employment Rights Act 1996, employees must have completed at least two years' continuous local government service or two years' continuous service with other specific bodies covered by The Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999 in order to qualify for Redundancy benefits.

**Employees with less than two years' continuous local government service** or two years' continuous service with other specific bodies covered by The Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999 are entitled to receive notice of termination in accordance with their contract of employment. They do not qualify for Redundancy Compensation.

Employees whose service is terminated on the grounds of voluntary redundancy will be entitled to an enhanced statutory redundancy payment ("Enhanced Statutory Redundancy").

### **Enhanced Statutory Redundancy Pay**

Our Lady of Grace Trust currently increases the minimum statutory redundancy payment by removing the weekly pay cap under the Employment Rights Act 1996 and basing the payment on the employee's actual weekly pay. Enhanced Statutory Redundancy is calculated by reference to the table published by the Department for Business, Innovation and Skills, according to age and length of service (Table 1).

For term time only employees a week's pay for redundancy purposes is the actual part time annual salary divided by the paid weeks per annum.

The school will honour any commitments it may have under pension scheme rules concerning access to pension benefits on termination of employment on the ground of redundancy.

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## 10. APPEAL AGAINST DISMISSAL

A notification of appeal against a decision to terminate employment on the grounds of redundancy must be submitted in writing to the Clerk of the Governing Body within 5 working days of receipt of the decision.

The Clerk to the Governing Body convenes appeal hearings if necessary and will arrange a meeting for the Appeal hearing to be held as soon as reasonably practicable following receipt of the appeal notification. The member of staff may be accompanied at the hearing by a colleague or trade union representative.

At least 5 working days' notice of the appeal hearing will be given (reasonable requests to delay should be considered e.g. union representative unavailable).

The member of staff will be afforded the opportunity to make representations to the Redundancy Appeal Committee. The appeal committee will also consider the original business case for change and may invite the Head teacher to present this information as well as considering the specific points of appeal.

The Appeal Hearing Committee will inform the member of staff of the outcome of the appeal in writing.

## 11. REDPLOYMENT

Throughout the period from members of staff being advised of being at risk through to the end of the notice period, the School will keep staff advised of any vacancies at the school and will strive to identify opportunities for suitable alternative employment (similar grade, status, job content and working pattern) or alternative employment (other vacancies) to avoid redundancies.

During this period priority will be afforded to those on maternity leave in accordance with the maternity regulations, and any suitable alternative vacancy arising at this time would be offered first to a person on maternity leave.

The Headteacher and Redundancy Committee will honour their obligations to meet reasonable request for staff to seek alternative employment during their notice period and will consider counter notice requests from individuals who secure alternative employment and wish to be released during the notice period. Where counter notice is served by the employee and a mutually agreeable leaving date is agreed prior to the end of the notice period, the employee would not be eligible for payment for the part of the notice period the employee will not be available to work.

### **Scheme of Delegation**

The policy is considered in line with the Trusts scheme of delegation.

The different levels of delegated power are listed below but it should be noted that not every task requires all levels of delegated power to be defined:

- Approve (A)
- Recommend (R)
- Propose (P)
- Develop (D)
- Monitor & Report (M)
- Consulted (C)
- Implement (I)

The governance and management layers within the Trust are identified as follows:

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1. Trust Members ( the “Members”)
2. Trust Board of Directors/Trustees (the “Board”)
3. Trust Finance, Audit & Risk Committee (the “FAR Committee”)
  
4. Local Governing Bodies (the “LGB”)
5. Trust Chief Executive Officer/Executive Director/Accounting Officer (“AO”)
6. Principal/Head Teacher of individual academies (includes Head of School or Executive Head Teacher where appropriate) (“HT”)

	<b>Task</b>	<b>Members</b>	<b>Board</b>	<b>FAR</b>	<b>LGB</b>	<b>AO</b>	<b>HT</b>
4.15.	Redundancy of staff		A/C		P/R	C/M	P/I
4.16.	Restructuring of staff		A/C		P/R	C/M	P/I