



# Lydiate Learning Trust

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<b>SJH</b>	<b>LLT BOARD</b>	<b>1</b>		<b>SEPT 15</b>

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## 1. INTRODUCTION

This procedure sets out the process that will be followed where

- The Academy is re-organised e.g.  
The Academy seeks to revise part or all of its staffing structure  
The Academy is part of an amalgamation  
The Academy is closed
- A redundancy situation arises at the Academy

### 1.1. Scope of the Procedure

The procedure is applicable to all categories of staff where a re-organisation, closure or redundancy situation occurs. A modified version of this procedure may be followed in respect of fixed term temporary posts and those staff with less than one year's service.

### 1.2. Policy Statement

The Trust will:

- Keep its staffing structure (as contained in the Academy's Pay Policy) under regular review and plan effectively for future needs;
- Implement measures aimed at avoiding redundancy wherever possible;
- Ensure that effective communication and consultation take place with employees and professional associations/trade unions where re-organisation/ redundancy situations do arise;
- Provide support and re-training opportunities wherever possible, for affected staff;
- Ensure that 'at risk' staff have priority for any appropriate vacancies within the Academy Trust;
- Support staff in their attempts at obtaining suitable alternative employment within and beyond the Academy.

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## 2. DEFINITIONS

### 2.1. Redundancy

Redundancy is one of the potentially fair reasons by which employees may be dismissed.

Redundancy is defined by statute as a situation where:-

- the employer has ceased, or intends to cease, to carry on the business for the purposes for which the employee was employed by him/her; 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 that business for employees to carry out work of a particular kind, or to carry out work of a particular kind in the place where he/she was so employed, have ceased or diminished or are expected to cease or diminish.

Redundancy situations may arise for a number of reasons including:

- Academy closure, amalgamation or re-organisation/restructuring;
- fall in pupil numbers or changes to curriculum requirements resulting in reduced staffing requirements;
- withdrawal/reduction of SEN or other special provision/funding;
- Other circumstances where the need for employees to carry out work of a particular kind ceases or diminishes, including the cessation of fixed term contracts.

### 2.2. Re-structuring

A re-structuring can be defined as any change to the Staffing Structure as set out in the Academy's Pay Policy.

### 2.3. An Amalgamation

An Amalgamation is where two schools close and a new school opens in their place e.g. two or more schools combining to form an Academy.

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### 3. ROLES & RESPONSIBILITIES

It is the responsibility of the Trust to:

- establish and plan changes to the staffing structure which seek to avoid redundancy situations;
- establish redundancy procedures;
- establish an appropriate committee to handle initial dismissal decisions and appeals;
- declare a redundancy situation where this is unavoidable;
- consult with the relevant parties;
- ensure that staff are dismissed fairly by reason of redundancy where necessary.

In the case of an Amalgamation, a Temporary Board of Governors of the new school will be formed to help determine and implement the new staffing structure. The existing school(s) will be responsible for implementing any dismissals and for seeking to avoid redundancies.

It is the responsibility of the Head Teacher to:

- advise the Board of Governors on staffing structures which seek to avoid redundancy situations;
- implement re-organisation/redundancy procedures fairly
- It is the responsibility of all staff to:
- co-operate with re-organisation procedures and redundancy avoidance strategies;
- implement strategies to mitigate individual loss e.g. actively seek alternative employment.

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#### 4. The PROCEDURE

The Procedures are summarised at Appendix B.

##### 4.1. Declaration of a redundancy

Where initial strategies to avoid a redundancy situation have been unsuccessful, the Trust (or a relevant Committee) will meet to formally declare a potential redundancy situation.

Where a re-organisation is proposed, the Trust may declare a redundancy situation at an early stage as a precautionary measure, even though the exact potential for redundancy may not yet be fully known.

##### 4.2. Timescales

In order to allow for meaningful consultation and notice periods, and where possible, the procedures will often commence many months before the date that any redundancy or new structure is to take effect.

##### 4.3. Consultation

The Head Teacher will discuss potential redundancy situations with staff at the earliest opportunity, where appropriate before formal declaration of a redundancy.

In the case of re-organisation, the scope and period of consultation will depend on the extent of the proposed changes. Where a significant change is proposed, an implementation plan will normally be produced as part of the consultation process, to explain exactly how the process will be managed and its effect on staff.

Staff are encouraged to engage in meaningful discussion and to make suggestions about the new structure, how it might be implemented and measures which might be taken to avoid any redundancies. Details of discussions will be recorded in writing.

When the Trust or Board of Governors (or relevant Committee) determine a re-organisation and/or declare a formal redundancy situation, it will undertake, in conjunction with the HR Advisers where appropriate, consultations with the relevant recognised professional associations/trade unions with a view to reaching agreement. In the case of redundancy, in accordance with statute the Trust will issue an appropriate notice (or a Section 188 notice, if appropriate) disclosing in writing information relevant to the potential redundancy. Formal responses should be received within 2 working weeks. In the case of a re-organisation, this will include formal consultation on changes to the staffing structure and on the implementation plan where applicable.

Staff should of course seek advice from their professional associations/trade union as and when they consider it appropriate.

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Meaningful consultation will continue throughout the formal procedure. The Trust, Board of Governors, Head Teacher and the HR Advisers where appropriate, will consider any representations made by staff and/or the professional associations/trade unions. Replies will be made to those representations in writing and, if any are rejected, the reasons will be stated.

**4.4. Redundancy Avoidance**

The Trust and Board of Governors will require the Head Teacher, and the HR Advisers where appropriate, to instigate compulsory redundancy avoidance measures including:-

- slotting into appropriate posts within the Academy;\*
- ring-fenced selection for posts within the Academy;\*
- searching for suitable alternative posts;\*
- exploring other options with employees and their representatives e.g. changes to hours, change to part-time work;
- seeking volunteers for redundancy;\*\*
- seeking volunteers for flexible retirement;\*\*\*
- exploring with the Trust any prospects for “bumped redundancies” in other of the Trust’s Academies.

In the case of re-structuring/re-organisation, these measures will form part of the overall implementation plan. These measures will continue throughout the entire procedure.

\*With salary protection where applicable and in accordance with the Academy’s Pay Policy and the Teachers’ Pay & Conditions Document;

\*\* Voluntary redundancy will not be considered until or unless all other means have proved unsuccessful. Applications for voluntary redundancy will only be accepted in accordance with current Board of Governors/Department policy and where this would not be detrimental to the needs of the Academy. Where there are more volunteers than needed, the selection criteria will be applied (see below and Appendix A).

\*\*\*Employees are free to pursue flexible retirement options. Some options require the employers’ approval. Approval will not normally be withheld where there is no cost to the Academy/Department.

**4.5. Selection Procedures**

In the case of a re-organisation, staff will normally be confirmed in post, ‘slotted-in’ or included in a ring-fence for available posts. The method of appointment to available posts, which may include interviews, will be outlined in the implementation plan where appropriate.

In these cases, any redundancies will usually be identified through non-appointment to available posts.

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In other redundancy situations, if the strategies adopted above (or any other strategies that may have arisen as a result of consultation) do not resolve the situation, the Head Teacher will determine and apply the selection criteria as set out in Appendix A.

Staff and unions will be consulted on the Selection Criteria and the method by which they will be applied.

#### **4.6. Notification**

Once an individual has been identified as redundant, s/he will be notified verbally by the Head Teacher. The Head Teacher will then write to the individual setting out the detail of how the decision was reached and inviting the employee to a meeting with the Board of Governors Disciplinary/Dismissal Committee to discuss this.

#### **4.7. Meeting**

The employee will be given at least 7 working days' notice of this meeting and provided with papers relevant to the case at least 5 working days before.

The employee must make every effort to attend this meeting.

The employee has the right to be accompanied by a trade union representative or work colleague.

One postponement may be allowed where the employee's chosen representative is unavailable on the proposed date. In this case an alternative date, within 5 working days of the original date, should be proposed by the employee and/or his representative.

The employee must submit any papers they wish to be considered and the name of their representative to the Head Teacher at least 3 working days before the meeting.

The Board of Governors Disciplinary/Dismissal Committee may be advised by an HR Adviser.

At the meeting the Head Teacher, who may be accompanied by an HR Adviser, will set out her/his reasons for selecting the employee and the employee will be given the opportunity to make representations.

After the meeting the Chair of the Committee will write to the employee to inform him/her of the outcome and their right of appeal.

Where the decision is to dismiss on the grounds of redundancy, the Academy, on behalf of the Trust, will issue notice to the individual, in accordance with the appropriate conditions of service and statutory requirements.

#### **4.8. Appeal**

If the employee wishes to appeal, s/he must inform the Trust in writing, including the grounds of the appeal, within 5 working days of receipt of the written outcome of the meeting.

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If the employee does so, the employee will be invited to a meeting of the Trust's Appeals Committee. The employee will be given at least 7 working days' notice of this meeting.

The Head Teacher will supply the employee with papers relevant to the appeal at least 5 working days before the appeal meeting.

The employee must take all reasonable steps to attend this appeal meeting and has the right to be accompanied as above.

The employee must supply the Head Teacher and the Trust's Appeals Committee with copies of any papers s/he wishes to be considered, and the name of her/his representative, at least 3 working days before the meeting.

The Trust's Appeals Committee will hear evidence from the Head Teacher and the employee (and her/his representative).

The Trust's Appeal Committee may be advised by an HR Adviser.

The Trust's Appeal Committee will inform the employee in writing of the final decision within 3 working days of the appeal meeting.

Redundancy avoidance possibilities will continue to be sought throughout the period of notice.

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## 5. REDUNDANCY PAYMENTS

Employees with more than 2 years' continuous service may be eligible for redundancy payments. A ready-reckoner for calculating statutory redundancy payments is at Appendix C. Payments are made in accordance with the Trust/Department Policy – which includes using actual weekly pay in the statutory calculation.

Where employees with more than one contract are made redundant from only one post, service for redundancy purposes will relate to the redundant post only.

Employees will not normally be entitled to a redundancy payment if they secure alternative employment, with an employer covered by the Local Government Modifications Order, to commence within 4 weeks of the date of redundancy. Where an offer of alternative employment is made, the start date of this employment should not be artificially delayed to facilitate the 4 week break. Where this does occur, employees will not normally be entitled to a redundancy payment.

### 5.1. Support for Employees

The Trust will provide reasonable support for employees at risk of redundancy, e.g.:

- time off to attend interviews and training and development;
- support with writing applications;
- exploration of re-training opportunities;
- notification of internal vacancies and specific provision of information about other vacancies within the Trust's Academies.

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## APPENDIX A

## Redundancy Selection Criteria

In order to fairly select an individual employee for redundancy, the Head Teacher must apply objective selection criteria. As each redundancy situation will be different, the detail of the selection criteria will need to be determined on a case by case basis. In all cases, staff and Trade Unions/Professional Associations will be consulted on this process. However, all selection decisions will follow the stages set out below.

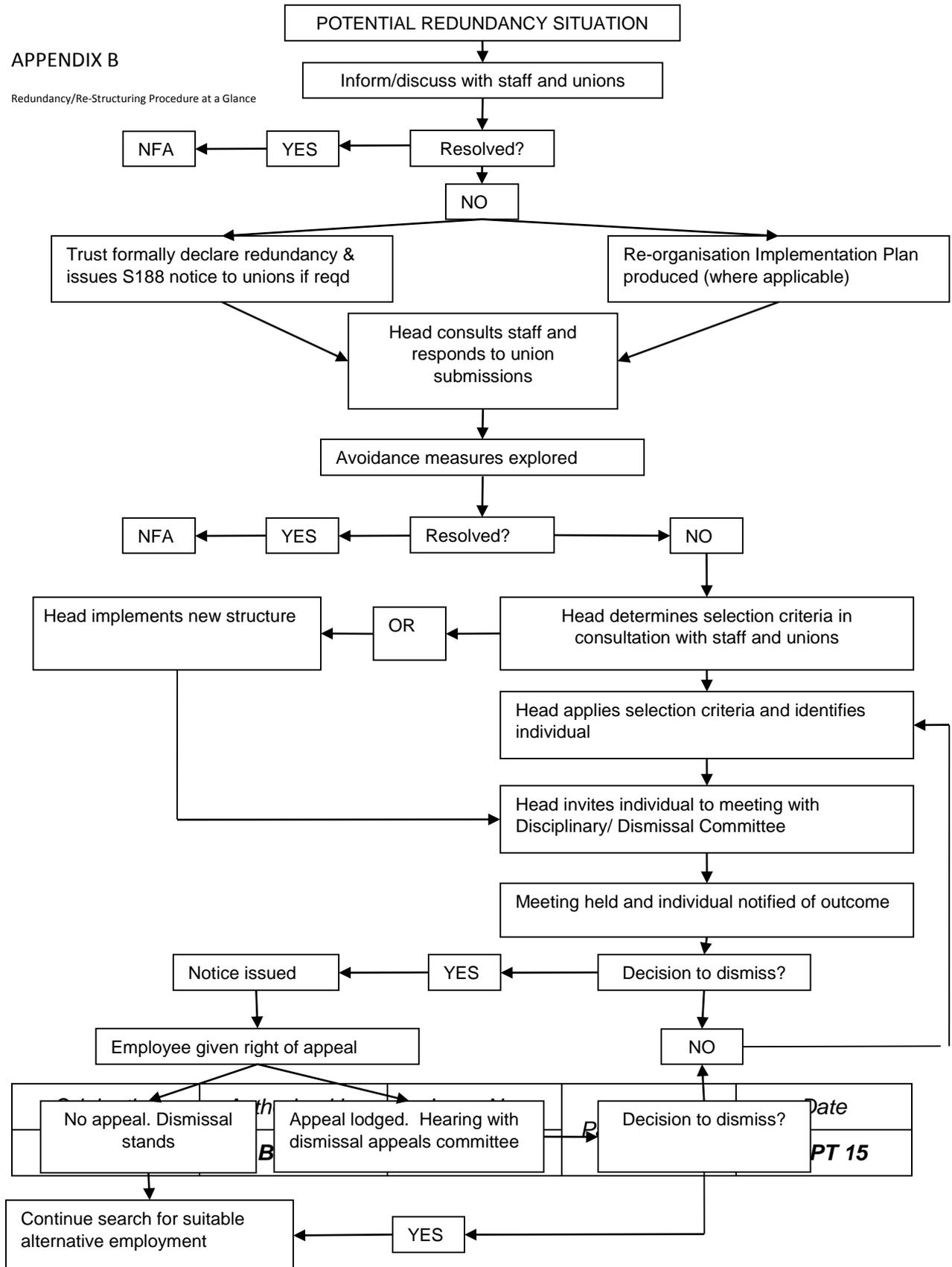
1. Determine the requirements of the Academy, department or section.
2. Determine the 'at risk' group i.e. whole Academy, department, section, or group within the establishment which has surplus staff.
3. Where there is only one employee in this group s/he will be selected for redundancy without the need to apply the remaining selection criteria. Determine the suitability (with reference for example to skills and qualifications where relevant) of those in the 'at risk' group in relation to the requirements of the Academy department or section.
4. Suitability will be assessed objectively. Employees will contribute to this usually by completion of a skills audit linked to the requirements determined in 4. above. Employees' managers, in addition to the Head Teacher, may also be required to contribute to this process.
5. A judgement will be made as to which staff best meet the requirements of the Academy, department or section and thereby which employee(s) may be selected for redundancy.

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# RESTRUCTURE AND REDUNDANCY POLICY

## APPENDIX B

Redundancy/Re-Structuring Procedure at a Glance



## APPENDIX C

Ready Reckoner for Statutory Redundancy Payments

AS PER STATUTORY-WILL BE UPDATED AS PER LEGISLATION

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## APPENDIX D

## Glossary and Status of the Policy and Guidance

## Glossary

Throughout this policy and guidance (where applicable), the terms shown below will have, or include, the following meanings:

- Department refers to the Department for Education and/or its predecessors and successors;
- Line Manager includes any members of teaching and support staff with management responsibility for other staff.

## Status

This policy and/or guidance does not form part of any employee's contract of employment, unless otherwise stated, and it may be amended at any time.

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