

2018 -2019

Potential in Everyone Academy Trust
CEO – David Whitehead



Redundancy and Restructure Policy

(Policy and Procedure)

Rev August 2014

| | |
|------------------------|----------------------|
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Part A – Policy

1. Policy Statement

It is the aim of the Potential in Everyone Academy Trust to plan to meet future needs and we will make all reasonable efforts to maintain secure employment for all Employees.

However, in certain circumstances the need to restructure the workforce may be unavoidable and a potential redundancy situation may arise.

Where the need to restructure arises, the Trust will seek to ensure that:

- Employees selected for redundancy are given the opportunity to make representations and appeal
- Measures are implemented to avoid redundancies where possible and the total number of redundancies are kept to a minimum
- Effective communication and consultation takes place with Employees and their Trade Union representatives at the earliest opportunity
- Selection for redundancy or posts in a restructure situation is based on clear criteria which will be objectively and fairly applied
- Redeployment opportunities are explored wherever possible and Employees are supported in seeking alternative employment

The Trust expects that Employees affected by a potential redundancy or restructure situation will attend collective and individual consultation meetings, wherever possible.

An Employee who is at risk of redundancy has a responsibility to seek and accept alternative employment where it is suitable. A refusal to accept an offer of suitable alternative employment, may result in the Employee forfeiting their right to a redundancy payment.

This procedure explains:

- How the Trust will manage redundancy and restructure situations in a fair, consistent and reasonable manner
- How the Trust will meet its obligations with regards to consultation
- The entitlements of Employees who are made redundant.

2. Scope of the policy

This Policy and Procedure applies to all Employees of Potential in Everyone Academy Trust.

3. Adoption Arrangements and Date

This policy procedure was adopted by the Board of Directors of Potential in Everyone Academy Trust on 1 September and supersedes any previous Redundancy and Restructure Policy and Procedure.

This policy/procedure will be reviewed by the Board of Directors every two years or earlier if there is a need. This will involve consultation with the recognised unions.

4. Responsibilities of the Trust

- To plan and review the staffing structure to best meet the needs of pupils whilst ensuring the optimum use of the Trust's resources
- To establish and adhere to restructure and redundancy procedures with appropriate adjustments as necessary and reasonably practicable
- To consult with Employees and their Trade Union representatives
- To seek to minimise redundancies and identify suitable employment opportunities for Employees who are at risk of redundancy where possible and practicable
- To ensure that where redundancies are necessary Employees are dismissed fairly.

5. Responsibilities of the Employee

- To co-operate with reorganisation procedures
- To seek to mitigate individual loss by actively exploring alternative employment and accept work where it is suitable.

Part B – Procedure

6. Definition of a Redundancy and Restructure Situation

Redundancy is a potentially fair reason for dismissal.

A dismissal by reason of redundancy may occur when:

- ‘The Employer ceases or intends to cease, to carry on the business for the purposes of which the Employee was employed or intends to cease, to carry on the business in the place where the Employee was so employed’
- ‘The requirements of that business 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 he was so employed have ceased or diminished or are expected to cease or diminish’

Section 139 (1) Employment Rights Act 1996

A restructure may be defined as a reorganisation of the Trust’s operations which may give rise to a need to change:

- The staffing structure
- An Employee’s job role and / or job description
- An Employee’s salary, hours or other terms and conditions
- The way in which a service is delivered including an Employee’s pattern of work

A restructure may also result in the need to reduce the total number of staff and this could lead to a redundancy situation.

7. The role of the Board of Directors

Prior to commencing a restructure or redundancy process, the CEO will present all the information relevant to the business case for the proposed redundancies/restructure to the Board of Directors for consideration and approval. Recognised Trade Unions will be involved at the earliest practicable opportunity when the Trust is contemplating redundancies.

Where the Board of Directors is satisfied of the need to proceed, and that no other reasonable alternatives exist, they will instruct the CEO to begin a consultation process and, if appropriate, confirm that a redundancy situation is unavoidable. In the case of restructures a redundancy situation may be declared as a precautionary measure in situations where the extent of any redundancies is not yet known.

The Board of Directors will also identify appropriate panels who will have delegated responsibility for the process.

8. Delegated Responsibility and the Role of the Redundancy/Restructure Panel

The application of the Trust’s procedure will be managed by a panel with delegated authority to take decisions regarding the process, including making dismissals on behalf of the Board of Directors.

In this Trust responsibility for dismissal decisions has been delegated to the CEO, therefore formal hearings to consider dismissal may be by a panel of no more than 3 of which the CEO will be the Chair. This would usually consist of the CEO, HR Advisor and Headteacher for school based employees.

Appeals will be heard by a panel of no more than 3 Directors and/or local governors none of whom who have had no prior involvement in the matter under consideration.

A panel of no more than 3 Directors and/or local governors may be convened to hear the matter in situations where it is not appropriate for the CEO to perform this function.

A panel will comprise of no more than 3 members.

Staff governors will not be a member of an appeal panel.

9. Timescales for the Procedure

The Trust will set reasonable timescales for each stage of the process.

Indicative timescales for the process are set out in Appendix 1.

The Trust may, in exceptional circumstances, adopt a shorter timescale for the process, but with due regard for the need for meaningful consultation. A shorter timescale may also be followed in the case of restructures which do not involve potential redundancies or where Employees agree to the proposed changes.

For the purpose of this procedure 'working day' will normally refer to the 195 days of the Trust year for teachers employed under the terms of the School Teachers' Pay and Conditions Document.

For support staff employed on a term time only basis working days will normally refer to the days worked under their contract or for staff employed on contracts outside of the Trust term will mean all days excluding weekend and bank holiday days.

10. Right to Representation

The Trust will fully comply with the legal obligation in consulting with recognised Trade Unions. The Trust also appreciates the value of consulting and working with Trade Unions where Employees are at risk of redundancy and/or restructure and therefore this Trust will consult formally irrespective of the number of employees likely to be at risk.

A workplace colleague or trade union representative may accompany an Employee to any formal meeting connected with a restructure or redundancy process.

The right of workplace colleague or trade union representative at informal meetings does not make the meeting formal.

The Trust undertakes to provide reasonable opportunities for consultation with recognised Trade Union Representatives during any process. Consultation will be with the officers of recognised unions who may delegate the matter to Trust or local representatives.

The Trust also undertakes to facilitate reasonable opportunities for Employees to meet with their Trade Union representatives during any process.

11. Selection Pools

When a restructure or redundancy situation arises, the Trust will use objective criteria, following consultation, to establish at the outset those Employee(s) who will be in the unit of selection.

The precise pool(s) will be determined by the circumstances and may comprise of the whole Trust/a discrete department or a particular group of Employees or individual Employees who undertake the same or similar work.

12. Avoidance Measures

Where a possible redundancy situation arises, the Trust will in the first instance consider any avoidance measures including:

- Non recruitment to vacant posts
- Seeking volunteers for redundancy
- Appointing to vacancies from among existing Employees
- Cessation of temporary/fixed term contracts/secondments, where this is lawful and fair
- Exploring other options with Employees such as a reduction in hours
- Redeployment to alternative posts in the Trust
- Retraining
- Early retirement (within the provisions of the Teacher's Pension and Local Government Pension Scheme)
- Reduction in the use of casual, agency or supply staff
- Reduction in overtime or additional hours.

Additionally, the Trust will explore all non-staff cost saving measures.

Exploration of these measures will continue during the consultation process. Should avoidance measures come to light the Redundancy/Restructure Panel may halt the process in one or all of the selection pools.

13. Early Consultation

An early consultation meeting will be convened as soon as practicable with the potentially affected staff and their representatives to discuss proposals to restructure/make redundancies.

As a guide Employees and their representatives will be given as much notice as possible and not less than 10 working days' notice of any early consultation meeting. Copies of any documentation relevant to the proposals (such as the business rationale, relevant budgetary information, pupil and curriculum information, list of affected staff and indicative timeline) should be shared with representatives as soon as is practicable in advance and no later than 5 working days before the meeting.

During the early consultation meeting the Trust will explain their rationale, proposals for change and outline the process and timescales to be followed. Staff and their representatives will be invited to put forward their views and alternative proposals for consideration by the redundancy/restructure panel, with a view to reaching agreement, where possible. There will be the opportunity for representatives to attend a pre meet with the Trust immediately before the consultation meeting and staff will have the opportunity to meet with their representatives at the end of the meeting.

The interval between early and formal consultation will not be less than 5 working days. At the end of this period the redundancy panel will meet to consider any response received.

14. Formal Consultation

Following the early consultation meeting the Trust will enter into a period of formal consultation with Employees and their representatives.

At this stage the proposals will be formally set out in writing by the redundancy panel. In the case of potential redundancy situations, written notification will be in accordance with the provisions of the Section 188 notice.

Written consultation notification will include:

- Reasons for the proposals and any proposed redundancies
- Numbers and descriptions of Employees it is proposed to make redundant
- The total number of Employees of this description employed at the Trust
- The proposed method of selecting those who may be dismissed
- The proposed method of carrying out the dismissals, including the period over which dismissals will take place
- The proposed method of calculating redundancy payments
- Timescales for the process
- Other options for consideration and ways in which compulsory redundancies may be reduced or avoided (including inviting volunteers) or the consequences of redundancies mitigated

- Arrangements for individual consultation meetings
- Invite Employees and their representatives to put forward responses or counter proposals with a view to reaching agreement where possible.

In the case of a restructure, where no redundancies are proposed, this information may be modified and may additionally include:

- Details of the proposed changes to the structure and impact of these on Employees
- Job Descriptions and/or Person Specifications for any new or changed posts
- Details of the selection process to any new roles

The purpose of consultation is to formally explain the proposals and, in the case of a potential redundancy situation, to explore alternatives with a view to reaching agreement, if possible.

Particular attention will be paid to ensuring information is shared with Employees who may not have been able to attend the meeting due to absence, maternity or other types of family leave.

15. Timescales for Formal Consultation

The Trust will give sufficient time for meaningful consultation with Employees and their representatives.

Following the receipt of the written formal consultation document, there will be a formal consultation period during which time Employees and their representatives are invited to make written comments about the proposals to the Redundancy Panel.

Formal consultation will not be less than 15 working days. A shorter timescale may apply in exceptional circumstances following consultation between the Trust and recognised Trade Unions.

Where it is proposed that more than 20 Employees will be made redundant in a period of 90 days or less, the Trust will follow the Statutory Consultation process and timescales as required in the Trade Union and Labour Relations Act 1992 as set out in the table below:

| Employees to be dismissed at the establishment over a 90 day period | Minimum consultation period before notice of first dismissal is issued |
|--|---|
| 20-99 Employees | 30 days* |
| More than 100 Employees | 45 days* |

(*please note under TULRA legislation statutory consultation timescales are defined as calendar days)

The Trust will notify the Department for Business Innovation and Skills in instances where it is proposed that more than 20 Employees will be made redundant within a 90-day period or less.

16. Individual Consultation

Employees are encouraged to engage in meaningful discussion about the proposals.

During the period of Formal Consultation, Employees in the selection pool will be given the opportunity to meet with the Headteacher or other delegated manager, accompanied by a workplace colleague or Trade Union representative if requested, to discuss:

- The implications of the proposals for the individual
- The proposed method of selection and scoring
- Timescales
- Employee's views on the proposals and any comments/alternative considerations they wish to raise
- Suitable alternative employment opportunities including any training, development or adjustments that may need to be considered
- Making an expression of interest for voluntary redundancy

A written record of individual consultation meetings may be made and a copy shared with the Employee.

The Trust will consider any comments made during individual consultation and respond in writing as appropriate.

A workplace colleague or Trade Union representative may be present at this meeting if the Employee wishes.

17. Consideration of Responses

At the end of the formal consultation period the Redundancy/Restructure Panel will consider any comments and counter proposals which have been made by Employees or their representatives and respond in writing, as appropriate.

Should alternative options become available as a result of consultation the Redundancy/Restructure Panel may halt the process in one or all of the selection pools.

Should the Trust's proposals be amended following the consultation process Employees and their representatives will be advised of this. Where counter proposals are rejected, the reasons will be stated.

18. Request for Volunteers

To prevent compulsory redundancies, applications for voluntary redundancy will be considered where appropriate and relevant.

Volunteers should put their request in writing to the Redundancy/Restructure panel who will determine whether this can be accepted. The panel reserves the right to decline volunteers in circumstances where this may be detrimental to the business needs of the Trust. In order to consider requests from volunteers, the Trust may request that they be received by a specified date.

Consideration will be given to 'bumped' redundancies where appropriate and subject to Trade Union consultation. A bumped redundancy is where a volunteer for redundancy who is not in the initial pool is accepted and someone who would otherwise be made redundant moves to the post of the volunteer.

There is no right of appeal against non-acceptance of a request to volunteer for redundancy or to be considered for bumped redundancy.

Should sufficient volunteers be accepted, the Redundancy/Restructure Panel may halt the process in one or all of the selection pools.

An acceptance of a volunteer is provisional pending the conclusion of the redundancy process. Should the situation within the Trust change prior to notice being issued, this offer may be withdrawn.

19. Slotting

Employees may be automatically placed or 'slotted' into a post in the reorganised structure if their current post is largely unaffected by the proposed changes.

In general terms slotting may be considered in instances where:

- The grade is unchanged
- There are the same or greater number of jobs in the new structure as in the current structure
- The job is deemed to be 75% the same in terms of responsibility and accountability, job tasks and overall objectives.

Posts that are potentially eligible for slotting will be identified during the consultation process. The Redundancy/Restructure Panel will determine which posts will slot and eligible Employees will receive written confirmation of this at the end of the Formal Consultation stage.

Wherever possible, slotted roles will be confirmed at the earliest opportunity to reduce uncertainty.

20. At Risk Notification

At the end of the Formal Consultation Period, and should no alternatives to restructure/redundancy have been identified, Employees in the pool for selection will be notified in writing that they are formally 'at risk' of redundancy if appropriate, and advised of the details of the redundancy/restructure selection process.

21. Selection Criteria

Selection for Redundancy

If, having taken the above steps, it has not been possible to avoid a compulsory redundancy situation, the Trust will establish a suitable objective and fair method for selecting Employees whose jobs will be made redundant. This proposed selection criteria and method will be shared consultation.

Selection criteria may include one or more of the following:

- Standard core competencies
- Job specific competencies and specialist skills
- Attendance records (excluding absences relating to pregnancy and disability)
- Formal Disciplinary records (unexpired disciplinary warnings only)
- Performance management records and achievement of objectives
- Relevant Qualifications
- Continuous Professional Development within the past 5 years
- Evidence of contribution to the wider Trust community

The precise selection criteria may vary dependent on the selection pool and what is reasonable given the circumstances.

When identifying selection criteria, the Trust will have careful regard to equalities issues and reasonable expectations for the job role.

The Trust will seek to ensure that the selection criteria are robust, transparent and fairly applied and objectively scored for all candidates within the pool, ensuring that reasonable adjustments are made for disabled employees as defined in EA2010 with the primary aim of meeting the future needs of the school and Trust.

Selection criteria may be assessed either via:

- A skills audit
- An application and interview process
- A selection activity
- An analysis of staff data

More than one selection method may be used. Where multiple methods are used **any** relative weighting of these will be specified during the consultation process.

The proposed selection criteria and method will be shared during consultation.

Where there is a single Employee in the selection pool or all posts within a pool are to be removed from the structure, it will not be necessary to undertake a selection process.

Selection in a reorganisation

Where new posts or significantly different posts are created as a result of a restructure, recruitment to these will be via a competitive application/recruitment process. The precise process will be outlined during consultation.

In such circumstances, these vacancies may be ring fenced to certain groups of Employees or individuals, in the first instance. Any ring fencing provisions will be outlined during consultation.

In this instance, any redundancies will be identified through non-recruitment to available posts.

22. Notification of Outcome: Selection for Redundancy

Employees will be notified in writing of the outcome of any selection process and, if provisionally selected for redundancy, the reasons for their selection and proposed dismissal on the grounds of redundancy. This notification may also include the Employee's individual audit or interview scores and an explanation of the reasons why they have been selected for redundancy.

This written notification will also include an invitation for the Employee to attend a representation meeting and notification of their right to appeal.

23. Notification of Outcome: Offers of new posts or contractual variations

Where an Employee is offered a new post or a variation made to their current post (the details will be confirmed in writing), including a full statement of any changed terms and conditions, confirmation of the effective date and any notice that may apply.

Where, in accordance with teaching or support staff provisions, salary protection arrangements apply these will also be confirmed in writing.

Employees will be asked to confirm their acceptance of any offer in writing and the Trust may specify a reasonable timescale in which confirmation must be given.

Where an offer of a new post is declined, an Employee is entitled to make representations and appeal against the decision to terminate their current post. Where an Employee has accepted alternative employment there is no right to representation or appeal.

Where variations to a contract or an offer of suitable alternative employment are unreasonably refused – the Trust reserves the right to dismiss the Employee with notice and re-engage them on the new terms.

24. Representation Meeting

Employees who have been provisionally selected for redundancy or who have declined an offer of alternative employment/contractual variation will be invited to attend a representation meeting with the decision making body in section 8.

The purpose of this meeting is for the decision making body to explain the reasons for the Employee's selection and for the Employee to ask any questions relating to this. The Employee may also wish to present reasons why they should not have been selected to the decision making body. However, it should be noted that the meeting is not an opportunity for the Employee to add to information already provided during the selection process or comment on the performance of other Employees in the pool. At the end of the meeting the Employee may wish to ask the Panel to reconsider its provisional selection decision.

Any documentation that either party wishes to present to the representation meeting should be shared in advance, and not less than 3 working days before the representation meeting.

Representation meetings should take place as soon as practicably possible and normally within 5 working days of written notification of the outcome of the selection process. The panel may adjourn the representation meeting should the Employee present information requiring further investigation.

A trade union representative or workplace colleague may be present at this meeting.

The meeting may be postponed for up to 5 working days if the Trade Union representative or workplace colleague cannot attend.

It should be noted that where the proposed date of the representation meeting has been shared with employees and their representatives at the outset of the redundancy process, it would be expected that that parties would be available to attend on the pre-arranged date unless issues had been raised when the timeline was originally shared.

Employees are encouraged to attend this meeting but may choose not to, should they wish.

The outcome of the representation meeting will be confirmed in writing with the Employee as soon as practically possible and normally within 5 working days.

25. Notice Entitlement

Employees will receive written notice of their dismissal by reason of redundancy, once they have been advised of the outcome of any Representation meeting.

Notice will be the greater of contractual or statutory entitlement, up to a maximum of 12 weeks as determined by qualifying continuous service under the terms of the Local Government Modification Order. Where statutory notice is issued this will be 1 week for each year of service, up to the maximum of 12 weeks.

In the case of teachers, notice will be issued with due regard to the contractual provisions and termination dates set out in the Burgundy Book detailed in table below or statutory entitlement whichever is the greater.

| | |
|--|---|
| For redundancies coming into effect at the end of the summer term | 3 months' notice expiring 31st August |
| For redundancies at the end of the Autumn term | 2 months' notice expiring 31 st December |
| For redundancies at the end of the Spring term | 2 months' notice expiring 30 th April |

Please note that in the case of a Headteacher or CEO the notice periods are longer than those above, and can be found in the Burgundy Book.

The Trust may reserve the right in certain circumstances to offer, by mutual agreement, a period of paid garden leave pending the expiry of an Employee's notice period.

26. Appeal

Employees may appeal in writing against the decision to terminate their current contract by reason of redundancy. Appeals should be made within 10 working days of receipt of written notice and should state clearly the grounds for appeal.

An appeal may be made on one or more of the following grounds:

- Unfairness of decision
- That new evidence has come to light
- Significant procedural irregularities

Any documentation that the Employee wishes to be considered by the appeal panel should be provided with the letter of appeal and in all cases no later than the deadline for the receipt of appeals.

Appeals will be heard by the redundancy appeal panel as soon as practicable, and within 10 working days of receipt.

Staff governors will not be a member of an appeal panel.

The Trust will provide the Employee with copies of any documents which will be referred to during the appeal in advance and no later than 5 working days before the appeal meeting.

A workplace colleague or Trade Union representative may be present at this meeting.

The meeting may be postponed for up to 5 working days if the Trade Union representative or workplace colleague cannot attend.

It should be noted that where the proposed date of the appeal representation meeting has been shared with employees and their Trade Union representatives at the outset of the redundancy process, it would be expected that parties would be available to attend on the pre-arranged date.

The purpose of the Appeal is to review the original decision on the basis of the grounds for appeal presented by the Employee.

The outcome may be:

- To uphold the previous decision to dismiss the Employee on the grounds of redundancy
- To uphold the Employee's appeal and withdraw the dismissal decision.

The outcome of the appeal meeting will be confirmed in writing with the Employee as soon as is practically possible and normally within 5 working days.

The decision of the appeal panel is final and there is no further right of appeal.

27. Suitable Alternative Employment

The Trust will take reasonable steps to identify suitable alternative employment and redeployment opportunities for Employees under notice of redundancy.

Individuals will be made aware of any vacancies which arise within the Trust.

While priority will be given wherever possible to Employees under notice of redundancy, the Trust reserves the right to appoint the best available candidate to any vacancy in situations where the Employee at risk does not immediately meet the full, essential job requirements and it is a post that is critical.

Any offers of alternative employment will be made in writing, including a full statement of the terms and conditions offered.

Where suitable alternative employment is offered salary protection may be payable in accordance with the provisions of teaching or support staff pay and conditions. It should be noted that only posts identified during the consultation process and notice period as suitable alternatives will attract protection. Where redeployment to another site is required that appropriate reimbursement for travel is agreed.

28. Considerations for Employees on Maternity, Paternity, Adoption and Shared Parental Leave

An Employee on maternity, paternity, adoption or shared paternity leave, and who is under notice of redundancy, will have a statutory automatic right to be offered suitable alternative work, if available, ahead of any other Employees. In the event that more Employees fall into this category than posts available a selection process will need to be used.

Where an Employee who is on maternity or adoption leave is made redundant statutory maternity and adoption pay will continue until its expiry. However occupational maternity/adoption pay will cease at the date of redundancy.

29. Refusal of Suitable Alternative Employment

Should an Employee feel unable to accept a contractual variation or offer of a new post they may wish to discuss the reasons for this informally with the Headteacher (Trust Business Manager for centrally based non-educational staff in the first instance). It will be for the Employee to demonstrate to the Redundancy/Restructure Panel the reason why an alternative offer made by the Trust is not reasonable and suitable.

An Employee who unreasonably refuses an offer of suitable alternative employment made with broadly comparable terms and conditions, may lose their entitlement to redundancy pay. In such circumstances, dismissal would still be for reason of redundancy.

30. Statutory Trial Periods

Where an Employee is under notice of redundancy, any offer of suitable alternative employment within the Trust, where the provisions of the new contract differ from the current contract, will be subject to a 4-week statutory trial period.

If either party determines within the trial period that the new job is not suitable, the employment will terminate by reason of redundancy on the date on which employment on the previous contract was due to end. The trial period will usually commence as soon as the old contract expires and will end four weeks after that. In cases where an Employee terminates the trial period without good reason the Trust reserves the right to withhold the redundancy payment.

The trial period may be extended beyond the initial 4 weeks by mutual agreement to enable further retraining. Any extension will be confirmed in writing.

The Trust may at its discretion offer trial periods to Employees offered suitable alternative employment at an earlier stage of the redundancy process.

31. Time off to look for alternative employment

Employees under notice of redundancy and who have been continuously employed by the Trust for at least 2 years, have the statutory right to take a reasonable amount of time off work to look for another job, attend interviews or attend training.

At the Trust's discretion, this provision may be extended to Employees with less than 2 years' service.

In granting time off consideration will be given to the business needs of the Trust. Employees wishing to take advantage of this provision should make appropriate arrangements with their manager.

It is not expected that time off would exceed an average of 2 paid days per week or pro rata for part time staff.

32. Outstanding Leave

Employees who are to be made redundant will be advised of any outstanding leave. This should be taken during the notice period wherever possible. In the event that this is not possible, payment will be made in lieu of any outstanding leave.

33. Calculating Redundancy Payments

Redundancy payments will be calculated in accordance with the formula laid down in statute within the framework of the Employee's contractual terms and conditions, including any relevant TUPE condition.

In addition, under the terms of the Local Government Modification Order, the Trust will recognise prior continuous service with maintained schools and other bodies covered by the order. It should be noted that employment with a Trust will also count towards continuous local government service for redundancy purposes.

Details of those bodies covered by the Modification Order is available at:

http://www.local.gov.uk/employment-relations/-/journal_content/56/10180/3510617/ARTICLE;

Employees may be asked to provide evidence of their qualifying service under the modification order.

The amount of redundancy payment will be determined by the Employee's age and length of service as set out in Appendix 2. The Employee will be entitled to receive:

- Half a week's pay for each year of employment in which the Employee was aged 21 or under
- One week's pay for each year of employment in which the Employee was aged between 22 and 40; and
- One and a half weeks' pay for each year of employment in which the Employee was aged 41 or over.

Service before the age of 18 years will not count. There is no upper age limit on statutory redundancy payments.

The maximum number of years of employment that can be taken into account is 20.

A week's pay will be based on the actual weekly pay of the Employee.

Where an Employee with two or more posts is made redundant from one post, service for redundancy calculation purposes will be based on the service accrued/current salary on this contract only.

Employees will receive a written estimate of redundancy monies payable. The redundancy payment will be based upon the contractual circumstances of the Employee at the date statutory redundancy notice is issued.

34. Deductions from Redundancy Payments

Redundancy payments of less than £30,000 are free from normal payroll deductions. Any sums more than £30,000 are subject to payroll deductions in respect of Income tax and will be made via the Trust payroll.

35. Securing Alternative Employment and the Modification Order

Employees will not normally be entitled to a redundancy payment if they are offered before their date of redundancy, 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 a 4 week break. Where this does occur, the Trust reserves the right to withhold redundancy payment.

Details of those bodies covered by the Modification Order is available at:

http://www.local.gov.uk/employment-relations/-/journal_content/56/10180/3510617/ARTICLE;

Employees should advise the Trust as soon as possible if they are offered alternative local government employment which means they are no longer entitled to a redundancy payment.

The Trust may ask Employees to provide a written declaration that they are not taking alternative employment which would invalidate their entitlement to a redundancy payment. Should the Trust become aware that an Employee has made a false declaration any redundancy payment may be withheld or reclaimed.

36. Leaving before the redundancy date

Should an Employee wish to leave employment prior to the expiry of their notice period they should make the Trust aware of this as soon as possible and explain the reasons for requesting an early release.

This will be regarded as a resignation. Exceptionally the Trust may agree to the Employee retaining their redundancy payment when leaving early.

37. Release of Local Government Pension

Employees aged 55+ at the date of redundancy are entitled under the terms of the Local Government Pension Scheme will receive to the immediate release of their local government pension.

38. Record Keeping

Notes may be taken of all discussions and formal/informal meetings held with an Employee to discuss redundancy issues. Where notes are taken a copy will be made available to the Employee. Retention of all records by the Trust will comply with the requirements of GDPR

Minutes will be taken at representation and appeal meetings and shared with the Employee as soon as practicable. The Employee will have the opportunity to check the accuracy of these minutes.

39. Other Considerations

Reasonable Adjustments

The Trust will consider making 'reasonable adjustments' in any redundancy consultation and selection process for Employees with declared disabilities or additional needs. This may include the provision of an amanuensis (scribe) to assist in the completion of written audits. Individuals should make the Redundancy/Restructure panel aware of any additional requirements so that consideration may be given to appropriate adjustments.

Absent Employees

The Trust will seek to ensure absent Employees are kept fully informed of the redundancy process by inviting them to consultation meetings and ensuring they receive copies of relevant written information. Where an individual is unable to attend meetings, the Trust will explore means of ensuring effective communication is maintained.

40. Advice and Support to Employees

Employees are advised to seek support from their Trade Union Representative or Professional Association regarding redundancy issues. Employees may address questions about this procedure to the Headteacher or other delegated staff member.

Appendix 1: Indicative Redundancy Timeline

| | | |
|----|---|---|
| 1 | Trust Board meets <ul style="list-style-type: none"> • Agree need to proceed with restructure and commence consultation • Panel identified | |
| 2 | Early Consultation Meeting with Employees and Trade Union / Professional Associations <ul style="list-style-type: none"> • Proposals Explained | At least 5 working days' notice of meeting |
| 3 | Formal Consultation Period / S188 <ul style="list-style-type: none"> • Section 188 letter and documentation circulated to unions • Individual Consultation Meetings Held | 15 working days' formal consultation |
| 4 | Individual Consultation <ul style="list-style-type: none"> • Employees given the opportunity to meet | Usually during first week of formal consultation |
| 5 | End of Formal Consultation <ul style="list-style-type: none"> • Panel considers responses to consultation and whether original proposals should proceed | ASAP after end of consultation |
| 6 | At risk letters sent <ul style="list-style-type: none"> • Employees placed at risk and notified of selection process | Allow 1 working week |
| 7 | Selection <ul style="list-style-type: none"> • Audits/Applications to be returned by • Selection Meeting • Interviews Held (if applicable) | Allow 1 – 2 weeks, |
| 8 | Notification of outcome <ul style="list-style-type: none"> • Communicate outcome of process • Inform Employees if their posts are selected for redundancy or • Offer of an alternative post made/contractual variation confirmed • Employees advised of right to representation & appeal | ASAP after conclusion of selection process, but normally within 5 days |
| 9 | Representation Meeting <ul style="list-style-type: none"> • Representations to made by • Representation to be heard by • Employees advised of outcome by | Usually held within 5 working days after notification of outcome Outcome normally within 5 working days of representation meeting |
| 10 | Notice Issued <ul style="list-style-type: none"> • Notice will be the greater of statutory or contractual entitlement up to a maximum of 12 weeks | After representations and in line with statutory/ contractual entitlement |
| 11 | Appeal Meeting <ul style="list-style-type: none"> • Appeals to be made by • Representations to be heard by • Employees Advised of the outcome by | 5 working days to make appeal Appeals heard within 10 working days Outcome normally within 5 working days of appeal meeting |
| 12 | Contracts terminate by reason of redundancy | |

Appendix 2: Statutory Redundancy Calculations Chart

| Age (years) | Service (years) | | | | | | | | | | | | | | | | | | |
|----------------|--------------------|----|----|----|----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 |
| 17 | 1 | | | | | | | | | | | | | | | | | | |
| 18 | 1 | 1½ | | | | | | | | | | | | | | | | | |
| 19 | 1 | 1½ | 2 | | | | | | | | | | | | | | | | |
| 20 | 1 | 1½ | 2 | 2½ | - | | | | | | | | | | | | | | |
| 21 | 1 | 1½ | 2 | 2½ | 3 | - | | | | | | | | | | | | | |
| 22 | 1 | 1½ | 2 | 2½ | 3 | 3½ | - | | | | | | | | | | | | |
| 23 | 1½ | 2 | 2½ | 3 | 3½ | 4 | 4½ | - | | | | | | | | | | | |
| 24 | 2 | 2½ | 3 | 3½ | 4 | 4½ | 5 | 5½ | - | | | | | | | | | | |
| 25 | 2 | 3 | 3½ | 4 | 4½ | 5 | 5½ | 6 | 6½ | - | | | | | | | | | |
| 26 | 2 | 3 | 4 | 4½ | 5 | 5½ | 6 | 6½ | 7 | 7½ | - | | | | | | | | |
| 27 | 2 | 3 | 4 | 5 | 5½ | 6 | 6½ | 7 | 7½ | 8 | 8½ | - | | | | | | | |
| 28 | 2 | 3 | 4 | 5 | 6 | 6½ | 7 | 7½ | 8 | 8½ | 9 | 9½ | - | | | | | | |
| 29 | 2 | 3 | 4 | 5 | 6 | 7 | 7½ | 8 | 8½ | 9 | 9½ | 10 | 10½ | - | | | | | |
| 30 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 8½ | 9 | 9½ | 10 | 10½ | 11 | 11½ | - | | | | |
| 31 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 9½ | 10 | 10½ | 11 | 11½ | 12 | 12½ | - | | | |
| 32 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 10½ | 11 | 11½ | 12 | 12½ | 13 | 13½ | - | | |
| 33 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 11½ | 12 | 12½ | 13 | 13½ | 14 | 14½ | - | |
| 34 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 12½ | 13 | 13½ | 14 | 14½ | 15 | 15½ | - |
| 35 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 13½ | 14 | 14½ | 15 | 15½ | 16 | 16½ |
| 36 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 14½ | 15 | 15½ | 16 | 16½ | 17 |
| 37 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 15½ | 16 | 16½ | 17 | 17½ |
| 38 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 16½ | 17 | 17½ | 18 |
| 39 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 17½ | 18 | 18½ |
| 40 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 18½ | 19 |
| 41 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 19½ |
| 42 | 2½ | 3½ | 4½ | 5½ | 6½ | 7½ | 8½ | 9½ | 10½ | 11½ | 12½ | 13½ | 14½ | 15½ | 16½ | 17½ | 18½ | 19½ | 20½ |
| 43 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 |
| 44 | 3 | 4½ | 5½ | 6½ | 7½ | 8½ | 9½ | 10½ | 11½ | 12½ | 13½ | 14½ | 15½ | 16½ | 17½ | 18½ | 19½ | 20½ | 21½ |
| 45 | 3 | 4½ | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| 46 | 3 | 4½ | 6 | 7½ | 8½ | 9½ | 10½ | 11½ | 12½ | 13½ | 14½ | 15½ | 16½ | 17½ | 18½ | 19½ | 20½ | 21½ | 22½ |
| 47 | 3 | 4½ | 6 | 7½ | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 |
| 48 | 3 | 4½ | 6 | 7½ | 9 | 10½ | 11½ | 12½ | 13½ | 14½ | 15½ | 16½ | 17½ | 18½ | 19½ | 20½ | 21½ | 22½ | 23½ |
| 49 | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 |
| 50 | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13½ | 14½ | 15½ | 16½ | 17½ | 18½ | 19½ | 20½ | 21½ | 22½ | 23½ | 24½ |
| 51 | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13½ | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 |
| 52 | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13½ | 15 | 16½ | 17½ | 18½ | 19½ | 20½ | 21½ | 22½ | 23½ | 24½ | 25½ |
| 53 | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13½ | 15 | 16½ | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 |
| 54 | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13½ | 15 | 16½ | 18 | 19½ | 20½ | 21½ | 22½ | 23½ | 24½ | 25½ | 26½ |
| 55 | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13½ | 15 | 16½ | 18 | 19½ | 21 | 22 | 23 | 24 | 25 | 26 | 27 |
| 56 | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13½ | 15 | 16½ | 18 | 19½ | 21 | 22½ | 23½ | 24½ | 25½ | 26½ | 27½ |
| 57 | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13½ | 15 | 16½ | 18 | 19½ | 21 | 22½ | 24 | 25 | 26 | 27 | 28 |
| 58 | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13½ | 15 | 16½ | 18 | 19½ | 21 | 22½ | 24 | 25½ | 26½ | 27½ | 28½ |
| 59 | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13½ | 15 | 16½ | 18 | 19½ | 21 | 22½ | 24 | 25½ | 27 | 28 | 29 |
| 60 | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13½ | 15 | 16½ | 18 | 19½ | 21 | 22½ | 24 | 25½ | 27 | 28½ | 29½ |
| 61+ | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13½ | 15 | 16½ | 18 | 19½ | 21 | 22½ | 24 | 25½ | 27 | 28½ | 30 |

Appendix 3: Guidance for Representation and Appeal Meetings/Hearings

General

Representations and Appeals should take place at a reasonable time and place during the Employee's normal working hours and, in the case of Employees who work term time only, during the school term. These arrangements may be varied by prior mutual agreement.

Consideration should be given to the venue for the hearing. There should be adequate rooms for the parties and arrangements to ensure that the hearing is conducted with discretion and confidentiality maintained. A venue away from the school site may be appropriate in certain circumstances.

The precise procedure to be followed will vary depending on the particular circumstances of each case, but in general the following will apply:

Procedure for Representation Meetings

- The Chair of the Redundancy Panel will introduce those present and their roles, explain the procedure to be followed and the format of the meeting
- The Chair of the Redundancy Panel will explain the reasons why the Employee has been provisionally identified for redundancy with reference to the outcome of any audit or selection process. The Employee and their representative may ask any questions relating to this
- The Employee and their representative present reasons why he/she should not have been selected. This may include asking the panel to reconsider its initial selection decision. The Employee is not permitted to add to information given during the selection process or comment on the performance of others. The Redundancy Panel may ask questions relating to the points raised by the Employee
- The meeting is adjourned to enable the Redundancy Panel to consider the points raised and whether the provisional decision to dismiss should be upheld
- The representation meeting is reconvened and the outcome is communicated verbally to the Employee. The outcome will also be confirmed in writing to the Employee as soon as is practicably possible and normally within 5 working days of the decision.

Procedure for Appeals

- The panel will identify a chair whose role is to facilitate the appeal meeting
- The chair of the panel will introduce those present and their roles, explain the case to be considered, the procedure to be followed and the format of the meeting
- The Employee or their representative shall put the case in support of the grounds for appeal, including any mitigating circumstances. This may include referring to written submissions and evidence. The School's representative and panel may ask questions of the Employee and their representative
- The School's representative presents the case for upholding the previous panel's decision and refers to written documentation. The Employee and their representative and panel may ask questions of the School's representative
- The panel will invite both parties to sum up their cases, with the Employee or his/her representative having the final word. The hearing will then be adjourned whilst the panel deliberates over the evidence
- Adjournments may be requested by both parties or by the panel during the appeal hearing. If new evidence is presented the appeal may need to be adjourned while this is investigated
- The appeal hearing will then be adjourned whilst the panel deliberates over the evidence. If further clarity is required both parties may be recalled and the hearing reconvened so that all parties may hear any additional evidence
- The appeal hearing is reconvened and the outcome is communicated verbally to the Employee. This should also be confirmed in writing. On occasion it may not be possible for the panel to reach a decision on the day of the hearing in which case the appeal may be reconvened, or all parties may agree for the outcome to be communicated in writing as soon as practically possible and normally within 5 working days of the decision being made
- Where the decision is made to uphold an Employee's appeal the matter will be referred back to the CEO.

The Role of the Representative

The Employee has the right to be accompanied to a hearing or appeal meeting by either a workplace colleague or recognised trade union representative.

The representative may address the hearing to put and sum up the Employee's case, respond on behalf of the Employee at the hearing and confer with the Employee during the hearing. The representative does not have the right to answer questions on the Employee's behalf, address the hearing if the Employee does not wish it or prevent the employer from explaining their case.

The Role of the HR Advisor

The School may request that a HR Advisor attends an appeal meeting whose role is to advise the panel on the procedure and any points of employment law.

A further HR Advisor may also be in attendance to support the school/Trust in the presentation of their case.

The HR Advisor may be allowed to ask questions and clarify issues on behalf of the party they are supporting.