



EDITH STEIN **CATHOLIC ACADEMY TRUST**

REDUNDANCY POLICY

APPROVED BY TRUSTEES	December 2021
SCRUTINISED BY BUSINESS AND COLLABORATION COMMITTEE	May 2021
DATE LAST REVIEWED	July 2021
MEMBER OF STAFF RESPONSIBLE	Headteacher
STATUTORY / NON-STATUTORY	Non-Statutory



Policy Amendments

Version Date	Section / Page	Amendments
May 2021	1.0 / Page 1	Reference made to ESCAT
	3.1 / Page 1	Addition of 'all staff across the Trust'
	5.1 / Page 2	Addition of 'each school'
	5.2 / Page 2	Monitoring role for the Trust added
	6.1 / Page 2	Addition of Trust board for notification
	7.1 / Page 3	Reference added to succession planning
	17.1 / Page 9	Removal of Oaklands and reference to the Trust

“Very truly I tell you, unless a kernel of wheat falls to the ground and dies, it remains only a single seed. But if it dies, it produces many seeds.”
John 12 v24

“Now the crowd that was with him when he called Lazarus from the tomb and raised him from the dead continued to spread the word”
John 12 v17

1.0 Introduction

The Directors of Edith Stein Catholic Academy Trust (ESCAT) and Local Governing Body (LGB) recognise that the greatest resource the school has is its staff. However there are occasions where for various reasons it may be necessary to reduce staff numbers through redundancy dismissal. This is not a decision the school will take lightly. Any redundancy situation will be a position of last resort after all other reasonable options have been explored. If a member of staff is made redundant the process must be executed in the fairest possible manner, supporting the individuals at risk and preserving their dignity.

2.0 Purpose of this Policy

- 2.1 To provide a clear and fair process to be followed when it becomes necessary to reduce the school's staffing establishment, which is compliant with statutory requirements in relation to consultation, equalities legislation, and dismissal procedures.
- 2.2 The Directors of the ESCAT and the LGBs seek to ensure, as far as possible, security of employment for employees by careful forward planning. However, it is recognised that from time to time the needs of a school may change and could lead to reduced staffing requirements.
- 2.3 This policy has been drawn in consultation with staff and is based upon procedures recognised by trade unions.

3.0 Applicability

- 3.1 The Edith Stein Catholic Academy Trust is the employer of all staff across the Trust. In conjunction with the LGBs they are responsible for determining whether an employee should cease to work at the school, and thus who should be dismissed by reason of redundancy.
- 3.2 This procedure will be used when circumstances arise which could lead to redundancy (see Definition in Section 4 below).

4.0 Definitions

- 4.1 The definition of redundancy is given by Section 139 Employment Rights Act 1996. This states that redundancy occurs when an employee is dismissed and the dismissal is attributable wholly or mainly to:
 - the fact that the employer has ceased, or intends to cease, to carry on the business, or to carry on that business in the place where the employee was employed; or
 - the fact that 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 they were employed, have ceased or diminished or are expected to cease or diminish.

- 4.2 In summary, school redundancies are likely to occur either where the school closes, or where it has a reduced requirement for the work carried out by either teachers or support employees as a result of a reduction in hours or posts in the school's staffing structure. This may be as a result of falling numbers on roll, changes in curriculum requirements, changes to the school site, a review of the deployment of staff resources, or other reasons.
- 4.3 The surplus staffing situation at the school may involve:
- a unique post being declared redundant;
 - a reduction in the number of staff employed to do the same type of work (e.g. class teachers)
 - a reduction in hours and/or a change in duties and responsibilities where a complete reorganisation of the structure may be advisable.
- 4.4 For the purpose of this procedure, 'work of a particular kind' for teachers will normally be defined as teaching in a particular subject area rather than the wider definition of 'teaching'. Distinct work of a particular kind would normally mean no movement of teachers from that area to and from other subject areas. For example, the pool of potentially redundant teachers might be all teachers in the Modern Foreign Language Department. Therefore it would be possible to define a pool of secondary teachers by department/ subject area.
- 4.5 For support employees, the pool of potentially redundant employees will be defined by the school, having regard to the type of work that is reducing.

5.0 Roles and Responsibilities

- 5.1 The LGB of each school is responsible for;
- Determining the required staffing establishment for the school.
 - Determining whether an employee should cease to work at the school by reason of redundancy. It may delegate the operational issues related to this to the Headteacher.
- 5.2 The Directors are responsible for
- Dismissing any employee whom the LGB has determined should no longer work at the school by reason of redundancy. This will be delegated to the LGB Redundancy Committee but monitored by the Trust.
- 5.3 The Headteacher is responsible for;
- The internal organisation, management and control of the school and leading the redundancy process under the direction of the LGB.
 - Determining the selection criteria under Stage Four of the procedure.
 - Consulting trade union representatives on redundancy selection criteria
 - Recommending redundancy selection decision(s) to the LGB.
- 5.4 Note - any reference to the 'Headteacher' as part of this procedure may include a reference to a senior manager to whom the Headteacher has delegated responsibility for carrying out the procedure.

6.0 Principles

- 6.1 If a need to reduce the number of school staff is identified, the Headteacher should, notify the LGB and the Trust Board then consult the current HR provider once the Directors and LGB have are satisfied that in principle there is a need to start a redundancy process.

- 6.2 All consultation will be undertaken in good faith and with a view to reaching agreement.
- 6.3 Consultation will include ways of avoiding dismissals, reducing the number to be dismissed, and mitigating the effects of the redundancies.
- 6.4 Individual employees have the right to be accompanied by a trade union representative or a work colleague at any individual meeting to discuss potential redundancy or redeployment. Sufficient and reasonable time will be given to allow employees time to arrange accompaniment to relevant meetings
- 6.5 A copy of this procedure will be issued to any employee who is directly affected by its provisions.
- 6.6 Information about the proposed staffing changes will be made available to all trade union representatives of the unions representing the group(s) of staff affected in good time.
- 6.7 If at any time throughout the redundancy process the necessary reduction in staff can be achieved through natural wastage, e.g. resignations or retirements, relevant staff will be informed in writing that the redundancy process has been terminated.
- 6.8 Any dismissals will be carried out in accordance with the School Staffing (England) Regulations 2009.
- 6.9 The redundancy procedure will be applied fairly and consistently to all staff employed at the school regardless of gender, race, marital status, national or ethnic origin, nationality, disability, sexual orientation, transgender status, pregnancy or parenthood, age, religion or belief, political belief or affiliation, trade union membership/non membership, or number of hours worked.

7.0 Planning to Avoid Redundancy

- 7.1 The LGBs will seek as part of its workforce planning process to avoid or minimise the effect of any foreseen staff surpluses. The LGB recognises that there are times where unforeseen events may have an impact on school staffing and this could lead to a situation where redundancy may need to be considered. Individual schools should engage in succession planning as part of the workforce planning process, this may help prevent overstaffing.
- 7.2 Where staff surpluses can be foreseen the Headteacher and LGB should consider the following strategies to avoid compulsory redundancies,
- restricting the recruitment of permanent staff;
 - reducing the use of temporary staff without infringing employment rights; reduction in hours - where agreed with the employee or allowed for in the contract of employment;
 - filling vacancies from among existing employees;
 - job sharing;
 - training or re-training;
 - voluntary redeployment of employees within the local authority;
 - release of staff before the contractual resignation date.
- 7.3 Where the above strategies have not achieved the requirement to reduce staffing or they are not appropriate the following procedure will be applied.

8.0 Stage One - Proposal to Reduce Staffing

- 8.1 The Headteacher will prepare a business case which will include a staffing proposal paper in consultation with Human Resources. This may also include consideration of the curriculum structure and the staff required to deliver the curriculum. The paper should explain the background to the need to reduce the staffing establishment. It will include details of;
- current staffing levels (numbers in each type of staff group potentially affected);
 - proposed new staffing structure;
 - Proposed new curriculum structure if relevant
 - financial implications;
 - any alternatives that have been explored (i.e. as set out in section 6);
 - any fixed term contracts and/or natural wastage which will enable some or all of the reduction to be made legally without recourse to redundancy;
 - date(s) on which the proposed new staffing structure will become effective, and therefore any redundancies would take place;
 - the proposed pool of staff from which the reduction must be achieved
 - the proposed method of achieving the reduction
 - details of the number and type of agency or temporary staff (including supply teachers) working in the school
- 8.2 The Headteacher will discuss the paper with the Chair of Directors and the local Governing Body and agree to consult staff and trade unions on the need to reduce staffing numbers.
- 8.3 The scope of any redundancy costs must be approved by the local Governing Body Business and Collaboration Committee.

9.0 Stage Two - Consultation and Ratification

Consultation with trade unions

- 9.1 The Headteacher, on behalf of the LGB, will write to representatives of relevant trade unions explaining the rationale for the proposed redundancies and notifying them of dates of staff consultation meeting(s) and the governing body meeting where ratification will be sought. A copy of the Headteacher's staffing proposal paper will also be enclosed.
- 9.2 Where a specific pool of employees has been identified from which the reduction in staffing will be achieved, the trade unions should be consulted on the rationale for defining the pool.
- 9.3 Trade union representatives will be invited to attend staff consultation meeting(s) where they have members at the school who will potentially be affected by the proposals.

Consultation with staff

- 9.4 The Headteacher will hold a meeting with staff potentially at risk to consult them and their representatives on the proposal to reduce staffing numbers.
- 9.5 Where a specific post(s) have been identified for deletion, or a specific pool has been identified from which the reduction in staffing will be achieved, the staff consultation should normally take place in two stages; those who will be directly affected should be consulted first, and the wider staff group should be consulted after this.
- 9.6 A copy of the staffing proposal and a copy of this redundancy procedure will be made available to staff prior to the meeting.

- 9.7 The teachers selected for the pool (or their unions) may respond to the consultation by suggesting that the pool of potentially redundant teachers should be differently defined. The Headteacher will consider and respond to any consultation feedback before proceeding.
- 9.8 At the meeting, the Headteacher will refer to this procedure and;
- the requirement for the LGB to ratify the new staffing structure/ reduction in staffing numbers.
 - the need to consult staff and their representatives, and
 - the potential outcomes.
- 9.9 Trade union representatives will be given the opportunity to meet staff separately after this meeting on request to the Headteacher, or at another more convenient time.
- 9.10 Comments on proposals should be sought within a reasonable timescale, to be determined by the Headteacher and the number of staff at risk
 1 -19 redundancies - the consultation will start at least 10 days before any dismissals take effect
 20 to 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.
 Whist legal minimum consultation times are set where 20 or more employees are at risk, sufficient reasonable time must be permitted if fewer than 20 staff are at risk.
- 9.11 Additional meetings with trade union representatives and the Headteacher will be arranged on request to assist in seeking to avoid dismissals, reduce numbers to be redundant, or mitigate the effects of redundancy.
- 9.12 The Headteacher should consider adjustments to the staffing proposal in the light of comments received during the consultation process.

Ratification of proposal by the local governing body

- 9.13 Following consultation with staff and unions, the Headteacher will take the recommended staffing proposal to a meeting of the governing body's staffing panel. Written representations from staff affected by the proposal or from trade union representatives will be considered at the meeting. Trade union representatives will be invited to attend the meeting to express the views of staff.
- 9.14 The staffing panel will be invited by the Headteacher to ratify the proposal, with or without amendments in the light of the views of staff and their representatives.
- 9.15 If the staffing panel ratifies the proposal to reduce staffing, then Stage Three of this procedure will be applied.
- 9.16 In the event of this policy being enacted the following panels will be formed from the Governing Body:
- Staffing Panel (described in 9.13) – chaired by Vice Chair of Governing Body with a minimum 2 other governors (excluding staff governors)
 - Dismissal Panel (described in 12.4) – chaired by Vice Chair of Governing Body with a minimum 2 other governors (excluding staff governors)
 - Appeal Hearing (described in 14.4) – chaired by Chair of Governing Body with a minimum of 2 other governors (excluding staff governors and governors used in the Staffing and Dismissal Panel)

10.0 Stage Three - Voluntary Solutions

Discussion on voluntary solutions

- 10.1 The Headteacher will meet all relevant staff to inform them of the outcome of the governor staffing panel meeting, and to discuss potential voluntary solutions with them. These discussions should include exploration of;
- premature retirement
 - voluntary redundancy;
 - voluntary redeployment;
 - voluntary reduction in hours;
 - job-sharing;
 - ending fixed term contracts for employees with less than two years' local government service where the reason for the contract being fixed term was due to anticipated staffing reductions.
- 10.2 If at any time during the redundancy process a member of staff approaches the Headteacher to offer voluntary redundancy this should be considered. If there are no volunteers from within a pool of teachers in the school, the Headteacher will discuss with each individual teacher in the pool whether a 'bumped' redundancy might resolve the matter. Each teacher in the pool will be asked whether, with some training and support, he/she could work in another subject area. If the Headteacher agrees that this is feasible, he/she will then seek volunteers for redundancy from that area. If a volunteer comes forward he/she will be made redundant and the person in the pool of potentially redundant teachers will slot into the vacant post which has been created. If the alternative post is being offered on the same terms, there is no statutory trial period and the person slotted in will have no further opportunity to opt for redundancy. If however, alternative employment is being offered on different terms it will be offered subject to a statutory 4 week trial period. If the trial period is unsuccessful the employee will remain entitled to a redundancy payment (if applicable).
- 10.3 If an employee refuses an offer of a suitable alternative role on unreasonable grounds he or she will forfeit the right to a redundancy payment.
- 10.4 A reasonable timescale should be agreed by the Headteacher for individuals to consider these options, including seeking financial benefits information (at least 10 working days).
- 10.5 Individual employees may seek information, without prejudice, from the Headteacher or HR, on voluntary options. Estimates of financial benefits for premature retirement and/or redundancy will be available from HR on request.
- 10.6 Any employee's at risk of redundancy who are pregnant, on maternity leave or on statutory adoption leave have an automatic right to be offered any suitable vacancies.

Outcome of voluntary solutions

- 10.7 If more employees volunteer for redundancy than are required to meet the reduction in staffing structure, the Headteacher will take account of the skills and experience that the school needs to retain to maintain a balance of expertise within the staff when determining whether or not to accept a volunteer. Employees whose skills and experience the school needs to retain will not be granted voluntary redundancy.
- 10.8 Volunteers whom the Headteacher selects for redundancy on this basis will have their employment terminated on the grounds of redundancy. The procedure for this will be in accordance with the dismissal procedure at Stage Five below.

- 10.9 If the reduction can be achieved through voluntary reduction in hours, the Headteacher will arrange for the agreed amendment(s) to individual contracts of employment to be confirmed in writing to the employees concerned.
- 10.10 If voluntary solutions are not forthcoming, or do not meet the whole of the staffing reduction(s) required, then the Headteacher will inform relevant staff of the need to move to Stage Four of this procedure.
- 10.11 In circumstances where the need for reduction in staffing specifies a particular post or posts, and thus a specific individual is identified as potentially redundant, selection for redundancy may be rendered unnecessary (although consideration should be given to the possibility of 'bumped' redundancy above by consulting with other staff). In these circumstances, the Headteacher will proceed to Stage Five of the procedure.

11.0 Stage Four - Selection for Compulsory Redundancy

- 11.1 The Headteacher will determine fair and objective selection criteria for redundancy, designed to enable the school/department to retain the balance of skills and expertise it needs. The criteria will specify the particular skills, training, qualifications and expertise relevant to the roles of employees in the pool. Criteria will be weighted for importance.
- 11.2 The Headteacher will write to recognised trade union representatives to inform them of the need to move to compulsory selection for redundancy. This notification will include details of, and consult them on, the proposed selection criteria defined by the Headteacher, and on the method that will be used to assess staff, with a view to reaching agreement where possible.
- 11.3 Meeting(s) will be arranged between the Headteacher and trade union representatives to discuss the proposed selection criteria if requested.

Selection against criteria

- 11.4 To facilitate the selection exercise, staff will be invited to complete a short skills audit form on which they should outline their key skills, qualifications, training and expertise.
- 11.5 The Headteacher will conduct an analysis (advised by HR) against the proposed staffing structure by comparing the skills and expertise of existing staff against the selection criteria.
- 11.6 The selection process should be based on objective evidence and may include;
- Performance in current actual practice and/or past experience
 - Attendance
 - Relevant academic/vocational qualifications
 - Recent in-service or other training
 - Evidence of particular skills
 - Length of service
- 11.7 The Headteacher may wish to interview affected staff, to gather additional information to support the selection process, before making a selection decision.

12.0 Stage Five - Consideration of Termination of Employment (Dismissal)

- 12.1 The Headteacher will notify the employee(s) in writing that they have been selected at Stage Four for potential redundancy. The notification will invite the employee to meet with the LGB dismissal panel to consider the termination of his/her employment and to provide the individual with an opportunity to make representations about their proposed selection.
- 12.2 The letter will also notify the employee of their right to be accompanied at the dismissal hearing by a trade union representative or a work colleague.
- 12.3 The Headteacher will notify the School HR provider of the potential redundancy and the employee will be supported in seeking alternative employment prior to the termination of employment (see Stage Seven of this procedure). Efforts to redeploy the employee may continue up to the date of termination and, if successful, the notice of termination of employment will be withdrawn.
- 12.4 If the LGB dismissal panel determines that those individuals selected should be dismissed on the grounds of redundancy, the panel will inform the employee(s) in writing that they will be issued with formal notice of termination of employment. This letter will include the right of appeal against any decision to terminate employment.
- 12.5 The panel will notify the Directors of the Trust that staff have been select for redundancy dismissal on the grounds of redundancy.

13.0 Stage Six - Notice period

- 13.1 As defined in the contractual arrangements within 'Burgundy Book', where this applies, teachers are entitled to a minimum of two months' notice and, in the summer term, three months' notice, terminating at the end of a school term. Teachers who have been continuously employed for more than 8 years are entitled to receive additional notice up to a maximum of 12 weeks.
- 13.2 Support employees are entitled to a minimum of one month and a maximum of 12 weeks' notice (dependent on length of service).

14.0 Appeal against Dismissal

- 14.1. The LGB appeals panel will consider any appeal against redundancy at an appeal hearing.
- 14.2 To exercise the right of appeal the employee must state his/her intention to appeal in writing within 5 working days of receiving written notification of termination of employment.
- 14.3 The format of the appeal hearing will be as follows:
 - a) The employee appealing against the decision to terminate employment on grounds of redundancy will present their grounds for appeal and present his/her case.
 - b) The chair of the dismissals panel will explain the reasons for the decision. The Headteacher will be available to answer questions from the appeals panel, the employee and his/her representative.
- 14.4 The employee will receive written notification of the appeal panel's decision within five school working days. This decision is final, and there is no further right of appeal to the school.

15.0 Redeployment Support

The school HR support service will arrange to meet the individual (accompanied by their trade union representative or work colleague if the employee requires) to discuss the support available for redeployment this can continue up to the date of dismissal.

16.0 Time off Work

An employee under notice of redundancy will be entitled to a reasonable amount of paid time off to look for alternative work, attend interviews, etc. Employees wishing to take advantage of this right should make the appropriate arrangements with their line manager.

17.0 Redundancy Benefits

- 17.1 An employee who is dismissed by reason of redundancy will be entitled to a redundancy payment, provided he/she has at least two years continuous service as an employee of the Edith Stein Trust at the date of termination. (Where a school has joined the Trust, staff will have continual service as a result of TUPE regulations). In accordance with contractual arrangements previous employment within local government service includes any service with employers listed in the Redundancy Payments (Continuity of Employment in local Government, etc.) (Modification) Order 1999 (as amended).
- 17.2 Redundancy payments are based on the contractual obligations included in the 'Burgundy Book' based upon an individual's age, weekly pay, and length of service up to a maximum of 20 years. No employee shall receive a redundancy payment less than their contractual entitlement.
- 17.3 Support employees aged 55 or over, who are members of the local Government Pension Scheme, will also be entitled to premature retirement with immediate access to pension benefits based on accrued service in the scheme.
- 17.4 Teachers who are aged 55 or over may be granted premature retirement at the discretion of the LGB.
- 17.5 Further information on the statutory entitlement to redundancy pay, including the number of weeks pay that an individual is entitled to can be obtained from the [Gov.uk](https://www.gov.uk) website.

Example Redundancy Timeline

