

POLICY AND PROCEDURE ON HANDLING REDUNDANCY

OWN TRUST



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REVISIONS

Version	Page/ Item No.	Description of Change	Approved On
1.0		First approval	30.09.2019
1.1	3.3/p2	Added vi) details of how redundancy payments will be calculated; vii) the number of agency workers and roles they are in.	09.07.2020
	3.5/p.2	Reworded paragraph to ensure a meeting is convened before letters are given	
	3.7/p.2	Added points ii) and iv)	
	4.3/p.3	Amended point iv) to refer to breadth of experience	
	5.3/p.4	Added 10 day timescale to appeals	

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1. Introduction

- 1.1. The staffing needs of a school or service will vary from time to time and the Chief Executive Officer has a responsibility for managing this process so as to minimise any adverse effects either through shortages or surpluses of posts.
- 1.2. Instances will arise where a school or service will need to reduce the current numbers of posts. Early identification of this need is essential and can be achieved through forward planning. Projections of future pupil numbers, curriculum needs and financial resources will assist the Trust in this task. Likewise, projections of employee losses through retirement, promotion and resignations will give some indication of the potential mismatch between present and future resources.
- 1.3. This policy sets out the procedures to be followed to ensure the fair treatment of individuals affected by such a situation.

2. Scope

- 2.1. This policy and procedure applies to all employees of OWN Trust.

3. Stage 1: Identification and initial consultation

- 3.1. Where the Trust Board contemplates that a reduction in posts is necessary, information must be supplied to the Trade Unions recognised by the Trust. A model letter for this purpose is included at Appendix 1.

3.2. The statutory framework enables employers to choose whether to consult trade unions or elected employee representatives. The Trust recognises that openness in managing the process of employee reductions and the involvement of recognised trade unions may avoid potential difficulties at a later stage.

3.3. For the purposes of consultation, the Trust should disclose in writing to the trade unions and employees:

- i) reasons for the reductions;
- ii) job titles and numbers of posts it is proposed to reduce;
- iii) job titles and total number of posts in the school or service;
- iv) proposed method of selecting the posts which may be reduced;
- v) effective date of the reductions;
- vi) details of how redundancy payments will be calculated;
- vii) the number of agency workers and roles they are in.

3.4. A meeting will be convened by the Headteacher at which all relevant employees and their trade union representatives will be informed of the situation. This initial meeting is crucial to the successful implementation of any employee changes and should take place at the earliest opportunity and at least one term in advance of the date upon which any reductions are required.

3.5. A meeting will be convened for all employees potentially affected, either individually or collectively, to provide a briefing. At the meeting a letter should be issued to all relevant employees confirming the issues addressed. A model letter is included at Appendix 2.

3.6. The purpose of the meeting is to inform the employees and trade unions of the changes which need to take place and to enable a full exploration to:

- i) avoid the dismissals;
- ii) reduce the numbers of posts to be dismissed;
- iii) mitigate the consequences of the dismissals.

3.7. Such consideration shall include:

- i) natural wastage;
- ii) recruitment freeze;
- iii) voluntary redundancy;
- iv) reducing the use of agency or temporary workers;
- v) voluntary transfer of employees to other suitable work within the Trust, with consideration being given to retraining where appropriate;
- vi) the availability of salary protection from the Trust to aid the transfer of employees to other schools or service areas.

3.8. At this stage, volunteers for redundancy will be sought. Details of individuals willing to consider volunteering for redundancy will be supplied to the Trust to enable estimates of benefit to be supplied to individuals. An expression of interest in redundancy does not commit either the individual or the Trust to agreeing to this course of action.

3.9.All possibilities of alternative employment will be fully explored including the provision of retraining.

3.10. Volunteers for redundancy or alternative employment do not render themselves more liable than other employees for selection under the compulsory procedures set under Stage 2.

4. Stage 2: Compulsory Procedure

4.1.If the reductions cannot be reached by the means outlined under Stage 1 it will be necessary for the Trust to apply compulsory redundancy procedures to implement the changes.

4.2.The Trust will need to finalise criteria by which it proposes to select posts for redundancy following a consultation meeting with the relevant employees holding said posts, and trade unions. The Trust is required to decide this after consultation with employees and/or trade unions.

4.3.Any criteria used should not result in random selection nor should they discriminate on any grounds. The following criteria are examples which can be used:

- i) needs of the school or service;
- ii) management and organisational needs of the school or service;
- iii) qualifications;
- iv) breadth of experience (e.g. teaching a variety of year groups);
- v) future skills requirement;

4.4.These are not mutually exclusive and with the exception of curriculum needs are not in priority order.

4.5.Statutory Consultations with Employees and Trade Unions

4.5.1 Statutory consultations with trade union or employee representatives are required by Section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992, as amended, when it is proposed to dismiss as redundant 20 or more posts at an establishment. Consultation will commence in Stage 1 of this procedure and must begin in good time when redundancies are contemplated.

4.5.2 No specific period of consultation is stipulated in the Act where there are fewer than 20 employees. There will be few occasions therefore when any one school will be under a duty to consult with trade unions or employee representatives. However, redundancy is an important process which the Trust will be asked to address and effective consultation with employees and trade unions will help allay anxieties which may exist and will promote a more positive employee relations climate. In all instances, the Trust should allow sufficient time for meaningful consultation to take place.

- 4.5.3 Reasonable notice must be given of the proposed meetings with trade unions and employees. The consultations must be conducted with a view to agreement being reached, wherever practicable. The Trust has to consider any issues raised in the consultations and where it decides not to accept suggestions put forward by the trade unions give reasons for rejecting them.

5. Stage 3: Notice of redundancy

- 5.1 At the conclusion of the consultations the Trust will need to apply the agreed criteria to select for dismissal on redundancy grounds the posts it no longer requires. A Committee should be established to do this. It should consist of at least 3 individuals, none of which can be a member of the Appeals Committee. An Appeals Committee of at least the same size should also be established.
- 5.2 Individual employees, holding posts that are likely to be dismissed on grounds of redundancy, should be given the opportunity to meet with the Committee before the dismissal decision is taken. The employee is entitled to be accompanied at this meeting by a trade union representative or work colleague.
- 5.3 An individual who has been selected for redundancy will have the right of appeal to the Appeals Committee on the grounds that the selection criteria have not been correctly applied, within 10 days of notification. There is no right of appeal against the need to reduce employee numbers. At the Appeal hearing the employee is entitled to be accompanied at this meeting by a trade union representative or work colleague.
- 5.4 Any appeal against selection must be submitted in writing to the Trust after being notified of their selection for redundancy. The Appeals Committee will aim to hear the appeal within 14 calendar days of receiving notice of an appeal.
- 5.5 The Headteacher will ensure that notice of termination of employment is given in accordance with the contract of employment or the statutory rights of the employee concerned whichever is the longer period.
- 5.6 The Headteacher or their representative will continue to seek to secure alternative employment for any employee who has received notice of dismissal on redundancy grounds and also ensure appropriate consideration is given to any training needs to facilitate this process. This assistance will continue until the date of termination of employment of the employee concerned. A guideline on alternative employment is included at Appendix 3.

6. Conclusion

- 6.1 The need to act promptly and fairly is an important aspect of handling employee reductions. No public announcements should be made of any

potential redundancies until employees and their trade unions have been notified of the Trust's intentions.

- 6.2 The fair application of these procedures is demanding and will take a significant period of time to complete.
- 6.3 The Trust HR advisors will assist the Trust in the operation of these procedures and will provide advice throughout.

Appendix 1: Model Overstaffing Letter

MODEL LETTER NOTIFYING TRADE UNIONS OF OVERSTAFFING

Dear

It would appear that staffing reductions may be necessary in the school with effect from..... This is due to

It is hoped that the changes can be implemented in such a way as to avoid redundancies or, if this cannot be achieved, to minimise the effects of any redundancies as far as possible.

EITHER

I would like to arrange a meeting with you to discuss the situation in more detail.

OR

An initial meeting with potentially affected employees is due to be held on (date) at (time) in (venue). You may of course attend this meeting if you wish. The purpose of the meeting is to inform employees of the situation and explore alternative ways of effecting the changes necessary.

The job titles and numbers of hours/fte/posts it is proposed to reduce is..... The total number of employees currently working in this/these roles is

Should staffing reductions become inevitable, and if no suitable voluntary redundancies emerge, the method of selecting employees will take into account the following factors: (e.g. curriculum needs, management and organisational needs of the school, skills, qualifications and experience).

Any redundancy or severance payments will be made in accordance with the relevant legislation and/or statutes, and the Trust's policy on redundancy.

Yours sincerely,

Appendix 2: Model Letter: Notification of staff reductions

MODEL LETTER TO EMPLOYEES

Dear Colleague

It would appear that staffing reductions may be necessary in the school with effect from..... This is due to

It is hoped that the changes can be implemented in such a way as to avoid redundancies or, if this cannot be achieved, to minimise the effects of any redundancies as far as possible. You may be interested in voluntary redundancy or redeployment and if you would like to discuss this further please don't hesitate to contact me or Any such enquiry will be treated in the strictest confidence and does not, at this stage, commit either yourself or the Trust to agreeing this course of action. Any expression of interest will not render you more liable for selection if it is necessary to implement compulsory procedures.

An initial meeting with potentially affected employees is due to be held on (date) at (time) in (venue). You may of course attend this meeting if you wish. The purpose of the meeting is to inform you fully of the situation and explore alternative ways of effecting the changes necessary. The relevant trade unions have been informed and have also been invited to attend.

The job titles and numbers of hours/fte/posts it is proposed to reduce is..... The total number of employees currently working in this/these roles is

Should staffing reductions become inevitable, and if no suitable voluntary redundancies emerge, the method of selecting employees will take into account the following factors: (e.g. curriculum needs, management and organisational needs of the school, skills, qualifications and experience).

Any redundancy or severance payments will be made in accordance with the relevant legislation and/or statutes, and the Trust's Policy on Redundancies.

Yours sincerely

Appendix 3: ALTERNATIVE EMPLOYMENT GUIDELINES

The following applies in the event of school employees being at risk of redundancy.

1. Employees who have been selected for redundancy, or those who have volunteered for redeployment, will complete a brief resume such as the one set out overleaf. This enables full consideration to be given to alternative employment opportunities, both within their current school as well as other schools.
2. In accordance with TUPE arrangements following the establishment of OWN Trust on 1st March 2019, salary protection will be available to employees who are redeployed and where the salary of the new post is less than the previous post held on a permanent basis. For teaching staff, the protection applies to all relevant payments awarded under the Pay and Conditions Document for responsibilities and special needs. It does not extend to other discretionary payments which have been awarded. The receiving school will continue to receive the value of the difference in salaries for as long as the protection is necessary.
3. In addition, the Trust's Human Resources Adviser will co-ordinate all applications for redeployment. They will meet the employee to establish the nature of alternative employment which would be suitable and any other relevant circumstances.
4. When a suitable vacancy is identified, the Human Resources Adviser will ask the Headteacher of the school that the employee is given the courtesy of an interview if the essential criteria are met. In the case of teaching staff, the Trust will give consideration to any teacher in its employment before a post is filled by external application.
5. The search for alternative employment will continue up to the date of termination.
6. Consideration will also be given to the training needs of at risk employees to identify development opportunities. In conjunction with the present school, individual consideration will be given to the funding of such training.
7. Where redeployment is proposed appropriate trial periods will be used. For teachers it could be appropriate for this to be up to one term. Trial periods can be used for retraining purposes by written agreement which specifies the end date and the employee's terms and conditions after it ends.
8. Any trial period can be mutually agreed as successful or unsuccessful at any point without prejudice to the individual's redundancy entitlements. If, after discussion, the employee and manager differ on this matter it will be deemed unsuccessful and redundancy will normally follow. However, if the new post is clearly an entirely suitable alternative to redundancy, then the individual should be aware that unreasonable refusal of the post may jeopardise their redundancy payment.

Alternative Employment - Employee Information

Title	Forename	Surname	Contact number
Present Appointment			
Start Date	Permanent/Temporary		Hours/Days
Brief description of role/responsibilities/key stage/subjects			
Relevant previous positions held			
Qualifications			Date obtained
Employment sought			
Any other relevant information			