



# Hunsbury Park Primary School

## Redundancy Policy

## **Introduction**

The purpose of this policy is to provide a consistent and fair procedure for handling redundancies.

The Hunsbury Park Primary School Redundancy and Restructuring Policy will:

- Ensure employees have the relevant information on redundancy arrangements; and
- Support employees leaving Hunsbury Park Primary School through redundancy and provide a consistent and fair framework for redundancy payments.

Hunsbury Park Primary School may have a requirement to make redundancies or to restructure as a consequence of a reduction in school funding, as a result of a restructuring process, where for instance pupil numbers studying in a particular subject area have declined, or where the operational needs of the school reasonably dictate that there is a need to restructure, reorganise or reallocate staff in a particular area of the school.

This policy is effective where there is a genuine redundancy situation. This policy is not contractual and the school may choose to vary the terms of this policy. In particular the school may elect not to follow this policy for employees with under two years' continuous service with the school.

## **Avoiding redundancies**

Hunsbury Park Primary School will take reasonable steps to avoid a redundancy situation by using alternative methods for reducing employee numbers, for example and where appropriate, non-replacement of leavers, recruitment restrictions, reduction in overtime working, and termination of external contractors. Ordinarily, the school will ask for volunteers from any pool of employees at risk of redundancy. However, the school is not obliged to accept any volunteer.

## **Alternatives to redundancy**

Hunsbury Park Primary School has a commitment to maintaining job security, where possible. Therefore, when there are potential redundancy situations, the school will endeavour to redeploy and retrain employees where this is reasonable and appropriate and does not unduly impact on learning at the school.

## **Definition of redundancy**

Redundancy is defined by the Employment Rights Act 1996 as dismissal attributable wholly or mainly to:

- an employer ceases, or intends to cease –
  - (i) to carry on the business for the purpose of which the employee was employed by him, or
  - (ii) to carry on that business in the place where the employee was so employed, or
- the requirements of that business –
  - (i) for employees to carry out work of a particular kind, or
  - (ii) for employees to carry out work of a particular kind in the place where the employee was employed by the employer, have ceased or diminished or are expected to cease or diminish.

## **Selection criteria**

A dismissal on grounds of redundancy will only take place if a redundancy situation exists. The criteria used for selection will be applied objectively and in a fair and consistent manner.

## **Procedure**

In redundancy there are two types of consultation – individual and collective.

### **1) Individual consultation:**

Where fewer than 20 roles are planned to be made redundant during a period of 90 days in a particular establishment.

### **2) Collective consultation:**

Where 20 or more redundancies are planned to be made redundant during a period of 90 days in a particular establishment. If between 20 and 99 roles are planned to be made redundant during this time a collective consultation period of 30 days will apply. If over 99 roles are planned to be made redundant during this time a collective consultation period of 45 days will apply.

## **Individual consultation**

### **1. At risk of redundancy**

When a redundancy situation has been identified, all employees affected will be notified that their roles are at risk of redundancy. Where a group of people are affected, the headteacher or member of the SLT may hold a group announcement. Affected employees will also receive confirmation that their role is at risk of redundancy in writing.

Ordinarily the school will contact the relevant trade unions and discuss the proposals to make redundancies. There is no obligation on the school to consult with trade unions over such redundancies however the school may choose to do so as a matter of good practice.

## **2. Pools or individuals at risk of redundancy**

In some redundancy situations, there will be a need to select employees for redundancy from a group of employees. This group of employees is referred to as a 'pool'.

Where applicable, each employee at risk of redundancy will be scored against selection criteria. The criteria may be assessed by selection matrix, interview or assessment centre. Hunsbury Park Primary School reserves the right to decide what is the most appropriate method in each situation. Following the selection process, affected employees will be informed of the outcome via a one to one meeting with the relevant manager.

Once a decision has been reached as to who has been provisionally selected for redundancy, the individuals whose roles are no longer being considered for redundancy will be notified.

Where an individual carries out a specific role which is to be made redundant on their own (i.e. not in a pool), this is referred to as an individual role at risk of redundancy.

## **3. Consultation**

Once it has been confirmed that an employee, or a group of employees, is at risk of redundancy, a period of consultation will follow.

The purpose of consultation is to try and establish any alternatives to the redundancy including potential redeployment. During the consultation period, employees at risk of redundancy will be given the opportunity to raise any issues and to discuss what alternative opportunities they would consider.

During the consultation period, the employee will have a minimum of one consultation meeting with the school. The consultation meeting should be documented, and a record should be kept of the meeting.

During the consultation meeting(s) the employee will have a right to be accompanied by a work colleague of their choice or a trade union representative.

Employees who are at risk of redundancy will be permitted reasonable time off with pay to attend interviews. Employees must request time off via the headteacher, and all requests will be considered against the operational requirements of the school.

## **4. Final consultation meeting**

Prior to the end of the consultation period, if no alternative to dismissal has been identified the employee will be invited to a final consultation meeting.

The school will provide at least 5 working days' notice of the final consultation meeting and will set out in writing:

- The purpose of the final consultation meeting.
- That the employee's role is at risk of redundancy.
- That the outcome to the final consultation meeting may be the employee's dismissal.
- When and where the hearing will be conducted.
- The right to be accompanied by a trade union representative or work colleague not involved in the case.
- The requirement for the employee to provide, in at least 2 working days before the hearing, all documents that he/she intends to present at the hearing.

The final consultation meeting will be conducted by the headteacher. Any documentation that the employee wishes the headteacher to consider should be submitted at least two working days prior to the hearing. The purpose of the final consultation meeting is to consider whether the employee should be made redundant.

The headteacher should consider the proposed redundancy and any issues raised by the employee before making a decision as to whether to make the employee redundant. The headteacher's decision will ordinarily be provided verbally and then confirmed in writing.

## **5. Confirmation of redundancy**

The school will confirm the employee's redundancy in writing.

All employees who are served notice of redundancy will receive a letter which will ordinarily confirm the following:

- The effective date of the redundancy.
- Treatment of the notice period (e.g. garden leave, working notice).
- Any redundancy payment due, and how this has been calculated.
- Any outstanding holiday entitlement.
- Right of appeal and who to address any appeal to (see section below on appeals)

## **Collective consultation**

### **1. Announcement**

When a collective redundancy situation has been identified, trade unions and all employees who are affected will be notified. This will normally be done via a group presentation and then confirmed in writing.

### **2. Consultation**

The school will consult with trade unions who will feedback the information to the affected staff they represent.

<b>Number of employees affected</b>	<b>Minimum length of consultation period</b>
Where between 20 and 99 redundancies are proposed in a 90 day period in an establishment	30 days
Where over 99 redundancies are proposed in a 90 day period in an establishment	45 days

The objective of the collective consultation period is to review the reasons for the redundancies, the number of redundancies necessary, ways to minimise the redundancies where possible, and the selection methods for those redundancies.

At the commencement of the collective consultation period trade unions will be provided with the following information:

- The reason for the proposed roles being made redundant

- The numbers and categories of roles involved
- The numbers of employees in these categories
- The selection criteria proposed
- An explanation as to the procedure that it is proposed will be followed, outlining timescales
- An explanation as to how redundancy payments will be calculated

The purpose of consultation is to seek to reach agreement. Whilst this may not be possible, the school will enter into such consultation with a view to reaching agreement.

### **3. Selection**

At the end of the collective consultation period all those employees in pools will be scored against the selection criteria (agreed, if possible) to determine who will be confirmed at risk of redundancy.

Once a decision has been reached as to who has been selected for redundancy, the individuals whose roles are no longer being considered for redundancy will be notified.

Anybody who carries out an individual role at risk of redundancy (i.e. not in a pool) will not be scored.

### **4. Selection notification**

Those employees who receive the lowest scores within pools will be informed that they are formally 'at risk of redundancy'. This will be done via a one to one meeting with their line manager and confirmed in writing.

### **5. Individual consultation**

Each employee at risk of redundancy will have a period of individual consultation.

During this period of individual consultation, employees whose roles are at risk of redundancy will be given the opportunity to challenge their scores, raise any issues and to discuss what alternative redeployment opportunities they would consider. The period of consultation will be used to try and identify any alternative employment within the school.

During the consultation period, the employee will have a minimum of one consultation meeting with the school. The consultation meeting should be documented, and a record should be kept of the meeting.

During the consultation meeting(s), the employee will have a right to be accompanied by a work colleague of their choice or a trade union representative.

Employees who are at risk of redundancy will be permitted reasonable time off with pay to attend interviews. Employees must request time off via the headteacher and all requests will be considered against the operational requirements of the school.

### **6. Final consultation meeting**

Prior to the end of the consultation period, if no alternative to dismissal has been identified the employee will be invited to a final consultation meeting.

The school will provide at least 5 working days' notice of the final consultation meeting and will set out in writing:

- The purpose of the final consultation meeting.
- That the employee's role is at risk of redundancy.
- That the outcome to the final consultation meeting may be the employee's dismissal.
- When and where the hearing will be conducted.
- The right to be accompanied by a trade union representative or work colleague not involved in the case.
- The requirement for the employee to provide, in at least 2 working days before the hearing, all documents that he/she intends to present at the hearing.

The final consultation meeting will be conducted by the headteacher. Any documentation that the employee wishes the headteacher to consider should be submitted at least 2 working days prior to the hearing. The purpose of the final consultation meeting is to consider whether the employee should be made redundant.

The headteacher should consider the proposed redundancy and any issues raised by the employee before making a decision as to whether to make the employee redundant. The headteacher's decision will ordinarily be provided verbally and then confirmed in writing.

## **6. Confirmation of redundancy**

The school will confirm the employee's redundancy in writing.

All employees who are served notice of redundancy will receive a letter which will ordinarily confirm the following:

- The effective date of the redundancy
- Treatment of the notice period (e.g. garden leave, working notice)
- Any redundancy payment due, and how this has been calculated
- Any outstanding holiday entitlement
- Right of appeal and who to address any appeal to (see section below on appeals)

## **Appeals**

If employees have questions or concerns about any part of the redundancy process they should be raised and where possible resolved during the consultation period. However, where there are outstanding issues which have not been resolved during the consultation period these will be heard as part of an appeal process.

All employees who are served notice of redundancy will be informed of their right to appeal against the redundancy. Employees who wish to exercise this right must put their appeal in writing, clearly stating the grounds for appeal. The appeal must be made within ten working days of receipt of their notice of redundancy. The name of the person the appeal should be submitted to will be confirmed in the letter serving notice of redundancy.

When an appeal letter is received the following procedure applies:

- A meeting will be scheduled to hear the appeal with the chair of governors.

- The employee will be provided with at least five working days' notice of the meeting in writing and will be informed of their entitlement to be represented at the meeting by a colleague or trade union representative.
- The employee will be asked to provide details on the grounds of their appeal at the appeal meeting and will be asked questions by the chair of governors to establish all the facts.
- The chair of governors will (if necessary) conduct an investigation into the points raised in the appeal meeting.
- The chair of governors will confirm their findings in writing. The chair of governors's decision will be final.

## **Redeployment**

The school seek to find affected employees a redeployment opportunity within the school.

Alternative employment opportunities will be subject to a four week trial period. The trial period is in order that the school can assess the employee's performance in the role, and the employee can decide whether the alternative role is acceptable.

The four week trial period can be extended by written agreement between the school and the employee. In all cases the trial period can only be extended for up to a further four weeks.

If an employee accepts the role after the trial period, they will be treated as no longer at risk of redundancy and will no longer be entitled to a redundancy payment.

If the alternative role is not acceptable to either party, then the employee's employment will be terminated on the grounds of redundancy and the relevant redundancy payment will be made.

## **Temporary roles**

An alternative to redundancy may be redeployment to a temporary (fixed-term) role within school. In such circumstances, once the temporary role has finished, the employee will be served notice of redundancy.

## **Redundancy payments**

The school bases redundancy payments on the statutory guidelines set out in the Employment Rights Act 1996.

The redundancy payment due to each employee under the statutory redundancy payment scheme depends on the employee's age and length of service (up to 20 years). This determines the number of weeks' pay due, which is then subject to a limit on weekly pay.

To calculate the number of weeks' pay due, the following amounts are used –

- 0.5 week's pay for each full year of service where age during year less than 22
- 1 week's pay for each full year of service where age during year is 22 or above, but less than 41
- 1.5 weeks' pay for each full year of service where age during year is 41+

For information on the redundancy payment calculation and current statutory limit on weekly pay, visit the [DfE's calculator](#).

Any redundancy payment due will normally be paid on the next available payroll date following the last date of employment. Payment dates will normally be confirmed to employees in the letter confirming their redundancy.

### **Secondments**

Where an employee is on secondment and their original role becomes redundant, the seconded role will be treated as alternative employment and the employee will continue in the seconded role until the end of the secondment. This means that:

- The employee should be included in the redundancy consultation process for their original role.
- If, at the end of the secondment, it is necessary to put the employee at risk of redundancy, the period of consultation will follow the rules outlined in this policy.

Where an employee is on secondment and the seconded role becomes redundant, they will ordinarily return to their original role.