

Redundancy Policy

September 2022

Date Approved:	Sept 22	Review Date:	Sept 23	Approved by;	The Trust Board
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1 **POLICY STATEMENT**

- 1.1 The aim of the policy is to ensure that when Fareham Academy faces potential staffing reductions or is required to restructure, either for financial reasons or to meet the Academy's needs, we are able to carry out the correct process by which we can identify any ways of avoiding redundancy, or if this is not possible, that we carry out a fair process in line with legislation.

2 **REDUNDANCY PROCEDURE**

- 2.1 Having considered all the circumstances in any situation, which may include likely budgetary shortfall, a description of future trends and a detailed analysis of likely curriculum adjustments for the following September, e.g. student numbers, subject areas by periods or staff lists, the Headteacher may decide that it is necessary to make redundancies.
- 2.2 The Headteacher should give consideration to whether redundancies can be avoided by staff resignations or expiry of temporary contracts. At any stage within the redundancy process, individuals may wish to enquire about the possibility of volunteering themselves for redundancy. The Academy will consider any requests for voluntary redundancy, but it is not obliged to accept requests.
- 2.3 If redundancies remain unavoidable, the Headteacher should inform all staff of the situation. The Headteacher should enter into a period of consultation with staff and will also consult with trade unions where 20 or more redundancies are proposed.

3 **INITIAL CONSULTATION**

- 3.1 The consultation will include the provision of information on:
- 3.1.1 What action has already been taken to seek alternatives to avoid a staff reduction;
 - 3.1.2 The circumstances that have led to the need to consider redundancy;
 - 3.1.3 The reason for the proposed redundancies;
 - 3.1.4 The potential level of staff reductions (full time equivalent – FTE);
 - 3.1.5 The total number and description of affected employees in the establishment;
 - 3.1.6 the proposed procedure that will be followed to seek any volunteers for alternative employment; and
 - 3.1.7 specific redundancy selection criteria where it is proposed to use such criteria in the selection process, in the event that redundancies are unavoidable.
- 3.2 In the event of representations being made by the recognised trade unions, Trustees will respond formally to any alternative proposals.
- 3.3 Where alternatives to redundancy cannot be found, the Headteacher should seek the Trust Board's confirmation that a reduction in staff needs to be implemented by way of redundancy.

3.4 All staff should be advised that the Academy has to move to the selection of staff for potential redundancy. The Headteacher will need to determine the pool of staff that will be affected and provide all staff with the relevant selection criteria.

3.5 The compulsory selection process will operate in parallel with the continuing exploration of voluntary solutions.

4 SELECTION CRITERIA FOR ADOPTION

4.1 The selection criteria will (so far as is possible in the circumstances) be objective, fair and consistent, precisely defined and capable of being applied in an independent way.

4.2 The Trust Board shall consider having regard to the following when determining specific criteria to be applied:

4.2.1 General academic qualifications;

4.2.2 Particular subject expertise (including attendance on recent specialist courses);

4.2.3 Any additional qualifications e.g. administration, sports, music, counselling, etc;

4.2.4 Level of prior working experience; and

4.2.5 In relation to non-teaching staff, their qualifications, transferable skills and level of prior working experience.

4.3 However, the above list is not intended to be definitive and criteria shall be determined as appropriate on a case by case basis.

5 SELECTION FOR REDUNDANCY

5.1 Having regard to the selection process and to the adopted selection criteria (where this has been used as part of the selection process), the Trust Board shall consider the Headteacher's recommendations and then determine who is to be proposed for redundancy. The member(s) of staff will be advised in writing of their prospective selection for redundancy.

6 INDIVIDUAL CONSULTATION

6.1 The Trust Board shall arrange an individual consultation meeting with each member of staff who has been nominated for redundancy. The individual consultation meeting will not normally be held less than ten days after receipt of the written notification of selection for redundancy.

6.2 Employees have the right to be accompanied at any redundancy consultation meeting or appeal meeting by their Trade Union representative or a work colleague. Their companion has the right to address the hearing to put the employee's case, sum up the case, respond on the employee's behalf to any view expressed during the hearing, and confer with the employee after the hearing.

6.3 The Trust Board will communicate its decision to the member(s) of staff as soon after the individual consultation meeting as possible. Where an employee is selected for redundancy, they will be given the right to appeal against the decision.

7 APPEAL

- 7.1 An employee wishing to exercise his/her right of appeal must notify the Chair of Trustees in writing within five working days of receipt of the redundancy notification. Arrangements will be made for an appeal hearing to be held as soon as possible.
- 7.2 The Chair of Trustees will give the decision in writing to all parties within a reasonable period of time after the appeal hearing has concluded. There will be no further right of appeal against the decision.

8 SUITABLE ALTERNATIVE EMPLOYMENT

- 8.1 If, after a member of staff has been given notice of redundancy, a vacancy has arisen for any reason, that member of staff shall be entitled to express an interest in the vacancy and the Academy shall consider whether the vacancy may be suitable for the member of staff.
- 8.2 There shall be no obligation on the Academy to offer the vacancy to the member of staff that has been selected for redundancy, unless the vacancy amounts to suitable alternative employment within the meaning of the Employment Rights Act 1996.
- 8.3 If alternative work is available in the Academy, employees will be given details to enable them to decide whether to accept or not. Employees who refuse unreasonably an offer of suitable alternative work may lose any entitlement to redundancy pay. Unreasonable refusal may arise when the difference between the new and old jobs is not considered significant or where the employee expresses no interest in either investigating or trying out alternatives.
- 8.4 An offer of alternative work will be subject to a trial period of four weeks. An employee, who is offered alternative work and who is under notice of redundancy, has a statutory right to a trial period of four weeks which begins when the previous contract has ended.
- 8.5 If during the trial period the employee decides the alternative work is not suitable and the Academy is satisfied that the decision is a reasonable one, entitlement to a redundancy payment will not be lost.
- 8.6 Reasonable time off with pay will be allowed to enable employees to look for another post or to arrange training. Employees under notice of redundancy, who qualify for a statutory redundancy payment, have a statutory entitlement to reasonable time off with pay to look for another job or to arrange training. This must be allowed before the notice period expires. Where possible, this assistance should be extended to all potentially redundant employees.