The Rosary Trust
A Catholic Education Trust

Redundancy and Restructuring Policy

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Updates since last edition

4.3.4	New link to online HR1 form

1. Introduction

This procedure sets out the process that will be followed where:

- there is a need to amend the staffing structure
- there is a need to reduce staffing
- there is a closure
- a redundancy situation arises

within one or more academies within the Trust or within the Trust itself.

1.1 Policy Statement

The Trust will:

- Keep its staffing structures (as contained in each school's Pay Policy) under regular review and plan effectively for future needs;
- Implement measures aimed at avoiding redundancy wherever possible;
- Ensure that effective communication and consultation takes place with employees and professional association/trade unions where redundancy / re-structuring situations do arise;
- Provide support and re-training opportunities wherever possible, for affected staff;
- 'Ensure that 'at risk' staff have priority for any appropriate vacancies within the Trust;
- Support staff in their attempts at obtaining suitable alternative employment beyond the Trust.

1.2 Definitions

1.2.1 Redundancy

Redundancy is one of the potentially fair reasons by which employees may be dismissed.

Redundancy is defined by statute as a situation where: -

(a) the employer has ceased, or intends to cease, to carry on the business for the purposes of which the employee was employed; or has ceased, or intends to cease, to carry on that business in the place where the employee was so employed;

OR

(b) the requirements of that business for employees to carry out work of a particular kind, or to carry out work of a particular kind in the place where they were so employed, have ceased or diminished or are expected to cease or diminish.

Redundancy situations may arise for a number of reasons including:

- Academy closure or re-organisation/restructuring;
- fall in pupil numbers or changes to curriculum requirements resulting in reduced staffing requirements;
- withdrawal/reduction of SEND or other special provision/funding;
- a relocation of activities;

- other circumstances where the need for employees to carry out work of a particular kind ceases or diminishes, including the cessation of fixed term contracts.

1.2.2 Restructuring

A re-structuring can be defined as any change to the staffing structure as set out in each school's Pay Policy. A restructuring may or may not lead to a redundancy situation.

2. Scope

The procedure is applicable to all categories of staff where a re-organisation, closure or redundancy situation occurs. A modified version of this procedure may be followed in respect of fixed term temporary posts.

3. Roles & Responsibilities

3.1 The Trust Board will ensure that procedures are in place to:

- consult employees regarding these procedures prior to adoption;
- communicate procedures to staff;
- monitor and review procedures to ensure that they are implemented in a timely, fair and consistent manner.

3.2 Specific roles and responsibilities

Employees in "at risk" group / roles being restructured	**Formal declaration of potential Redundancy Situation**	**Manage process and make initial dismissal decision[1]**	**Hear appeal[1]**
Employees in a single Academy	LGB Trust Panel** Trust Board	Senior Manager Head teacher	Head teacher LGB Panel Trust Panel
Trust Employee (Central Services) Groups of employees across all academies	CAO Trust Panel** Trust Board	Senior Manager CAO	CAO Trust Panel
Head teacher role	CAO Trust Panel** Trust Board	CAO	Trust Panel
CEO role	Trust Panel** Trust Board	Deputed Trustees	Trust Panel

[1]Different individuals/groups will deal with the two stages to ensure appropriate separation of function.

Note 1: The term "Head teacher" is used to identify the person with responsibilities of headship within each Academy, who may be referred to locally as Head teacher, Head of School, Principal, Executive Head teacher, or Executive Principal

Note 2: Where not involved directly in the relevant stage of the procedure (or subject to it in the case of the CAO), the CAO and Chair of the Trust Board will be notified prior to any decision to dismiss a member of staff.

3.3 It is the responsibility of all staff to:

- co-operate with re-organisation procedures and redundancy avoidance strategies;
- implement strategies to mitigate individual loss e.g. actively seek alternative employment.

4. The Procedures

The Procedures are summarised at Appendix B.

4.1 Declaration of a redundancy

Where initial strategies to avoid a redundancy situation have been unsuccessful, a formal declaration of redundancy will be made.

Where a re-organisation is proposed, a redundancy situation may be declared as a precautionary measure, even though the exact potential for redundancy may not yet be fully known.

4.2 Timescales

In order to allow for meaningful consultation and notice periods, and where possible, the procedures will often commence many months before the date that any redundancy or new structure are to take effect.

4.3 Consultation

The purpose of consultation is to inform and to seek views about how redundancies may be avoided and the potential impact of any new staffing structure.

4.3.1 With staff

The potential redundancy situation will be discussed with staff at the earliest opportunity, where appropriate before formal declaration of a redundancy.

In the case of re-organisation, the scope and period of consultation will depend on the extent of the proposed changes. Where a significant change is proposed, an implementation plan will normally be produced as part of the consultation process, to explain exactly how the process will be managed and its effect on staff.

Staff are encouraged to engage in meaningful discussion and to make suggestions about the new structure and how it might be implemented and measures which might be taken to avoid any redundancies. Details of discussions will be recorded.

4.3.2 With the Trade Unions/Professional Associations

When a re-organisation and/or formal redundancy situation has been declared, appropriate consultation will be undertaken with the relevant professional associations/trade unions with a view to reaching agreement.

Where an Academy Trust proposes to make 20 or more employees redundant within a 90-day period, in accordance with statute, the Trust will issue a Section 188 notice, disclosing in writing information relevant to the potential redundancy. Formal responses should be received within 2 working weeks. In the case of a re-organisation, this will include formal consultation on changes to the staffing structure and on the implementation plan where applicable.

Staff should of course seek advice from their professional association/trade unions a and when they consider it appropriate.

4.3.3 Meaningful consultation will continue throughout the formal procedure

Any representations made by staff and/or the professional associations/trade unions will be considered and responded to in writing and, if any are rejected, the reasons will be stated.

4.3.4 HR1 advance notification of redundancies

Where it is proposed to dismiss 20 or more employees as redundant at one establishment within a period of 90 days or less, an HR1 form must be submitted Redundancy payments: HR1 form - advance notification of redundancies - GOV.UK.

4.4 Redundancy Avoidance

Compulsory redundancy avoidance measures will be instigated including: -

(a) not filling vacant posts externally (where appropriate);

(b) slotting into appropriate posts within the Trust; *

(c) ring fenced selection for posts within the Trust; *

(d) searching for suitable alternative posts; */**

(e) exploring other options with employees and their representatives e.g. changes to hours, change to part-time work;

(f) seeking volunteers for redundancy; ***

(g) seeking volunteers for flexible retirement; ****

In the case of restructuring/re-organisation, these measures will form part of the overall consultation document. These measures will continue throughout the entire procedure.

*With salary protection where applicable in accordance with the Trust's Pay Policy and the Teachers' Pay & Conditions Document;

**The Trust will make every effort to identify suitable alternative employment for at risk staff. Where suitable alternative is available, relevant posts will be offered in the first instance to staff who are pregnant or who are on or have returned from relevant family leave, in accordance with the Redundancy (Pregnancy and Family Leave) Act which comes into force on 6 April 2024. An employee who refuses an offer of suitable alternative employment may not be entitled to a redundancy payment.

*** Voluntary redundancy will not be considered until or unless all other means have proved unsuccessful. Applications for voluntary redundancy will only be accepted in accordance with current Governing Board policy and where this would not be detrimental to the needs of the Trust. Where there are more volunteers than needed, the selection criteria may be applied (see 4.7 of this Procedure and Appendix A).

****Employees are free to pursue flexible retirement options. Some options require the employers' approval. Approval will not normally be withheld where there is no cost to the employer.

4.5 Salary protection

Where an employee who is at risk of redundancy is appointed to a post at a lower salary, or is appointed to a post at a lower salary as a result of a restructuring, their salary will be protected:

Either:

- In accordance with the terms of the Teachers' Pay & Conditions Document where these terms apply to their contract;

OR

- In accordance with this procedure, at a maximum of one grade above their new salary for a maximum of 18 months, after which time the employee will revert to the new substantive salary for the post.

4.6 Trial Periods

Staff who are successfully redeployed after having been given notice of dismissal, will be entitled to a four-week trial period, where the terms and conditions of the new post are significantly different from those of the existing post.

4.7 Selection Procedures

4.7.1 Selection for re-organisation

In the case of a re-organisation, staff will normally be slotted and/or interviewed for available posts. The method of appointment to available posts will be outlined in the consultation document where appropriate.

In these cases, any redundancies will usually be identified through non-appointment to available posts.

4.7.2 Selection for redundancy

In other redundancy situations, if the strategies adopted in 4.4 above (or any other strategies that may have arisen as a result of consultation) do not resolve the situation, the Head teacher will determine and apply the selection criteria as set out in Appendix A.

Staff and unions will be consulted on the Selection Criteria and the method by which they will be applied.

4.7.3 Notification

Once an individual has been identified as redundant, they will be notified verbally and then in writing, setting out the details of how the decision was reached and inviting the employee to a meeting to discuss this.

4.7.4 The Meeting

- The employee will be given at least 7 working days' notice of this meeting and provided with papers relevant to the case.

- The employee must make every effort to attend this meeting.

- The employee has the right to be accompanied by a trade union representative, an official employed by a trade union or work colleague. Trade union representatives who are not employed officials must have been certified by their union as being competent to accompany an employee. The manager may be advised by an HR Advisor.

- One postponement may be allowed where the employee's chosen representative is unavailable on the proposed date. In this case an alternative date, within 5 working days of the original date, should be proposed by the employee and/or their representative.

- The employee must submit any papers they wish to be considered and the name of their representative at least 3 working days before the meeting.

- At the meeting the manager, who may be accompanied by a HR Adviser, will set out their reasons for selecting the employee and listen to their representations.

- After the meeting, the manager will write to the employee to inform them of the outcome and their right of appeal.

- Following this meeting, where the decision is to dismiss on the grounds of redundancy, the Trust will issue notice, to the individual, in accordance with the appropriate conditions of service and statutory requirements.

4.7.5 The Appeal

- If the employee wishes to appeal, they must submit this in writing, including the grounds of the appeal, within 5 working days of receipt of the written outcome of the meeting.

- If the employee does so, the employee will be invited to an appeal hearing. The employee will be given at least 5 working days' notice of this meeting.

- The employee will be supplied with papers relevant to the appeal at least 3 working days before the appeal meeting.

- The employee must take all reasonable steps to attend this appeal meeting and has the right to be accompanied as above.

- The employee must supply copies of any papers they wish to be considered, and the name and status of their representative, at least 3 working days before the meeting.

- The Dismissal Appeals Committee will hear evidence from the Head teacher and the employee (and their representative).
-
- The Dismissal Appeal Committee may be advised by an HR adviser.

- The Dismissal Appeal Committee will inform the employee in writing of the final decision within 3 working days of the appeal meeting.

4.7.6 Redundancy avoidance possibilities will continue to be explored throughout the period of notice.

4.8 Redundancy Payments

Employees with more than 2 years' continuous service may be eligible for a redundancy payment. A ready reckoner for calculating statutory redundancy payments is at Appendix C.

For each complete year of service up to a maximum of 20, eligible employees are entitled to:

- for each complete year of service under age 22 – half a week's pay
- for each complete year of service age 22-40 – one week's pay
- for each complete year of service age 41 and over – one and a half weeks' pay

Redundancy payments are calculated using actual weekly pay rather than the statutory maximum.

Where employees with more than one contract are made redundant from only one post, service for redundancy purposes will relate to the redundant post only.

Employees will not normally be entitled to a redundancy payment if they secure 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 the 4 week break. Where this does occur, employees will not normally be entitled to a redundancy payment.

4.8.1 Other payments

Employees who are made redundant may also be entitled to release of their pension in accordance with their pension scheme rules.

Under the Local Government Pension Regulations, Support Staff aged 55+ (subject to amended regulations) who are made redundant are entitled to immediate release of their pension. The strain cost of early release is met by the employer.

4.9 Support for Employees

The Trust will provide reasonable support for employees at risk of redundancy, e.g.:

- reasonable time off to attend interviews and training and development;
- support with writing job applications;
- exploration of work related re-training opportunities;
- notification of internal vacancies and specific provision of information about other vacancies within the Trust.

5. Data Protection

A written record of all meetings conducted under this procedure will be made, either by the person holding the meeting or by an alternative person arranged by the Trust to take notes.

The Trust processes any personal data collected during the redundancy / restructuring procedure in accordance with its data protection policy. Any data collected is held securely and accessed by, and disclosed to, individuals only for the purposes of completing the redundancy/restructuring procedure.

On the conclusion of the procedure, data collected will be held in accordance with the Trust's retention schedule. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Trust's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the Trust's disciplinary procedure.

Appendix A – Redundancy Selection Criteria

In order to fairly select an individual employee for redundancy, the Head teacher must apply objective selection criteria. As each redundancy situation will be different, the detail of the selection criteria will need to be determined on a case by case basis. In all cases, staff and Trade Unions/Professional Associations will be consulted on this process. However, all selection decisions will follow the stages set out below.

a) Determine the 'at risk' group i.e. whole school, department, section, or group within the establishment which has surplus staff. Where there is only one employee in this group they will be selected for redundancy without the need to apply the remaining selection criteria.

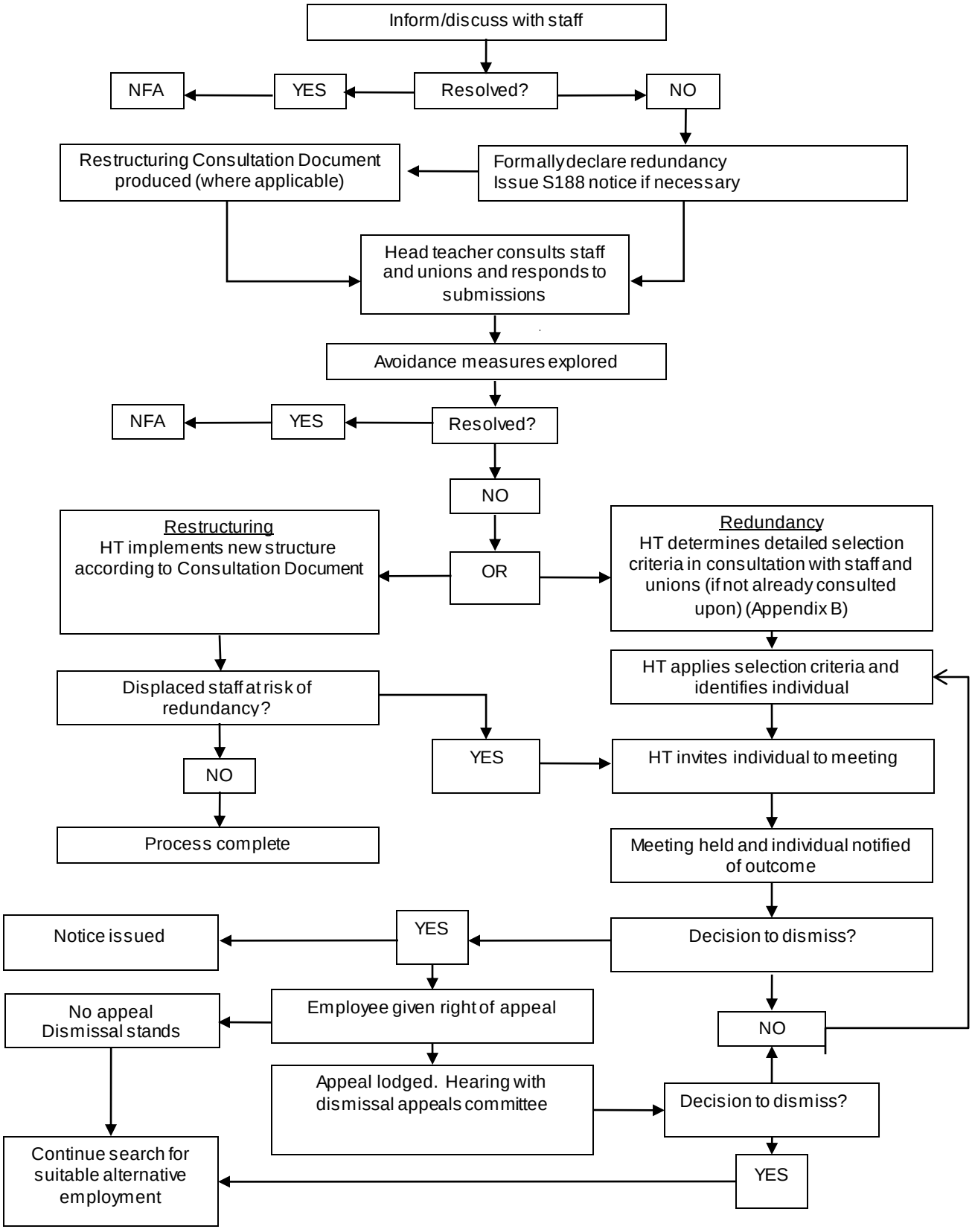
(b) Determine the requirements of the academy, department or section.

(c) Determine the suitability (with reference for example to skills and qualifications where relevant) of those in the 'at risk' group in relation to the requirements of the academy, department or section.

(d) Suitability will be assessed objectively. Employees will contribute to this usually by completion of a skills audit linked to the requirements determined in (b) above. Employees' managers, in addition to the Head teacher, may also be required to contribute to this process.

(e) A judgement will be made as to which staff best meet the requirements of the academy, department or section and thereby which employee(s) may be selected for redundancy.

Appendix B – Redundancy / Restructuring Procedure at a glance



Appendix C Statutory Redundancy Entitlement

Age	Completed Years of Service																		
	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
16																			
17	½																		
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	16	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