



REDUNDANCY AND RESTRUCTURE POLICY

Approved by Full Governing Body: 4 December 2019

Due for review: December 2022

1. Definition

- 1.1 Redundancy is one of the potentially fair reasons for dismissal (*Employment Rights Act 1996*).
- 1.2 An employee who is dismissed shall be taken to be dismissed for redundancy if the dismissal is attributable wholly or mainly to the fact that:
- 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
 - 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 he was so employed, have ceased or diminished, or are expected to cease or diminish. (*Section 139 (1) Employment Rights Act (ERA 1996)*).
- 1.3 A restructure may be defined as a reorganisation of the School's operations which may give rise to a need to change:
- The staffing structure
 - An Employee's job role and / or job description
 - An Employee's salary, hours or other terms and conditions
 - The way in which a service is delivered including an Employee's pattern of work.

A restructure may also result in the need to reduce the total number of staff and this could lead to a redundancy situation.

2. Introduction

- 2.1. School redundancies may occur either where a school is closing or amalgamating with another school; where it has to reduce its staffing establishment due to falling pupil numbers or budgetary problems; or where the staffing needs to be restructured to respond to organisational or curricular changes.
- 2.2 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 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.

3. Purpose and Scope

- 3.1. This policy applies to teaching and support staff in schools and sets out the legal requirements and procedural steps required to manage situations of restructuring/re-organising and redundancy.
- 3.2. This policy should be read in conjunction with the **redundancy and restructure procedure** and guidance documents available, details of which can be found at Appendix 1.
- 3.3. This policy and procedure has been agreed following consultation with the recognised trade unions and is recommended for adoption.

4. Core Principles

- 4.1. The school will:
- make every effort to mitigate the need for redundancies
 - ensure that employees and trade unions are fully consulted on proposals and their implications
 - explore and consider ways to reduce the number of staff being made redundant
 - ensure where compulsory redundancies are unavoidable, that selection for redundancy is based on a criteria that is fair, transparent and objective.
 - Assist in the provision of access to appropriate support to employees at risk of redundancy
- 4.2. The school will seek to find **suitable alternative employment** wherever possible for employees who are selected for compulsory redundancy.
- 4.3. Employees may be entitled to salary protection if redeployed as a result of redundancy or reorganisation as determined in the **salary protection policy**.
- 4.4. The school will provide support, information and advice to employees during change and reorganisation.
- 4.5. If at any time throughout a redundancy process the necessary reduction in staff can be achieved through natural wastage, e.g. resignations/retirements, the relevant staff will be informed in writing that the redundancy process has been terminated.

- 4.6. An employee under notice of redundancy will be entitled to a reasonable amount of paid time off to look for alternative work.
- 4.7. To prevent compulsory redundancies, the school may, where appropriate, invite applications for voluntary redundancy. However, the school reserves the right to decline volunteers and consider applications on a case by case basis, taking account of the school's budget and future needs.
- 4.8. An employee has the right of appeal if they feel that their selection for compulsory redundancy was unfair or that the reason for dismissal is not redundancy.
- 4.9. Should circumstances change which subsequently reduces the requirement for redundancies, notice of redundancy may be withdrawn. In such circumstances, the school will notify affected employees and trade unions at the earliest opportunity.

5. Redundancy Compensation

- 5.1. Employees who have at least 2 years continuous service with the school at the date of dismissal will qualify for a **redundancy payment**, regardless of age.
- 5.2. Taking account of statutory obligations, redundancy compensation payments will be made:
 - using the school's formula for calculating redundancy payments that applies at the date of notice of dismissal
 - following regulations in relation to tax free payments and public sector exit payments
- 5.3. Employees who are aged over 55 and are also an active member of a **workplace pension scheme** provided by the school may be required to take their pension benefits when they are dismissed on the grounds of redundancy.
- 5.4. Employees within a public sector organisation may be subject to a **statutory 'cap'** on the total amount payable as part of a redundancy package and are advised to seek financial advice and information regarding any legal limitations.
- 5.5. Employees who fail to accept a reasonable offer of suitable alternative employment will lose their entitlement to redundancy compensation.

6. Trade Union Representation

- 6.1. The appropriate recognised **trade unions** will be notified as soon as possible when potential redundancies are being considered.
- 6.2. Trade union representatives will be invited to attend formal consultation meetings with employees.
- 6.3. Staff will be encouraged to seek advice from their professional association/trade union throughout any redundancy or reorganisation/restructuring process.

7 Equality and Diversity

- 7.1. Selection criteria for redundancy will be free from any direct or indirect discrimination because of any protected characteristic.
- 7.2. Employees who are absent because of family leave (**maternity, paternity, paternity support, adoption or shared parental leave**) will be offered any suitable alternative work that is available if they are made redundant while they are absent.
- 7.3. In all cases, where employees have particular support needs by reason of disability, language or other factors, **reasonable adjustments** will be considered and made as necessary.

Appendix 1

Related policies and guidance information
ACAS: Advisory Booklet on Redundancy handling:
ACAS: Handling small-scale redundancies:
ACAS: Handling large-scale redundancies:
Dispute/Grievance Policy:
Exit Payments:
Equality Impact Assessment:
Modification Order:
Redundancy, Your Rights: https://www.gov.uk/redundant-your-rights
Managing Redundancies: http://www.cipd.co.uk/hr-resources/factsheets/redundancy.aspx#link_1
Redundancy Procedure:
Redundancy rights: https://www.gov.uk/redundant-your-rights/overview
Salary Protection Policy:
Workplace Pension Schemes: Teachers Pension; Local Government Pension Scheme

