



RHT Redundancy Policy & Procedure

Trust Executive



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| Lead reviewer | Chief People Officer |
| Approving board/committee | People & Performance Committee |
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INTRODUCTION

This policy and procedure details how staff redundancies will be managed in order to ensure that the Trust meets the statutory obligations when handling redundancy situations. This policy and procedure should be read in conjunction with The Burgundy, Red and Green books and the Sixth Form Support Staff Conditions of Service Handbook, which detail the terms and conditions for employment for teachers and support staff in schools and Colleges. Where redundancies may arise from re-structuring or re-organising, senior leaders will normally consult on the proposed organisational changes with the relevant staff groups, before referring to the redundancy procedure.

ENQUIRIES

Any enquiries about this document or suggestions on how it can be improved should be addressed to the Chief People Officer (CPO).

1. PURPOSE

- 1.1 The purpose of the procedure is to ensure that in the event of a post being declared redundant, the Trust complies with the requirement, under the Employment Rights Act 1996, to be fair in its selection, to undertake the necessary consultation, where possible to seek alternative suitable employment for the employee and allow reasonable time off to look for other employment.

Statutory Definition of Redundancy

- 1.2 According to the Employment Rights Act 1996, a redundancy may be legally declared where:
- (i) the employer has ceased (or intends to cease) to carry on business at a particular location; or
 - (ii) the employer's requirements for an employee to carry out work of a particular kind in the place where they are employed have ceased or diminished (or are expected to do so)

2. SCOPE

All staff employed by Richard Huish Trust.

3. PROCEDURE

School and College Leaders may determine that within their areas of the Trust, organisation, management or working practices need to be changed in the interests of increased efficiency, quality of service, or improved value for money. Such a decision may result in one or more posts becoming redundant as defined in 1.2 above.

Time limits are given for the stages in this procedure. These are for guidance; if it is not practicable to adhere to these time limits, they may be amended, ideally by mutual agreement. Due regard will be given to school and college closures and the working arrangements and personal circumstances of all parties involved in the procedure.

AVOIDANCE OF REDUNDANCIES

- 3.1 In the first instance, the appropriate senior leaders will consider what options are available to avoid a redundancy, for example:
- (i) restrictions on recruitment.
 - (ii) reduction of staff levels by natural wastage.
 - (iii) agreed reduction in hours.
 - (iv) voluntary retirement
 - (v) reduction of overtime, where applicable, for support staff.
 - (vi) retraining of the employee or transfer to other suitable employment within the college.

and will seek to resolve matters accordingly providing doing so has the agreement of the employee concerned and meets the needs of the Trust to change.

- 3.2 If the senior leader decides that a redundancy cannot be avoided, they will inform the following verbally and in writing that, the redundancy procedure is to be put into effect:
- (i) representatives of the recognised union(s) / professional associations operating within the Trust.
 - (ii) all employees in the curriculum/work area(s) affected.
 - (iii) The Principal/Headteacher
 - (iv) the chair of the Huish People Committee.
- 3.3 The senior leader will meet with the employees in the affected curriculum/work areas to inform them about the need for staffing reductions and or changes and the reasons why their area is under consideration. The senior leader will also emphasise that the Trust will endeavour to achieve any necessary reductions by voluntary, rather than compulsory redundancy, wherever it is consistent with the needs of the Trust. Comments and questions will be invited.
- 3.4 At this meeting, staff will be able to consider the following options:
- (i) voluntary redundancy.
 - (ii) a change to, or a reduction in, part time employment.
 - (iii) redeployment to a suitable alternative post
 - (iv) voluntary retirement.
- 3.5 At the meeting the senior leader will offer employees the opportunity for an individual consultation (in the presence of a trade union representative or work colleague, if desired) to enable them to give the senior leader their views about the redundancy situation and put forward their case.
- 3.6 Employees will be given up to 5 days from the day of the meeting with the senior leader to consider the options. During this period, staff will be able to speak, on a 'without commitment' basis, to the CPO or designated member of the HR team who will provide them with the appropriate supporting information and relevant figures. Should a staff member decide to volunteer for one of the options in 3.4 it must be done in writing to the senior leader within the 5 day timescale.
- 3.7 The senior leader will confirm by letter the information given at the first meeting within 24 hours.

CONSULTATION WITH THE RELEVANT TRADE UNIONS AND INDIVIDUALS

- 3.8 The College will comply with its statutory duty to consult relevant recognised trade unions and the individuals concerned at the earliest opportunity once redundancies are proposed. Under the Trade Union and Labour Relations (Consolidation) Act 1992, consultation with the union must:
- (i) include consultation about ways of:
 - avoiding the redundancies
 - reducing the numbers affected
 - mitigating the consequences of the dismissals;
 - (ii) be undertaken with a view to reaching agreement.
- 3.9 As part of the consultation, the Trust will comply with section 188 of the Trade Union and Labour Regulations (Consolidation) Act 1992, as amended by the Trade Union Reform and Employment Rights Act 1993, which states a statutory duty to disclose in writing the following:
- (i) the reasons for the proposed redundancies.
 - (ii) the numbers and descriptions of employees employed by the College.
 - (iii) the total number of employees of each description it is proposed to dismiss as redundant

- (iv) the way in which the employees will be selected for redundancy and how the dismissals will be carried out, including the period over which the dismissals are to take effect.
- (v) the proposed method of calculating redundancy payments

3.10 All points made by the union representatives and employees concerned during this part of the consultation process will be considered by the senior leader and the outcome of this stage of consultation with reasons given in writing, including if any point or alternative proposal is rejected.

REDUNDANCY SELECTION CRITERIA

3.11 The need to maintain a balanced, skilled and experienced workforce after any redundancies is paramount; individuals will normally be considered for selection for redundancy using the criteria below where the reason for redundancy is over staffing. The precise selection criteria will vary according to the redundancy situation:

- (i) qualifications/skills
- (ii) experience
- (iii) performance
- (iv) flexibility/contribution
- (v) attendance or disciplinary records
- (vi) having applied the above criterion and assessed that 'all other things are equal' the principal of 'last in, first out' [LIFO] will be applied as a criterion of last resort

3.12 The criteria will be weighted to reflect their relative importance to a particular situation. Where qualifications and skills are a criterion the Trust will be mindful of retaining the balance of skills/qualifications required to meet the future staffing requirements of the Trust. Where performance in the post is a criterion, assessments will be undertaken by at least two people, one of which will be the line manager; the use of objective evidence will be used to support selection on this basis. Where LIFO is used, this will apply to continuous service in the Trust; if this is equal, it will apply to continuous service within educational establishments covered by the Redundancy Modification Order.

3.12 Full details of the selection criteria will be sent to the trade unions and the individuals concerned before the selection process takes place.

SELECTION PROCESS

3.14 The senior leader, in consultation with other appropriate and relevant managers will carry out the formal selection under the guidance of a member of the HR team to ensure objectivity and compliance with the agreed process. Having made a selection, the senior leader will write to the relevant individuals informing them that they have been provisionally selected, and the reasons why based on the selection criteria. A maximum of 5 days will be allowed for further consultation, during which the employee may comment on or challenge verbally or in writing any of the stated reasons for possible redundancy.

3.15 On completion of the consultation process, the senior leader will write a confidential report to the Chair of the Huish People Committee informing them which post(s) are being selected for redundancy. The senior leader will also write to the employee(s) affected, informing them of the following:

- (i) the reason(s) why the post has been selected for redundancy
- (ii) the reasons supporting the employee's selection
- (iii) the date the dismissal will take effect
- (iv) their rights as detailed in 3.16.

A copy of the letter will be sent to the relevant Union representative(s).

RIGHT OF APPEAL

- 3.16 The individual concerned will be informed of their right to appeal and the requirement to submit an appeal in writing to the CPO within 5 days from receipt of the letter detailed in 3.15. At the same time as notifying that they wish to make an appeal, the appellant is required to set out the grounds upon which the appeal is being made. The individual has the right to be accompanied by a work colleague or union representative at the appeal.
- 3.17 Any appeal concerning a member of staff who has been dismissed by reasons of redundancy will be considered by a panel usually composed of a Headteacher or Principal, the CEO and the CPO. The members of the Appeals panel will not have been involved in the decision to dismiss the members of staff for redundancy.
- 3.18 The Appeal panel will be convened as soon as is reasonably practical, normally within 5 days, of receipt of the written appeal. The decision at the appeal hearing is final.

4. QUALITY MANAGEMENT

Compliance with and the effectiveness of the procedure will be considered by the Huish People Committee at the time of the policy review date and will inform any revisions to the policy or and associated procedure.