

REDUNDANCY POLICY & PROCEDURE

Approved by: Cumbria Education Trust Board

Date: 7 March 2016

Review Date: To be reviewed annually and updated as required following changes in legislation

Owner: Human Resources Manager, Cumbria Education Trust

The definition of redundancy for the purposes of redundancy payment and unfair dismissal is contained in the Employment Rights Act 1996. A dismissal is by reason of redundancy if it is attributable wholly or mainly to the fact that:

- a) The employer has ceased or intends to cease, to carry on the business for the purposes which the employee was employed, either generally or at the place where the employee was employed, or
- b) The requirements of the business for employees to carry out work of a particular kind, either generally or at the place where the employee is employed, have ceased or diminished or are expected to cease or diminish.

In this context redundancy is defined as a dismissal for a reason not related to the individual.

1. The Trust has a statutory duty to seek to avoid or reduce compulsory redundancy. Within the context of the needs of the academies, the Trust will make every effort to avoid compulsory redundancy by achieving reductions through:
 - natural turnover and staff resignations.
 - deletion of appropriate vacancies.
 - voluntary redeployment of staff into other suitable posts within the Trust family of academies.
 - voluntary transfer to part-time working, reduced hours or job sharing arrangements.
 - review of genuine fixed term contracts and use of agency workers.
 - voluntary redundancy.
2. In the event that it is necessary to make a reduction in staff in any of its academies, Cumbria Education Trust (the Trust) having consulted with the external HR Provider, will inform all the staff concerned and the trade unions involved of the following:
 - (a) The reasons for the redundancy.
 - (b) The number and descriptions of the employees to be dismissed as redundant.
 - (c) The total number of employees of any such description employed at the academy.
 - (d) The proposed method of selecting the employees to be dismissed.
 - (e) The proposed method of carrying out the dismissals, including the period over which the dismissals are to take effect.

- (f) The method of calculating any compensation to be paid to redundant employees.
 - (g) The number of agency workers working temporarily for and under the supervision and direction of the academy.
 - (h) The parts of the academy in which the agency workers are working and the type of work they are carrying out.
3. Once determined by the CEO in consultation with the Trust Board, staff and Trade Unions will be consulted on the selection criteria which will appear in 2(d) above.
 4. The Trust will consult the trade unions recognised by the Trust with a view to reaching agreement, and will consult with the employees affected by the proposals whether or not they are in a recognised trade union. The Trust will consider any representations made to it and reply to them. If there is a rejection of any representations, the reasons will be given in writing.
 5. Any employee who seeks information on the benefits available as a result of volunteering to be selected for redundancy will be entitled to do so without prejudice to his/her position.
 6. The Trust will decide if any requests for volunteering to be selected for redundancy can be accepted. If a request is accepted, an offer will be made to the employee identifying the level of compensation that will be paid if the employee is dismissed as redundant.

The offer will be in writing and include:

- (a) The amount of any redundancy payment under the Employment Rights Act 1996.
 - (b) The amount of any premature retirement compensation in accordance with the school's policy.
 - (c) The date on which the redundancy would be effective.
 - (d) Advice on accrued pension benefits, if appropriate.
 - (e) Advice that the employee should consult his/her trade union.
7. Individual meetings for those at risk:
 - If the necessary reduction is not achieved by the above means then the CEO will, following the consultative process, delegate a senior manager to meet individually with staff identified as at risk in the category of staff to be reduced in order to confirm or clarify any selection information ("skills audit") provided by the member of staff prior to the selection being made.
 - Individuals will be given due notice of the meeting in writing and may be accompanied by a trade union representative or workplace colleague. *(Where the dismissal decision is to be taken by a Dismissal Committee of the Trust Board rather than the CEO, the CEO may carry out this part of the process instead of delegating the responsibility to a senior manager.)*
 8. In order to assist all parties involved in dealing with a compulsory redundancy it will normally be the practice to identify a timetable of dates, a reasonable period in advance, for the meetings referred to in 7 above and the dismissal meeting in front of the Headteacher or Dismissal Committee of the Trust Board. These will normally be outlined in the timeline to achieve the process in the consultation paperwork.
 9. Following the meeting(s) outlined in 7 (above) the senior manager will make the selection on the basis of all the information available and in accordance with the selection criteria. The employee(s) selected will be informed in writing that the senior manager will recommend to the CEO that the employee(s) be dismissed on grounds of redundancy. The employee(s), who will be given at least

10 working days' notice of the meeting, will have the right of an individual hearing at which s/he may be present and be accompanied by a trade union representative or workplace colleague.

10. Following the hearing to consider the senior manager's recommendation to dismiss the individual(s) on the grounds of redundancy outlined in 9 (above), the CEO will inform the employee(s) of his/her decision(s). If the decision is to dismiss, then the CEO will ensure that any employee to be dismissed is given written notice of dismissal which will include advice that the employee has the right of appeal against the decision. The employee(s) will be given at least 10 working days notice of the date for any appeal hearing and, if submitting an appeal, the employee(s) must do so in writing by the date specified by the CEO. The period allowed by the CEO for the employee to decide whether or not to enter any appeal will not be less than 5 working days.
11. The Appeals Panel of the Trust Board will consist of at least 3 Trust Directors or, where the decision to dismiss has been taken by the Dismissal Committee of the Trust Board, at least the same number of Directors who made the decision to dismiss and who have played no part in the selection of the employee(s) for dismissal on the grounds of redundancy.
12. If the Appeals Panel of the Trust Board decides to uphold the appeal against dismissal the notice of dismissal will be withdrawn and confirmed in writing.