

## REDUNDANCY POLICY

<b>Policy owner</b>	RSSKL - Principal
<b>Policy lead</b>	RSSKL - Principal
<b>Audience</b>	All staff
<b>Legislation and regulation</b>	
<b>Formally endorsed by</b>	Board of Trustees
<b>Endorsement date</b>	<i>June 2018</i>
<b>Next review</b>	<i>June 2020</i>

Agreed by  
Laura Noel (HR) Herts for Learning HR  
Stone King LLP  
ATL Teacher Union

## **REDUNDANCY POLICY**

### **INTRODUCTION**

The purpose of this paper is to promulgate the School's policy for redundancy for both Teaching and Non-Teaching Staff. In formulating this policy the Council of Trustees recognises that redundancy is a very sensitive issue that will have a short-term adverse affect on staff morale. The Council acknowledges the need to keep Staff informed of the reasons for redundancies and the process of consultation and selection as they are agreed. They also note the need to keep Staff informed of any changes to the redundancy policy.

### **DEFINITION OF REDUNDANCY**

In legal terms, an employee is dismissed by reason of redundancy when the dismissal is wholly or mainly due to:

(a) The fact that the employer has ceased, or intends to cease, to carry on the business for the purposes for 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 fact that 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 they were so employed, have ceased or diminished or are expected to cease or diminish.

Sustained reductions in fee-paying pupil numbers may give rise to the necessity to reduce both teaching and non-teaching staff. Reductions in teaching staff may also be necessitated by curriculum change, inappropriate mix of subject specialisms or other qualifications, and experience within the complement of staff, or if the number of hours being taught by a particular post have reduced to such an extent that the work involved can be reallocated amongst other staff. Technological and other developments in Education may also result in a change in the methods by which pupils are taught with implications for staffing levels. It is also possible to put certain work out to contract although the Transfer of Undertaking (Protection of Employment) Regulation 1981 rules may apply to any incoming contractor.

### **AVOIDING A REDUNDANCY SITUATION**

Whilst the necessary staff reductions might, in some circumstances, be achieved by natural wastage, this will not always be the case. Whenever possible the School will seek to avoid, or minimise, the number of compulsory redundancies. Before deciding that a redundancy situation exists, the School will first

consider other measures such as recruitment freezes, recruitment on fixed term contracts, short-time working, reduced overtime, retraining or transfer to other work. When redundancies are deemed unavoidable, the policies and practices set out below will be followed in order to ensure that the method of selection is clearly established and fairly applied and that those affected should be properly consulted.

## **REDUNDANCY POLICY**

If after consideration of other alternatives the Council of Trustees concludes that a redundancy situation exists, as much warning as practicable in the circumstances will be given to all those who might possibly be involved or affected.

The following procedure will apply before selecting staff for compulsory redundancy:

### **1. Voluntary Redundancy**

Where practicable, staff will be invited to volunteer for redundancy. Volunteers will not necessarily be accepted for redundancy, as the School must maintain a balanced workforce. All applications for voluntary redundancy will be considered by the SMT. The final decision regarding the approval or disapproval of all applications for voluntary redundancy lies with the Council of Trustees.

### **2. Identification of Redundancy**

The identification of redundancy will be related to and assessed by reference to the staffing requirements for the immediate future of the School. The process will have regard to all material circumstances including either one or more than one but not limited to the following:

- (a) Pupil numbers, distribution and class sizes
- (b) Curriculum, curriculum changes.
- (c) Subject choice and options
- (d) Expected teaching load of each staff
- (e) Breadth of knowledge and experience required for staff
- (f) Management and other staff duties
- (g) Fee income
- (h) The financial health of the school
- (i) Government policy as it affects the independent school sector.

### **3. Compulsory Redundancy**

If it is not possible to meet the redundancy situation by voluntary redundancy, it will be necessary to implement compulsory redundancies.

### **4. Consultation**

4.1 Staff likely to be affected by compulsory redundancy will be consulted before decisions are taken and dismissal notices issued. If appropriate, the SMT or a nominated member of the SMT will meet staff to discuss potential redundancies, although it must be clearly understood that collective consultation will not obviate the need for individual consultation.

4.2 Information to be given to staff during consultation shall include:

- (a) The reasons for the proposals;
  - (b) The numbers and descriptions of the posts which it is proposed to be discontinued (the Redundancy Post);
  - (c) The number of staff in respect to each redundancy post who might be considered for possible redundancy (The Pool);
  - (d) The proposed method of selection within the Pool (see 5.1 below);
  - (e) The proposed method of carrying out the dismissals including appeals procedure; and timing.
- The purpose of consultation is to give staff and or their representative an opportunity to comment or make representations prior to any final decision being made. If requested to do so, the SMT will respond to any representations in writing.

## **5. Selection for Redundancy**

5.1 Selection criteria shall be established for every Pool of persons under consideration for possible redundancy. Factors likely to be considered relevant in establishing the selection criteria will include, but will not be limited to:

- (a) Subject and teaching period requirements
- (b) The requirement for particular skills, experience and aptitude of the employee
- (c) The standard of work performance
- (d) Attendance and discipline record
- (e) The need for a balanced work force
- (f) The potential of the employee to be adaptable should alternative work be offered.

5.2 Any person under consideration for possible redundancy will be interviewed by the SMT to determine the extent to which he or she fulfils the appropriate selection criteria and any other relevant considerations. **Staff are entitled to be accompanied by a trade union representative or work place colleague.**

5.3 Staff selected for redundancy will be given notice in writing by the SMT.

5.4 Staff selected for redundancy will have the right of appeal and their appeal will be heard by an appeal panel appointed by the Chair of the Council of Trustees and out of the Council of Trustees membership **(who have not been involved in the selection or discussion process)** with the final decision of the Council of Trustees being communicated in writing to the **appellant employee**. Staff are entitled to be accompanied by a trade union representative or work place colleague.

- 5.5 Where selection for redundancy has been confirmed, those selected for redundancy will be given notice of termination of employment in accordance with individual contractual entitlement/or statutory entitlement, whichever is longer.

#### **Redundant Employee's Entitlement**

- 6.1 Employees selected for compulsory redundancy will be given a statutory redundancy payment in accordance with current legislation, with a statement as to how the payment is calculated. They will also be entitled to reasonable paid time off to seek alternative employment, subject to agreement of the SMT. Where employees are in doubt as to their rights they should consult the appropriate union or legal advisor.
- 6.2 Employees selected for voluntary redundancy will be given a redundancy payment on terms set by the Council of Trustees. Such terms being set to ensure the employee will not be disbenefited compared with any statutory redundancy payment the employee would be entitled to if they had been selected for compulsory redundancy.

The Council of Trustees will keep this policy under review.

Laura Noel 23/5/18 11:15

Comment [1]: