

Learning Accord Multi Academy Trust

Redundancy and Redeployment Policy



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1. Introduction

- 1.1 The academy has a responsibility to maintain and, wherever possible, enhance its efficiency in terms of teaching and learning whilst ensuring appropriate use of resources and ongoing financial viability. The academy seeks to fulfil its purposes and achieve these aims by prudent forward planning.
- 1.2 Employees are the academy's greatest resource and effective staff management makes a major contribution to the delivery of effective services for our students. It is part of our employment practice to ensure, as far as is possible, security of employment for our staff and to take all necessary measures to avoid the need for compulsory redundancies whenever possible.
- 1.3 The academy recognises, however, that circumstances may arise outside its control (be they, inter alia, legislative, financial, educational or technological) which necessitate a process of organisational restructuring.
- 1.4 In furthering its fundamental aims and/or responding to such (external) circumstances the academy will endeavour to protect, as far as is possible, the current and future employment of all categories of staff.

2. Purpose and scope

- 2.1 This policy applies to all individuals engaged under contracts of employment covering both teachers and support/associate staff within the academy, including those employed on successive fixed term (or temporary) contracts extending over 2 years without a break in service.
- 2.2 The aim throughout is to ensure that staff are treated reasonably and in accordance with the principles of fairness and justice. Accordingly, if equality and diversity issues are felt to be of relevance in relation to employees deemed, in consequence of proposed restructuring, to be at risk of redundancy, those issues should be brought to the attention of the individuals tasked with managing this process and appropriate support provided by the academy to the employees concerned.
- 2.3 In practical terms, using the definition contained within the Employment Rights Act 1996, redundancy arises when employees are dismissed for one of the following reasons:
 - the employer has ceased (or intends to cease) to carry on the business for the purposes of which the employee was so employed
 - the employer has ceased (or intends to cease) to carry on the business in the place where the employee was so employed
 - the requirements of the business for employees to carry out work of a particular kind have ceased or diminished (or are expected to cease or diminish)
 - the requirements of the business for the 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).

3. Skills audit

- 3.1 Should it prove indicated to undertake a restructure with the potential to result in

redundancy it is always helpful to have access to a skills audit of staff. Accordingly it is good practice to undertake such an audit, on a regular basis, in respect of all members of staff.

- 3.2 The academy's skills audit represents a document in which detailed information can be maintained in a logical format. Dependent on the precise structure of the data to be recorded, it should enable an individual to provide additional information relating to their relevant skills and qualifications with a view to this being available to the employer as and when required. Employees will be expected to provide appropriate evidence of skills and experience detailed in this manner (such as qualification certificates etc).
- 3.3 Skills audits should identify situations in which an existing member of staff could potentially offer additional areas of expertise as well as identifying specific interests of the individual and the focus of any training recently undertaken by them, and ideally the skills audit document will be updated annually to enable management to retain a clear picture of the potential capabilities of their staff.
- 3.4 As well as refining the appropriate focus for continuing professional development, such audits will provide management with essential information necessary to determine the future optimum deployment of staff within the academy.
- 3.5 The skills audit can, in a potential redundancy situation, be used by the employer to identify the profile of the employee and to ascertain their suitability for positions in the new staffing structure of the academy. The selection process can thus be progressed by matching the skills audit against the relevant selection criteria.
- 3.6 A skills audit can also be helpful in a redeployment situation, in that completion of the audit matrix can enable the individual to provide a breakdown of their qualifications, knowledge and experience to enable potential redeployment into an appropriate position.

4. Redesigning the structure

- 4.1 In the event of restructure being proposed, following initial discussions with governors (and, where applicable, in conjunction with members of any review group who may be charged with reporting back to the governor body with considered recommendations) the headteacher will formulate draft proposals for a revised staffing structure and implementation plan which will act as a basis for consultation. The information should also include a rationale for any proposed changes along with relevant costings.
- 4.2 Any proposed restructure is based on posts (as opposed to persons) and the draft proposals will describe the roles and responsibilities that are required to move the academy forward to achieve the organisational objectives as set out in the school development plan (or other document of equivalent relevance).
- 4.3 Job descriptions and person specifications must be drawn up for new and amended posts and appended to the draft proposals, showing grades where appropriate (for example support staff roles)
- 4.4 All activities and structures may be reviewed for one or more of the following reasons (the list is not exhaustive):
 - financial viability, based on a suite of indicators

- value for money
 - quality measures, including any recommendations from Ofsted
 - declining pupil numbers
 - changes to funding mechanisms
 - technological change
 - legislative change.
- 4.5 Whilst every effort will be made to find an appropriate post in the new structure for every existing member of staff it may be the case that a potential redundancy (or redeployment) situation arises as a result of restructuring.
- 4.6 The academy is committed to meaningful consultation with employees and recognised trade unions regarding proposed organisational changes and will try to minimise any requirement for redundancies through careful planning including vacancy control, natural wastage, redeployment and retraining whenever possible.
- 4.7 When redundancies are envisaged as being likely the academy will aim to provide appropriate assistance to those staff affected and will ensure that their dignity is respected.

5. Measures to avoid redundancy

- 5.1 Prior to implementation of a restructure, every effort will be made to reduce the number of possible compulsory redundancies by measures such as:
- natural wastage
 - restricting recruitment of permanent staff
 - reducing use of temporary staff
 - filling vacancies from amongst existing employees (where appropriate)
 - reducing hours of work (possibly by instituting job share arrangements etc)
 - redeploying staff
 - retraining staff
 - seeking volunteers for redundancy.
- 5.2 Every effort will be made to identify other employment opportunities within the academy before affected staff leave their employment in accordance with the notice of termination previously issued to them. Such staff will be afforded reasonable paid time off during working hours to look for other work or to arrange necessary or relevant training as and when appropriate.
- 5.3 A member of staff whose post is to be made redundant, and who wishes to be considered for redeployment, will be assigned a named contact (normally an HR advisor) who will consult with the individual to discuss their situation.

6. Voluntary redundancy

- 6.1 One strategy for reducing compulsory redundancy is for employees to elect to be

considered for voluntary redundancy, thus avoiding the need for compulsion, and employees may be invited to express an interest in this possibility.

- 6.2 It should, however, be made evident to all employees that although they may **request** voluntary redundancy, the decision as to whether this will be granted remains at the sole discretion of the employer (and in this context employers should take note of the following section on early retirement before committing to a decision).
- 6.3 Senior management will also need to consider the balance of the skills and experience of those staff who remain in post following redundancies and this aspect may similarly result in, or contribute to, an application for voluntary redundancy being rejected.

7. Early retirement

- 7.1 If an employee is made compulsorily redundant, or if their request for voluntary redundancy is successful, they may (dependent on individual circumstances) be eligible for early retirement with immediate access to their pension benefits.
- 7.2 In relation to support staff (whose pension scheme rules are different to those of teachers) early retirement (between the age of 55 and normal pension age) may involve a financial commitment for the academy which has the potential to be highly significant in the longer term. The precise age at which an employee is made redundant, or takes voluntary redundancy, is likely to be critical in this regard.
- 7.3 Senior management need to be aware of this issue and will therefore need to explore the costs and resources involved before any final decisions are taken.

8. Redundancy legalities

- 8.1 In certain circumstances, information concerning proposals for redundancies is required to be disclosed, in writing, to the appropriate union representatives. This is necessary to enable those representatives to play a constructive part in the consultation process.
- 8.2 The information required by legislation includes the following:
 - reasons for the proposals
 - numbers and descriptions of employees it is proposed to dismiss as redundant
 - total number of employees of any such description employed at the establishment in question
 - details of the way in which employees will be selected for redundancy
 - how the dismissals are to be carried out, taking account of any agreed procedure, including the period over which the dismissals are to take effect
 - details of the method of calculating the value of redundancy payments to be made to those who are dismissed.
- 8.3 This communication is generally referred to as a 'Section 188' letter, issue of which represents a statutory duty when the employer intends to make a minimum of 20 employees redundant within a 90-day period. Although not a statutory duty in other circumstances it nonetheless constitutes good practice for an employer to use a similar format to communicate their proposals to any staff who may be at risk of redundancy.

- 8.4 The relevant information will be handed to local employee representatives or may in exceptional circumstances be sent by post to an address notified to the employer.
- 8.5 Employers are cautioned to be aware of long-standing legislation which gives those employees who are pregnant, or have taken maternity leave, a relative degree of protection against redundancy, in that they require to be offered 'first refusal' of any suitable alternative vacancy (should these exist) in preference to any other employees who may be at risk of being made redundant.
- 8.6 More recent legislation (The Maternity Leave, Adoption Leave and Shared Parental Leave (Amendment) Regulations 2024) extends that degree of protection for employees whose statutory maternity leave ends on or after 6 April 2024, in that protection now commences as soon as the employer is informed of the employee's pregnancy (rather than on the commencement of maternity leave) and continues for 18 months after the date on which they gave birth (rather than ceasing on their return to work as was previously the case).
- 8.7 The above legislation similarly extends the relative protection from redundancy to the following additional categories of employee:
- i. those who have notified the employer of being pregnant but who have miscarried before 24 weeks (of pregnancy), in which event the protection ends two weeks after the end of the pregnancy;
 - ii. those on adoption leave ending on or after 6 April 2024, in which event the protection extends for 18 months after the date of placement of the child; and
 - iii. those taking shared parental leave (SPL), beginning on or after 6 April 2024, for a period of 6 or more consecutive weeks, in which event the protection extends for 18 months after the date of childbirth, or date of placement if the SPL relates to adoption. (If the length of SPL taken is less than 6 weeks, the protection will only apply whilst SPL is actually being taken.)

9. Consultation

- 9.1 Consultation should be undertaken with a view to reaching agreement and should not only include ways of avoiding dismissals on grounds of redundancy if possible but (where such avoidance is not possible) should also extend to minimising the number of employees to be made redundant in addition to mitigating the effects of dismissal on grounds of redundancy.
- 9.2 In certain circumstances it may be appropriate to consider a period of informal consultation before detailed proposals (as specified below) are divulged to staff and unions. Informal consultation will normally be limited to communication with unions.
- 9.3 The headteacher should announce the start of the formal consultation by writing on behalf of the governing body to all staff and recognised trade unions advising them in relation to the following:
- purpose and scope of the review or (proposed) restructure
 - rationale for the review or (proposed) restructure
 - draft proposals for the revised structure (including job descriptions and person specifications)
 - implementation plan and any other documents

- identity of a named individual to whom queries about the process should be sent
 - dates by which any written responses to the consultation exercise will be required (usually a period of up to four working weeks)
 - arrangements for any meetings to be held with the staff and trade unions during the review
 - timescale of the process, including the consultation timescale and dates of governing body meetings to:
 - consider and approve the draft structure and implementation plan
 - receive feedback from the consultation
 - give further consideration to the structure if it has proved necessary to undertake significant revisions to the initial proposals
 - approve the final (definitive) version of the structure and implementation plan.
- 9.4 A timetable of activities should be drawn up by senior management and, following consultation with unions, be distributed to staff and unions.
- 9.5 At the start of the consultation period a formal consultation meeting (usually chaired by either the headteacher or a governor) will be held with staff and trade unions to discuss the proposals. Staff and unions should be informed in writing of their invitation to attend this meeting. (The formal consultation meeting may be preceded directly by a meeting with unions in the absence of staff members: a preliminary meeting of this nature with unions is not essential, but if this does take place it forms part of formal consultation.)
- 9.6 Notes should be taken by school management during all formal meetings with staff and trade unions, and during the formal consultation period staff and trade union representatives may submit observations and suggestions in writing at any time.
- 9.7 Consultation should begin in good time and must be completed before any redundancy notices are issued. In addition, consultation must begin:
 - at least 30 days before the first dismissal takes effect if 20 to 99 employees are to be made redundant at one establishment over a period of 90 days or less
 - at least 45 days before the first dismissal takes effect if 100 or more employees are to be made redundant at one establishment over a period of 90 days or less.
- 9.8 If less than 20 employees are affected the consultation period will normally be no less than four working weeks and may be extended dependent on circumstances, although it may also be truncated by mutual agreement of all parties.
- 9.9 The four-stage test historically accepted in employment tribunals is that a fair process of consultation is one which includes:
 - consultation where the proposals are still at a formative stage
 - adequate information on which to respond
 - adequate time in which to respond
 - conscientious consideration by the employer of the response to consultation.
- 9.10 Staff will be advised of the potential for redundancies and the reasoning behind this and will be invited to make representations regarding means of avoiding or reducing the

number of redundancies.

- 9.11 Members of staff who are directly affected by the process will be offered the opportunity to meet individually with the headteacher (or a senior leader – and from this point onwards in this policy these two terms may be used interchangeably) to discuss the proposals and may be accompanied in that meeting by a trade union representative (or work colleague).
- 9.12 Throughout the consultation period, consideration will be given to any representations made and there may be ongoing discussion with the employee(s) and union(s) concerned.
- 9.13 If the governing body proposes a significantly revised structure in response to suggestions put forward by staff and/or unions which have not themselves been subject to appropriate consultation, an extended period of consultation with staff and unions should be undertaken.
- 9.14 The timescale of any further consultation should be proportionate to the scale of the amendments – this should not, however, be less than one week in duration.

10. Implementation of a restructure

- 10.1 Following the end of the consultation period and the agreement of the governors to a new staffing structure, arrangements should be made to fill the posts in the structure.
- 10.2 Prior to a proposed restructure, all staff are regarded as occupying their substantive post in the existing structure, regardless of whether they might currently occupy a different post, whether on a temporary basis (such as maternity cover etc) or on secondment.
- 10.3 Those posts in the new structure which are classed as being the same as, or substantially the same as, those within the current structure should be agreed and provisionally listed in the restructuring plan as ‘unaffected’ posts, whereas those posts in the existing structure which are substantially different to posts in the new structure are ‘affected’ posts.
- 10.4 Appointments to the new structure will be made ‘tier by tier’ and members of staff identified as ‘affected’ will be able to apply for posts as they are released.
- 10.5 The extent of the proposed change (from the existing structure to the new structure), allied to any relevant budgetary considerations, will determine the appropriate timescales and a phased implementation period, the timeline of which should be made clear during the consultation process, may be undertaken where this suits the requirements of the academy.

11. Assimilation

- 11.1 Where a post is largely unchanged (substantially performing either identical or similar functions) the member of staff should be ‘slotted in’ or ‘assimilated’ into the post.
- 11.2 At the beginning of the appointment process those staff to be assimilated will be informed in writing.
- 11.3 Staff can make requests, to management, not to be assimilated to a post which is

substantially the same as their current post. By doing so, however, they will forfeit their right to automatic assimilation (and any potential redundancy payment if they are not appointed to any other post in the structure) although they remain free to apply for any remaining unfilled posts.

- 11.4 If staff request not be assimilated, management will consider whether they can accept their request or have determined to refuse it on the grounds that:
- no other persons employed have the knowledge, experience or ability to fill the post; and/or
 - it would not be in the best interests of efficiency of the academy to release the present postholder from that position.
- 11.5 The postholder will be notified in writing of the outcome of their request. If the request is declined, they may appeal in writing (via the clerk to governors) to the appeal committee of the governing body stating specific grounds for their appeal.
- 11.6 The appeal committee will hear their appeal within a reasonable timescale. The decision of this committee is final.

12. Ringfencing

- 12.1 Where a post in the structure is a combination of existing responsibilities it should be ringfenced to those members of staff who previously held those responsibilities (since they are at risk of potential redundancy).
- 12.2 Under these circumstances appointment to the post may be either via interview or skills matching and management should seek agreement with trade unions on the most appropriate method of appointment.

13. Selection process and criteria

- 13.1 Where a redundancy situation involves a pool of staff comprising a higher number of individuals than the number of posts to be made redundant, selection criteria will be used to determine the candidate(s) best qualified to fill the available post(s), with those staff who are not selected to fill these posts being rendered redundant.
- 13.2 The purpose of selection criteria is to ensure that employees are not unfairly selected for redundancy. The chosen criteria and method of selection must be consistently applied to all staff, and care must always be taken to ensure that selection criteria are not directly or indirectly discriminatory on grounds of protected characteristics (such as disability, race, gender, sexuality etc) as outlined in the Equality Act 2010.
- 13.3 The criteria will be based on the necessity to retain a balanced workforce which has the appropriate skills to ensure continued success of the academy in respect of current and future curriculum needs and priorities, including those identified in the school improvement (or development) plan.
- 13.4 The selection criteria (examples of which are provided as appendices) will be objective, fair and explicit and will be provided to all staff in advance of the process commencing. Recognised trade unions will also be consulted on the proposed criteria before selection takes place.

- 13.5 The basis of selection will be dependent upon the academy's financial, economic, technical, organisational and curriculum needs and requirements, with the most appropriate means of selection being determined by the circumstances of the individual situation.
- 13.6 The selection process may involve interviews or may consist of a skills audit (as detailed above). Regardless of the method chosen (to differentiate between those members of staff deemed to be at risk of redundancy) the process will involve assessment against set performance criteria for those relevant post(s) which remain in the revised staffing structure.
- 13.7 Where interviews take place during this process, members of staff may invite a representative from their union to act as an observer to the exercise, but that person will not be permitted to participate in the decision-making process.
- 13.8 Where a skills audit is used as the principal means of selection, those employees directly affected by the proposals will be advised to include all relevant information in their skills audit and to make certain that they complete this document fully, the aim of this exercise being to ensure that the matching process is fully informed by apprising the headteacher and/or governors in relation to the range and breadth of the knowledge and experience of their existing employees.
- 13.9 To provide a fair and transparent process all affected individuals will be asked to complete identical documentation, and those responses will then be evaluated within the matrix and scored appropriately. The employee(s) with the lowest score(s) will be at risk of potential redundancy.
- 13.10 When scoring on criteria such as absences, the academy will disregard absences which are related to an employee's disability or to other characteristics which are protected under the Equality Act (such as, for instance, pregnancy).
- 13.11 Where there is an identified requirement (if, for instance, there is a skills or qualification gap between an individual and the post) full consideration should be given to offering appropriate training before any action is taken in relation to proposed redundancy.
- 13.12 Any newly created post which is substantially different from existing posts (and which is therefore not eligible for assimilation, ringfencing or appointment from a redundancy 'pool') should be made available to all staff in the academy and should be advertised externally.
- 13.13 Similarly, any unfilled posts remaining at the completion of the process may be advertised in accordance with the academy's Recruitment Policy.

14. Notification of potential redundancy

- 14.1 Employees selected for redundancy, whether through the application of selection criteria (which may include skills audit) or by interview process, will be notified in writing of their provisional selection for redundancy and invited to attend a 'representation meeting' usually involving the decision makers. The employee is entitled to be accompanied in this meeting by a trade union representative or work colleague.
- 14.2 Employees will be informed of the time and location of this meeting no less than five working days in advance of the meeting date.

- 14.3 The 'representation letter' (invitation) will explain that the purpose of the meeting is to consider the potential termination of the employee's employment on the grounds of redundancy and will also clarify the employee's entitlement (as above) to be accompanied.
- 14.4 In the representation meeting, management will explain the background including, where relevant, the application of selection criteria to the individual. The employee will be given a further opportunity to raise any factors they wish to have considered, including any potential for continued employment.
- 14.5 If any changes to the assessment against the criteria are felt appropriate (in other words, if the employee's scores are altered as a direct result of their representations, whether this is immediately or following an adjournment for fuller consideration of the issues) the employee will be informed of this accordingly. Alternatively, if there is no justification to revise the original outcome then the employee will be advised that the original score (and assessment) will not be altered.
- 14.6 Following this meeting, and having regard to any representations made, management will confirm their decision in writing. If the decision is taken that the employee remains at risk of redundancy, the employee will then be issued with formal notice of redundancy.

15. Formal notice of redundancy

- 15.1 It is considered good practice (before sending formal notice of redundancy) for relevant correspondence to be given to the employee in sufficient time for them to check that their length of service and weekly pay (as detailed on the redundancy estimate) is correct.
- 15.2 The employee will be formally notified in writing to confirm the decision that they are to be made redundant. This communication will specify both a termination date and (as and when applicable) the estimated amount of redundancy pay to which the employee will be entitled.
- 15.3 In addition to any redundancy payment entitlement employees should also be given the appropriate period of notice (or payment in lieu of notice) to which they are entitled.
- 15.4 The formal notification letter, which may be either delivered by hand or sent by post (normally by recorded delivery), will also inform the employee of their right of appeal, and to whom any letter of appeal should be sent.
- 15.5 The employee should also be advised that they will remain eligible to be considered for redeployment opportunities until their employment has ceased.
- 15.6 It is good practice (endorsed by ACAS) to give redundant employees as much information as possible to help them during this difficult period, and the academy will support employees by providing assistance and advice as appropriate including:
- how to complete application forms and present themselves at job interviews
 - how to search for appropriate vacancies and follow up opportunities
 - the importance of being prepared to consider a wide range of alternative jobs
 - financial effect of redundancy including redundancy pay, pension benefits* etc.

**In relation to the position of benefits the situation is extremely complex and employees*

will be advised to seek detailed advice from a benefits adviser or their local Jobcentre Plus office.

16. Appeal

- 16.1 The employee should state in writing their grounds for appeal within five working days of receipt of the redundancy notification letter.
- 16.2 The appeal hearing should be arranged within ten working days of receipt of the appeal letter.
- 16.3 The appeal should be heard by a panel of no less than three governors, each of whom must have had no previous involvement in the redundancy process.

17. Redeployment

- 17.1 Where the result of a redundancy exercise has identified staff at risk of redundancy, the employer should consider whether those employees can be offered suitable alternative work within their own workplace or, as another option, provide them with support in finding employment in other organisations.
- 17.2 The academy will work closely with other colleagues and educational establishments in supporting staff to remain in employment whenever possible and, where appropriate, will apply relevant safeguarding arrangements in respect of pay.
- 17.3 The academy, in conjunction with their HR advisor, will maintain a register of staff who, having been selected for redundancy, wish to be considered for redeployment, whether in this establishment or elsewhere.
- 17.4 Staff will be interviewed by the headteacher or HR advisor and will be requested, in consultation with the HR advisor, to draw up a comprehensive profile of their skills, competencies, abilities and experience which will be used to match them to suitable alternative posts. Wherever possible any alternative employment identified will be of a similar nature and equivalent grading and salary to the redundant post.
- 17.5 Within the academy, job descriptions and person specifications for all new vacancies will be considered by the academy and/or the HR advisor prior to any recruitment activity to identify potential redeployment opportunities. Staff named on the register will receive information regarding current vacancies within the academy and they will also be signposted to the local authority's vacancy bulletin.
- 17.6 A register with anonymised staff information will be circulated by the academy to other schools within the local vicinity and additionally may be circulated to targeted establishments with specific groups of staff (such as, for example, nursery nurses).
- 17.7 The headteacher (or HR advisor) will maintain a record of all activity undertaken with the intention of redeploying an individual.

18. Suitable alternative work

- 18.1 If suitable alternative work is identified as available this position should be offered in writing, and the offer should specify how the new employment differs from the previous

job. To preserve continuity of employment, the offer of a new job must be made before the redundancy takes effect, with a starting date no later than four weeks after the previous job ended.

- 18.2 If a job offer is proposed which is suitable (in terms of content, pay, grade, status, location etc) but which is rejected by the employee without good reason there may (according to ACAS) be no liability to make a redundancy payment. Discussions with the employee and trade union representative will help to determine whether a job under consideration is deemed to be a suitable alternative.
- 18.3 Where the provisions of the new contract differ from the original contract an employee who is under notice of redundancy has a statutory right to a trial period of four weeks in an alternative job, the purpose of the trial period (which must be documented in a written agreement) being to give the employee a chance to decide whether the new job is suitable without necessarily losing the right to a redundancy payment.
- 18.4 The written agreement must specify the date on which the trial period is to end and the terms and conditions that apply in that alternative employment, and where training is needed to undertake the new post, this trial period can be extended by written agreement between both parties.
- 18.5 During the trial period the headteacher (or HR advisor) will ensure both that:
- the member of staff being redeployed receives a thorough planned induction into the role within week one; and
 - a meeting is held during week four between the headteacher (or HR advisor) and the member of staff being redeployed to determine whether the latter wishes to accept the new post.
- 18.6 If the trial period is unsuccessful, the member of staff will be eligible for a redundancy payment (in other words there is a return to the pre-trial situation) and similarly if the employer wishes to terminate the new contract within the four weeks for a reason connected to the new job, the employee will preserve the right to a redundancy payment under the old contract.
- 18.7 However, the right to receive a redundancy payment will be lost if the member of staff decides to terminate the contract during the trial period and this decision is considered unreasonable.

19. Salary safeguarding

- 19.1 Where applicable, salary safeguarding for teachers who are redeployed will be in accordance with the School Teachers' Pay and Conditions Document in force at the time.
- 19.2 Where applicable, salary safeguarding for support staff who are redeployed will be in accordance with the local authority's arrangements in force at the time.

20. Eligibility for a redundancy payment

- 20.1 A redundancy payment is based on actual weekly pay and is due only if the employee has completed at least two years' continuous service, which may include service with another organisation on the Redundancy Modification Order list. This list recognises

employment by other (loosely related) organisations, such as time spent in the service of a local authority or working for other maintained schools and/or academies (all of which are regarded, **for the purpose of redundancy**, as representing one employer).

20.2 The ready reckoner (see Appendix 1) provides additional information on how redundancy payments are calculated.

20.3 An employee who has been given formal notice of redundancy will lose entitlement to a redundancy payment if they receive, **before** the dismissal takes effect, an offer of employment from a body specified in Schedule 2 of the Redundancy Payments (Continuity of Employment in Local Government etc) (Modification) Order 1999 **and** take up this offer within four weeks of the previous contract of employment ending. (In such circumstances there is no entitlement to 'compensation' for redundancy because the employee's continuity of service is preserved.)

20.4 To ensure that the appropriate payment is received, the academy will seek confirmation from those members of staff selected for redundancy that they will not, within four weeks of the date of redundancy, be taking up any other employment covered by the above Redundancy Modification Order.

21. Notice periods

21.1 The actual period of notice to be provided to staff will be in accordance with their contractual and statutory entitlements.

21.2 In relation to teaching staff, the academy should always be mindful of teacher termination dates to ensure that a proposed reduction in staffing is managed appropriately (in other words the timeline should ensure both that the academy meets the criteria for appropriate consultation and that management meet the deadline for the last date for notification of termination, in accordance with the information provided in Appendix 2).

22. Other policies and procedures

22.1 This policy will be supported by the following policies and procedures:

- Recruitment Policy

Appendix 1: Ready reckoner for redundancy payments

		Service (years)																			
		2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	
Age (years)	17	1																			
	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		

		Service (years)																		
		2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Age (years)	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	17	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	

Note

The Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order 1999 modifies certain provisions of the Employment Rights Act 1996 concerning redundancy payments in their application to individuals employed by local authorities or certain other bodies, most of which are local or regional.

The effect of the modifications is that an individual's service with a succession of employers is treated as continuous for the purpose of determining their entitlement to a redundancy payment or the amount of any such payment.

Employees require a minimum of 2 years' continuous service to qualify for a redundancy payment and the length of service taken into consideration in calculating the amount payable is capped at 20 years.

Appendix 2: Draft timetable for teacher redundancies*

		Latest dates by which action must be taken		
		Spring	Summer	Autumn
1	Principal and governors review future staffing needs involving HR provider	01 November	01 March	01 May
2	Inform unions affected employees and begin informal consultation with unions and staff (including seeking volunteers)	10 November	8 March	16 May
3	Formal consultation** must commence, led by governors; trade unions to be given notification of redundancy situation, reasons for redundancy, potential selection criteria, etc.	17 November	15 March	23 May
4	School governors to conclude formal consultation process, including timetable, final version of redundancy selection criteria, etc.	15 December	29 April	29 June
5	Staffing committee meets and selects staff who are potentially to be made redundant using selection criteria	16 December	30 April	30 June
6	Staff individually notified in writing of decision and arrangements for representation meeting	17 December	01 May	01 July
7	Representation meeting(s) held with affected staff and trade unions. Employee(s) informed of management decision in writing.	14 January	07 May	07 July
8	Notification of redundancy issued in writing with right of appeal	20 January	20 May	20 September
9	Potential last date for the school to issue notice***	31 January	31 May	30 September
10	Effective date of dismissal	30 April	31 Aug	31 December

NOTE:

*Giving notice to support staff is more straightforward – it is **teacher** dismissal dates that may be problematic

Consultation period must be measured in **working weeks (or days)

***Statutory notice periods may (where these are more generous) override contractual notice periods for employees with more than eight years' service. Accordingly, the dates provided in row 9 above are deliberately timetabled to anticipate, and cover, this eventuality.

Appendix 3: Selection criteria example – teaching staff

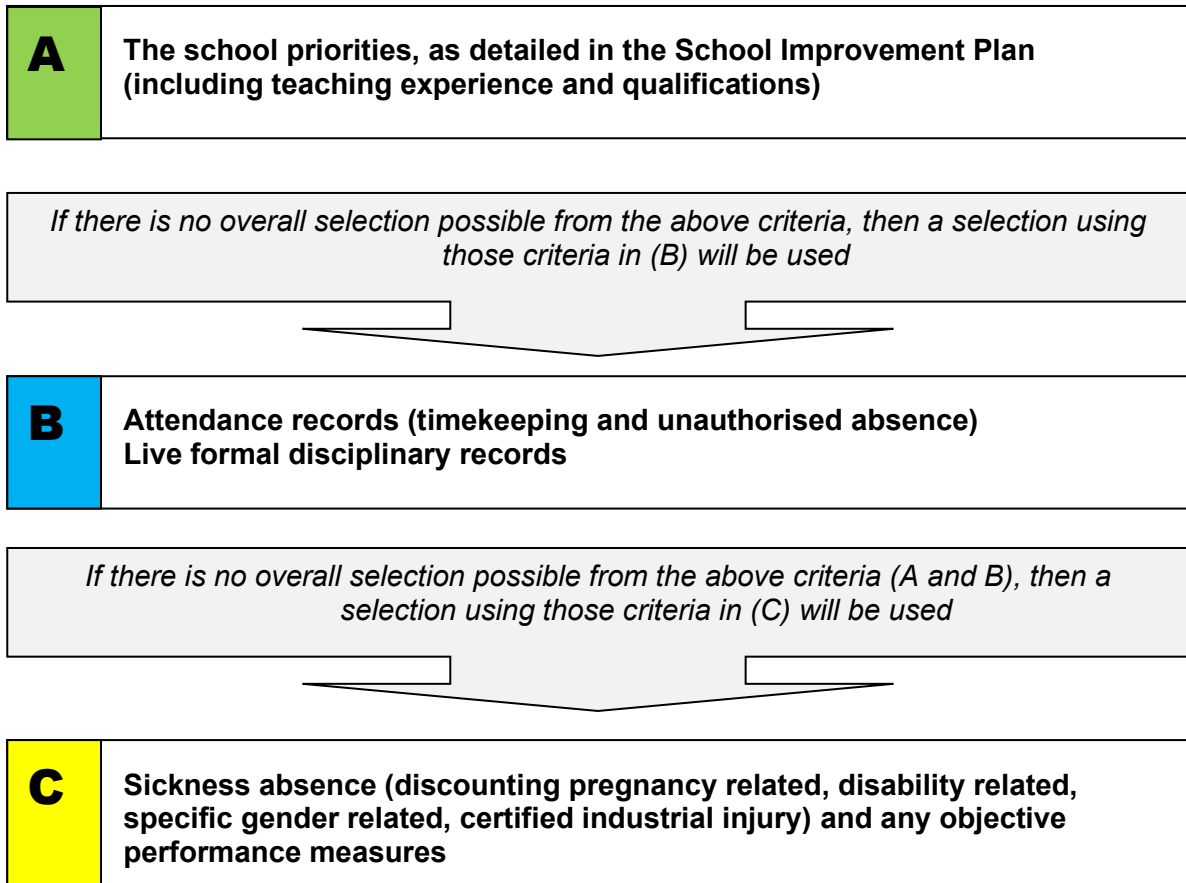
Teacher redundancy selection – primary school

Where measures to minimise redundancy fail to provide the revised size and composition of workforce required by the school, selection criteria will be used.

The selection criteria will be based on the needs of the school taking into account the School Improvement Plan and will be consulted with trades unions before any selection process commences.

The following criteria will be used in a sequential basis.

The criteria that should be taken into account are as follows:



Section A		
Criteria used in section A to be determined as relevant to the school/posts affected		
Qualifications	Points available	Points awarded
Relevant degree to current teaching (or equivalent)	15	
Higher professional qualification	15	
Teaching experience (in the last 3 years)	Points available	Points awarded
Early Years Foundation	10 points per year (max 30)	
KS1	10 points per year (max 30)	
KS2	10 points per year (max 30)	
Specialist subjects	10 points per year (max 30)	
Subject leader/Aspect leader (specific subject)	10 points per year (max 30)	
Leading practitioner	20	
Previous teaching in other schools within the last 3 years	15	
Leadership/Management (within last 2 years)	Points available	Points awarded
Senior Leadership Team	20	
Key Stage Co-ordinator	20	
	Points awarded	
Total points awarded for Section A		

If there is no overall selection possible from the above criteria, then a selection using those criteria in (B) will be used

Section B		
Disciplinary	Points available	Points awarded
No record	30	
"Live" first written warning	5	
"Live" final written warning	0	
Timekeeping	Points available	Points awarded
Total number of unauthorised occasions arrived late (or left early) over previous 3 years:		
0 – 1 day	30	
2 days	20	
3 days	10	
4 days or more	0	
Unauthorised absence	Points available	Points awarded
Total number of occasions over previous 3 years:		
No record	30	
1 occasion	20	
2 occasions	10	
3 occasions or more	0	
	Points awarded	
Total points awarded for Section B		

If there is no overall selection possible from the above criteria (A and B), then a selection using those criteria in (C) will be used

Section C		
Duration of sickness absence	Points available	Points awarded
Total duration of sickness absence over the previous 3 years divided by the number of years from which records have been used: 0 – 5 days 6 to 10 days 11 to 15 days >15 days	15 10 5 0	
Frequency of sickness absence	Points available	Points awarded
Total number of occasions of sickness over the previous 3 years divided by the number of years from which records have been used: 0 – 2 occasions 3 occasions 4 occasions 5 occasions >5 occasions <i>Note: pregnancy related absence and absence related to disability must be excluded</i>	20 15 10 5 0	
	Points awarded	
Total points awarded for Section C		

In the event of a tie breaker being required (**but only then**) 'Last In First Out' (LIFO) may be used.

Illustration – application of the points assessment scheme

The following illustration assumes no selection can be made using selection criteria A, because 'Employee 1' and 'Employee 2' score equally under A. It therefore becomes necessary to look at selection criteria B.

'Employee 1'		'Employee 2'	
Criteria	Points awarded	Criteria	Points awarded
Discipline First written warning in force	5	Discipline No disciplinary record	30
Timekeeping Total of 17 occasions over 3 years	0	Timekeeping Total of 0 occasions over 3 years	30
Unauthorised absence Total of 1 occasion over 3 years	10	Unauthorised absence Total of 0 occasion over 3 years	30
Total points awarded	15	Total points awarded	90

In the above illustration 'Employee 1' (15 points) would be selected for redundancy rather than 'Employee 2' (90 points)

continued on next page...

The following illustration assumes no selection can be made using selection criteria A, because 'Employee 3' and 'Employee 4' score equally under A. It therefore becomes necessary to look at selection criteria B.

'Employee 3'		'Employee 4'	
Criteria	Points awarded	Criteria	Points awarded
Selection Criteria B			
Discipline		Discipline	
No record	30	No record	30
Timekeeping		Timekeeping	
Total of 1 occasion over 3 years	30	Total of 3 occasions over 3 years	10
Unauthorised Absence		Unauthorised Absence	
Total of 1 occasion over 3 years	10	Total of 0 occasion over 3 years	30
Total points awarded for selection criteria B	70	Total points awarded for selection criteria B	70

As the candidates remain tied after selection from Criteria A and B (above) it therefore becomes necessary to progress to Criteria C (below).

Selection Criteria C			
Duration of sickness		Duration of sickness	
Total of 32 days over 3 years Average duration per annum = $32/3 = 10.66$ days	5	Total of 11 days over 3 years Average duration per annum = $11/3 = 3.66$ days	15
Frequency of sickness		Frequency of sickness	
Total of 11 occasions over 3 years Average frequency per annum = $11/3 = 3.6$ occasions	10	Total of 2 occasions over 3 years Average frequency per annum = $2/3 = 0.66$ occasions	20
Total points awarded for selection criteria C	15	Total points awarded for selection criteria C	35

In the above illustration 'Employee 3' (15 points) would be selected for redundancy rather than 'Employee 4' (35 points). In this example there are no pre-recorded objective performance measures which could be taken into account.

Appendix 4: Selection criteria example – support staff

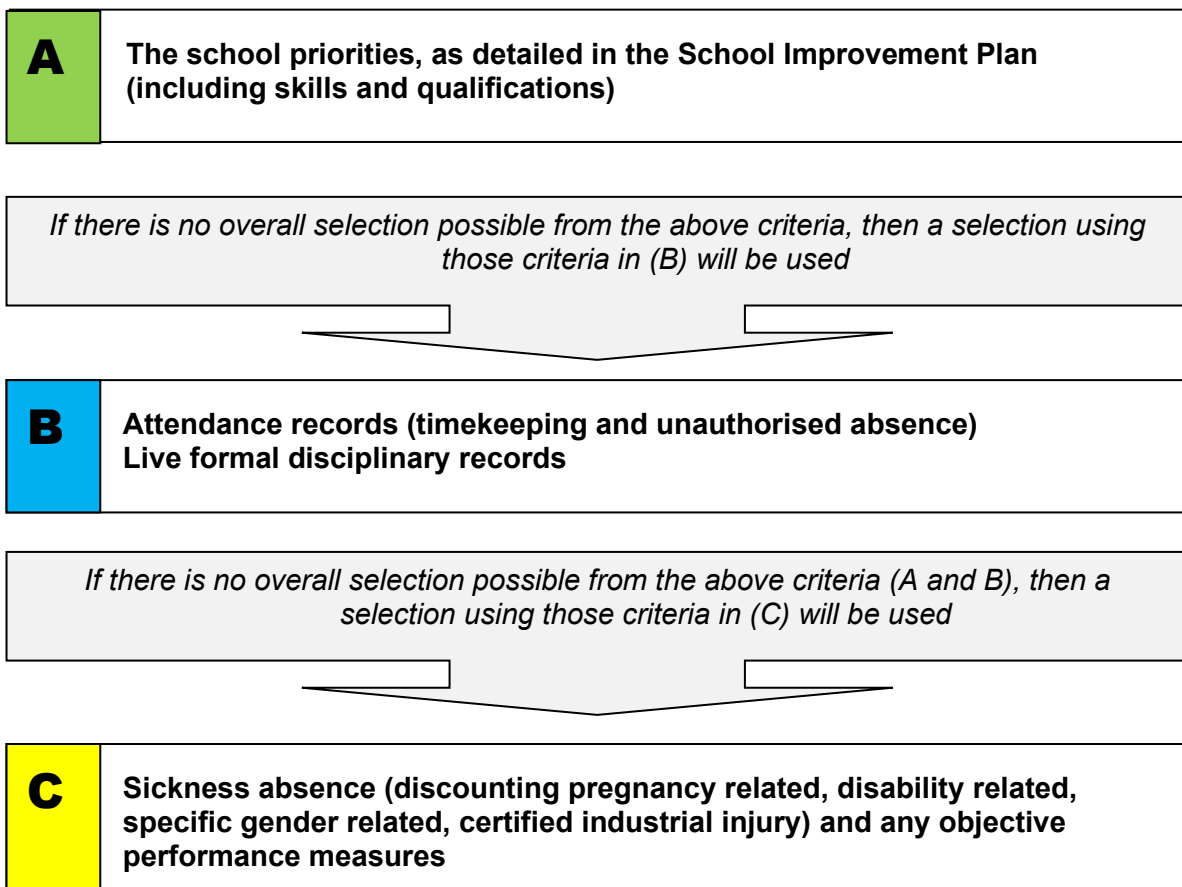
Redundancy selection criteria

Where measures to minimise redundancy outlined in Section 3 fail to provide the revised size and composition of workforce required by the school, selection criteria will be used.

The selection criteria will be based on the needs of the school taking into account the School Improvement Plan and will be consulted with trades unions before any selection process commences.

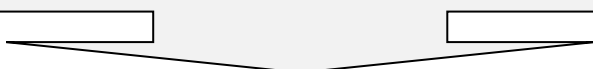
The following criteria will be used on a sequential basis.

The criteria that should be taken into account are as follows:



Section A		
Criteria used in A to be determined as relevant to the school/posts affected		
Qualifications	Points available	Points awarded
GCSE in Mathematics and English – Grade C or above / New grade 9 to 4 (or equivalent)	15	
Any other relevant formal qualifications (and points allocated against each) such as NNEB, ICT (school to state relevant level)	5 points for each relevant qualification	
Experience (in the last 3 years)	Points available	Points awarded
Working as Support/Teaching Assistant	10 points per year (max 30)	
Working in a school environment (school to give specific examples)	10 points per year (max 30)	
SEN experience (at least one year)	10 points per year (max 30)	
Knowledge of specific subject area (such as early years curriculum)	10 points per year (max 30)	
Gained HLTA status	30	
Successfully led intervention programmes (give examples)	5 points per programme (max 30)	
Leadership/Management (within last 2 years)	Points available	Points awarded
Member of the Leadership Team	20	
	Points awarded	
Total points awarded for Section A		

If there is no overall selection possible from the above criteria, then a selection using those criteria in (B) will be used



Section B		
Disciplinary	Points available	Points awarded
No record "Live" first written warning "Live" final written warning	30 5 0	
Timekeeping	Points available	Points awarded
Total number of unauthorised occasions arrive late/leave early over past 3 years: 0 – 1 day 2 days 3 days 4 or more	30 20 10 0	
Unauthorised absence	Points available	Points awarded
Total number of occasions over past 3 years: No record 1 occasion 2 occasions 3 or more	30 20 10 0	
	Points awarded	
Total points awarded for Section B		

If there is no overall selection possible from the above criteria (A and B), then a selection using those criteria in (C) will be used



Section C		
Duration of sickness	Points System	Points Awarded
Total duration of sickness over the previous 3 years divided by the number of years from which records have been used: 0 – 5 days 6 to 10 days 11 to 15 days >15 days	15 10 5 0	
Frequency of sickness	Points System	Points Awarded
Total number of occasions of sickness over the previous 3 years divided by the number of years from which records have been used: 0 – 2 occasions 3 occasions 4 occasions 5 occasions >5 occasions Note: pregnancy related absence and absence related to disability must be excluded	20 15 10 5 0	
	Points awarded	
Total points awarded for Section C		

In the event of a tie breaker being required (**but only then**) 'Last In First Out' (LIFO) may be used.