

TUDOR PARK EDUCATION TRUST	Redundancy Policy
Person(s) responsible for updating the policy:	CEO
Date Approved:	3 July 2020
Period of Review:	Every three years
Status:	Non statutory

Tudor Park Education Trust oversees this policy but the local governing body of each academy or school within the Trust is responsible for the implementation of the policy.

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1 Introduction

- 1.1 This policy sets out Tudor Park Education Trust's approach on handling all potential redundancy situations. However the number of employees involved will determine how the process will be managed.
- 1.2 This policy has been agreed following consultation with the recognised trade unions. It has been formally adopted by the Trust on 3 July 2020.
- 1.3 This policy does not form part of any employee's contract of employment and may be amended at any time.

2 Scope and purpose of this policy

- 2.1 It is recognised that certain changes (for example, a fall in roll, curriculum changes and budget reductions) may make it necessary to consider redundancies. The purpose of this policy is to have a clear framework in place that sets out what we will do whenever reduction in employee numbers may become necessary. The legal definition of a redundancy situation is: An employee who is dismissed shall be taken to be dismissed by reason of redundancy if the dismissal is wholly or mainly attributable to – (a) the fact that the employer has ceased or intends to cease the business for the purposes of which the employee was employed, or 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 the employee was employed by the employer, have ceased or diminished or are expected to cease or diminish.
- 2.2 We will consider ways to avoid compulsory redundancy, if possible and where we are unable to avoid reducing employee numbers, we will try to minimise the effect of redundancies through the steps set out in this policy. In doing so, we will not discriminate directly or indirectly on the grounds of any protected characteristic or against part-time or fixed-term employees.
- 2.3 As part of the application of this policy, the Trust will collect, process and store personal data in accordance with our data protection policy. We will comply with the requirements of **Data Protection Legislation** (being (i) the General Data Protection Regulation ((EU) 2016/679) (unless and until the GDPR is no longer directly applicable in the UK) and any national implementing laws, regulations and secondary legislation, as amended or updated from time to time, in the UK and then (ii) any successor legislation to the GDPR or the Data Protection Act 1998, including the Data Protection Act 2018), in relation to how we collect, hold and share this personal data. We will provide workforce data in line with our Workforce Privacy Notice which sets out how we will gather, process and hold personal data of individuals during employment.

3 Planning

- 3.1 The Trust will ensure that there is effective planning, financial management and resource allocation in place in the day to day and strategic management of the Trust. We will carry out workforce planning and regularly review our staffing structure to ensure it is fit for purpose, supports teaching and learning and to minimise surplus staff situations.
- 3.2 Our leadership team will provide information in relation to workforce planning and resources to our Trust as required.

4 Consultation

- 4.1 Where the changes proposed could result in redundancies, we will enter in to consultation to provide the opportunity for all those concerned to discuss the problem and consider options or alternative ways of tackling the problem. Consultation should begin in good time and will be in accordance with statutory requirements.
- 4.2 We will consult with all affected employees on an individual basis carried out in conjunction with the collective consultation process.
- 4.3 We will also consult with representatives of our recognised trade unions or elected employee representatives where it is proposed to dismiss as redundant 20 or more employees at one establishment over a period of 90 days or less.
- 4.4 Where appropriate and in accordance with 4.3, we will provide the recognised trade unions or elected employee representatives with sufficient information in writing, including:
 - 4.4.1 The reasons for the proposals;
 - 4.4.2 The numbers and descriptions of employees it proposes to dismiss as redundant or who are at risk of redundancy;
 - 4.4.3 The total numbers of employees of that description employed at the establishment in question;
 - 4.4.4 The proposed method of selecting the employees who may be dismissed;
 - 4.4.5 The proposed method of carrying out the dismissals, including the period over which the dismissals are to take effect; and
 - 4.4.6 The numbers of agency staff at the Trust, the areas that they are deployed in and the type of work they are undertaking.
- 4.5 We will consult on ways that we could avoid the need to make compulsory redundancies, if that is possible. Examples of such steps include:
 - 4.5.1 Reviewing the use of agency staff;

- 4.5.2 Restricting recruitment or a vacancy freeze in affected categories of employees and in those areas into which affected employees might be redeployed;
 - 4.5.3 Natural wastage;
 - 4.5.4 Retraining and/or redeployment within and across the Trust;
 - 4.5.5 Reducing overtime/additional hours;
 - 4.5.6 Offering reduced working time including job-sharing or other flexible working arrangements, where these are practicable; and
 - 4.5.7 Inviting applications for early retirement or voluntary redundancy. In all cases the decision to release an employee under such schemes will be at the absolute discretion of the Trust.
- 4.6 Any measures we adopt will not adversely affect the Trust and the quality of teaching and learning provided to our pupils.

5 Making compulsory redundancies

- 5.1 If it is the case that compulsory redundancies will be required, all affected employees and, where appropriate, the recognised trade unions or elected employee representatives will be advised of this. As part of the consultation process we will have consulted on the procedure that we will follow and the selection criteria that we will apply (where appropriate).
- 5.2 Where more than one employee is employed in an affected role, a process of selection will be carried out. The criteria used to select will be objective, robust, transparent, non-discriminatory and fair, and based on the skills required to meet our existing and anticipated Trust needs. We will consider the most appropriate method of selection in relation to the circumstances surrounding the specific redundancy situation. Where there is only one incumbent in a post that is affected, then the selection criteria will be on the basis that they occupy that role.
- 5.3 Individual employees who are provisionally selected for redundancy following the application of the selection criteria will be informed and (where appropriate), invited to a meeting at which they will be given an opportunity to make representations that the application of the criteria is unfair or has been applied incorrectly. This is the dismissal meeting carried out by the CEO.
- 5.4 Where selection for redundancy is confirmed, employees selected for redundancy will be given notice of termination of employment in accordance with their contract of employment and written confirmation of the payments (and how it has been calculated) that they will receive (where applicable).
- 5.5 Employees will be given the opportunity to appeal against this decision. Details of the appeals process will be provided to the employees when the decision is made.

- 5.6 Depending on the circumstances, the Trust may waive its right to insist on employees working their notice and instead give a payment in lieu of notice.

6 Support mechanisms

6.1 Alternative work/retraining

6.1.1 We will make every effort to redeploy any employee who is selected for redundancy to suitable alternative work and inform them of any vacancies that we have until their termination date (vacancies are listed on the academy websites). The manner in which redundant employees will be invited to apply for and be interviewed for vacancies will be organised depending on the circumstances existing at the time. While priority will be given wherever possible to employees under threat of redundancy, the Trust reserves the right to select the best available candidate in relation to any given vacancy. Employees selected for redundancy whilst on maternity leave have separate legal entitlement to be offered any suitable alternative.

6.1.2 An individual who is redeployed into an alternative post is entitled to a trial period of four weeks in the new job. This may be extended by mutual agreement for training purposes. If the alternative employment is found to be unsuitable following the trial, employment will be terminated on grounds of redundancy on the original terms.

6.1.3 An employee will not be entitled to a redundancy payment if he or she unreasonably refuses an offer of suitable alternative employment. In this situation, the employee's contract would still be terminated by reason of redundancy.

6.2 Counselling service

Employees who are at risk of redundancy or who have been issued a notice of redundancy will be able to access the Trust's confidential counselling help line. The contact details are as follows:

We have an employee assistance programme (EAP) with Education Support:
<https://www.educationsupport.org.uk/>

They offer **free, confidential** solution focussed counselling, support, information and guidance (including financial or legal) 24 hours a day, 365 days a year.

Support phone number: 08000 856 148

Online advice centre: www.edsupport.org.uk/online-support

Username: worklifesupport

Password: support1

6.3 Time off

An employee under notice of redundancy with at least two years' service will be entitled to a reasonable amount of paid time off to look for alternative work, attend interviews, etc. Employees wishing to take advantage of this right should make the appropriate arrangements with their Line Manager and Principal.

7. Redundancy payments

7.1 Employees with two or more years' service will be entitled to a statutory redundancy payment. The period of continuous service will be calculated with reference to the Employment Rights Act and the Redundancy Modification Order. The Trust's redundancy payments are calculated using the following formula:

Statutory provisions:

- Half a week's pay for each full year you were under 22
- One week's pay for each full year you were 22 or older, but under 41
- One and a half week's pay for each full year you were 41 or older
- Length of service is capped at 20 years.

7.2 The amount of this payment will be confirmed when the employee is selected for redundancy and the sum will be paid along with the employee's final salary payment or payment in lieu of notice.

8 Review of policy

8.1 This policy is reviewed and amended every three years by Tudor Park Education Trust in consultation with the recognised trade unions. We will monitor the application and outcomes of this policy to ensure it is working effectively.