



Redundancy and Restructuring

Approved by: Trust Board

Last reviewed: July 2024

Next review due: July 2025

REDUNDANCY AND RESTRUCTURING POLICY

1. Scope

This policy applies to all employees, including in most cases, those on fixed-term contracts. The policy has been subject to consultation with Trade Unions. It does not form part of anybody's contract of employment and may be varied.

This policy should be read in conjunction with other relevant documents such as:

- School Teachers' Pay and Conditions Document (STPCD)
- Conditions of Service for School Teachers in England and Wales (Burgundy Book)
- the National Agreement on Pay and Conditions of service for support staff (Green Book)
- the employer's pay policy
- for employers subject to the 2010 HCC Collective Agreement this will be relevant for support staff.

In addition, this policy should be read in conjunction with HFL Education Guidance on redundancy payments 2023.

Where an employee has contractual entitlement to enhanced terms to those provided in this policy owing to rights carried with them under a TUPE transfer, the employee's contractual terms will apply, unless such terms have previously been altered through mutual agreement with the employee.

2. Introduction

We may periodically have to consider changes in our staffing complement, which may arise for a variety of reasons.

Where a restructure involves minor changes within the flexibility of the contract this can be dealt with informally with consultation being limited to those affected.

We will always try to avoid the need for compulsory redundancies but sometimes these may be necessary. The pattern or volume of our business or methods of working may change and requirements for employees may reduce.

3. Purpose of the policy

This document sets out our policy when a redundancy exercise is necessary to ensure we:

- communicate clearly with all affected employees and treat them fairly
- look for ways of avoiding compulsory redundancies
- consult with employees and, where appropriate, recognised trade unions and employee representatives
- make selection decisions for compulsory redundancy fairly, reasonably and without discrimination.

In carrying out any redundancy exercise we will not discriminate directly or indirectly on age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. Part-time employees and those working under fixed-term contracts will not be treated differently to permanent, full-time comparators.

4. Steps to avoid redundancy

We will consider steps that might, depending on the circumstances, be taken to avoid the need for compulsory redundancies. Examples of such steps include:

- examining all areas of the budget for savings, e.g. energy costs, delaying maintenance projects
- inviting applications for early retirement or voluntary redundancy. In all cases the acceptance of a volunteer for redundancy will be a matter for the employer's discretion and we reserve the right not to offer voluntary redundancy terms or to refuse an application where it is not in the interests of our business to do so
- recruitment freeze, withdrawing new job offers, deferring new joiners
- redeployment to another post, secondment, sabbatical usually through the current employer
- reducing overtime, reviewing the use of agency staff, self-employed contractors and consultants, non-renewal of fixed term contracts, reduced hours
- identifying suitable alternative work that might be offered to potentially redundant employees.

Any measures adopted must not adversely affect the employer or our ability to deliver our business objectives.

5. Consultation with staff and Trade Unions/Professional Associations

A collective redundancy process will only be triggered if we propose to dismiss as redundant 20 or more employees over a period of 90 days or less, or in a restructure if termination and re-engagement is necessary for 20 or more employees.

In a non-collective redundancy situation, there is no statutory obligation to consult with employee representatives and the ACAS Code of Practice on Handling Large-Scale Redundancies does not apply. However, we will still follow a fair procedure and consult meaningfully with all affected staff.

6. Making compulsory redundancies

When it is not possible to avoid making compulsory redundancies, we will advise all affected employees and, where appropriate, recognised trade unions/employee representatives that compulsory redundancies cannot be avoided and consult on the procedure that will then be followed and the criteria that will be applied.

We will be fair and transparent in the criteria used to select employees for redundancy.

We will consult individually with those employees who have been provisionally selected for redundancy.

Where selection for redundancy is confirmed, employees selected for redundancy will be given notice of termination of employment in accordance with their contracts and written confirmation of the payments that they will receive.

7. Notice periods

For teachers, the minimum notice period is two months to the end of the autumn and spring terms (or statutory entitlement if longer) and three months for the end of the Summer Term. However, the notice period must end on either the 30 April, 31 August, or 31 December.

For support staff (except Nursery Nurses), the notice period is as per their contractual terms or statutory entitlement if longer (this would be a maximum of 12 weeks depending on service). Nursery nurses are entitled to a minimum notice period of 1 month ending on the last teaching day of term.

We will continue to look for alternative employment for redundant employees until their termination dates. The way redundant employees will be invited to apply for and be interviewed for vacancies will be organised depending on the circumstances existing at the time. Alternative employment may be offered subject to a trial period of 4 weeks where appropriate, and where required appropriate training will be offered.

Employees under notice of redundancy will be entitled to take a reasonable amount of time off work to look for alternative employment or to arrange training for future employment.

8. Appeal

Employees have the right of appeal against decisions to terminate their employment on the grounds of redundancy. Any employee who wishes to appeal should do so in writing within seven calendar days of the receipt of a decision letter to the person named in the letter.

The employee's letter to lodge the appeal should include the grounds for appeal.

The appeal hearing will be conducted by at least one member of the Governing Body, or appropriate designee, as soon as reasonably practicable following receipt of the appeal.