



Redundancy and Restructuring

Approved by: Trust Board

Last reviewed: March 2021

Next review due: March 2022

REDUNDANCY AND RESTRUCTURING POLICY

1. Scope

This policy is written and approved at board level, but applies to all employees of schools, settings, and services, hereafter the 'organisations', within The Claxton Trust, including in the majority of cases, those on fixed term contracts. This should be read in conjunction with other relevant documents such as the 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), and the School's Pay Policy. For those schools subject to the 2010 HCC Collective Agreement this will be relevant for support staff.

This policy does not form part of any employee's contract of employment and it may be amended at any time.

This policy has been produced in consultation with the professional associations/trade unions based on a model produced by Herts for Learning.

2. Introduction

Organisations in the trust may periodically have to consider changes in its 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.

Organisations 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.

This document sets out the trust's policy when redundancy is necessary to ensure it:

- communicates clearly with all affected employees and ensure that they are treated fairly;
- tries to find ways of avoiding compulsory redundancies;
- consult with employees and, where appropriate, recognised trade unions and/or employee representatives.
- makes selection for compulsory redundancy fairly, reasonably and without discrimination.

In carrying out any redundancy exercise we will not discriminate directly or indirectly on grounds of gender, sexual orientation, marital or civil partner status, gender reassignment, race, colour, nationality, ethnic or national origin, religion or belief, disability or age. Part-time employees and those working under fixed-term contracts will not be treated differently to permanent, full-time comparators.

3. Steps to avoid redundancy

The organisation 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 possible 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 organisation'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 the trust 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 organisation or its ability to deliver its business objectives.

4. Consultation with staff and relevant Trade Unions/Professional Associations

A collective redundancy process will only be triggered if the organisation proposes 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 Disciplinary and Grievance Procedures does not apply. However, the organisation will still follow a fair procedure and consult meaningfully with all affected staff.

5. Making compulsory redundancies

When it is not possible to avoid making compulsory redundancies, the organisation 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.

The organisation will be fair and transparent in the criteria used to select employees for redundancy. This will be based on the skills required to meet our existing and anticipated business needs, but are likely to include some or all of the following considerations:

- experience and skills
- qualifications
- levels of performance, where this can be measured objectively
- disciplinary record
- attendance record (excluding absences relating to pregnancy and disability).

The organisation will then 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.

6. The notice period

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 twelve weeks depending on service. Nursery nurses are entitled to a minimum of one months' notice with their notice periods ending on the last teaching day of term

We will continue to look for alternative employment for redundant employees until their termination dates. 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. Alternative employment may be offered subject to a trial period where appropriate.

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.

7. Appeals

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 will be heard by a panel of three governors not previously involved in the selection process.

Where an appeal against dismissal is not upheld, the date of termination will be the date on which the employee was originally dismissed. During the appeal stage the employee will remain dismissed from the school. If an employee is reinstated following dismissal, he/she will be treated as being continuously employed for the whole period, including the period between dismissal and reinstatement.

The decision of the appeal panel will be final and will be confirmed in writing as soon as reasonably practicable, usually within five working days.