CARWARDEN HOUSE COMMUNITY SCHOOL

Redundancy Policy

Reviewed by Audit, Risk and Resources Committee

Adopted: 25th June 2024

Due for review: Summer Term 2026

REDUNDANCY POLICY

Introduction

It is our intention to manage the Academy in a manner which results in secure employment for our employees. We will always try to avoid the need for compulsory redundancies but in some situations, this may regrettably be necessary, for example where the pattern or volume of our work changes and requirements for particular roles may reduce.

In following any redundancy procedure in accordance with this policy, we will not discriminate directly or indirectly on grounds of age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, religion or belief, sex or sexual orientation. Part-time workers and fixed-term employees will not be treated less favourably than full-time or permanent comparators.

This policy only applies to employees of the Academy who have greater than two years' continuous service (which will be referred to as "you" in this policy). It does not form part of your terms and conditions of employment and is not intended to have contractual effect. It is provided for guidance purposes only and we reserve the right to amend this policy at any time.

The Purpose of the Policy

The purpose of this policy is to ensure that, whenever a reduction in employee numbers is proposed, we will:

- communicate clearly with all affected employees and ensure that they are treated fairly.
- handle the redundancy exercise in a fair, consistent, and sympathetic manner.
- try to find ways of avoiding compulsory redundancies.
- consult with potentially affected employees and with recognised trade unions and/or employee representatives where applicable; and
- ensure any selection for compulsory redundancy is undertaken fairly and reasonably.

Avoiding Compulsory Redundancies

Where we are proposing to make redundancies, we will enter into consultation with all affected employees on an individual basis and, where appropriate, also with recognised trade unions and/or employee representatives.

In the first instance, we will consider steps that might, depending on the circumstances, be taken to avoid the need for compulsory redundancies.

Examples of such steps include:

- natural wastage.
- salary freezes.
- reviewing the use of agency staff, casual staff, self-employed contractors, and consultants.

- restricting recruitment in all areas or potentially affected areas including those areas into which affected employees might be redeployed.
- reducing overtime in affected departments or service areas.
- considering the introduction of job-sharing or other flexible working arrangements, where these are practicable.
- agreeing on a temporary variation to hours.
- identifying suitable alternative work that might be offered to potentially redundant employees; and
- inviting applications for early retirement or voluntary redundancy. In all cases, the acceptance of a volunteer for redundancy will be a matter of our 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 Academy to do so.

Any measures adopted must not adversely affect the Academy or its ability to deliver educational services and pastoral/support services to our pupils.

Can Employees choose Voluntary Redundancy?

Employees can express an interest in volunteering for redundancy and in some cases, we may ask for expressions of interest. However, there is no guarantee that an expression of interest will be agreed. Each case will be considered by reviewing the needs of the service, the costs and impact to the Academy.

Making Compulsory Redundancies

When it is not possible to avoid potential compulsory redundancies, all affected employees and, where appropriate, recognised trade unions and/or employee representatives, will be advised and consulted on the procedure that will then be followed and the criteria that will be applied.

The criteria used to select those employees potentially at risk of redundancy will be objective, transparent, fair, and based on the skills required to meet the Academy's existing and anticipated need.

A record will be kept of the selection process and results.

If you have been provisionally selected for redundancy, you will be consulted with individually.

If you are selected for redundancy, you will be given written notice of termination of employment in accordance with your contractual notice and subject to minimum statutory requirements. At our absolute discretion, we may make payment in lieu of notice for all or part of your notice period.

You will also receive written confirmation of the payments that you will receive and the opportunity to appeal against the decision.

Alternative Employment

We will continue to look for alternative employment for any employee selected for redundancy and in that instance will inform you of any vacancies that it has until your termination date. The manner in which employees selected for redundancy 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.

If such suitable alternative employment is available, you will receive a written offer detailing the terms and conditions applicable to the new employment. Your acceptance should be in writing.

If you refuse the offer of alternative employment, you must do so in writing, setting out your reasons. Unreasonable refusal of an offer of a suitable alternative job will lead to loss of your right to a redundancy payment.

Time off to seek work.

If you are under notice of redundancy (and have at least two years' continuous service) you will be entitled to take a reasonable amount of paid time off work to look for alternative employment, attend interviews or to undertake training for future employment.

If you wish to leave before the end of the notice period

It may be possible for you to agree with us an earlier leaving date. However, this will be entirely at our discretion and if this is not agreed, you would have to resign to bring your employment to an early end. A resignation during the notice period would mean that you are not treated as "dismissed" by reason of redundancy. This means that there would be no entitlement to redundancy pay.

If you get another job outside of the Academy before the notice period ends

Where the following situation applies:

- you receive an offer of a job from another organisation within the Modification Order, **and**
- that job offer was made while you were under notice of redundancy, and before the end of your notice period, **and**
- the start date of that new job is within four weeks (including five Sundays) of the end of the notice period,

the Redundancy Payment (Local Government) (Modification) Order 1999 (more commonly known as the "Modification Order") will apply and you will not be entitled to any redundancy pay. This is because the Modification Order operates to deem that your employment will have continued (for the purposes of redundancy payments (and pension is appropriate)) into that new employment.

For further information on the Modification Order please contact the School Business Manager.

Redundancy Pay

If you have 2 or more years' continuous service you may qualify for statutory redundancy pay, which is calculated by age, weekly pay (capped as per statute) and length of service (capped at 20 years), as is detailed in the Employment Relations Act 1996.

Redundancy Appeal Procedure

If you wish to appeal against a decision to dismiss you by reason of redundancy, you should write in the first instance (unless informed otherwise) to the Headteacher who will liaise with the Board of Trustees to convene an appeal hearing. The appeal must be submitted within 10 working days of the decision you are appealing against, setting out the grounds and basis for your appeal.

Redundancy appeals will usually be conducted and determined by a panel of three members of the Board of Trustees.

You have the right to be accompanied by a work colleague or an accredited trade union official at any appeal hearing and will be given a full opportunity to state your case.

The appeal hearing will be minuted by a note taker and you will be supplied with a copy of the minutes as soon as is reasonably practicable after the hearing.

No decisions will be reached during the hearing itself. Our appeal panel will need to consider all the evidence together with the representations you have made, and in some cases may need to carry out further investigations before a decision can be reached.

You will be notified of the result of the appeal in writing without unreasonable delay. The appeal decision is the final stage of our redundancy procedure.

Pension implications of being made redundant.

1. **Members of the Local Government Pension Scheme (LGPS)**

If you are a member of the LGPS, are **over the age of 55** and have more than 2 years' membership in the LGPS, you are entitled to immediate payment of your benefits based on your membership built up to the day you leave employment. We are required to make any necessary payments to your pension fund to ensure that there is no reduction for you being paid earlier. Further details will be provided should this apply to you.

If you a member of the LGPS, are **under the age of 55** and have more than 2 years' membership in the LGPS, your pension built up to the date you leave employment will become a deferred benefit. It will increase each year with the cost of living and is payable at your normal pension age. You can choose to have your deferred benefit payable at any time from age 55 but it may be reduced for being paid early and for longer. You may request to transfer your deferred benefit to another pension scheme at any time before payment.

2. Members of the Teachers' Pension Scheme (TPS)

Your pension built up to the date you leave employment will become a deferred benefit. It will increase each year with the cost of living and will be payable at your normal pension age.

If you find employment at another School, Academy, or Trust which entitles you to membership of the TPS, you should be able to start or continue in your membership of the TPS (subject to the scheme rules in force at that time).

If you find employment which is non-teaching but with the local authority, you should be able to join the Local Government Pension Scheme instead (subject to the scheme rules in force at that time).

If you find employment with an employer which does not entitle you to membership of the TPS, you may have a number of options (dependant on the scheme rues from time to time in force):

- you may be able to **transfer** your TPS pension to a scheme run by your new employer.
- you may be able to keep your pension in the TPS, although you will not be able to contribute to it.
- your contributions will be refunded automatically if you have been a member of the scheme for less than 2 years.