

Redundancy Policy

Looe Community Academy

Date of Drafting: 13 October 2016

Recommended by the Governing Body for adoption: 17 October 2016

Adopted Date: 23 January 2017

Review Date: 23 January 2018

1. INTRODUCTION

- 1.1 We will always try to avoid the need for compulsory redundancies but sometimes these may be necessary. The needs of our Academy or methods of working may change and requirements for employees may reduce.
- 1.2 The purpose of this policy is to ensure that, whenever a redundancy situation arises:
- (a) we communicate clearly with all affected employees and ensure that they are treated fairly;
 - (b) we try to find ways of avoiding compulsory redundancies;
 - (c) we consult with employees and with recognised trade unions; and
 - (d) any selection for compulsory redundancy is undertaken fairly, reasonably and without discrimination.
- 1.3 This policy applies to all employees. It does not apply to agency workers, consultants or self-employed contractors.
- 1.4 This policy has been implemented following consultation with the recognised trade unions.
- 1.5 This policy will be reviewed from time to time to ensure that it reflects our legal obligations and our Academy's needs.
- 1.6 This policy does not form part of any employee's contract of employment and the Academy may amend it at any time.

2. AVOIDING COMPULSORY REDUNDANCIES

- 2.1 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:
- (a) Reviewing the use of agency staff, self-employed contractors and consultants.
 - (b) Restricting recruitment in affected categories of employee and in those areas into which affected employees might be redeployed.
 - (c) Identifying suitable alternative work with us, or with any other academy or school should we be in a Multi Academy Trust.
 - (d) Inviting applications for voluntary redundancy. In all cases the acceptance of a volunteer for redundancy will be a matter of discretion and the Academy reserves the right not to offer voluntary redundancy terms or to refuse an application where it is not in the interests of our Academy to do so.

3. MAKING COMPULSORY REDUNDANCIES

- 3.1 The headteacher or an individual(s) nominated by the headteacher will produce and submit a proposed business case for consideration by the Governing Body. The business case will ordinarily set out the reasons for the proposed redundancies, identify the category and number of employees at risk, and where there is a pool of employees identified made up of more than one employee, set out the proposed method of selection to include the proposed criteria (if criteria are to be used). The Governing Body, or a panel of governors nominated by the Governing Body, will consider the proposal and the Academy will not proceed with the redundancy exercise until the proposal has been approved.
- 3.2 Following approval of the proposal, the business case will be shared with the recognised trade unions and affected staff. The Academy will then consult the recognised trade unions on the procedure that will then be followed and the criteria that will be applied.
- 3.3 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 less favourably than permanent or full-time comparators.
- 3.4 The criteria used to select those employees who will potentially be made redundant will be objective, transparent and fair and based on the skills required to meet our existing and anticipated needs. They will be proposed by the headteacher and form the subject of consultation with the recognised trade unions before being applied.
- 3.5 The scoring against the criteria will be undertaken by the most appropriate individuals available at the time. This may be the headteacher, members of the senior leadership team, a panel of governors or a combination of any of these categories.
- 3.6 We will then consult individually with those employees who have been provisionally selected for redundancy. The consultation will be conducted by either the headteacher or a panel of three governors.
- 3.7 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. Employees will be given the opportunity to appeal against this decision.
- 3.8 We will continue to look for alternative employment for redundant employees and inform them of any vacancies that we have 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. Alternatively, redundant employees may need to apply for a vacancy where the role is sufficiently different from the role they were previously undertaking.

- 3.9 Special legal provisions apply in considering alternative employment for disabled staff and those on maternity leave.
- 3.10 Where we are unable to offer alternative employment we will assist employees to look for work with other employers. Employees under notice of redundancy will be entitled to take a reasonable amount of paid time off work to look for alternative employment or to arrange training for future employment.

4. APPEALS

- 4.1 Employees under notice of redundancy have the right to appeal against the decision. An employee's appeal should be submitted in writing to the Clerk of Governors within 5 working days of receiving notification of the decision. The Academy will arrange for an appeal hearing to take place within a reasonable period of time.
- 4.2 The appeal will be heard by a Governors' Appeal Panel consisting of at least three governors none of whom will have been involved in either the selection exercise or the individual consultation meetings.
- 4.3 The appeal hearing is not a full rehearing of the case but an opportunity for an employee to challenge the decision to serve them with notice of redundancy.

Signed by:

Chair of Governors:

Date:23 January 2017.....

Headteacher:

Date:23 January 2017.....

This policy will be reviewed annually