



# Redundancy and Variation to Contract Policy and Procedure

## September 2017

Office use

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<p><b>Associated documents:</b></p>			
<p><b>Links to:</b></p>			
<ul style="list-style-type: none"> <li>• Employment Rights Act 1996</li> <li>• Redundancy Modification Order</li> </ul>			

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## **1. Policy Statement and Introduction**

- 1.1 It is the policy of Diverse Academies Learning Partnership (DALP) to provide, as far as possible, security of employment for staff through careful forward planning and development of its human resource requirements. However, it is recognised that there may be changes necessary which may affect staffing needs. It is recognised that in order to maintain a climate of security of employment, flexibility may be required from staff in adapting to new staffing requirements, working methods, and organisational needs. It is a joint aim of DALP and its recognised Trade Unions to avoid making compulsory redundancies amongst its members of staff wherever possible and to prevent situations arising which threaten job security.
- 1.2 In consultation with its recognised Trade Unions DALP will seek to minimise the effect of redundancies and variations in contract through the provision of support to assist in finding alternative employment for staff at risk of redundancy. In cases where compulsory redundancy cannot be avoided DALP will handle the redundancy in the most fair, consistent and sympathetic manner possible, and seek to minimise hardship of the staff members concerned.

## **2. Redundancy Procedure**

- 2.1. The Trust will consult with staff and their recognised Trade Union Representatives at the earliest practicable opportunity whenever there appears to be a situation which could lead to any redundancies. We will provide, in writing to staff and recognised Trade Union Representatives, the following information concerning any proposed redundancies as part of the consultation process:

The reasons for the proposals

- The numbers and descriptions of the members of staff it is proposed to dismiss as redundant
  - The total number of staff members of this description employed by the Academy
  - The way in which staff members will be selected for redundancy
  - How the dismissals will be carried out, and over what period
  - The formula to be used for determining severance pay
- 2.2. We will give consideration to any proposals and representations put forward by staff groups and/or Trade Unions during the consultation period and will reply to them in writing within the timescales specified for consultation. No member of staff will be given notice of dismissal until, at a minimum, the statutory or agreed consultation period is complete.
- 2.3. Legislation requires as a legal minimum that consultation must begin at least:
- 30 days before the first dismissal takes effect if between 20 and 99 members of staff are to be made redundant over a period of 45 days or less
  - 45 days before the first dismissal takes effect if 100 or more are members of staff be made redundant over a period of 45 days or less.

In such cases, the Human Resource Department (HR) will submit form HR1 to the Secretary of State for Employment, with a copy to the relevant Trade Unions. These statutory requirements will be regarded as the minimum and we will aim whenever possible to begin consultation at the earliest opportunity.

### **3. Avoiding Redundancies**

- 3.1.** We will seek to avoid or minimise redundancies by means of the following measures as deemed appropriate by DALP in consultation with Recognised Trade Unions and members of staff:
- Assessing the effect of staff turnover
  - Freezing or restricting recruitment
  - Filling vacancies from existing staff members by redeployment and/or retraining
  - Reducing or eliminating overtime working
  - Investigating the use of alternative working arrangements, such as part time working, reduced hours, job sharing etc.
  - Trying to make savings in other areas
  - Developing viable alternatives i.e. new roles
  - Seeking volunteers for early retirement or voluntary severance
  - Collectively agreeing a reduction of hours or change to terms and conditions

### **4. Variation Of Contracts**

- 4.1.** Where a contract change is outside of any allowed by contract, the line manager and a member of the HR Team will meet with the staff member affected and discuss the reasons for the change and begin consultation. If after consultation the change is still necessary the member of staff will be offered a new contract as suitable alternative employment. Pay will be protected, as a minimum, which takes account of any contractual notice period and for a period of time in line with redundancy payments on the proportion of contract lost.

### **5. Relocation**

- 5.1** Where there is a potential redundancy at one location within the Trust but suitable employment is available at another location within the organisation the staff member will be given preferential consideration for this role. Where the journey time is generally less than 1 hour between these locations, or closer to the staff member's home than current site, this will be considered suitable alternative employment.

### **6. Selection Methods**

- 6.1.** Where a need for redundancies has been identified, those members of staff directly affected will form a "pool" from which redundancies will be made which will be detailed in the consultation information as detailed above.
- 6.2.** The selection criteria used may vary according to circumstances, but may include for example such considerations as:

Qualifications, skills and experience in relation to DALP's strategic and operational requirements, both current and future

Other objective criteria which may be used to provide a fair basis for selection on grounds of performance or merit. E.g. Teacher standards/professional standards.

- 6.3.** Redundancy should not be used to deal with cases of misconduct or poor performance, for which other procedures exist. However, where a genuine redundancy situation has already arisen, and there is a requirement to identify candidates for redundancy selectively from within a pool of staff members, it may be appropriate to consider overall work performance where this is demonstrable by reference to accepted and objective criteria.

## **7. Voluntary Redundancy**

- 7.1.** Wherever possible DALP will seek volunteers to achieve the required reduction in staff number. Any such volunteer will be treated as a normal redundancy and will not be expected to resign.
- 7.2.** Volunteers will not be unreasonably refused. However, we must ensure that we retain the necessary balance of skills and experience amongst staff to carry out our future commitments effectively. If requests from volunteers exceed the required staff reduction then the selection criteria agreed through the consultation process will be used.

## **8. Selection**

- 8.1.** As detailed above the criteria to be used in the selection process will be sent to the trade unions and members of staff in the area(s) where redundancies are to be made before the selection process takes place.
- 8.2.** Using the agreed criteria, staff in the pool will be given the opportunity to submit a written response to the criteria to indicate how they feel they matched the criteria.<sup>1</sup>
- 8.3.** Assessments will be undertaken by the individual's line manager plus a member of the HR Team. If it is not possible to differentiate between members of staff on the basis of criteria described above, a range of alternatives will be considered which include presentations, skills tests or interviews.
- 8.4.** Individual staff members selected as redundant will be served the appropriate contractual notice to terminate their employment in writing with full details of the selection rationale relating to them.

## **9. Redeployment**

- 9.1.** Once staff are identified as redundant and notified of their potential redundancy DALP will actively seek suitable alternative work for them within the Trust prior to their redundancy taking effect.
- 9.2.** "One to one" meetings will be held between the member of staff, their line manager and a member of the HR Team. This consideration will take into account the individual's skills, levels of responsibility and seniority, and career aspirations. Consideration will be given to reasonable retraining where practicable in order to assist with redeployment into suitable alternative work. If a suitable role is found and the member of staff and manager deem this to be suitable then a formal offer will be made in writing. This may stipulate a trial period as described below. Members of staff not accepting a reasonable offer of suitable alternative work may result in any potential redundancy payments not being made.

## **10. Trial Period**

- 10.1.** Staff who are redeployed to alternative posts will normally do so on the basis of a mutually agreed trial period, the length of which should be at least 4 weeks, but will depend upon the nature of change of duties (and any retraining) involved. If the trial period is successfully concluded the member of staff will be notified and deemed not to be redundant. Staff that elect during the trial period to leave will still be entitled to receive their redundancy payments; however they will not be entitled to a further period of notice.

## **11. Assistance With Job Seeking**

- 11.1.** DALP will grant members of staff who are under notice of redundancy reasonable time off with pay to seek alternative work, or to arrange training. They will be permitted reasonable use of DALP's office facilities such as telephone, photocopier etc. to assist with this.

## **12. Appeal**

- 12.1.** Any member of staff, who has been issued notice of redundancy and considers that they have been treated unfairly in having been selected for redundancy, may appeal; the appeal should be made in writing to the Director of Operations. Written notice of an intention to appeal, and the grounds on which it is based should be submitted within 5 working days of notice of redundancy being given. Appeals against action taken will be held by a panel consisting of the Chief Executive Officer or nominated Deputy and one other Trust Director (not previously involved in the process). Whilst the period of notice should continue to run during such an appeal, the redundancy should not take effect until the internal appeal process has been completed.

## **13. Payments**

- 13.1** Members of staff with two or more years' service will be entitled to a statutory redundancy payment in accordance with the Continuity of Employment Orders.
- 13.2** The minimum weekly wage used in these calculations will be the statutory compensation figure used in calculating Tribunal awards. DALP may decide to make payments based on actual weekly salary rates which will be notified during the consultation period.
- 13.3** DALP will pay due regard to the requirements of the LGPS, including the Trusts discretionary powers and Teacher Pension Scheme's where these relate to a redundancy dismissal.
- 13.4** Final authorisation of payment to individuals will be signed off by the Principal/Executive Principal or appropriate representative of the Executive Management Team.
- 13.5** A redundant member of staff who wishes to leave DALP before the expected redundancy date but is under notice of redundancy will, subject to agreement by us, be permitted to leave and to be paid their redundancy payment at that point. Notice will normally be

worked, however further payments for outstanding holiday entitlement or pay in lieu of notice will be agreed on an individual basis.

- 13.6** Staff members who are made redundant (either on a voluntary or compulsory basis) will not be required to repay any expenses, apart from salary sacrifice purchases, normally recovered on termination. Members of staff must however return any Trust equipment before termination takes effect.

#### **14. Review of policy**

- 14.1.** This policy is reviewed and amended every two years by Diverse Academies Learning Partnership in consultation with the JCNC representatives. We will monitor the application and outcomes of this policy to ensure it is working effectively