

# Redundancy/Restructure Policy and Procedure

**Version 5.0**

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<b>Name of Responsible Committee/Individual:</b>	Board of Directors
<b>Date Policy Agreed:</b>	February 2021 (Version 1) December 2022 (Version 2) December 2023 (Version 3) December 2024 (Version 4) September 2025 (Version 5)
<b>Review Date:</b>	September 2026
	All Employees
<b>Related Documents:</b>	Redeployment Procedure ACAS Redundancy Handling Booklet April 2014 Redundancy Payments (Continuity of Employment in Local Government) (Modification) Order 1999 Local Government Association

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## 1 Introduction and Scope

The **Brighter Futures Learning Partnership Trust** (BFLPT) aims to maintain secure employment for all members of staff by reviewing its staffing structures on a regular basis to plan for future needs. However, in certain circumstances the need to restructure the workforce may be unavoidable and a potential redundancy situation may arise.

Where the need to restructure arises, the Trust will seek to ensure that:

- Measures are implemented to avoid redundancies where possible and the total numbers of redundancies are kept to a minimum.
- Effective communication and consultation takes place with staff and their Trade Union representatives at the earliest opportunity.
- All employees have the right to be accompanied by a Trade Union representative or a work colleague throughout the process.
- Selection for redundancy or posts in a restructure situation is based on clear criteria which will be objectively and fairly applied.
- Redeployment opportunities are explored wherever possible, and members of staff are supported in seeking alternative employment.
- Staff members selected for redundancy are given the opportunity to appeal.

In this Trust, it is expected that members of staff affected by a potential redundancy or restructure situation will attend collective and individual consultation meetings, wherever possible.

A member of staff who is at risk of redundancy has a responsibility to seek and accept alternative employment where it is suitable. A refusal to accept an offer of suitable alternative employment may result in the staff member forfeiting their right to a redundancy payment.

This policy and procedure outlines:

- How this Trust will manage redundancy and restructure situations in a fair, consistent, and reasonable manner
- How the Trust will meet its obligations with regards to consultation.
- The entitlements of members of staff who are made redundant.

**All those involved in carrying out the redundancy selection process will maintain strict confidentiality.**

## 2 Definition and Legislation

Redundancy is a potentially fair reason for dismissal. A dismissal by reason of redundancy may occur when:

- 'The Employer ceases or intends to cease, to carry on the business for the purposes of which the Employee was employed or intends to cease, to carry on the business in the place where the Employee was so employed'

- ‘The requirements of that business for Employees to carry out work of a particular kind, or for Employees to carry out work of a particular kind in the place where he was so employed have ceased or diminished or are expected to cease or diminish’  
(Section 139 (1) Employment Rights Act 1996)

A restructure may be defined as a reorganisation of the Trust’s/Schools’ operations which may give rise to a need to change. This may include:

- A requirement to change the staffing structure linked to the needs of the school – changes linked to the Trust’s or schools’ Development Plans/curriculum model
- A change to employees’ job roles and / or job descriptions
- A change in employees’ salary, hours or other terms and conditions
- The way in which a service is delivered including an employee’s pattern of work.
- The closure, transfer or restructuring of a specific service or group of services
- A specific programme designed to achieve efficiency savings or increased performance and effectiveness through the transformation of current methods of working practice
- A response to statutory, local, regional or national requirements which impact on curriculum offer

**Where organisational changes affecting staff are proposed by the Headteacher/Principal they must consult with the CEO and ensure a full business plan and rationale are submitted to the Trust Board for approval before undertaking any discussions with staff.** Wherever possible, consultation will commence at a formative stage of development and staff will be encouraged to share their views, ideas, and solutions, minimising the potential negative impact change can have on staff and services. The solutions put forward must not impact on the quality of education and must be cost effective.

Where the Trust is satisfied of the need to proceed, and that no other reasonable alternatives exist, they will ask the CEO (or nominated person by the CEO) to begin a consultation process and, if appropriate, confirm that a redundancy situation is unavoidable. In the case of restructures a redundancy situation may be declared as a precautionary measure in situations where the extent of any redundancies is not yet known.

A restructure may also result in the need to reduce the total number of staff and this could lead to a redundancy situation. Situations which may result in the need for redundancies could include:

- School closure/amalgamation.
- Falling rolls.
- Amalgamation or closure of facilities/departments.
- Budgetary problems.
- A change in the demand from certain subject areas or job requirements
- Reorganisation of management or departmental structures.
- Changes to the curriculum due to national policy or emerging need

**This list is not exhaustive.**

### 3 Roles and Responsibilities based on Brighter Futures Learning Partnership Scheme of Delegation

The **Board of Trustees** is responsible for monitoring the effectiveness of this policy, ensuring that a fair and consistent approach is applied across the Trust.

The **CEO** is responsible for ensuring that redundancy situations across the Trust are managed effectively, fairly and that leaders and managers adhere to this policy and procedure. She/He is also responsible for reviewing, applying, monitoring and evaluating this policy and procedure in line with legal and statutory requirements. This will be done with support from the Trust's HR Manager and external advisers.

The **Headteachers/Principals** and **Local Governing Boards** are responsible for ensuring adherence to this policy within their respective schools and for ensuring that any business cases to restructure or make redundancies are reviewed by the CEO, before being approved by the Trust. All staffing structures will be based on individual school need and affordability.

**Leaders, Managers** and **staff** with supervisory or leadership responsibilities must ensure they implement this policy fairly and equitably, seeking guidance, clarification and support as and when required.

**The Trust** will consult with trade unions at a local secretary level throughout a redundancy process.

In this Trust:

- A meeting will be convened by the Chief Executive Officer and the Headteacher/Principal at which all relevant employees and their trade union representatives will be informed of the situation. This initial meeting is crucial to the successful implementation of any employee changes and should take place at the earliest opportunity and at least one term in advance of the date upon which any reductions are required.

Appeals will be heard by a panel of one or more Trustees/Governors (As per the Scheme of Delegation) who have had no prior involvement in the matter under consideration. It will be usual for a Trustee/Governor panel to be comprised of not less than 2 members, although this may vary depending on the circumstances.

#### Equality and Diversity

The Brighter Futures Learning Partnership Trust is committed to:

- Promoting equality and diversity in its policies, procedures and guidelines
- Delivering high quality teaching and services that meet the diverse needs of its student population and its workforce, ensuring that no individual or group is disadvantaged

#### Scope

This procedure applies to all staff employed by the Trust, although apprentices will not normally be treated as employees for the purposes of redundancy selection.

#### Steps to avoid compulsory redundancy.

Where a potential redundancy situation arises, the school will in the first instance consider any avoidance measures including:

- Non recruitment to vacant posts
- Seeking volunteers for redundancy if a restructure is possible

- Appointing to vacancies from among existing members of staff
- Cessation of temporary / fixed term contracts / secondments, where this is lawful and fair
- Exploring other options with members of staff such as a reduction in hours
- Redeployment to alternative posts in the school
- Retraining
- Early retirement (within the provisions of the Teacher's Pension and LG Pension Scheme)
- Reduction in the use of casual or supply staff
- Reduction in overtime or additional hours.

### **Requests for Volunteers**

To prevent compulsory redundancies, applications for voluntary redundancy will be considered. Volunteers will be asked to put their request in writing and the Trust will determine whether this can be accepted. The Trust reserves the right to decline volunteers in circumstances where this may be detrimental to the business needs of the school. In order to consider requests from volunteers, the Trust may ask for volunteers to express an interest by a specified date.

Consideration will be given to 'bumped' redundancies where appropriate. A bumped redundancy is where a volunteer for redundancy who is not in the initial pool is accepted and someone who would otherwise be made redundant moves to the post of the volunteer.

Should sufficient volunteers be accepted, the Trust may halt the process in one or all of the selection pools.

An acceptance of a volunteer is provisional pending the conclusion of the redundancy process. Should the situation within the school change prior to notice being issued, this offer may be withdrawn.

## **4 Implementation and Timescales**

In this Trust, guidance will be taken from the Advanced HR Human Resources Provider and the Trust's legal advisers regarding the appropriate consultation period given the circumstances although it is envisaged that the normal consultation timescales will be not less than 15 working days (although a shorter timescale may apply in exceptional circumstances). Consideration will be given to allowing sufficient time for meaningful consultation with members of staff and their representatives.

During the consultation period staff and representatives will be invited to make verbal or written comments about the proposals for the Redundancy Panel to consider. During this time, the Trust may meet to consider and respond to queries and alternative options presented.

The Trust may, in exceptional circumstances, adopt a shorter timescale for the process, but with due regard for the need for meaningful consultation. A shorter timescale may also be followed in the case of restructures which do not involve potential redundancies or where members of staff are in agreement to the proposed changes.

For the purpose of this procedure 'working day' will normally refer to the 195 days of the school year for teachers employed under the terms of the STPCD.

For support staff employed on a term time only basis working days will normally refer to the schools/UTCs' working days (meaning school and bank holidays will be excluded)

## **Selection Pools**

When a restructure or redundancy situation arises, the Trust will use objective criteria to establish, at the outset, those staff member or the members of staff who will be within the selection pool.

The pool(s) will be determined by the circumstances and may comprise of the whole school/a discrete department or a particular group of staff members or an individual member of staff who undertake the same or similar work.

## **Consultation**

Consultation is the process by which the Trust and members of staff or their representatives jointly examine and discuss issues of mutual concern. It involves leaders/managers actively seeking and then taking account of the views of staff members, either directly or through their representatives, before making a decision. It is not necessary for parties to reach agreement for the consultation to be complete although it is necessary for both parties to undertake genuine consultation with a view to reaching agreement. Where agreement cannot be reached this will not unduly delay moving to implementation providing that all matters raised have been considered in a reasonable and justifiable manner with appropriate responses provided. It therefore remains the Trust's right to make the decision irrespective of members of staff or representative agreement.

## **Consultation Process**

A consultation meeting will be convened as soon as practicable with the potentially affected staff and their representatives to discuss proposals to restructure / redundancies.

Trade unions representatives will be given as much notice as possible of any consultation meeting, and copies of any documentation relevant to the proposals. This may include the business rationale, relevant budgetary information, relevant pupil and curriculum information, list of posts potentially affected. These should be shared with representatives as soon as is practicable.

During the consultation, the Trust will explain the rationale, proposals for change and outline the process and timescales to be followed. There will usually be an opportunity for representatives to attend a pre-meet at the school/UTC immediately before the consultation meeting. At the consultation meeting members of staff and their representatives will be invited to put forward their written views and alternative proposals for consideration by the redundancy/restructure panel (with a view to reaching agreement, if possible). Immediately following this meeting members of staff will usually have the opportunity to meet with their representatives.

Following the consultation meeting the school will enter into a period of formal consultation with members of staff and their representatives and the proposals will be formally set out in writing by the Trust to all staff and their representatives.

In the case of potential redundancy situations, written consultation notification will include:

- reasons for the proposals and any proposed redundancies
- numbers and descriptions of employees it is proposed to make redundant and the total number of employees of this description at the school
- the proposed method of selecting those who may be dismissed
- the proposed method of carrying out the dismissals, including the period over which dismissals will take place
- timescales for the process
- how redundancy payments will be calculated

- options for consideration and means by which compulsory redundancies may be reduced or avoided or the consequences of redundancies mitigated
- arrangements for individual consultation meetings
- an invitation to members of staff and their representatives to put forward responses or counter proposals with a view to reaching agreement where possible.

In the case of a restructure, where no redundancies are proposed, this information may be modified and may include:

- Details of the proposed changes to the structure and impact of these on staff
- Job Descriptions and Person Specifications for any new or changed posts
- Details of the selection process to any new roles.

The purpose of consultation is to explain the proposals and to explore alternatives with a view to reaching agreement, if possible.

It is important that information is shared with members of staff who have been unable to attend the meeting particularly those who are absent due to sick absence or maternity leave.

### **Individual Consultations**

In this Trust members of staff will be encouraged to engage in meaningful discussion about the proposals in the consultation document and those who are included in the selection pool may be offered support including an individual meeting with an appropriate member of the management team to discuss:

- The implications of the proposals on them
- The proposed method of selection
- Timescales
- Their views on the proposals and any comments / alternative considerations they have
- Suitable alternative employment opportunities
- Expressing interest in voluntary redundancy.

A written record of the meetings may be made at the meeting and a copy given to the member of staff.

### **Consideration of Consultation Responses**

At the end of the consultation period the Trust will consider any comments and counter proposals which have been made. Should it be necessary, the Trustees may meet during the consultation period to consider if any changes should be made during this period of consultation.

If proposals are amended as a result of the consultation process, members of staff and their representatives will be advised of this at the earliest opportunity. Should alternative options become available as a result of consultation, the Trust may decide to halt the process, in one or all of the selection pools, to explore this

### **Assimilation**

In this Trust, members of staff may be automatically placed or assimilated into a post in the re-organised structure if their current post is largely unaffected by the proposed changes. In general terms assimilation may be considered in instances where:

- The grade is unchanged
- There are the same or greater number of jobs in the new structure as in the current structure

Posts that are potentially eligible for assimilation will be identified during the consultation process. The Trust will determine which posts will assimilate and eligible members of staff will receive written confirmation of this (usually at the end of the consultation period).

Wherever possible, assimilated roles will be offered at the earliest opportunity to reduce uncertainty and members of staff will be asked to confirm acceptance.

### **At Risk Notification**

At the end of the consultation period, and if there should be no alternatives with a restructure/redundancy having been identified, members of staff in the pool for selection will be notified in writing that they are formally 'at risk' of redundancy if appropriate and advised of the details of the redundancy/restructure selection process if this has not already occurred.

### **Selection Criteria**

#### **Selection for Redundancy**

If, having taken the above steps, it has not been possible to avoid a compulsory redundancy situation, the Trust will establish a suitable objective and fair method for selecting employees whose jobs will be made redundant. The proposed selection criteria will be shared during consultation.

The selection criteria may include one or more of the following:

- Standard core competencies
- Job specific competencies and specialist skills
- Relevant Qualifications
- Performance management records and achievement of objectives
- Continuous Professional Development within the past 5 years
- Evidence of contribution to the wider School community
- Ability to fulfil the future role of the post.

The precise selection criteria may vary dependent on the selection pool and what is reasonable given the circumstances. When identifying selection criteria, the Trust will have careful regard to equalities issues and reasonable expectations for the job role.

The Trust will seek to ensure that the selection criteria are robust and fairly applied and objectively scored for all candidates within the pool. Selection criteria may be assessed either via:

- A skills audit
- An application and interview process
- Expressions of interest
- A selection activity
- An analysis of staff data.

More than one selection method may be used. Where multiple methods are used the relative weighting of these will be specified. The proposed selection criteria and method will be shared during consultation.

Where there is a single member of staff in the selection pool or all posts within a pool are to be removed from the structure, it will not be necessary to undertake a selection process.

## **Selection in a Re-organisation**

In this Trust, if new posts or significantly different posts are created as a result of a restructure, recruitment to these will usually be via a competitive application/recruitment process. The process of this will be outlined during consultation.

In such circumstances, these vacancies may be ring fenced to certain groups of staff or individuals, in the first instance. Any ring-fencing provisions will normally be outlined during consultation.

## **Notification of Outcome**

### **Selection for Redundancy**

Members of staff will normally be notified in writing of the outcome of any selection process and, if provisionally selected for redundancy, the reasons for their selection and proposed dismissal on the grounds of redundancy.

The member of staff will be invited to attend a meeting with their Headteacher/Principal and will subsequently be written to informing them of this and notification of their right to appeal.

### **Offers of new posts or variations**

When a member of staff is offered a new post or a variation made to their current terms and conditions the details will be confirmed to them, this will include:

- the effective date,
- salary protection arrangements that apply if any,
- a request to confirm their acceptance in writing (the Trust may specify a timescale in which confirmation should be given).

Where an offer of a new post is declined, the member of staff is able to appeal against the decision to terminate their current post.

Where a member of staff has accepted alternative employment there is no right to representation or appeal.

Where changes to terms and conditions or an offer of suitable alternative employment are unreasonably refused – the Trust reserves the right to dismiss the member of staff with notice and re-engage them on the new terms.

Members of staff who have been provisionally selected for redundancy or who have declined an offer of alternative employment/terms and conditions variation will be invited to attend a meeting with the Headteacher/Principal

The purpose of this meeting is for the Headteacher/Principal to inform them of the decision. This meeting should take place immediately

## **Notice Entitlement**

Members of staff will receive written notice of their dismissal by reason of redundancy as soon as possible.

Notice will be whichever is the greatest of contractual or statutory entitlement, up to a maximum of 12 weeks as determined by qualifying continuous. Where statutory notice is issued this will be 1 week for each year of service, up to the maximum of 12 weeks.

In the case of teachers, notice will be issued with due regard to the contractual provisions and termination dates set out in the Burgundy Book detailed in table below or statutory entitlement whichever is the greater.

For redundancies at the end of the Summer term	3 months' notice expiring 31st August
For redundancies at the end of the Autumn term	2 months' notice expiring 31st December
For redundancies at the end of the Spring term	2 months' notice expiring 30th April

\*In the case of a Headteacher/Principal the notice periods are longer than those above and can be found in the Burgundy Book.

## Appeals

Members of staff in this Trust may appeal in writing against the decision to terminate their current contract by reason of redundancy. Any appeals should be made **within 5 days of receipt of written notice (unless otherwise notified)** and should state clearly the grounds and reasons for appeal. The letter should be addressed to the **Trust HR Manager, Mrs T Duncan**.

At the meeting, the member of staff may wish to present reasons why they believe they should not have been selected. However, it should be noted that the meeting is not an opportunity for the member of staff to add to information already provided during the selection process or comment on the performance of other members of staff in the pool. At the end of the meeting the member of staff may wish to ask the Panel (constituted with Trustees and/or Governors not involved in the process) to reconsider the Trust's selection decision.

The panel may adjourn the appeal meeting should the member of staff present information that requires further investigation.

A trade union representative or workplace colleague may be present at this meeting.

The meeting may **be postponed for up to 3 working days** if the Trade Union representative or workplace colleague cannot attend. It should be noted that where the proposed date of the appeal meeting has been shared with members of staff and their representatives at the outset of the redundancy process, it would normally be expected that parties would be available to attend on the pre-arranged date unless issues had been raised when the timeline was originally shared.

An appeal may be made on one or more of the following grounds:

- Unfairness of decision
- That new evidence has come to light
- Significant procedural irregularities.

Any documentation that the member of staff wishes to be considered by the appeal panel should be provided with the letter of appeal and in all cases no later than the deadline for the receipt of appeals.

Appeals will be heard by the redundancy appeal panel as soon as practicable, within 10 working days of receipt, unless there are exceptional circumstances.

The purpose of the appeal meeting is to review the decision on the basis of the grounds for appeal presented by the member of staff.

The outcome may be:

- To uphold the previous decision to dismiss the member of staff on the grounds of redundancy
- To uphold the member of staff's appeal and withdraw the dismissal decision.

The outcome of the appeal meeting will be confirmed in writing with the member of staff, usually within 5 working days.

**The decision of the appeal panel is final and there is no further right of appeal.**

### **Record Keeping**

Notes may be taken of all discussions and formal / informal meetings held with a member of staff to discuss redundancy issues. Where notes are taken a copy will be made available to the staff member.

Notes/minutes will be taken at representation and appeal meetings. The member of staff will have the opportunity to check the accuracy of these minutes.

### **Suitable Alternative Employment**

#### **Identification of vacancies**

In this Trust, we will take reasonable steps to identify suitable alternative employment and redeployment opportunities for members of staff under notice of redundancy.

Individuals will be made aware of any vacancies which arise within the school and Trust which could be a suitable match

Priority will be given wherever possible to members of staff under notice of redundancy where they meet the criteria for any vacancy or could do so with reasonable training

Any offers of alternative employment will be made in writing, including the terms upon which the post offered.

Where suitable alternative employment is offered salary protection may be payable in accordance with the provisions of teaching or support staff pay and conditions. It should be noted that only posts identified during the consultation process as suitable alternatives will attract protection.

#### **Refusal of Suitable Alternative Employment**

Should a member of staff feel they are unable to accept an offer of new terms and conditions or an offer of a new post they may wish to discuss the reasons for this informally with the Headteacher/Principal in the first instance. It will be for the member of staff to demonstrate to the Trust the reason why the alternative offer made by the School/Trust is not reasonable and, or suitable.

A member of staff who unreasonably refuses an offer of suitable alternative employment, which is made with broadly comparable terms and conditions, may lose their entitlement to redundancy pay. In such circumstances, dismissal would still be for reason of redundancy.

### **Trial Periods/Redeployment**

Where a member of staff is under notice of redundancy, any offer of suitable alternative employment within this School and where the provisions of the new contract differ from the current contract, will be subject to a **4-week trial period**.

If either party determines within this period that the new job is not suitable, the employment will terminate by reason of redundancy on the date on which employment on the previous contract was due to end. In cases where a member of staff terminates the trial period without good reason the Trust reserves the right to withhold the redundancy payment.

The trial period may be extended beyond the initial 4 weeks by mutual agreement to enable further retraining but only in limited specific circumstances. Any extension will be confirmed and agreed in writing.

The Trust may, at its discretion, offer trial periods to members of staff offered suitable alternative employment at an earlier stage of the redundancy process.

### **Right to Representation**

A workplace colleague or trade union representative may accompany members of staff to any formal meeting connected with a restructure or redundancy process.

The Trust undertakes to provide reasonable opportunities for consultation with recognised Trade Union Representatives during any process. Consultation would usually be with the officers of recognised unions who may delegate the matter to Trust or local representatives.

The Trust also undertakes to facilitate reasonable opportunities for members of staff to meet with their Trade Union representatives during any process.

**Note:** *All records should be treated as confidential and will be kept no longer than necessary and in accordance with the GDPR Regulations and Data Protection Act 1998.*

## **5 Monitoring**

This policy will be monitored by the Trust's CEO and HR provider and will be reviewed as required or after a two-year period.

### **Calculating Redundancy Payments**

Redundancy payments will be calculated in accordance with the Statutory Redundancy pay rates. In addition, the Trust will recognise prior continuous service.

Members of staff will receive a written estimate of redundancy pay. The redundancy payment will be based upon the contractual circumstances of the member of staff at the date the redundancy notice is issued.

Advice on this should be sought from the Trust HR Manager – Mrs T Duncan

### **Release of Local Government Pension**

Employees aged 55+ at the date of redundancy are entitled under the terms of the Local Government Pension Scheme to the immediate release of their local government pension. In this instance the Trust must discuss the process with their Human Resource Adviser.

### **Time off to seek alternative employment**

Members of staff in this Trust who are under notice of redundancy and who have been continuously employed by the school for at least 2 years, will be given a reasonable amount of time off work to look for another job, attend interviews or attend training. In this Trust wherever possible extend this provision to staff with less than 2 years' service.

In granting time off consideration will be given to the business needs of the school/UTC. Members of staff wishing to take advantage of this provision should make appropriate arrangements with their Headteacher/Principal.

### **Securing Alternative Employment**

Members of staff will not normally be entitled to a redundancy payment if they are offered before their date of redundancy, alternative employment within the Trust.

Members of staff should advise the school as soon as possible if they are offered alternative local government employment which means they are no longer entitled to a redundancy payment.

In this Trust members of staff may be asked to provide a written declaration that they are not taking alternative employment which would invalidate their entitlement to a redundancy payment. Should it become apparent that they have made a false declaration any redundancy payment may be withheld or reclaimed.

### **Leaving before the redundancy date**

If a member of staff requests to leave earlier than their notice date they should discuss this with the Headteacher/Principal and explain the reasons for requesting an early release. This will usually be regarded as a resignation. (Exceptionally, the Trust may agree to the member of staff retaining their redundancy payment when leaving early but Headteachers/Principals must discuss this with the CEO before any agreement can be made)

### **Outstanding Leave**

Members of staff who are to be made redundant will be advised of any outstanding leave. This should be taken during the notice period but should this not be possible, payment will be made in lieu of any outstanding leave.

### **Reasonable Adjustments**

In this Trust, consideration will be given to making 'reasonable adjustments' in any redundancy consultation and selection process for members of staff with declared disabilities or additional needs. This may include the provision of a scribe to assist in the completion of written audits. In these instances individuals, should make the Headteacher/Principal aware of any additional requirements so that consideration may be given to appropriate adjustments.

### **Absent Employees**

In this Trust absent members of staff who are affected by a redundancy/restructure will be kept informed of the process by inviting them to consultation meetings and ensuring they receive copies of relevant written information. Where an individual is unable to attend meetings, the Trust will explore means of ensuring effective communication is maintained.

### **Considerations for pregnant members of staff and new parents**

Pregnant members of staff will be given protection in a redundancy situation.

By law (Employment Rights Act 1996), the Trust will offer a suitable alternative vacancy, **if there are other suitable posts**. The law applies to anyone with the [legal status of employee](#) who is either:

- pregnant
- taking maternity leave
- taking adoption leave
- taking shared parental leave
- taking neonatal care leave

**Pregnancy and maternity leave** – Members of staff will be protected during pregnancy (from the point they tell the school/UTC or Trust that they are pregnant) and during an additional protected period after they return to work from statutory maternity leave. This period is calculated from the first day of the expected week of childbirth for a period of 18 months. If a member of staff takes their full 12 months of statutory maternity leave, they'll receive an extra six months of protection following their return to work. This rule applies where the school/UTC or Trust is informed of the pregnancy on or after 6 April 2024, and for the additional protected period, for any maternity leave ending on or after 6 April 2024.

**Stillbirth or miscarriage** - The redundancy protected period starts when a member of staff tells the school/UTC or Trust that they are pregnant. If a member of staff has a miscarriage within the first 24 weeks of pregnancy, the redundancy protected period ends 2 weeks from the end of the pregnancy.

If a child is stillborn after 24 weeks of pregnancy, the redundancy protected period ends 18 months from the date of the birth.

**Adoption leave** –Members of staff will be protected during adoption leave plus during an additional protected period when they return to work, calculated from the day the child is placed for adoption with the member of staff for a period of 18 months.

**Shared parental leave** –Members of staff will be protected during shared parental leave plus an additional protected period when they return to work, calculated from the date of birth of the child/the child's placement for adoption for a period of 18 months (the additional protected period will only be available providing the member of staff has taken at least six weeks of continuous shared parental leave and will apply to shared parental leave starting on or after 6 April 2024). This protection will not apply if the member of staff is otherwise protected under the adoption or maternity provisions above.

Where a member of staff on maternity or adoption leave is made redundant, statutory maternity and adoption pay will continue until its expiry – however occupational maternity / adoption pay will cease at the date of redundancy.

**Neonatal care leave** - From 6 April 2025, members of staff taking neonatal care leave are protected from redundancy.

If the member of staff has taken 6 consecutive weeks of neonatal leave they will have additional protection from redundancy.

This redundancy protected period is for:

- 18 months from birth for birth parents and intended parents in a surrogacy
- 18 months from the day the child is placed for adoption
- 18 months from the day the child enters Great Britain for overseas adoptions

Anyone who has this redundancy protection has priority over other members of staff. This applies even if other members of staff are also suitable.

If there are not enough suitable vacancies for everyone who has this redundancy protection the Trust will decide who is most suitable for the roles available. This might include a member of staff's:

- skills
- job knowledge
- experience

### **Advice and Support for Employees**

Staff are advised to seek support from their Trade Union Representative or Professional Association with regards to redundancy issues. Staff members may address questions about this procedure to the Headteacher/Principal, other delegated staff member or Central HR Manager.

**APPENDIX 4**  
Model Redundancy Timeline

	Date	Responsible Manager/Panel
<p>CEO reviews the Business Case with Headteacher/Principal and the Trust meets to consider if the school/UTC needs to make redundancies.</p> <ul style="list-style-type: none"> <li>• Leaders and staff are informed of the potential redundancies</li> <li>• Agree need to proceed with restructure and commence consultation</li> <li>• Panel for selection process identified with CEO</li> </ul>		
<p>Consultation Meeting with member of staff and Trade Union / Professional Associations</p> <ul style="list-style-type: none"> <li>• Proposals Explained</li> </ul>	At least 3 working days' notice	
<p>Consultation Period / S188</p> <ul style="list-style-type: none"> <li>• Section 188 letter (if required) and documentation circulated to unions</li> <li>• Individual Consultation Meetings Held</li> </ul>	Consultation needs to be meaningful - Recommendation up to 30 days'	
<p>Individual Consultation</p> <ul style="list-style-type: none"> <li>• Employees given the opportunity to meet on 1:1 basis</li> </ul>	Usually during first week of consultation	
<p>During Consultation</p> <ul style="list-style-type: none"> <li>• Trust considers responses to consultation and whether original proposals should proceed</li> </ul>	The proposal should be consistently monitored by Headteacher/Principal and the CEO should be advised immediately of any changes	
<p>End of Formal Consultation</p> <ul style="list-style-type: none"> <li>• Selection Panel considers responses to consultation and whether final proposals should proceed</li> </ul>	ASAP after end of consultation	
<p>At risk letters sent</p> <ul style="list-style-type: none"> <li>• Employees placed at risk and notified of selection process</li> </ul>	Allow 1 week	
<p>Selection</p>	Allow 1 – 2 weeks	

<ul style="list-style-type: none"> <li>• Audits / Applications to be returned by</li> <li>• Selection Meeting</li> <li>• Interviews Held (if applicable)</li> </ul>		
<p>Notification of outcome</p> <ul style="list-style-type: none"> <li>• Communicate outcome of process</li> <li>• Inform members of staff if their posts are selected for redundancy or</li> <li>• Offer of an alternative post made / contractual variation confirmed</li> <li>• Employees advised of right to representation &amp; appeal</li> </ul>	ASAP after conclusion of selection process	
<p>Redundancy Meeting</p> <ul style="list-style-type: none"> <li>• Meeting with Headteacher/Principal/CEO</li> </ul>	Usually held within 5 working days after notification of outcome	
<p>Notice Issued</p> <ul style="list-style-type: none"> <li>• Notice will be the greater of statutory or contractual entitlement up to a maximum of 12 weeks</li> </ul>	Following redundancy meeting and in line with statutory / contractual entitlement	
<p>Appeal Meeting</p> <ul style="list-style-type: none"> <li>• Appeals to be made by</li> <li>• Representations to be heard by</li> <li>• Employees Advised of the outcome by</li> </ul>	<p>5 working days to make appeal</p> <p>Appeals usually heard within 10 working days</p> <p>Outcome within 5 working days of appeal meeting</p>	
Contract terminated by reason of redundancy		

**ACAS Guide to Redundancy**

The policy will be implemented in accordance with the provisions of the ACAS Guidance.

**Confidentiality**

The Restructure, Redundancy and Redeployment processes will be treated with confidentiality.

**Consistency of Treatment and Fairness**

The Trust is committed to ensuring consistency of treatment and fairness and will abide by all relevant equality legislation.

**Retention of Records**

The governing board and head will ensure that all written records are retained in a secure place and then destroyed in accordance with the Data Protection Act 1998.

## REDUNDANCY SELECTION

(Example only – each audit will be determined by the redundancy panel. The questions presented in a skills audit will try to ensure there is clear differentiation to enable all colleagues to demonstrate their most recent skills, experiences and competencies over a period of 5 years)

This Skills Audit Form is to be completed and returned to the Trust's HR Manager \*\*\*\*\*.

Your name will then be deleted and replaced with a reference number that can be used to identify the forms following selection.

Please provide all relevant experience, skills and qualifications you have whether these have been gained through formal employment, voluntary work or life experience. It is important that you include all the information that you wish the governors to consider against each criteria. Help in completing the form is available. Please speak to (Headteacher/Principal) or contact the Trust's Central HR Manager. Alternatively, a representative from your Trade Union may be able to help

## Personal Details

<b>Name</b>		
<b>Address</b>		
<b>Telephone</b>	Home	
	Mobile	
<b>Email</b>	Home	
	Work	

## Post details

<b>Current Post</b>	
<b>Grade</b>	
<b>Hours worked</b>	
Summary of main duties and responsibilities	
<p>Please continue on a separate sheet if required (maximum of 1 side of A4)</p>	

**Experience, skills and abilities** (including any experience, skill and abilities you have gained in work and outside work such as voluntary/community work that is relevant to the curriculum and pastoral needs of the school)

Please include any contribution to the school's/UTC's curriculum and responsibility for subject leadership and co-ordination.

Please continue on a separate sheet if required (maximum of 1 side of A4)

**Education and training**

Please highlight all professional qualifications and work-related training

**Any Other Relevant Information**

Please provide details of any other relevant information that you wish governors to consider in making their decision.

## Other factors

### Experience within the Classroom

Year Group		Dates Worked
Reception		
Year 1		
Year 2		
Year 3		
Year 4		
Year 5		
Year 6		
Substantive supply work in the school		
Experience in teaching both Key Stages		

### Experience of the end of Key Stage assessment

Key Stage		When Undertaken
KS 1 assessment		
KS 2 assessment		

### School Management

Responsibility		When Undertaken
Special Needs Coordinator		
Performance Management Leader		
Transition and transfer (year 6-secondary)		

**I can confirm that to the best of my knowledge the above information is correct. I recognise that providing deliberately false information could result in disciplinary action.**

Signed: ..... Dated: .....

### Additional Information to be completed by Human Resources Manager

Attendance Record	
Active Disciplinary Record	
Termination Costs	
HR Contact	
Telephone Number	

**APPENDIX 7**  
Summary of Roles and Responsibilities

Role	Responsible For
CEO, Headteachers/Principal, Governors and Trust HR Manager	<p>Planning and reviewing the staffing structure to best meet the needs of pupils whilst ensuring the optimum use of the School's resources</p> <p>Establishing and adhering to restructure and redundancy procedures</p> <p>Consulting with members of staff and their Trade Union representatives</p> <p>Seeking to minimise redundancies and identify alternative employment opportunities for members of staff who are at risk of redundancy</p> <p>Ensuring that where redundancies are necessary employees are dismissed fairly.</p> <p>Determining the selection criteria to be used in the event of compulsory redundancy</p> <p>Applying the Policy in a fair and equitable way.</p> <p>Maintaining confidentiality through the process</p>
CEO/Headteacher/Principal (In the absence of the Headteacher/Principal this responsibility would be delegated to the most senior nominated person)	<p>Presenting the management case to a hearing of the Redundancy panel (if required).</p> <p>Accompanying the Chair of the Redundancy panel to any appeal hearing or represent the chair of the redundancy panel at any appeal hearing.</p>
Staff in school	<p>Co-operating with re-organisation procedures</p> <p>Seeking to mitigate individual loss by actively exploring alternative employment and accept alternative work where it is suitable</p>
Senior Leadership Teams, Faculty Heads	<p>Supporting and seeking assistance for staff members.</p> <p>Liaising with the CEO/Headteacher over appropriate arrangements to support staff</p>
The Human Resource Manager/Advisers	<p>Taking responsibility for supporting and advising the CEO/Headteachers, Trustees/ governors, senior leadership team and staff members on the application of the policy and supporting its effective implementation.</p> <p>Assisting managers in implementing the policy.</p> <p>Advising on the appropriateness of the method of selection</p> <p>To support the representation and the appeal panel</p>

All parties involved in these procedures must ensure that they maintain, as appropriate, the confidentiality of the process within and outside the Trust.