



## Windsor Academy Trust

### Restructure and Redundancy Policy

<b>Restructure and Redundancy Policy</b>	
<b>Responsible Committee:</b>	People and Culture Committee
<b>Date revised by Board of Directors:</b>	10 February 2022
<b>Implementation Date:</b>	1 April 2022
<b>Next review date:</b>	March 2024

### Appendices

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## **1. Introduction**

- 1.1. Windsor Academy Trust (WAT) regards its employees as its most valuable asset and aims to provide a stable work environment and security of employment for all staff.
- 1.2. Each academy must, however, be able to respond to the need for organisational development and change. In order to minimise the impact of such events and wherever possible avoid redundancies, the procedures within this policy will be followed.
- 1.3. It is the Headteacher's responsibility, in consultation with the Local Advisory Board (LAB) to define the service that is to be provided within their academy and to formulate the most appropriate staffing structure to deliver that service within the usual constraints such as budgets.
- 1.4. This policy applies to all employees of WAT and establishes a process which provides for the fair and consistent treatment of staff in the event of a restructure or redundancy situation arising. Where an employee has enhanced redundancy payment terms under TUPE on or after 1 September 2018, the enhanced terms will continue to apply.
- 1.5. For the purposes of this policy, redundancy refers to a 'ceasing or diminishing need for work of a particular kind, or the ceasing or diminishing of work in a particular location(s).
- 1.6. For the purposes of this policy, restructuring can be defined as any change to the staffing structure. A restructure may or may not lead to a redundancy situation.

## **2. Definitions**

- 2.1. Headteacher refers to all or any of the Headteachers, Head of Schools or Executive Headteacher at all or any of the academies.
- 2.2. Academies refers to each or all the schools within WAT.
- 2.3. Selection panel will consist of at least two members of the senior leadership team.

## **3. Procedure**

### **3.1. Avoiding compulsory redundancy**

WAT will make every effort to avoid compulsory redundancies when facing the need to reduce staffing or change staffing structure. WAT will implement relevant, appropriate and practical measures to try and minimise the impact on staff which may include:

- Achieving a reduction through natural staff turnover and restrictions in recruitment
- Restricting the use of agency services, casual staff and external consultants where this work could be undertaken by existing employees
- Reducing overtime
- Reducing working hours of staff employed on variable hours contracts as an alternative to redundancy
- Undertaking a review of genuine fixed term contracts taking into account that staff on fixed term contracts should not be terminated to avoid the redundancy of an employee on a permanent contract of employment.

- Considering voluntary redeployment of staff into other suitable posts. Where practical, consideration will be given to retrain employees where employment opportunities elsewhere within WAT can be foreseen
- Explore the opportunities for voluntary reductions in hours from employees
- Consideration of voluntary redundancy if appropriate

### 3.2. Identification of need for a restructure/redundancy

If after considering the various strategies for avoiding redundancy, the Headteacher and LAB believe that a redundancy or restructure is necessary, they must consult with the Chief Executive Officer (CEO) and Head of HR before proceeding.

The proposal to consult with staff about restructuring or redundancies must be approved by the CEO before the procedure may be progressed beyond this stage. An example redundancy timetable is referenced in Appendix A.

Where the academy's proposal is to make 20 or more employees redundant within a 90 day period, in accordance with statute, WAT will issue a HR1 notification to the Redundancy Payments Service, disclosing in writing information relevant to the potential redundancy.

### 3.3. Consultation with staff and trade unions

In the event that it is necessary to make a reduction in staff, the Headteacher will inform all the staff concerned and the trade unions involved of the following:

- a) The reasons for the redundancy
- b) The number and descriptions of the employees to be dismissed as redundant
- c) The total number of employees of any such description employed at the academy
- d) The proposed method of selecting the employee to be dismissed
- e) The proposed method of carrying out the dismissals, including the period over which the dismissals are to take effect
- f) The method of calculating any compensation to be paid to redundant employees

If more than 20 employees are proposed to be made redundant, the following information will also be included:

- g) The number of agency workers working temporarily for and under the supervision and direction of the academy
- h) The parts of the academy in which the agency workers are working and the type of work they are carrying out.

The selection criteria which will appear in (d) above and on which the staff and trade union(s) will be consulted will be determined by the Headteacher, and may include the use of a pro forma.

When consultation is required (including restructuring where there is no redundancy situation), Union Representatives from recognised trade unions will be invited to a meeting to consult over the proposed redundancies, usually prior to any consultation with staff. At least 5 working days' notice will be given of this meeting along with the information detailed above. The staff consultation meeting will usually be held immediately after the union consultation meeting. WAT will consult with all staff affected by the proposals whether they are in a recognised union or not.

The Headteacher will consider any representations made during consultation and will respond to them after consultation ends. If there is a rejection of any representations, the reasons will be given in writing.

Where there is a proposal to dismiss between 20-99 employees for reasons of redundancy, there will be a 30 calendar day consultation period. Where the proposal is for less than 20 employees to be dismissed, a consultation period will be set that enables meaningful consultation to take place. Wherever possible, this will be at least a minimum of 10 calendar days.

### **3.4. Voluntary Redundancies**

At the discretion of the Headteacher, invitations to volunteer for redundancy will be offered to employees in all areas affected by the proposals where appropriate. The Headteacher will also consider whether employees in other departments that are not directly affected may also be invited to put themselves forward for voluntary redundancy.

Any employee who seeks information on the benefits available as a result of volunteering to be selected for redundancy will be entitled to do so without prejudice to their position.

The Headteacher will decide if any requests for voluntary redundancy can be accepted. If a request is accepted an offer will be made to the employee identifying the level of compensation that will be paid if the employee is dismissed as redundant. The offer will be in writing and include:

- The amount of any redundancy payable to the employee under the Employment Rights Act 1996.
- The date on which the redundancy would be effective

There is no right of appeal against not being selected for voluntary redundancy.

### **3.5. Application of the redundancy selection criteria**

If the necessary reduction is not achieved by the above means the Headteacher will, following the consultative process confirm details of how a selection will be carried out.

Where a pro-forma is the proposed method for selection the affected staff will be requested to complete and submit this in a sealed envelope to WAT Head of HR. WAT Head of HR will anonymise the pro formas prior to passing them to the selection panel that will score the anonymised pro formas against the selection criteria.

Once the decision is made the Chair of the selection panel will write to the employee(s) provisionally selected for redundancy to notify them of the proposal to terminate their employment on the grounds of redundancy and invite them to attend a meeting with the Headteacher in respect of the proposed dismissal. Individuals will be given 5 working days' notice of the meeting and may be accompanied by a trade union representative or workplace colleague.

The meeting will allow for the employee(s) to make representations against the proposed decision to make them redundant. The employee can choose to opt out of this meeting, if they do not wish to make representations and must do so in writing.

Following the meeting, representations will be considered and a decision reached about whether to confirm the proposal to make the staff member redundant. The outcome of the meeting shall be confirmed to the employee(s) in writing within 5 working days of the meeting. In the event the decision is to confirm the proposed selection for redundancy, the employee(s) will be given notice of dismissal and shall have the right of appeal against this decision by writing to the appeals committee (through the Headteacher) setting out their grounds for appeal within 10 working days of being notified of their selection for redundancy.

### **3.6. Appeals against redundancy**

All appeal hearings will be held as soon as possible after receipt of the appeal and will be heard by an Appeals Panel consisting of not less than two Directors.

The Appeals Panel will consider the grounds of appeal made by the employee and/or their representative. These representations may be made orally and/or in writing. Any written submission must be made at least 3 clear working days prior to the date of the appeal meeting.

The Headteacher (or Chair of the selection panel) may be required to attend the meeting and present details of their selection decision, as well as answering questions.

The Appeals panel can either; confirm the redundancy or uphold the appeal. In the event that the Appeals Panel decides to uphold the appeal, the notice of dismissal shall be immediately withdrawn and confirmed in writing, within 5 working days of the appeal meeting.

The decision of the Appeal Panel is final and there is no further right of appeal.

## **4. Redeployment**

- 4.1. WAT will take reasonable steps to identify suitable alternative employment opportunities for staff 'at risk' of redundancy (under notice of dismissal) and this will continue up to the last day of employment.
- 4.2. An employee who is redeployed to an alternative role has a statutory right to a trial period of four weeks in the alternative job where the provisions of the new contract differ from the original contract, without losing their entitlement to redundancy.
- 4.3. Where an employee unreasonably refuses offers of suitable alternative employment they may lose all rights to redundancy compensation.

## **5. Assistance in finding other work**

- 5.1. Employees 'at risk' of redundancy will be allowed reasonable paid time off to seek suitable alternative employment. Requests for time off will be balanced with the needs of the academy.

## **6. Redundancy – Compensation package**

- 6.1. Redundancy payments will be consistent with statutory redundancy payments. A week's pay will be defined as a normal week's pay up to the statutory maximum.

- 6.2. An employee who has at least two years' continuous service qualifies for a statutory redundancy payment. Under the Redundancy Payment (Local Government) (Modification) Order 1999 continuous employment with any other local authority or other specified employer is treated as continuous employment with one employer in the calculation of a redundancy payment.
- 6.3. In line with the statutory provision, the numbers of weeks' pay on which the payment is based are as follows, up to a maximum of 20 years' service:
- 0.5 week's pay for each full year of service where the employee's age was under 22
  - 1 week's pay for each full year of service where the employee's age was 22 or above, but under 41
  - 1.5 week's pay for each full year of service where the employee's age was 41 or above

A ready-reckoner for calculating statutory redundancy payments is at Appendix B.

- 6.4. Where employees with more than one contract are made redundant from only one post, service for redundancy payments will relate to the redundant post only.
- 6.5. Employees will not be entitled to a redundancy payment if they receive an offer of alternative employment, whether in writing or not with a body listed on the Redundancy Modification Order during their notice period and take up that employment within 4 weeks of their employment with WAT terminating. (Please note that if employment ends on a Friday, Saturday, or Sunday the four weeks is counted from the following Monday).

## Appendix A – Example redundancy timetable

		Actions required	Last date to be actioned
Preparation & Planning	1	Headteacher to consult with CEO and Head of HR on proposals to restructure and/or make compulsory redundancies. CEO to give approval to consult with staff and trade unions.	
	2	Invite trade unions to formal consultation (provide info as per Section 3.3).	
	3	Invite affected staff to formal consultation meeting.	
Consultation  <i>(No less than 30 calendar days if propose more than 20)</i>	4	Meeting with trade unions followed by meeting with staff to consult on the proposal to reduce staffing numbers.	
	5	Individual consultation meetings with affected staff (where requested).	
	6	Comments on proposals and selection criteria to have been received. Headteacher to consider and provide feedback.	
	7	Any agreed adjustments to be made to the staffing proposal/selection criteria in light of comments received during the consultation process.	
Voluntary solutions	8	Inform staff of the outcome of consultation and provide deadline for volunteers to submit requests.  <i>(If sufficient volunteers come forward or alternatives to redundancy identified the process is ended here)</i>	
Selection for compulsory redundancy	9	Confirmation of the selection criteria if required provided.	
	10	If applicable - staff invited to complete pro forma.	
	11	Completed pro formas to have been received by Head of HR in sealed envelope.	
		Head of HR to anonymise forms prior to review by selection panel	
	12	Selection panel score anonymised pro formas.	
13	Individual notified of selection for potential redundancy and invited to meeting with Headteacher		
Termination of employment and redeployment	14	Hold meeting with employee and allow for representations to be made (employee may choose not to attend)	
	15	Confirm outcome in writing to employee, (issue notice and provide right of appeal if decide to confirm proposed selection for redundancy)	
	16	Identify suitable alternative employment across the Academy and Trust wherever possible	
Appeal	17	Appeal hearing where required	

## Appendix B – Ready Reckoner for Statutory Redundancy Payments

Age	Completed Years of Service																			
	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	
16																				
17	½																			
18	1	1½																		
19	1	1½	2																	
20	1	1½	2	2½																
21	1	1½	2	2½	3															
22	1	1½	2	2½	3	3½														
23	1½	2	2½	3	3½	4	4½													
24	2	2½	3	3½	4	4½	5	5½												
25	2	3	3½	4	4½	5	5½	6	6½											
26	2	3	4	4½	5	5½	6	6½	7	7½										
27	2	3	4	5	5½	6	6½	7	7½	8	8½									
28	2	3	4	5	6	6½	7	7½	8	8½	9	9½								
29	2	3	4	5	6	7	7½	8	8½	9	9½	10	10½							
30	2	3	4	5	6	7	8	8½	9	9½	10	10½	11	11½						
31	2	3	4	5	6	7	8	9	9½	10	10½	11	11½	12	12½					
32	2	3	4	5	6	7	8	9	10	10½	11	11½	12	12½	13	13½				
33	2	3	4	5	6	7	8	9	10	11	11½	12	12½	13	13½	14	14½			
34	2	3	4	5	6	7	8	9	10	11	12	12½	13	13½	14	14½	15	15½		
35	2	3	4	5	6	7	8	9	10	11	12	13	13½	14	14½	15	15½	16	16½	
36	2	3	4	5	6	7	8	9	10	11	12	13	14	14½	15	15½	16	16½	17	
37	2	3	4	5	6	7	8	9	10	11	12	13	14	15	15½	16	16½	17	17½	
38	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	16½	17	17½	18	
39	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	17½	18	18½	
40	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	18½	19	
41	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	19½	
42	2½	3½	4½	5½	6½	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	
43	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	
44	3	4½	5½	6½	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	
45	3	4½	6	7	8	9	10	11	12	13	14	15	16	16	18	19	20	21	22	
46	3	4½	6	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	
47	3	4½	6	7½	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	
48	3	4½	6	7½	9	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	23½	
49	3	4½	6	7½	9	10½	12	13	14	15	16	17	18	19	20	21	22	23	24	
50	3	4½	6	7½	9	10½	12	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	23½	24½	
51	3	4½	6	7½	9	10½	12	13½	15	16	17	18	19	20	21	22	23	24	25	
52	3	4½	6	7½	9	10½	12	13½	15	16½	17½	18½	19½	20½	21½	22½	23½	24½	25½	
53	3	4½	6	7½	9	10½	12	13½	15	16½	18	19	20	21	22	23	24	25	26	
54	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	20½	21½	22½	23½	24½	25½	26½	
55	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22	23	24	25	26	27	
56	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	23½	24½	25½	26½	27½	
57	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25	26	27	28	
58	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	26½	27½	28½	
59	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28	29	
60	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28½	29½	
61+	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28½	30	