



Redundancy Policy

The King's School
Cadhay Lane
Ottery-St-Mary
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EX11 1RA

Policy Change Control

Policy Owner	Director of Finance & Operations
Approved By	Resources Committee
Date of Last Approval	28/06/2023
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Date	Version	Person	Change / Action
21/10/2014	1.0	Trustees	Adoption of Policy
02/05/2017	1.1	SBM	Update to template and format
25/05/2017	2.0	SBM	Major re-write based on template from legal advisors
05/06/2017	2.1	ENM RXG	Minor changes
03/07/2017	2.2	LOE	Additional detail added to appeal process following union consultation 5.5 to 5.8
13/07/2017	2.2	Trustees	Approval by Board of Trustees
22/05/2020	2.2	SBM	Review of policy – No changes required at this stage.
24/06/2020	2.2	Trustees	Approval
19/06/2023	2.3	DFO	Additional section referring to the legal framework and updated to include references to the DFO
28/06/2023	2.3	Trustees	Approved

1. Introduction

- 1.1 This policy sets out The King's School's approach on handling all potential redundancy situations. However the number of employees involved will determine how the process will be managed.
- 1.2 This policy has been agreed following consultation with the recognised trade unions.
- 1.3 This policy does not form part of any employee's contract of employment and may be amended at any time.

2. Legal Framework

2.1 This policy has due regard to all relevant legislation and guidance including, but not limited to, the following:

- The Data Protection Act 2018
- The UK General Data Protection Regulation (UK GDPR)
- The Freedom of Information Act 2000
- The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004
- Equality Act 2010
- Employment Rights Act 1996

2.2 This policy operates in conjunction with the following school policies:

- Data Protection Policy
- Disciplinary Policy and Procedure
- Complaints Procedures Policy

3. Scope and purpose of this policy

- 2.1 It is recognised that certain changes (for example, a fall in roll, curriculum changes and budget reductions) may make it necessary to consider redundancies. The purpose of this policy is to have a clear framework in place that sets out what we will do whenever reduction in employee numbers may become necessary.
- 2.2 An employee who is dismissed shall be taken to be dismissed by reason of redundancy if the dismissal is wholly or mainly attributable to –
 - (a) the fact that the employer has ceased or intends to cease the business for the purposes of which the employee was employed, or to carry on that business in the place where the employee was so employed, or
 - (b) the fact that 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 the employee was employed by the employer, have ceased or diminished or are expected to cease or diminish."
- 2.3 We will consider ways to avoid compulsory redundancy, if possible and where we are unable to avoid reducing employee numbers, we will try to minimise the effect of redundancies through the steps set out in this policy. In doing so, we will not discriminate directly or indirectly on the grounds of any protected characteristic or against part-time or fixed-term employees.

4. Planning

- 3.1 The Governing Board will ensure that there is effective planning, financial management and resource allocation in place in the day to day and strategic management of the School. We will carry out workforce planning and regularly review our staffing structure to ensure it is fit for purpose, supports teaching and learning and to minimise surplus staff situations.

- 3.2 Our leadership team will provide information in relation to workforce planning and resources to our Governing Board as required.

5. Consultation

- 4.1 Where the changes proposed could result in redundancies, we will enter in to consultation to provide the opportunity for all those concerned to discuss the problem and consider options or alternative ways of tackling the problem. Consultation should begin in good time and will be in accordance with statutory requirements which are:
- 30 days before the first dismissal takes effect if 20-99 employees are to be made redundant at one establishment over a period of 90 days or less
 - 45 days before the first dismissal takes effect if 100 or more employees are to be made redundant at one establishment over a period of 90 days or less.
- 4.2 We will consult with all affected employees on an individual basis.
- 4.3 We will also consult with representatives of our recognised trade unions or elected employee representatives where it is proposed to dismiss as redundant 5 or more employees at one establishment over a period of 90 days or less.
- 4.4 Where appropriate and in accordance with 4.3, we will provide the recognised trade unions or elected employee representatives with sufficient information in writing, including:
- a) The reasons for the proposals;
 - b) The numbers and descriptions of employees it proposes to dismiss as redundant or who are at risk of redundancy;
 - c) The total numbers of employees of that description employed at the establishment in question;
 - d) The proposed method of selecting the employees who may be dismissed;
 - e) The proposed method of carrying out the dismissals, including the period over which the dismissals are to take effect; and
 - f) The proposed method of calculating the redundancy payments (other than statutory redundancy pay).
 - g) The numbers of agency staff at the School, the areas that they are deployed in and the type of work they are undertaking.
- 4.5 We will consult on ways that we could avoid the need to make compulsory redundancies, if that is possible. Examples of such steps include:
- a) Reviewing the use of agency staff;
 - b) Restricting recruitment or a vacancy freeze in affected categories of employees and in those areas into which affected employees might be redeployed;
 - c) Natural wastage;
 - d) Retraining and/or redeployment within and across the School;
 - e) Reducing overtime/additional hours;
 - f) Offering reduced working time including job-sharing or other flexible working arrangements, where these are practicable; and
 - g) Inviting applications for early retirement or voluntary redundancy. In all cases the decision to release an employee under such schemes will be at the absolute discretion of the School.
- 4.6 Any measures we adopt will not adversely affect the School and the quality of teaching and learning provided to our pupils.

6. Making Compulsory Redundancies

- 5.1 If it is the case that compulsory redundancies will be required, all affected employees and, where appropriate, the recognised trade unions or elected employee representatives will be advised of this. As part of the consultation process we will have consulted on the procedure that we will follow and the selection criteria that we will apply (where appropriate).
- 5.2 Where more than one employee is employed in an affected role, a process of selection will be carried out. The criteria used to select will be objective, robust, transparent, non-discriminatory and fair, and based on the skills required to meet our existing and anticipated School needs. We will consider the most appropriate method of selection in relation to the circumstances surrounding the specific redundancy situation. Where there is only one incumbent in a post that is affected, then the selection criteria will be on the basis that they occupy that role.
- 5.3 Individual employees who are provisionally selected for redundancy following the application of the selection criteria will be informed and (where appropriate), invited to a meeting at which they will be given an opportunity to make representations that the application of the criteria is unfair or has been applied incorrectly. This is the dismissal committee meeting whose membership is constituted from a panel of Governors.
- 5.4 Where selection for redundancy is confirmed, employees selected for redundancy will be given notice of termination of employment in accordance with their contract of employment and written confirmation of the payments that they will receive (where applicable).
- 5.5 Employees will be given the opportunity to appeal against this decision. Details of the appeals process will be provided to the employees when the decision is made. An appeal can be made based on the following grounds:
 - I. that the reason for dismissal was not redundancy
 - II. that the selection for redundancy was unfair
 - III. that the process was flawed
- 5.6 An appeal will be made to an appeals committee made up of governors that have had no previous involvement in the process or an identifiable pecuniary interest, close relationship with any employee or vested interest. An Appeal Committee should satisfy itself that:
 - I. The process prior to this stage of the policy has been properly followed
 - II. The employee was given opportunity to participate in the redundancy process.
 - III. A measured decision has been made taking account of all the relevant evidence.
 - IV. The employee was given the right to make representations and that those representations were considered by the previous panel
 - V. Having regard to all the circumstances the decision to select the employee was reasonable.
- 5.7 In the event of the Appeal being unsuccessful, the decision will be final. Written confirmation will be given of the decision.
- 5.8 Depending on the circumstances, the School may waive its right to insist on employees working their notice and instead give a payment in lieu of notice.

7. Support Mechanisms

- 6.1 We will make every effort to redeploy any employee who is selected for redundancy to suitable alternative work and inform them of any vacancies that we have until their termination date. 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. While priority will be given wherever possible to employees under threat of redundancy, the School reserves the right to select the best available candidate in relation to any given vacancy. Employees selected for redundancy whilst on maternity leave have separate legal entitlement to be offered any suitable alternative.

- 6.2 An individual who is redeployed into an alternative post is entitled to a trial period of four weeks in the new job. This may be extended by mutual agreement for training purposes. If the alternative employment is found to be unsuitable following the trial, employment will be terminated on grounds of redundancy on the original terms.
- 6.3 An employee will not be entitled to a redundancy payment if he or she unreasonably refuses an offer of suitable alternative employment. In this situation, the employee's contract would still be terminated by reason of redundancy.

8. Time Off

- 7.1 An employee under notice of redundancy will be entitled to a reasonable amount of paid time off to look for alternative work, attend interviews, etc. Employees wishing to take advantage of this right should make the appropriate arrangements with the Headteacher and provide proof of attendance if requested to do so.

9. Redundancy Payments

7.1 Employees with two or more years' service will be entitled to a contractual redundancy payment. The period of continuous service will be calculated with reference to the Employment Rights Act and the Redundancy Modification Order. The calculation of a redundancy payment under the statutory regulations requires a ceiling to be placed on the weekly pay used in that calculation. The School waives this ceiling in the calculation of redundancy payments. The School's redundancy payments are calculated as follows:

For all teaching staff

- A one off redundancy payment of the number of weeks' pay based on the following:

For each year of reckonable service from age 41 to 65	1.5 weeks' pay
For each year of reckonable service from age 22 to 40	1. weeks' pay
For each year of reckonable service from age 18 to 21	0.5 weeks' pay

Reckonable service is limited to a maximum of 20 years

For teachers over 55 a one off redundancy payment will be made of twice the number of weeks pay awarded under the calculation above up to a maximum of 60 weeks

For all support Staff

- A one off redundancy payment of the number of weeks' pay based on the following:

For each year of reckonable service from age 41 to 65	3.0 weeks' pay
For each year of reckonable service from age 22 to 40	2. weeks' pay
For each year of reckonable service from age 18 to 21	1.0 weeks' pay

Reckonable service is limited to a maximum of 20 years

Under the LGPS, employees who are aged 55 or over, whose employment is terminated either on the grounds of redundancy or in the efficient exercise of the service, are entitled to immediate payment of their pension benefits without reduction.

7.2 The amount of this payment will be confirmed when the employee is selected for redundancy and the sum will be paid along with the employee's final salary payment or payment in lieu of notice.