



The Circle Trust Document: **Staff Redundancy Policy**

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Approver:	Trustees
Owner:	HR Trustees
Date:	January 2021
Next review:	January 2023

Changes History:

Version	Date	Amended by:	Substantive changes:	Purpose
1.0	14.1.19	Exec Head	New Document	First release
1.1	26.1.21	Co Sec	Sections 4, 5 and 7 - Updates to structure for Redundancy and Redundancy Appeal Committees, notification at the start of Stage 1 and time line for appeals	Compliance and clarity of process
1.2				
1.3				

1. Purpose of the Policy

- 1.1. This policy sets out the procedures to be followed to ensure the fair treatment of individuals affected by such a situation.

2. Introduction

- 2.1. The staffing needs of schools vary from time to time and Headteachers have a responsibility for managing this process so as to minimise any adverse effects either through shortages or surpluses of employees.
- 2.2. Instances will arise where a Headteacher will need to reduce the current numbers of employees. Early identification of this need is essential and can be achieved through forward planning. Projections of future pupil numbers, curriculum needs and financial resources will assist the Headteacher in this task. Likewise, projections of employee losses through retirement, promotion and resignations will give some indication of the potential mismatch between present and future resources.
- 2.3. The need to act sensitively, promptly and fairly is an important aspect of handling employee reductions. No public announcements should be made of any intended or actual redundancies until employees and their trade unions have been notified of The Circle Trust's intentions.
- 2.4. The fair application of these procedures is demanding and will take a significant period of time to complete. Advice and guidance must be sought from the external Human Resources Advisor(s).
- 2.5. The Executive Headteacher or their representative will assist the Headteacher with the Local Advisory Board in the operation of these procedures and will provide advice throughout.
- 2.6. The school processes any personal data collected during the application of this policy in accordance with the Trust's data protection policy. Further details can be found in the Privacy Notice on the school's website. Any data collected is held securely and accessed by, and disclosed to, individuals only for the purposes of applying this policy.

3. The Aims and Objectives of Staff Redundancy Policy

- 3.1. Ensure that the arrangements concerning redundancy take place within statutory timeframes and guidance
- 3.2. Ensure a consistent and equitable approach to all employees.
- 3.3. Ensure all relevant legislation is adhered to and that employees are not discriminated against on the grounds of race, nationality, sex, religion or belief, age, disability, marriage and civil partnership, sexual orientation, gender reassignment or pregnancy and maternity.

4. The Management of Staff Redundancy

4.1. The Trustees have a fundamental role to:

4.1.1. Ensure this Staff Redundancy policy is compliant with legislation

4.1.2. Regularly review this policy to approve changes or improvements to key elements of its processes and procedures

4.1.3. Establish a Redundancy Committee of at least three Trustees and, if required, a Redundancy Appeals Committee of at least three other Trustees

4.2. The Executive Headteacher will:

4.2.1. Implement this policy

4.2.2. Operationally lead, monitor and review all matters relating to Staff Redundancy

4.2.3. Attend, if required, all stages of consultation and Redundancy Committee and Redundancy Appeal Committee meetings

4.3. The Local Advisors have a fundamental role to:

4.3.1. Follow this policy

4.4. A Headteacher with the oversight of Local Advisors will:

4.4.1. Have primary responsibility with support from the Executive Headteacher for managing the Redundancy Process

4.4.2. Seek and follow advice and guidance of the external Human Resources (HR) Advisors and the Executive Headteacher

5. Redundancy Management Stage 1 - Identification and Initial Consultation

5.1. Where a Headteacher begins to contemplate that a reduction in employees may be necessary they must notify the Executive Headteacher and, in turn the Executive Headteacher will inform the Trustees.

5.2. Where a Headteacher contemplates that a reduction in employees is necessary and having consulted with and taken advice from the Executive Headteacher, the Headteacher with the Local Advisors shall inform the Executive Headteacher and Trustees in writing specifying the numbers involved, the reasons for the reduction and the time scale for the changes. If the reduction relates to teaching staff this shall include information about the current and future curriculum needs, which assesses future, employee needs.

5.3. Individuals should not be identified at this stage.

- 5.4. The Board of Trustees shall identify a Redundancy Committee of at least three Trustees, as provided in section 7.1.
- 5.5. Following written notification to the Executive Headteacher and Trustees in accordance with section 5.2 and not later than 2 weeks after such notification, information must be supplied to the Trade Unions recognised by the Trust. A model letter for this purpose can be found [here](#)
- 5.6. The statutory framework enables employers to choose whether to consult trade unions or elected employee representatives. The Circle Trust will use the existing union networks, which are already in place for this purpose. Openness in managing the process of employee reductions and the involvement of recognised trade unions may avoid potential difficulties at a later stage. These guidelines, if followed, ensure that any dismissal will be fair.
- 5.7. In the unlikely event that the Trust is making more than 20 employees redundant it must follow the 'collective consultation' rules. There is no time limit for how long the period of consultation should be, but the minimum is:
 - 5.7.1. 20 to 99 redundancies - the consultation must start at least 30 days before any dismissals take effect,
 - 5.7.2. 100 or more redundancies - the consultation must start at least 45 days before any dismissals take effect.
- 5.8. The Headteacher and/or the Executive Headteacher (as the Executive Headteacher may determine depending on the circumstances) will contact the Trust's HR Advisors for further advice if this situation occurs.
- 5.9. There is no statutory time period of consultation where there are fewer than 20 employees, however it is good practice to consult with employees and trade unions to help allay employee anxieties and help ensure any dismissal is fair. In all instances sufficient time will be given for meaningful consultation to take place.
- 5.10. For the purposes of consultation, the Headteacher and Local Advisory Board shall disclose in writing to the Executive Headteacher:
 - i) Reasons for the reductions
 - ii) Job titles and numbers of employees whom it is proposed to reduce
 - iii) Job titles and total number of employees at the school
 - iv) Proposed method of selecting the employees who may be dismissed
 - v) Effective date of the reductions
- 5.11. The Headteacher will convene a meeting at which all relevant employees and their trade union representatives will be informed of the situation.

- 5.12. The Executive Headteacher or their representative is also entitled to be present.
- 5.13. 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. (The notice requirements under the terms and conditions of employment for all employees should be taken into account by the Headteacher with the Executive Headteacher in determining the timetable for consideration of these issues).
- 5.14. A letter should be issued in advance to all relevant employees confirming the issues to be addressed at the meeting. A model letter is [here](#)
- 5.15. The purpose of the meeting is to inform the employees and trade unions of the changes, which need to take place and to enable a full exploration to:
- i) Avoid the dismissals
 - ii) Reduce the numbers of employees to be dismissed
 - iii) Mitigate the consequences of the dismissals
- 5.16. Such consideration shall include:
- i) Natural wastage
 - ii) Voluntary redundancy
 - iii) Termination of relevant temporary appointments
 - iv) Voluntary transfer of employees to other suitable work within the school or The Circle Trust, with consideration being given to retraining where appropriate.
- 5.17. Details of individuals willing to consider volunteering for redundancy will be supplied to the Headteacher to enable estimates of benefit to be supplied for discussion with the individuals. An expression of interest in redundancy does not commit either the individual or The Circle Trust to agreeing to this course of action.
- 5.18. The Headteacher will supply the Executive Headteacher with details of individuals willing to consider alternative employment. All possibilities of alternative employment will be fully explored.
- 5.19. Volunteers for redundancy or alternative employment **do not** render themselves more liable than other employees for selection under the compulsory procedures set under stage 2 of the Redundancy Procedures

6. Redundancy Management Stage 2 - Compulsory Procedure

- 6.1. If the reductions cannot be reached by the means outlined under Stage 1 it will be necessary for the Headteacher with the Local Advisors to apply compulsory redundancy procedures to implement the changes.

- 6.2. The Headteacher with the Local Advisors will need to finalise criteria by which they propose to select employees for redundancy following consultation with the relevant employees and trade unions.
- 6.3. Any criteria used should not result in random selection nor should they discriminate on any grounds. The following criteria are examples:
- i) Curriculum needs of the school
 - ii) Management and organisational needs of the school
 - iii) Qualifications
 - iv) Experience
 - v) Future skills requirement
- 6.4. These are not mutually exclusive and with the exception of curriculum needs are not in priority order, the Headteacher with the Local Advisors may also base criteria on the School Development Plan.
- 6.5. The Executive Headteacher with The Circle Trust's Human Resource Advisor(s) must be consulted over the criteria, which the Headteacher proposes to adopt.
- 6.6. Reasonable notice must be given of the proposed meetings with trade unions and employees.
- 6.7. The consultations must be conducted with a view to agreement being reached. The Executive Headteacher, Headteacher and Local Advisory Board will consider any issues raised in the consultations and where it decides not to accept suggestions put forward by the trade unions give reasons for rejecting them.

7. Redundancy Management Stage 3 – Conclusion of consultation

- 7.1. At the conclusion of the consultations, the agreed criteria is applied to select for dismissal on redundancy grounds the employees the school no longer requires. A Redundancy Committee of Trustees shall be established to do this. It shall consist of at least three Trustees, drawn where practicable from the members of the HR Committee of the Board of Trustees, provided that no member of the Redundancy Committee can be a member of the Redundancy Appeals Committee.
- 7.2. A Redundancy Appeals Committee of at least three Trustees shall be also established subject to the proviso in section 7.1.
- 7.3. Individual employees who are likely to be dismissed on grounds of redundancy shall be given the opportunity to meet with the Redundancy Committee before the dismissal decision is taken.

- 7.4. The employee is entitled to be accompanied at this meeting by a trade union representative or work colleague.
- 7.5. The Executive Headteacher or their representative is also entitled to attend the Redundancy Committee meeting.
- 7.6. The Redundancy Committee will select individuals for redundancy.
- 7.7. The Redundancy Committee will confirm in writing to the Executive Headteacher the employees who have been selected for redundancy.
- 7.8. The Executive Headteacher will ensure that notice of termination of employment is given in accordance with the contract of employment or the statutory rights of the employee concerned whichever is the longer period.
- 7.9. An individual who has been selected for redundancy by the Redundancy Committee will have the right of appeal to the Redundancy Appeals Committee on the grounds that the selection criteria have not been correctly applied. There is no right of appeal against the need to reduce employee numbers.
- 7.10. At the Redundancy Appeal hearing the employee is entitled to be accompanied at this meeting by a trade union representative or work colleague.
- 7.11. Any appeal against selection must be submitted in writing to the Company Secretary within 5 working days of the employee being notified by the Redundancy Committee of their selection for redundancy.
- 7.12. The Redundancy Appeals Committee will hear the appeal within 14 calendar days of receiving notice of an appeal. The Executive Headteacher or their representative is entitled to attend any meeting of the Redundancy Appeals Committee.
- 7.13. The Executive Headteacher or their representative will continue to seek to secure alternative employment for any employee who has received notice of dismissal on redundancy grounds and also ensure appropriate consideration is given to any training needs to facilitate this process. This assistance will continue until the date of termination of employment of the employee concerned. A guideline on alternative employment is included [here](#)