REDUNDANCY POLICY

Version 1: June 2024

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1. RESPONSIBILITY FOR REDUNDANCY

1.1 The Board of Trustees are responsible for deciding the number and the categories of employees working within Ventrus Multi Academy Trust (the Trust).

1.2 A number of responsibilities will be delegated to the Executive Leadership Team (ELT).

1.3 This policy is provided, following consultation with Trade Unions/Professional Associations, and which the Board of Trustees have adopted for use. Should the Board of Trustees wish to make changes to this model policy, it will undertake the required consultation with the recognised Trade Unions/Professional Associations.

2. THE LEGAL FRAMEWORK

2.1 The Employment Rights Act 1996 defines redundancy as a situation where:

- The employer ceases or intends to cease either to carry on the business for the purposes for which the employee was employed or to carry on the business in the place in which the employee was employed.

or

- The requirements of the 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, have ceased or diminished or are expected to cease or diminish.

2.2 In Ventrus this could be interpreted as, for example, when we have to reduce the staffing establishment for budgetary reasons, or the staffing needs to be reorganised to respond to organisational or curricular changes.

2.3 Any termination of a contract of employment is a dismissal and Ventrus will action the dismissal under the appropriate policy. This policy will however only be used in respect of dismissals by reason of redundancy.

2.4 Employees directly employed under 'temporary' or fixed term contracts are protected under the Fixed Term Workers Regulations and consequently where the employment of any employee employed under a 'temporary' or fixed term contract is to terminate by reason of redundancy (as opposed to in accordance with the terms of their contract, capability, conduct, or contravention of a duty or restriction imposed on the employee or Ventrus by or under an enactment) Ventrus will follow this Redundancy Policy.

2.5 For the avoidance of doubt, termination of a 'temporary' or fixed term contract will not always amount to a redundancy situation and Ventrus will not therefore be required to, and will not follow, this redundancy policy in respect of all such terminations.

2.6 Employees who are part-time are protected under the Part Time Workers Regulations. Part-time employees will be treated equally with full-time employees under this policy.

2.7 There is a legal requirement to consult with recognised trade unions and professional associations.

2.8 A representative from a recognised trade union/professional association, or an appropriate work colleague, may accompany an employee at Representation and/or Appeal meetings.

2.9 This policy complies with the School Staffing (England) Regulations 2009.

3. POTENTIAL LEGAL COSTS

3.1 The Trust will ensure it has adequate financial resources to cover any legal costs or compensatory awards arising from any subsequent claims.

4. EQUAL OPPORTUNITIES

4.1 This procedure is based on best practice and is designed to promote a consistent and fair approach to redundancy issues in the Trust. The Board of Trustees will ensure that the application of the procedure will not disproportionately or unfairly affect any employees in the Trust recognising the diversity of the community.

5. WORKING DAYS

5.1 The policy makes reference to a number of 'days' within which certain actions should take place. 'Days' are Monday to Friday excluding public holidays.

6. DETERMINING THE NEED FOR STAFFING REDUCTIONS

6.1 The Board of Trustees will review the Trust's budget and in cases of a budget deficit, determine whether staffing reductions are necessary.

6.2 As part of the review of the budget, the Board of Trustees will consider reductions elsewhere in the budget before determining staffing reductions are necessary.

7. AUTHORITY TO TAKE ACTION

7.1 The ELT will be responsible for selecting posts to be made redundant and considering any representations by employee(s) displaced as a result.

7.2 An Appeals Committee, who have had no previous involvement in the selection or representation(s), will consider any appeal(s) from employee(s) selected for dismissal on grounds of redundancy.

8. WHO DOES WHAT?

8.1 The Board of Trustees are responsible for this policy being properly followed. However, the following areas will be delegated as indicated:

	ELT	**Board of Trustees**	**Chair of Trustees**	**Chair of Appeal Committee**	**Clerk to Trustees (or substitute)**
Adopting Redundancy Policy		X			
Determine membership (inc Chair) of the Appeal Committee		X			
Overseeing proper application of process	X				
Producing statutory information	X				
All correspondence to employees during consultation process	X				
Co-ordinating all parties to set timetable	X				
Co-ordinate and chair consultation meeting	X				
Attendance at consultation meetings	X		X (or substitute Trustee)		
Consideration of responses to consultation meetings			X (or delegated Committee)		

Ensuring a note-taker present at Representation and Appeal meetings	X				X
Ensuring the accuracy of selection process and Representation meetings notes	X				
Notifying selected employee(s) orally and confirming in writing the outcome of selection and Representation meetings	X				
Issue notice to selected employees			X		
Supporting selected employee(s) to seek alternative employment	X				
Notifying the Chair of the Appeal Committee regarding the receipt of appeals from selected employees					X
Setting up and administering Appeal Committee					X
Notifying employee(s) orally and confirming in writing the outcome of the Appeal Committee				X	
Ensuring accuracy of Appeal meeting notes				X	

9. RECORD KEEPING

9.1 The ELT will ensure that a note is kept of the decisions made during the selection process and at Representation meetings given that there may be a need to produce the documentation used in arriving at decisions, at the Appeal meeting.

9.2 The Chair of the Appeal meeting will ensure that notes of the decision of the Appeal meeting are held under Confidential Part 2 arrangements and will simply record the decision reached.

Who is responsible for record keeping	**CEO/ ELT/ Headteacher**	**Chair of the relevant Committee**	**Company Secretary**
Full, comprehensive record of the redundancy process	X		
Notes taken at the union consultation and staff consultation meeting	X		
Record of decision at full Trustees' meeting			X
Notes of selection meeting	X		
Notes of representation meeting	X		
Notes of Appeal meeting		X	X

10. PRIOR CONSIDERATIONS BY THE BOARD OF TRUSTEES AND ELT

10.1 The ELT will review the staffing levels at the Trust and determine a staffing structure to provide the best education to the pupils within the financial resources available to the Trust.

10.2 The ELT will agree a staffing structure with the Board of Trustees prior to the commencement of the consultation process.

10.3 The Board of Trustees and the ELT will determine whether any necessary staffing reduction only applies to one area of the Trust e.g. if a special unit closes and the employees are contracted specifically to work in that unit. In this case, the consultation will take place with these employees and the Officers of the relevant trade union/professional association. All affected employees must be fully consulted, other employees will be kept informed.

10.4 The Board of Trustees will delegate to the ELT the responsibility for determining which employees sit within which 'pool' of employees to be considered for the staffing reductions.

11. CONSULTATION WITH TRADE UNIONS/PROFESSIONAL ASSOCIATIONS

11.1 There is a legal requirement to consult. Consultation will be meaningful and genuine. However, consultation does not mean that agreement will be reached but that full and proper consideration will be given to any responses made either during consultation meetings or provided in writing during the consultation period.

11.2 Consultation with Trade Unions/Professional Associations will begin as soon as the potential need for staffing reductions has been identified and in any event before any formal staff meeting.

11.3 The ELT will provide a report to the Officers of all recognised Trade Unions/Professional Associations including the following information. This report will provide the basis for the consultation which will take place prior to any staffing reductions being made and will include the following information:

Individual employees will not be named or consulted at this stage. Individual posts may be identified.

- The reasons and circumstances that have led to the need to consider staffing reductions.
- Details of savings made in other areas of the Trust budget to try to avoid or reduce the need for staffing reductions.
- Appropriate budget information including the likely budget shortfall for budget led redundancies.
- Curricular provision.
- Pupil number trends and projections.
- Trust Development Plan.
- The total number and category of employees in the establishment.
- The number and category of staffing reductions that may be needed.
- Whether a category of employees will be abolished.
- Where there is a need to reduce the number of employees in a particular category, the proposed criteria to differentiate between employees of the same category or where a selection process is to be followed, the proposed method of selection e.g. interview, presentation, psychometric testing, classroom observation etc.
- Which category of employee will be included in the 'pool' of staff to be considered.
- If appropriate, the proposed staffing restructure that will lead to a reduced number of employees.
- The proposed procedure for carrying out the redundancy dismissals, including the period over which the dismissals will take effect; and/or
- The proposed method of calculating the redundancy pay.

11.4 The ELT will invite all relevant Officers of the recognised Trade Unions/Professional Associations to a consultation meeting. The ELT will chair the meeting and the Chair of Trustees (or substitute) will be present to represent the Board of Trustees. The ELT may also invite a member of Ventrus HR. This meeting is for the ELT and Chair of Trustees to provide information, to answer questions and to consult on the proposals, including any possible ways of avoiding redundancy. If staffing reductions are unavoidable, the ways of making the necessary staffing reductions will also be consulted on.

11.5 Any comments/responses made during the consultation process will be reported to the Board of Trustees or other Committee as delegated for consideration prior to any staffing reductions being made.

11.6 Whenever possible, the ELT will, at the conclusion of the consultation meeting, inform the Trade Union/Professional Association representatives of the timetable for the process.

12. FORMAL CONSULTATION MEETING WITH EMPLOYEES

12.1 Following the consultation meeting with Trade Unions/Professional Associations, the ELT will chair a consultation meeting with all affected employees. The Chair of Trustees (or substitute) will be present to represent the Board of Trustees. This meeting is for the ELT and Chair of Trustees to provide the same information to employees as provided at the union consultation meeting. The purpose of the meeting is to consult with employees and to answer questions on the options available, including any possible ways of avoiding redundancy. If staffing reductions are unavoidable, the ways of making the necessary staffing reductions will also be consulted on. Employees should be advised to seek advice from their Trade Unions/Professional Associations.

12.2 The same information will be given to all the employees, including those absent from the Trust for any reason, as has been given to the Trade Unions/Professional Associations.

12.3 The ELT will ask whether any employees wish to make a request to alter their working arrangements or have any alternative proposals on how the Trust may achieve a balanced budget including volunteering their post for redundancy/redeployment. This should be put in writing to the ELT.

12.4 Employees should be advised to seek advice from their Trade Unions/Professional Associations if considering this option.

12.5 At the meeting, the ELT will issue an Employee Profile Form to each employee in the pool. These Employee Profile Forms will be completed by employees to provide information to demonstrate how each employee meets the selection criteria contained within this policy. This information will be considered during the selection process cannot be added to at a later stage of the process.

12.6 In exceptional circumstances, only specific categories of staff within the Trust will be considered for staffing reductions. If this is the case, the reason will be made clear to staff by the ELT.

12.7 In some cases, if only a specific category of staff is affected, the Board of Trustees may determine that rather than using the selection criteria in this policy to identify who is selected for redundancy, a selection process will be undertaken to identify who will secure a post(s) in the new structure resulting in anyone not successful in this process being provisionally selected for redundancy.

12.8 Employees should be made aware that they can request an estimate of redundancy payments. Employees should also be advised to discuss any such matters with their Trade Union/Professional Association representative.

13. THE SELECTION CRITERIA

13.1 Where there is a need to reduce the number of employees in a specific category of work, the following criteria will be used to differentiate between those employees in that category, if the Board of Trustees has determined not to undertake a selection process involving interviews and other recruitment tools.

13.2 Where more employees volunteer their posts for redundancy than are required, these selection criteria will be used.

The following selection criteria will be evidenced by each individual employee him or herself in relation to his/her category of work which is undertaken during contracted working time.

SC1	Working to Professional Standards for Teachers (Criterion for teachers)
SC2	Sharing professional expertise appropriately

SC3	Possesses competencies to do the job effectively
SC4	Possesses an up-to-date knowledge of relevant area of work
SC5	Contributes effectively to raising standards of education in the Trust
SC6	Contributes effectively to the good reputation of the Trust in the community
SC7	Communicates effectively
SC8	Flexibility and adaptability to meet the needs of the Trust
SC9	Performance in role
SC10	Attendance and Timekeeping
SC11	Conduct in role

14. SELECTION OF EMPLOYEES

14.1 The ELT will consider requests from any employees that they be selected for redundancy or to alter their working arrangements. For each request the ELT will consider the potential impact on the Trust taking into account the overriding need to retain relevant skills, knowledge and experience required by the Trust.

14.2 After considering these requests, if the ELT still determines that compulsory redundancy is necessary the process will continue.

14.3 The ELT will ensure that the 'pools' of employees at risk of redundancy are clear and that affected employees are allocated to a 'pool' (this may be a 'pool' of one employee).

14.4 The ELT will consider whether any category of employee should be abolished as that role(s) is no longer required in the Trust. If this is the case, all staff in this category will be at risk of dismissal on grounds of redundancy. Completion of an Employee Profile Form is unnecessary in these circumstances.

14.5 If there is a need for further reductions, the ELT will consider the Employee Profile Forms against the selection criteria for each of the employees in each affected 'pool' to determine which individuals should be selected for redundancy.

14.6 The selection criteria will be applied with care and in a reasonable, fair and objective way. The employee(s) identified as least able to contribute to taking the Trust forward in the future, based on the application of the selection criteria, will be provisionally selected for dismissal by reason of redundancy.

14.7 If the Board of Trustees determined that a selection process should take place, the ELT will consider the outcome of that process and assure him/herself that the process undertaken was appropriate and employee(s) not appointed to a post(s) in the new structure will be selected for redundancy.

15. NOTIFICATION OF SELECTION

15.1 The ELT will orally advise the relevant employee(s) of their provisional selection for redundancy. This will be confirmed in writing within three days of the date of selection, giving reasons at which time the employee will be invited to an individual Representation Meeting with an ELT member.

16. PRIOR TO THE REPRESENTATION MEETING

16.1 At least three days before the Representation meeting, the selected employee will be given copies of the notes of his/her selection and if the selection criteria were applied, the employee's assessment. If a selection process was undertaken, written feedback from his/her interview and any other recruitment tool used will be provided to the employee.

17. THE REPRESENTATION MEETING

17.1 The Company Secretary (or substitute) should take notes at the meeting.

17.2 The employee has the right to be accompanied at the Representative Meeting by a Trade Union/Professional Association representative or a current work colleague.

17.3 The meeting will be held in accordance with good employee relations practice and may include consideration of the following:

- The basis of the employee's selection, including the pool from which they were selected and the selection criteria applied.
- Any alternative suggestions the employee may have as to how their redundancy may be avoided.
- Any suitable alternative positions that may exist within the Trust (see 22); and
- Any other matters the employee wishes to raise or concerns the employee may have

18. NOTIFICATION AFTER THE REPRESENTATION MEETING

18.1 The ELT member will, where possible, orally advise the employee of the decision at the end of the Representation Meeting, however the ELT member may consider it necessary to hold a further Representation Meeting to enable time in the intervening period for consideration of any points raised by the employee.

18.2 If it is decided that the employee's redundancy cannot be avoided, the selected employee will be given written confirmation within three days of the date of the final Representation Meeting including reasons for the decision and the employee's right to appeal.

18.3 If the decision is that the employee should not be selected, then the employee will have written confirmation. In this case, the ELT will consider the appropriate course of action.

18.4 If the decision is that the employee should be selected, the ELT will report the outcome of the process to the Trustees.

18.5 The Trustees will issue formal notice to the employee.

19. APPEAL BY THE EMPLOYEE

19.1 Any appeal by a potentially redundant employee must be made in writing to the Trustees (or named alternative) within five days of receiving written notice, stating the grounds of appeal and giving reasons for the appeal.

19.2 An appeal can be made on the following grounds:

Ground 1 – that the reason for dismissal was not redundancy
Ground 2 – that the selection for redundancy was unfair
Ground 3 – that the process was flawed

20. PRIOR TO APPEAL MEETING

20.1 The Appeal Committee will be made up of at least three Trustees.

20.2 Arrangements will be made for the Appeal Meeting to be held as soon as possible but not normally less than five days after the receipt of the letter of appeal.

20.3 At least three days before the Appeal Meeting, the appellant will be given copies of the notes of the Representation meeting, if applicable.

21. THE APPEAL MEETING

21.1 The Appeal Committee may seek advice from the Trust's HR department.

21.2 An appeal provides the employee with an opportunity to make an appeal to Trustees who have had no previous involvement in the process.

21.3 At the commencement of the Appeal meeting, it should be confirmed that none of the Committee members have an identifiable pecuniary interest, close relationship with any employee or vested interest.

21.4 An Appeal Committee should satisfy itself that:

- The process prior to this stage of the policy has been properly followed.
- The employee was given an equal opportunity to participate in the redundancy process.
- The ELT made a measured decision taking account of all the relevant evidence.
- The employee was given the right to make representations and that those representations were considered by the ELT; and
- Having regard to all the circumstances the decision to select the employee was reasonable.

21.5 The Appeal Committee will respond to the appeal.

21.6 The meeting will be held in accordance with good employee relations practice.

21.7 In the event of the Appeal being unsuccessful, the decision will be final. Written confirmation will be given of the decision within three days of the decision.

21.8 In the event of the Appeal being successful:

- Written notification will be given within three days of the decision.
- The Chair of the Board of Trustees will withdraw the notice of dismissal; and
- The Appeal Committee will refer the matter back to the ELT for the ELT to consider the appropriate action.

22. LOOKING FOR SUITABLE ALTERNATIVE WORK FOR AN EMPLOYEE AT RISK OF DISMISSAL ON GROUNDS OF REDUNDANCY

22.1 In any redundancy process an employer has a legal responsibility to mitigate compulsory redundancies and must actively pursue options for alternative work for selected employees.

22.2 Ventrus Multi Academy Trust has responsibility for seeking alternative employment for employees under notice of redundancy.

22.3 The ELT/Headteachers and Board of Trustees will support the employee in his/her efforts to find alternative work.

22.4 The potentially redundant employee (whether voluntarily or compulsorily) will be expected to:

- Fully engage in any redeployment process.
- Give consideration to every suitable, available opportunity.
- Be flexible in considering job opportunities.
- Present skills and experience appropriately on application forms.
- Prepare thoroughly for any applications or interview processes.
- Consider and identify any training requirements in advance of recruitment processes.
- Request assistance for interview preparation when required.
- Take on board feedback from the process; and
- Provide reasons in writing why a post is not considered suitable.

22.5 The Trust considers suitable alternative employment to be that which is:

- Suitable for the teacher or support staff employee concerned in terms of status and responsibility.
- In the case of support staff, on an equivalent grade to the current post.
- In the case of a teacher, the provisions of the Pay Policy will apply.
- Similar or the same in weekly working hours and/or shift patterns.
- Within the employee's capability.
- Not involving unreasonable additional inconvenience to the employee in terms of travel; and
- A post which is fewer or more hours than contracted or at a different base, but which the employee wishes to consider and is willing to accept as a suitable alternative employment.

22.6 The following employees will be offered first refusal on any suitable alternative vacancies that are appropriate to their skills:

- Employees who have notified the Trust of their pregnancy.
- Employees who are on maternity leave or have returned to work from maternity leave and are within an additional protected period of 18 months from the first day of (i) the actual date of birth (where this is notified to the Trust before the end of maternity leave); or (ii) the EWC (where the actual date of birth is not notified to the Trust before the end of maternity leave).
- Employees who are on adoption leave, or have returned to work from adoption leave and are within an additional protected period of 18 months from the date of placement or entry into Great Britain (if overseas adoption); and
- Employee who are on shared parental leave or have returned to work from a period of at least six consecutive weeks of shared parental leave and are within the additional period of 18 months from the child's date of birth.

Please refer to the Trust's Maternity Policy and Shared Parental Leave Policy for further details.

APPENDIX 1 - POLICY HISTORY

Date	Summary of Change	Review Date	Lead Author
01.01.2016	Revised policy for Trust schools based on LA policy consulted with trade unions in December 2015		HR
12.05.2016	Revised Model policy to reflect the Trust's Leadership structure and Terminology		S Levi
March 2018	Revised policy to reflect the Trust's Leadership structure and terminology	March 2020	SL
Nov 2019	Merged Ventrus and Pilton redundancy policies as requested in Pilton Measures letter (TUPE)		SS
Jan 2020	Amendments made by KB following recommendation from NI, Trustee: Item 15.1 Notification of selection: amended wording Item 16. Prior to Representation meeting: Point 16.1 removed Item 17. The Representation Meeting: New Point 17.2 added, 17.3 amended wording and additional bullet points added Item 18. Notification after the Representation Meeting: Point 18.1 and 18.2 additional wording added	Dec 2021	SS
Nov 2021	Annual review of policy	Nov 2021	SS
June 2024	Annual review of policy	June 2026	SS