



Hemingford Grey SCHOOL

REDUNDANCY

Date last reviewed and approved:

February 2019

This policy is based on the Judicium Consulting Ltd model policy of August 2016

REDUNDANCY POLICY

It is our intention to manage Hemingford Grey Primary School in a manner which results in secure employment for our employees. We will always try to avoid the need for compulsory redundancies but sometimes these may be necessary. The pattern or volume of our work may change and requirements for employees may reduce.

This policy only applies to employees of the School who have greater than two years' continuous service with the School. It does not form part of any employee's terms and conditions of employment with the School and is not intended to have contractual effect. It is provided for guidance purposes only and the School reserves the right to amend this policy at any time.

The purpose of the policy

The purpose of this policy is to ensure that, whenever a reduction in employee numbers becomes necessary:

- we communicate clearly with all affected employees and ensure that they are treated fairly;
- we try to find ways of avoiding compulsory redundancies;
- we consult with employees and with recognised trade unions and or employee representatives where applicable; and
- any selection for compulsory redundancy is undertaken fairly and reasonably.

Avoiding compulsory redundancies

Where we are proposing to make redundancies we will enter into consultation with all affected employees on an individual basis and, where appropriate, also with recognised trade unions and/or employee representatives.

In the first instance we will consider steps that might, depending on the circumstances, be taken to avoid the need for compulsory redundancies.

Examples of such steps include:

- Reviewing the use of agency staff, self-employed contractors and consultants;
- Restricting recruitment in affected categories of employee and in those areas into which affected employees might be redeployed;

- Reducing overtime in affected departments or service areas to that needed to meet contractual commitments or provide essential services;
- Considering the introduction of short-time working, job-sharing or other flexible working arrangements, where these are practicable;
- Identifying suitable alternative work with us that might be offered to potentially redundant employees;
- Inviting applications for early retirement or voluntary redundancy. In all cases the acceptance of a volunteer for redundancy will be a matter of our discretion and we reserve the right not to offer voluntary redundancy terms or to refuse an application where it is in the interests of the School to do so.

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 his/her position.

Any measures adopted must not adversely affect the School or its ability to deliver educational services and pastoral/support services to our students.

Can employees choose voluntary redundancy?

Employees can express an interest in volunteering for redundancy and in some cases, the School's management may ask for expressions of interest. However, there is no guarantee that an expression of interest will be agreed. Each case will be considered through an established business case process which considers the needs of the service, the costs and impact to the School.

Making compulsory redundancies

When it is not possible to avoid potential compulsory redundancies, all affected employees and, where appropriate, recognised trade unions and/or employee representatives, will be advised and consulted on the procedure that will then be followed and the criteria that will be applied.

The criteria used to select those employees who will potentially be made redundant will be objective, transparent, fair and based on the skills required to meet the School's existing and anticipated needs.

Those employees who have been provisionally selected for redundancy will be consulted with individually.

Where selection for redundancy is confirmed, employees selected for redundancy will be given notice of termination of employment in accordance with their contracts and written confirmation of the payments that they will receive. Employees will be given the opportunity to appeal against this decision. *The appeal will be heard by a panel of at least 3 governors.*

The School will continue to look for alternative employment for any redundant employee and inform him or her of any vacancies that it has until his or her 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. Alternative employment may be offered subject to a trial period, where appropriate.

Employees under notice of redundancy will be entitled to take a reasonable amount of paid time off work to look for alternative employment or to arrange training for future employment.

If an employee wishes to leave before the end of the notice period

It may be possible for the employee to agree with the School an earlier leaving date. However, this will be entirely at the School's discretion and if this is not agreed, the Employee would have to resign to bring their employment with the School to an early end. A resignation during the notice period would mean that the employee is not treated as "dismissed" as redundant. This means that there would be no entitlement to redundancy pay.

If an employee gets another job outside of the School before the notice period ends

This section covers the following situation: -

- If an employee receives an offer of a job from another organisation within the Modification Order **and**
- That job offer was made while that employee was under notice of redundancy, and before the end of that notice period, **and**
- The start date of that new job is within four weeks (including five Sundays) of the end of the notice period

If the above three criteria are met, the Modification Order applies and the employee will not be entitled to any redundancy pay. This is because the Modification Order operates

to deem that an employee's employment will have continued (for the purposes of redundancy payments (and pension is appropriate) onto that new employment.

For further information on the Modification Order go to <http://www.lge.gov.uk>

Pension implications of being made redundant

Members of the Local Government Pension Scheme (LGPS)

If you are a member of the LGPS, are **over age 55** and have more than 2 years' membership in the LGPS, you are entitled to immediate payment of your benefits based on your membership built up to the day you leave. The School is required to make any necessary payments to your pension fund to ensure that there is no reduction for you being paid earlier.

If you a member of the LGPS, are **under age 55** and have more than 2 years' membership in the LGPS, your pension built up to the date you leave will become a deferred benefit. It will increase each year with the cost of living and is payable at your normal pension age. You can chose to have your deferred benefit payable at any time from age 55 but it may be reduced for being paid early and for longer. You may request to transfer your deferred benefit to another pension scheme at any time before payment.

Members of the Teachers' Pension Scheme (TPS)

Your pension built up to the date you leave will become a deferred benefit. It will increase each year with the cost of living and will be payable at your normal pension age.

If you find employment at another school which entitled you to membership of the TPS, you should be able to start or continue in your membership of the TPS.

If you find employment which is non-teaching but with the local authority, you should be able to join the Local Government Pension Scheme instead.

If you find employment with an employer which does not entitle you to membership of the TPS, you may have a number of options:

- You may be able to transfer your TPS pension to a scheme run by your new employer;
- You may be able to keep your pension in the TPS, although you will not be able to

contribute to it;

- Your contributions will be refunded automatically if you have been a member of the scheme for less than 2 years.

Redundancy Pay

Employees with 2 or more years' continuous service may qualify for redundancy pay, which is calculated by age, weekly pay (capped as per statute) and length of service, as **is detailed in the Employment Relations Act 1996.**

Redundancy Appeal Procedure

If an employee wishes to appeal against a decision to dismiss them by reason of redundancy, he or she should write in the first instance to the Headteacher who will liaise with the Board of Governors to convene an appeal hearing, within 10 working days of the decision he or she is complaining against, setting out the grounds and basis for the appeal.

Redundancy appeals will usually be conducted and determined by a panel of three members of the Governing Body.

The employee has the right to be accompanied by a work colleague or an accredited trade union official at any appeal hearing and will be given a full opportunity to state his or her case.

The appeal hearing will be minuted by a note taker and the employee will be supplied with a copy of the minutes as soon as is reasonably practicable after the hearing.

No decisions will be reached during the hearing itself. The School's appeal panel will need to consider all the evidence together with the representations the employee has made, and in some cases may need to carry out further investigations before a decision can be reached.

The employee will be notified of the result of the appeal in writing without unreasonable delay. The appeal decision is the final stage of the School's redundancy procedure.