

Redundancy

Summary

The school recognises that there will be times when it must rationalise and reorganise services and this may result in a reduction in employee numbers.

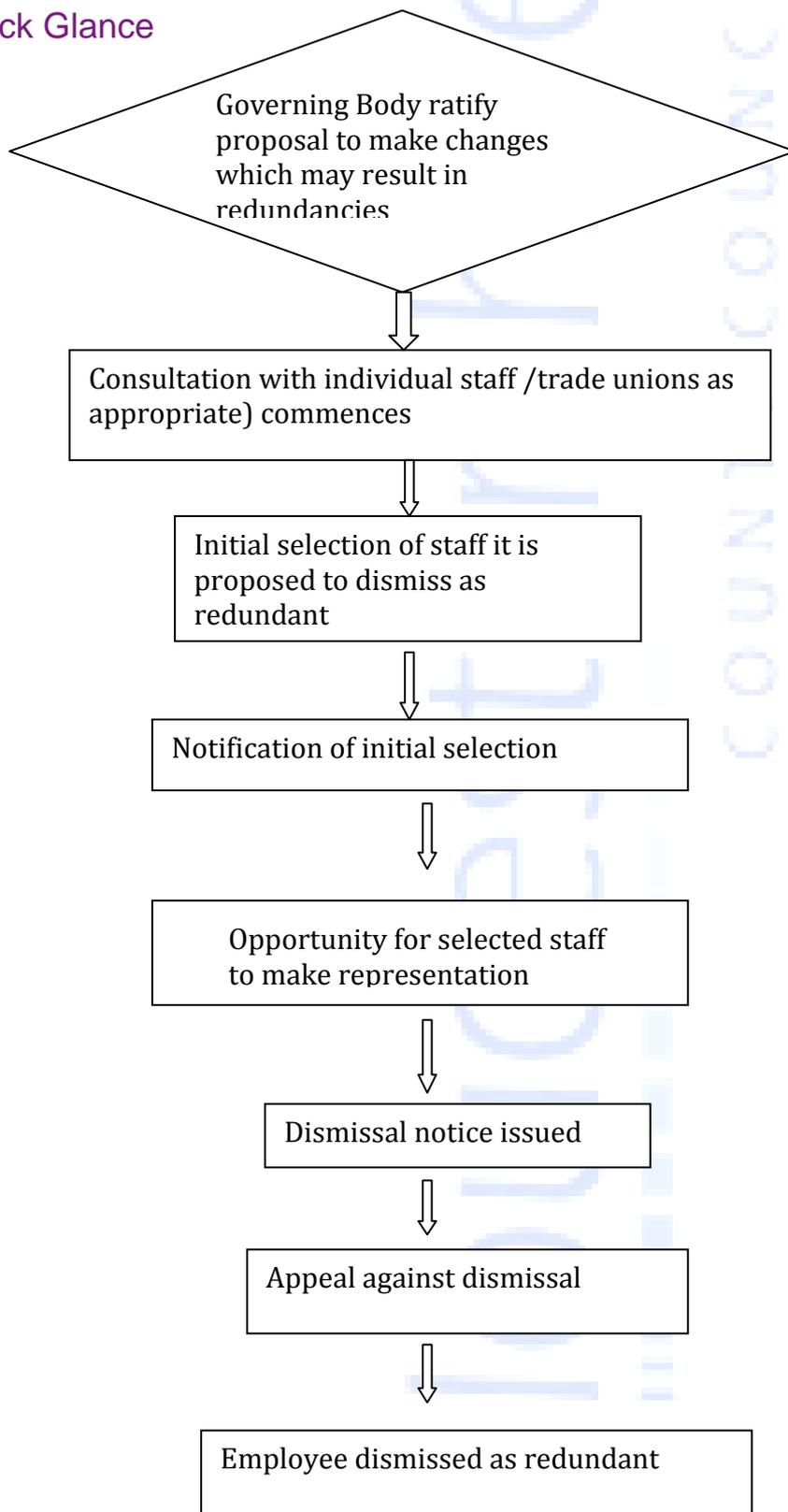
It is the school's intention to retain skills and employees wherever possible and to use redundancy only as a **last resort** after considering all other possibilities.

This policy is discretionary and may be varied or withdrawn unilaterally by the school.

This Redundancy Policy and Procedure does not form part of any employee's contract of employment and is entirely non-contractual. It may be amended, withdrawn, suspended or departed from at the discretion of the School at anytime. Everyone should ensure that they take the time to read and understand the content of this policy and procedure and act in accordance with its aims and objectives. If you need support reading and/or understating this policy and procedure, please speak with your line manager. All staff must ensure that they are familiar with and comply with and support the school's policies, procedures and guidance.

Please note if the school has purchased legal insurance which covers employment issues you should refer to the terms and follow any requirements of the policy.

Quick Glance



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Who does this policy apply to?

It applies to all staff employed by the school including:

- school support staff (Green Book)
- teachers (Burgundy Book)

What is a redundancy?

A redundancy occurs where it can be attributable wholly or mainly to one of the following reasons:

- a) The employer has ceased, or intends to cease, carrying on *the business* within which the employee is employed;
- b) The requirement for employees to carry out *work of a particular kind* has ceased or diminished (or is expected to);
- c) The business or kind of work for which the employee was employed is no longer to be undertaken in *the place* where the employee is employed.
- d) The requirement for employees to carry out work of a particular kind, in the place where they were so employed has ceased or diminished

The termination of a contract for reason of redundancy constitutes a dismissal in law.

The non renewal of a fixed term contract may also be a redundancy dismissal. For more information please refer to the [Fixed Term](#)

Appointments Policy.

What can be done to avoid compulsory redundancy?

The school must consider what can be done in order to avoid compulsory redundancies; the following approaches can be considered:

- Freeze external recruitment to job roles affected.
- Review recruitment to ensure that where possible internal appointments are made and vacancies created for redundant employees.
- End any voluntary overtime in areas where this could provide employment opportunities for redundant employees.
- Review the use of consultancy, contracting and agency services and consider whether this could create opportunities for redundant employees.
- Approach other schools and/or partner agencies where it is thought there may be potential employment opportunities for redundant employees.
- Consider whether it is possible to retrain employees to work in another part of the school.
- Retain employees for short periods when managers know a substantive post will shortly be available.
- Offer voluntary redundancy/early retirement in appropriate cases, subject to employer consent based on a business case.

What are the responsibilities of the head and governing body when the school is facing a redundancy situation?

The governing body and the head have a responsibility to:

- Ensure the redundancy policy is followed correctly, seeking appropriate advice at the earliest opportunity. Minimise redundancies wherever possible by attempting to find alternative solutions.
- Ensure the redundancy process is applied fairly, the redundancy selection criteria are fair, objectively justified, non-discriminatory and employees selected for redundancy have the opportunity to appeal the decision.
- Consult with trade unions and professional associations as early as possible, when redundancy is a possibility in addition to consulting with staff and keeping them informed.
- Wherever possible to offer suitable alternative work or where possible redeployment for an employee who is to be made redundant.
- Provide the appropriate documentation and paperwork as required to the LA, HR and financial support providers especially when seeking funding from the council to cover

costs.

Should any complaint be made to an Employment Tribunal regarding the redundancy dismissal, it is the governing body of the school is likely to be responsible and answerable at any proceedings.

What is the redundancy process?

There are a number of stages in any redundancy situation. These are:

- Consultation
- Selection - Identification of redundant post/individual
- Employee advised of initial selection proposal
- Employee makes representation
- Dismissal
- Right of Appeal

However, before starting the process the school's full governing body needs to formally ratify the proposal to make changes which may result in redundancies at the school. It is recommended that at this point the governing body appoint two committees of three governors; the Selection Committee (SC) and the Appeal Committee (AC).

What is meant by consultation?

Consultation is a two way process involving management, all affected employees and their representatives where appropriate. There is a requirement to consult individually with all affected employees and where redundancies of 20+ are involved, the duty to consult about potential redundancies with relevant recognised trade unions or elected employee representatives and minimum consultation periods are set out in s.188 of the Trade Union and Labour Relations (Consolidation) Act 1992 (*TULR(C)A*).

The purpose of consultation is for management to communicate and discuss the need for redundancy and the proposed method of selecting employees who may be dismissed. It will also provide an opportunity for feedback on the proposals and possible ways to avoid completely mitigate the consequences of any redundancies. Including the trade unions in consultation is advisable and will often support the process regardless of the numbers involved.

How is an employee selected for redundancy?

The proposed selection method and selection criteria will be consulted on and will be based on retaining a high performing, flexible workforce appropriate to the school's future needs. Staff in the identified work area will have the opportunity to submit information on how they meet the criteria to a selection committee (SC), appointed from the governing body to apply the criteria which have been consulted on and make recommendations on which employee(s) is selected for redundancy.

What does making representation mean?

The selection committee's recommendations will be communicated to the employee(s) and the employee has the opportunity to meet with the selection committee to understand the way the selection criteria had been applied and raise any issues about their selection. The outcome of this meeting will be confirmed in writing to the employee within 3 working days.

Will the dismissal be confirmed in writing?

Where a dismissal is required, the governing body must issue a written dismissal notice (for Community and Voluntary Controlled schools the Governing Body requires the County Council to issue a letter of dismissal). Employees must receive the notice to which they are entitled under their contract of employment.

For teachers notice should coincide with the end of a term as defined in accordance with teachers' terms and conditions e.g. - 31 August, 31 December or 30 April.

Throughout the whole redundancy process, including the period of notice, continued consideration should be given to finding alternatives to compulsory dismissal.

What is the appeal process?

The employee has a right of appeal against the decision to make them redundant. An employee who wishes to appeal against the decision of the selection committee should write to the Chair of Governors within seven calendar days of the dismissal letter giving full details of the grounds on which they wish to appeal.

The appeal hearing in normal circumstances will take place within 14 days of the decision. The employee has the right to be accompanied at the meeting by either a trade union representative or a work (school) colleague and will be given a minimum of 1 week's notice of the meeting...

Can employees on maternity /adoption or shared parental leave be made redundant?

Yes. A post may disappear due to redundancy whilst the post holder is on maternity/adoption or shared parental leave and any employee may be selected for redundancy whilst on this type of leave in the same way as other employees. An employee on maternity/adoption/shared parental leave will be offered an alternative job if a suitable vacancy is available

Who qualifies for redundancy pay?

Employees with two or more years continuous service* may qualify for redundancy pay which is calculated by age, actual weekly pay and length of service and is detailed in the Employment Relations Act 1996 (ERA).

What is the level of redundancy pay?

Employees who are dismissed for redundancy and who have a minimum of two years' continuous service will normally be entitled to be paid statutory redundancy pay, which is calculated according to the individual employee's age, length of service and gross weekly pay subject to a statutory maximum.

Entirely on a discretionary basis, the school may also offer an enhanced redundancy payment that is based on the statutory redundancy payment calculation. Where the school exercises its discretion in an employee's favour, the enhanced redundancy payment scheme operates as follows (see table 2 at the end of this policy):

To calculate the enhanced redundancy payment the school will base the calculation on the employee's actual week's gross pay and multiply the number of weeks by 1.75.

Will I have the opportunity to be redeployed?

Yes, for employees compulsorily dismissed as redundant the employer has an obligation to offer any suitable alternative employment that may be available.

What is the entitlement to pension benefits?

To qualify for early release of pension as the result of redundancy an employee must:

be a member of the Local Government Pension Scheme or the Teachers Pension Scheme
have more than two years pensionable membership
be 55 or over and in the case of Teachers Pension Scheme have the employer's approval

Are redundant employees allowed time off for job hunting?

If an employee will have been continuously employed for two years by the date notice expires, they are allowed a reasonable amount of time off during their notice period to:

- look for another job
- arrange training to help find another job

The school is only legally required to pay two-fifths of a week's pay for the time off taken however they may agree further time off without pay. For example, if an employee works five days a week and takes four days off in total during the whole notice period, the school only has to pay for the first two days.

What notice is given for a redundancy

- A minimum of Contractual or Statutory notice (normally one

HR Policy and Guidance Redundancy

dismissal?

week notice for each year of employment up to a maximum of 12 years see MGN for further details) whichever is the longest

What happens if an employee gets another job outside of the school before the notice period ends?

An employee will not be entitled to a redundancy payment if, whilst under notice of redundancy and **before the employment ends**, they accept an offer of a job from another organisation covered by the

Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order 1999 which starts within four weeks (including five Sundays) of their employment with the school terminating. For details of the modification order go to <http://www.lge.gov.uk>

However, **if after the end of the notice period**, another job is offered (by any organisation) there is no loss of rights to the redundancy payment.

What happens if an employee wants to leave before the end of the notice period?

A simple resignation during the notice period would mean the employee is not treated as “dismissed” as redundant. This means there is no entitlement to a redundancy payment.

However it may be possible for the employee to agree with the school an earlier leaving date, and receive a recalculated redundancy payment (and pension if appropriate).

An employee wishing to shorten their notice period should write to the school stating the reasons why they wish to shorten the notice period. The school can decide whether to agree to the request and authorise receipt of a recalculated redundancy payment (and pension if appropriate).

Can employees choose voluntary redundancy?

Employees can express an interest in volunteering for redundancy if schools management has asked for expressions of interest. However, there is no guarantee that an expression of interest will be agreed. Each case will be considered against a business case which includes the needs of the service, the costs involved and any other impact or factors relevant to the school.

When are redundancy payments received?

Redundancy payments will normally be paid with 5 weeks of the redundancy taking effect.

Is tax payable on redundancy payments

Under the HMRC rules redundancy payments of up to £30,000 are free of tax. Any amount above £30,000 is taxable.

Further information about the taxation of redundancy payments is available on the HMRC web-site at: www.hmrc.gov.uk/guidance/redundancy-factsheet.pdf

Information about claiming a tax refund after employment has ended is available on the HMRC web-site at www.hmrc.gov.uk/incometax/stop-work-refund.htm.

Redundancy payments are made to employees who have a minimum of two years' continuous local government service. Table 2 applies irrespective of membership in the LGPS or TPS and applies to:

- Support staff in all situations.
- Teachers under age 55 at the point their post is made redundant.

Please note: The figures in this table include both the statutory redundancy payment **and the school's 1.75 discretionary multiplier** (i.e. there is no further enhancement to the figures shown in this table).

Please note: Teachers age 55 or over may request early retirement which is then dependent on employer approval. However, if the teacher accepts early retirement benefits, redundancy entitlement will be based on the redundancy payments in table 1.

Redundancy Payments – Table 1

The statutory redundancy pay table which provides the calculation for number of weeks under table 1 can be found at this link -

http://www.direct.gov.uk/prod_consum_dg/groups/dg_digitalassets/@dg/@en/@employ/documents/digitalasset/dg_177260.pdf

Redundancy Payments - Table 2

Age	Service (completed years)																			
	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20 ^[2]	
17	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
18	2	2.5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
19	2	2.5	3.5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
20	2	2.5	3.5	4.5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
21	2	2.5	3.5	4.5	5.5	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
22	2	2.5	3.5	4.5	5.5	6	-	-	-	-	-	-	-	-	-	-	-	-	-	
23	2.5	3.5	4.5	5.5	6	7	8	-	-	-	-	-	-	-	-	-	-	-	-	
24	3.5	4.5	5.5	6	7	8	9	9.5	-	-	-	-	-	-	-	-	-	-	-	
25	3.5	5.5	6	7	8	9	9.5	10.5	11.5	-	-	-	-	-	-	-	-	-	-	
26	3.5	5.5	7	8	9	9.5	10.5	11.5	12.5	13	-	-	-	-	-	-	-	-	-	
27	3.5	5.5	7	9	9.5	10.5	11.5	12.5	13	14	15	-	-	-	-	-	-	-	-	
28	3.5	5.5	7	9	10.5	11.5	12.5	13	14	15	16	16.5	-	-	-	-	-	-	-	
29	3.5	5.5	7	9	10.5	12.5	13	14	15	16	16.5	17.5	18.5	-	-	-	-	-	-	
30	3.5	5.5	7	9	10.5	12.5	14	15	16	16.5	17.5	18.5	19.5	20	-	-	-	-	-	
31	3.5	5.5	7	9	10.5	12.5	14	16	16.5	17.5	18.5	19.5	20	21	22	-	-	-	-	
32	3.5	5.5	7	9	10.5	12.5	14	16	17.5	18.5	19.5	20	21	22	23	23.5	-	-	-	
33	3.5	5.5	7	9	10.5	12.5	14	16	17.5	19.5	20	21	22	23	23.5	24.5	25.5	-	-	
34	3.5	5.5	7	9	10.5	12.5	14	16	17.5	19.5	21	22	23	23.5	24.5	25.5	26.5	27	-	
35	3.5	5.5	7	9	10.5	12.5	14	16	17.5	19.5	21	23	23.5	24.5	25.5	26.5	27	28	29	
36	3.5	5.5	7	9	10.5	12.5	14	16	17.5	19.5	21	23	24.5	25.5	26.5	27	28	29	30	
37	3.5	5.5	7	9	10.5	12.5	14	16	17.5	19.5	21	23	24.5	26.5	27	28	29	30	30.5	
38	3.5	5.5	7	9	10.5	12.5	14	16	17.5	19.5	21	23	24.5	26.5	28	29	30	30.5	31.5	
39	3.5	5.5	7	9	10.5	12.5	14	16	17.5	19.5	21	23	24.5	26.5	28	30	30.5	31.5	32.5	
40	3.5	5.5	7	9	10.5	12.5	14	16	17.5	19.5	21	23	24.5	26.5	28	30	31.5	32.5	33.5	
41	3.5	5.5	7	9	10.5	12.5	14	16	17.5	19.5	21	23	24.5	26.5	28	30	31.5	33.5	34	
42	4.5	6	8	9.5	11.5	13	15	16.5	18.5	20	22	23.5	25.5	27	29	30.5	32.5	34	36	
43	5.5	7	9	10.5	12.5	14	16	17.5	19.5	21	23	24.5	26.5	28	30	31.5	33.5	35	37	
44	5.5	8	9.5	11.5	13	15	16.5	18.5	20	22	23.5	25.5	27	29	30.5	32.5	34	36	37.5	
45	5.5	8	10.5	12.5	14	16	17.5	19.5	21	23	24.5	26.5	28	30	31.5	33.5	35	37	38.5	
46	5.5	8	10.5	13	15	16.5	18.5	20	22	23.5	25.5	27	29	30.5	32.5	34	36	37.5	39.5	
47	5.5	8	10.5	13	16	17.5	19.5	21	23	24.5	26.5	28	30	31.5	33.5	35	37	38.5	40.5	
48	5.5	8	10.5	13	16	18.5	20	22	23.5	25.5	27	29	30.5	32.5	34	36	37.5	39.5	41	
49	5.5	8	10.5	13	16	18.5	21	23	24.5	26.5	28	30	31.5	33.5	35	37	38.5	40.5	42	
50	5.5	8	10.5	13	16	18.5	21	23.5	25.5	27	29	30.5	32.5	34	36	37.5	39.5	41	43	
51	5.5	8	10.5	13	16	18.5	21	23.5	26.5	28	30	31.5	33.5	35	37	38.5	40.5	42	44	
52	5.5	8	10.5	13	16	18.5	21	23.5	26.5	29	30.5	32.5	34	36	37.5	39.5	41	43	44.5	
53	5.5	8	10.5	13	16	18.5	21	23.5	26.5	29	31.5	33.5	35	37	38.5	40.5	42	44	45.5	
54	5.5	8	10.5	13	16	18.5	21	23.5	26.5	29	31.5	34	36	37.5	39.5	41	43	44.5	46.5	
55	5.5	8	10.5	13	16	18.5	21	23.5	26.5	29	31.5	34	37	38.5	40.5	42	44	45.5	47.5	
56	5.5	8	10.5	13	16	18.5	21	23.5	26.5	29	31.5	34	37	39.5	41	43	44.5	46.5	48	
57	5.5	8	10.5	13	16	18.5	21	23.5	26.5	29	31.5	34	37	39.5	42	44	45.5	47.5	49	
58	5.5	8	10.5	13	16	18.5	21	23.5	26.5	29	31.5	34	37	39.5	42	44.5	46.5	48	50	
59	5.5	8	10.5	13	16	18.5	21	23.5	26.5	29	31.5	34	37	39.5	42	44.5	47.5	49	51	

*See MGN for further advice

60	5.5	8	10.5	13	16	18.5	21	23.5	26.5	29	31.5	34	37	39.5	42	44.5	47.5	50	51.5
61+ * [1]	5.5	8	10.5	13	16	18.5	21	23.5	26.5	29	31.5	34	37	39.5	42	44.5	47.5	50	52.5

61*[1] – The same figures should be used when calculating the redundancy payment for a person aged 61 and above.

20 yrs service* [2] - The same figures should be used when calculating the redundancy payment for a person with more than 20 years service

