

Brook Learning Trust

Redundancy Policy



Introduction

At Brook Learning Trust we bring together our unique academies in our belief in the power of education to change lives and communities. It is our steadfast purpose to challenge and defy the barriers that constrain the educational progress of any child. We set high aims for aspiration and secure collective responsibility for all our children's achievements. Our work is underpinned by the values of Integrity, Respect, Courage, Optimism, Excellence and Accountability.

Purpose

The purpose of this policy is to clarify the process to be followed in the event of staffing reductions within Brook Learning Trust. The continually changing academy environment means that redundancy is occasionally inevitable, but the organisation will do its utmost to find other solutions first and wherever possible, employees will be redeployed. Furthermore, this policy reflects the commitment to employee consultation and to provide appropriate support to staff should redundancies take place.

Redundancy – Legal Definition

Redundancy is defined in law as occurring where employees are dismissed because in one of the 3 circumstances outlined below:

1. The employer ceases or intends to cease to carry out the business in which the employee was employed
2. The employer ceases or intends to cease to carry on the business in the place where the employee was employed
3. The requirement for employees to carry out work of particular kind has ceased or diminished or is expected to cease or diminish

Avoidance of Redundancies

Every effort will be made to avoid a situation of redundancy, but there could be circumstances beyond the Trust's control which make it necessary to reduce the number of staff. In the event that Brook Learning Trust considers it necessary to make a reduction to the number of staff, it will also consider:

- Natural wastage
- Restricting recruitment
- Cutting back on overtime
- Reducing the number of short-term temporary or agency staff
- Redeployment to other parts of the organisation
- Seeking volunteers for part-time working or job-share

If Brook Learning Trust is unable to achieve the required savings through the above means, affected staff may be invited to volunteer for redundancy.

The application period will be limited to a specific period of time. The Trust may at its absolute discretion accept or reject any voluntary application for redundancy and is under no obligation to discuss its reason(s) with the applicant.

When an application for voluntary redundancy is accepted, the employee will be notified in writing and invited to a meeting with a relevant manager to discuss the next steps and the redundancy payment that is available. Whether any other severance entitlements are available will depend on the circumstances of each case.

Consultation and Information

In the event that compulsory redundancies are unavoidable, Brook Learning Trust will consult with the relevant staff. A member of staff may choose to be represented by their Trade Union or a workplace colleague at consultation meetings. Brook Learning Trust will consult for a minimum of 14 days where it is proposed to make redundant between 1 to 19 employees at one establishment within a 90 day period.

Where larger numbers of redundancies are proposed, Brook Learning Trust will collectively consult with employee representatives (Trade Unions or workplace colleagues) as well as individual staff. Brook Learning Trust is committed to providing full and proper information to employee representatives during the collective consultation process. Information to be provided will include the following:

- Reasons for the proposal to make staff redundant
- Number and descriptions of employees affected
- Proposed method of selecting the employees for redundancy
- How the redundancies will be carried out
- How any redundancy payments will be calculated

Brook Learning Trust will comply with the law ensuring that the minimum period between the start of consultation and dismissal on the grounds of redundancy is followed:

- At least 30 days where it is proposed to make redundant between 20 and 99 employees at one establishment within a 90 day period; or
- At least 45 days where it is proposed to make redundant 100 or more employees at one establishment within 90 days or less

Selection of Staff for Redundancy

Where a redundancy is proposed within a group of staff whose roles are the same, it will be necessary to apply selection criteria. The selection criteria to be used in the case of redundancy will change from time to time to reflect the needs of the Trust. If compulsory redundancies are required, employees will be involved and consulted on the selection criteria and be given opportunities to put forward their own views. Employees will be given the opportunity to discuss the selection criteria drawn up.

The criteria for the selection of staff to be made redundant will be discussed with staff and trade union/employee representatives as part of the consultation process. Generally the criteria may include:

- Attendance record
- Disciplinary record
- Skills, experience and qualifications
- Standards of work performance
- Aptitude for work

Brook Learning Trust will ensure that any criteria selected are fair, objective and consistently applied.

Any employee selected for redundancy will be notified in writing at the conclusion of the consultation period.

Implementation

At the end of the consultation process the Trust will, where necessary, apply the agreed selection criteria. Individuals will be informed of the outcome of this exercise and will have the right to discuss their scores with those who carried out the exercise.

Following selection, those designated for redundancy will be informed in writing of the outcome, and their right to appeal the outcome to the Board of Trustees.

Notice Period

The employee's contractual or statutory period of notice, whichever is the greater, will apply.

Redundancy Pay

Redundancy pay will be calculated in accordance with the relevant statutory provisions, which are based on the employee's age, length of continuous employment, and the current statutory weekly rate or the actual weekly wage. Continuous service will be calculated in accordance with the Redundancy Payments (Local Government) (Modification) Order 1983.

Redundancy pay for staff employed on Kent Scheme terms and conditions will be paid in accordance with the redundancy pay provisions set out in the [Kent Scheme Terms and Conditions of Employment](#).

The redundancy payment will be paid within 28 days of the date of leaving service.

Right of Appeal

Any employee who feels that the selection criteria were unfair or incorrectly applied can appeal to the Board of Trustees. Any such appeal must be made in writing within 10 working days of receiving the redundancy notification. A designated Trustee of the BLT Board or Academy Councillor will arrange a meeting within five working days, where practicable, with the employee, who has the right to be accompanied by a trade union representative or colleague. The designated Trustee/Academy Councillor will give a decision on the issue within 10 working days of the interview.

Suitable Alternative Employment

Should the Trust consider a vacancy to be suitable as an offer of alternative work, but the employee unreasonably refuses that offer, or, having taken up the offer resigns that position before the end of the trial four week period, the employee will forfeit their right to a statutory redundancy payment.

If the new position is subsequently deemed unsuitable by the Trust or the employee, the employee's employment will be terminated at the end of the trial period. S/he will receive a statutory redundancy payment based on the date on which their original job became redundant. In these circumstances, should another alternative job be available, the employee may be offered that job and be subject to a further trial period of four weeks.

Trial Period

Any offer of alternative work which is accepted by the employee will be subject to a statutory trial period of four weeks.

Any period of four weeks may be extended by the Trust because of the need for re-training without affecting the employee's right to a statutory redundancy payment.

The Trust reserves the right to select the best candidate for any job where there is more than one suitable candidate and may apply appointment selection criteria. During any period of redundancies the Trust may 'ring-fence' vacancies as being open only to internal candidates unless there are circumstances where it reasonably believes there are no suitable internal candidates.

Time Off to Seek Alternative Employment

Any employee under notice of redundancy dismissal who has at least two years' continuous service will be granted reasonable time off to look for alternative work with another employer. This will also include reasonable time off to attend interviews or to undergo training for alternative work. Appropriate time off will need to be arranged with the employee's line manager.

General

This policy is non-contractual and will vary from time to time.

