

LT2 Redundancy Policy

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Our Learning Today Leading Tomorrow Multi-Academy Trust Vision

Vision

Our vision is to build a group of outstanding schools across phases, including specialist provision, to become (a mid-size) Trust that provides vibrant and inclusive learning environments in which every member of the learning community is passionate about learning. The Trust is led by a CEO who works closely with Headteachers who lead the two schools supported by a central team to support finance, HR, estates and governance.

Mission

LT2 Trust and schools will have a relentless focus on high achievement, supported by robust organisational structures and governance. We aim to give children and young people in our care the knowledge, skills and experiences to expand their minds and world view to enable them to develop a naturally inquisitive approach to learning and life, fit for an ever-changing world.

Ultimately, we will educate and support all children attending LT2 schools to grow into capable and contributing citizens who have developed the personal attributes and characteristics that will enable them to become considerate, self-reliant and confident young people who are ready for the next stage of their lives.

Values

The Trust Values underpin the mission and provide the basis on which LT2 schools can articulate the key behavioural characteristics that promote a positive philosophy. Our six values are unseen drivers of our behaviour as experienced by others and are designed to create a shared organisational culture:

Kindness – The quality of friendliness, generosity, and consideration

Collaboration – The belief that working and learning with others will lead to greater success

Curiosity – A strong desire to know and to learn

Resilience – The ability to recover quickly and learn from the difficulties we face

Respect – To appreciate the importance of understanding and admiration for others and self

Endeavour – The belief that hard work is needed to achieve something of which we can be proud.

Definitions

- Where the word 'Trust' is used in this document it refers to The Learning Today Leading Tomorrow Trust.
- Where the words 'Trust Board' are used it refers to the board of Trustees who set the vision for the Trust and hold the executive leadership team to account for delivering the Trust's strategic plan.

1. Organisation and Responsibilities

1.1 Introduction

It is our intention to manage the Trust 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. In the event redundancies are necessary, this policy should be followed to ensure fairness and objectivity in the process.

This policy does not form part of any employee's terms and conditions of employment with the Trust and is not intended to have contractual effect. It is provided for guidance purposes only and the Trust reserves the right to amend this policy at any time.

1.2 Legislation

Employment Relations Act 1996

Equality Act 2010

The Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999

Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002

Part-time Workers (Prevention of Less Favourable Treatment) Regulations 200

1.3 Guidance under this Policy

The Trust HR team is responsible for providing advice and guidance under this policy and reviewing and updating the policy as required.

1.4 Board of Trustees

The Board of Trustees, as a corporate body, has the responsibility to set the strategic direction and objectives of all matters across the Trust.

The Board of Trustees is responsible for ensuring that high standards of corporate governance are maintained.

The Chair of the Trust is responsible for managing the CEO, Trustees and Governors under this policy.

1.5 The Chief Executive Officer (CEO)

The CEO of Learning Today Leading Tomorrow Trust (LT2):

- Takes overall responsibility for the implementation of policies and procedures
- Must provide reports as appropriate to Trustees in relation to this policy
- Ensure that sufficient resources are allocated and authorised within the organisation's budget to meet statutory procedures and standards across the Trust
- Is responsible for managing the Headteachers and centrally appointed staff under this policy

1.6 Headteachers

Headteachers of LT2 schools are responsible for:

- The implementation of and compliance with this policy within their school ensuring competence in those staff who are responsible for and involved in the operation of this policy and associated guidance
- Identifying training needs
- Communicating this policy to all relevant people within the school
- Managing school-based teaching and associate staff under this policy

1.7 Review

This policy will be reviewed every three years.

These procedures have been agreed by the Board of Trustees, who will approve them whenever reviewed.

2. Redundancy Policy

Through this policy the Trust commits to ensuring a fair and transparent process if redundancy is necessary.

The Trust commits to trying to find ways of avoiding compulsory redundancies and will consider opportunities across all the schools within the trust to do so.

Any selection for compulsory redundancy is undertaken fairly and reasonably. Decisions should be based on factors such as skills, work performance and abilities needed in the re-structured organisation. Decisions will not be based on age, working pattern (such as those on part-time contracts), or length of service with the trust. The Trust and its employees will not pressurise older employees to opt for redundancy or retirement to help reduce headcount.

The Trust commits to communicate clearly with all affected employees and ensure that they are treated fairly. The Trust will consult with employees, and, where applicable, with recognised trade unions and/or employee representatives.

3. Contractual Obligations

3.1 Continuous Service for Redundancy

To be eligible for statutory redundancy pay, employees are required to have completed a minimum of two years continuous service with the organisation.

Academies and Free Schools are included in the Modification Order as part of associated employers of local government. This means when calculating continuous service, previous employment at another associated employer, such as another academy or a locally maintained school, count towards continuous service in relation to redundancy pay. This must be unbroken continuous service for previous employment to be considered.

3.1.1. Maintaining Continuous Service by moving to another Associated Organisation

If an employee takes up new employment at an associated organisation as per the Modification Order, then they may be able to maintain their continuous service.

In the following scenario:

- An Employee receives an offer of a job from another associated 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, the dismissal disappears, 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.

If the new employment commences more than four weeks following the end of the notice period, then continuous service will be broken, the redundancy dismissal will remain in place and redundancy payment would be due where applicable.

3.2 Redundancy pay

Employees with two 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.

3.3 Notice period

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 with at least two years' continuous service 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.

3.3.1 Leaving before the end of the notice period

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

3.4 Pension implications of being made redundant

3.4.1 Members of the Local Government Pension Scheme (LGPS)

If an employee is a member of the LGPS, are **over age 55** and has more than 2 years' membership in the LGPS (the vesting period), they are entitled to immediate payment of their benefits based on their membership built up to the day they leave. The Trust is required to make any necessary payments to an employee's pension fund to ensure that there is no reduction for an employee being paid earlier.

If an employee is a member of the LGPS, are **under age 55** and have more than 2 years' membership in the LGPS, the pension built up to the date they leave will become a deferred benefit. It will increase each year with the cost of living and is payable at their normal pension age. They can choose to have their deferred benefit payable at any time from age

55 but it may be reduced for being paid early and for longer. They may request to transfer their deferred benefit to another pension scheme at any time before payment.

3.4.2 Members of the Teacher's Pension Scheme (TPS)

The employee's pension built up to the date they leave will become a deferred benefit. It will increase each year with the cost of living and will be payable at the normal pension age.

If they find employment at another trust which entitled them to membership of the TPS, they should be able to start or continue in their membership of the TPS.

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

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

- They may be able to transfer their TPS pension to a scheme run by their new employer
- They may be able to keep their pension in the TPS, although they will not be able to contribute to it
- Their contributions will be refunded automatically if they have been a member of the scheme for less than two years

3.5 Temporary or Fixed Term Contracts

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 Trust by or under legislation) the Trust will follow this Redundancy Policy.

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

3.6 Part Time Workers

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.

4. Redundancy Procedure

4.1 Compulsory redundancy

4.1.1 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 applicable, 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 departments relevant to the affected employees or areas into which affected employees might be redeployed
- Reducing overtime in affected departments or service areas to what is only essential 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 not in the interests of the Trust to do so

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

4.1.2 Making compulsory redundancies

When it is not possible to avoid potential compulsory redundancies, all affected employees and, where applicable, 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 Trust'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 Trust will continue to look for alternative employment for any redundant employee and inform them of any vacancies that it has until their 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.

If, during the trial period, the alternative vacancy is deemed unsuitable then the employee's employment will be terminated upon conclusion of the trial period. The employee's entitlement to a statutory redundancy payment will not be affected by this decision. In the event that further suitable alternative work is found, the employee will again undertake a trial period where appropriate in that role. The trial period may be extended if extra training needs are identified.

The employee loses their entitlement to a statutory redundancy payment upon an unreasonable refusal of a suitable alternative role. The same will apply in the event that the employee, having taken up the offer of the suitable alternative role, then resigns before the end of the trial period.

Employees who are on maternity, paternity, adoption or shared parental leave will be given preference over other employees in the search for suitable alternative vacancies. Please refer to the Trust's Family Friendly Policy in regards to redundancy for either maternity, paternity, adoption or shared parental leave.

Where there is more than one suitable applicant for a vacancy, the Trust reserves the right to introduce a selection process akin to those used in a normal recruitment process, to allow for fair selection of the most suitable applicant.

Vacancies will, in the first instance, be for internal recruitment only.

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.

4.2 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 on the Trust.

4.2.1 Applying for Voluntary Redundancy

Application forms will be made available via the Trust Intranet and the closing date for those applications will be clearly outlined.

Any acceptance of an application for voluntary redundancy will be confirmed in writing and the individual invited to a meeting to discuss arrangements for the termination of their employment.

4.2.2 Rejecting a Request

In the event that the Trust decides to reject an application, the employee concerned will be notified in writing of this decision.

4.3 Appeal

Employees have the right to appeal a notice of dismissal by way of redundancy. The Trust makes a decision that redundancies are inevitable, it is committed to undertaking a fair and objective selection process. Appropriate selection criteria will be chosen, to carefully identify a pool of employees in a fair, objective and reasonable manner.

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

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

4.3.1 Submitting an Appeal

Appeals against the decision to dismiss an employee by reason of redundancy should be made to the Headteacher within 5 working days of receipt of the notice of redundancy. When doing so, employees should clearly set out the basis for their appeal.

4.3.2 Appeal Meeting

Commencement of the appeal meeting, it should be confirmed that none of the Committee members have identifiable pecuniary interests, close relationship with any employee or vested interest.

An appeal meeting will be arranged at which the employee has the right to be accompanied by a companion (a colleague or a Trade Union Representative). The employee will be given the opportunity to make representations as to their opinion that they should not have been selected for redundancy.

4.3.3 Appeal Outcome

The employee will receive the written outcome to the appeal within 3 working days. At this stage, the employee will have exercised their right to appeal, and this decision will be final.

5. Support for Redundant Employees

The Trust acknowledges the important role it plays in the provision of support to employees during the redundancy process, and will endeavor to provide that support where possible. Consideration may be given to employee requests for further needs such as training and additional education, however, requests will be assessed on an individual basis.

Employee Assistance Programme

- Education Support: <https://www.educationsupport.org.uk/>

All employees have access to the Education Support Employee Assistance Programme, a free confidential service which offers the following:

- Six telephone sessions with an Aware specialist who is trained in mindfulness and provides an individualised practice plan tailored to needs
- Life coaching accessed through telephone conversations with the life coach, set goals and create action plans in the first meeting. Engage in five follow up meetings to help recalibrate or refresh employees thinking.
- Computerised Cognitive Behavioural Therapy (cCBT) - Seven sessions are offered online over seven weeks with a counsellor tracking employees progress and guiding them via email and telephone support.
- Support for issues at home and at work
- Financial guidance

- Legal enquiries
- Signposting and general help