

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.

This policy only applies to employees of the Trust who have greater than two years' continuous service with the Trust. It 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

1.3 Guidance under this Policy

Head of HR 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 Senior and Middle Leaders (and other Supervisory Roles)

Although the Headteacher is responsible overall for the implementation of this policy in their school, managers have some specific responsibilities:

- Applying this policy within their own department and area of work
- Resolving any issues members of staff refer to them, informing the Headteacher of any issues to which they cannot achieve a satisfactory solution with the resources available to them
- Where required, conduct formal meetings, undertake relevant training in relation to this policy and ensure effective and competent operation of this policy

1.8 Other Employee Duties

All employees have a responsibility to:

- Comply with this policy and to co-operate with the schools' leadership and management on all matters relating to it
- Undertake any training recommended by their line manager

1.9 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. Policy Purpose and Outline

2.1 Policy Purpose

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
- Try to find ways of avoiding compulsory redundancies
- Consult with employees and, where applicable, with recognised trade unions and/or employee representatives
- Any selection for compulsory redundancy is undertaken fairly and reasonably

2.2 Compulsory redundancy

2.2.1 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.

2.2.2 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.

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.

2.3 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 Trust.

2.4 Notice period

2.4.1 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.

2.4.2. Obtaining employment outside of the Trust during the notice period

For information on Modification Orders please go to <http://www.lge.gov.uk>

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.

2.5 Pension implications of being made redundant

2.5.1 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, 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.

2.5.2 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

2.6 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.

The Modification Order makes distinct employers such as local government, associated employers, for the purposes of calculating continuous service for redundancy pay.