Redundancy & Restructure Policy & Procedure

(Schools & Academies)

October 2019

For the School / Academy to complete:

Consultation Date with Employees / Recognised Unions: carried out by DEALT
Governing Body Ratification Date: Updated 21-05-25 Strategy Team
Issue Date: 2
Next Review Date: May 2027

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Guidance Note:

This policy has been developed by Cantium for use in all Schools and Academies.

This document has been developed to comply with legal requirements and is in accordance with ACAS guidance.

Kent Schools
The Local Authority expects that all KCC Community and Voluntary Controlled Schools will use this document as the basis for their Redundancy and Restructure Policy. This document is also strongly recommended for consideration for adoption by Foundation and Aided Schools.

Consultation on this policy has already taken place with KCC's recognised trade unions/ professional associations. However, Schools are strongly advised to ensure that there is meaningful consultation with all staff. Where there are significant changes to the model policy the School should ensure consultation should take place with staff and trade union / professional representatives prior to the document being formally adopted by Governors.

Academies and Schools Outside of Kent

This policy and procedure may be adopted in its entirety or adapted for use by Academies and Schools / Academies outside of Kent.

Cantium is able to advise and support Academies in developing their own policies.

Academies and non-Kent Schools are strongly advised to ensure that there is meaningful consultation with staff and their trade union / professional representatives prior to the document formally being adopted by Governors.

Part A - Policy

1. Policy Statement

Circumstances may arise which necessitate a restructure of staffing within the school. On occasion this may result in redundancies.

Where the need to restructure arises, the School will seek to ensure that:

- Measures are implemented to avoid redundancies where possible and the total number of redundancies are kept to a minimum.
- Effective communication and meaningful consultation takes place with Employees and their Trade Union representatives at the earliest opportunity.
- Selection for redundancy or posts in a restructure situation is based on clear criteria which will be objectively and fairly applied.
- Redeployment opportunities are explored wherever possible and Employees are supported in seeking alternative employment.
- Employees selected for redundancy are given the opportunity to attend a decision meeting and to appeal.

The School expects that Employees affected by a potential redundancy or restructure situation will attend collective and individual consultation meetings, wherever possible.

An Employee who is at risk of redundancy has a responsibility to seek and accept alternative employment where it is suitable. An Employee who unreasonably refuses an offer of suitable alternative employment may lose their entitlement to a redundancy payment.

This procedure explains:

- How the School will manage redundancy and restructure situations in a fair, consistent and reasonable manner
- How the School will meet its obligations with regards to consultation
- The entitlements of Employees who are made redundant.

2. Scope

This Policy and Procedure applies to all Employees of the DEALT.

3. Adoption Arrangements and Date

This procedure was adopted by the Trustees on October 2019 and supersedes any previous Redundancy and Restructure Policy and Procedure.

This policy will be reviewed by the Trustees every 2 years or earlier if there is a need. This will involve consultation with the recognised unions where there are material changes.

4. Responsibilities of the School

- To establish and adhere to restructure and redundancy procedures
- To consult with Employees and their Trade Union representatives
- To seek to minimise redundancies and identify alternative employment opportunities for Employees who are at risk of redundancy
- To ensure that where redundancies are necessary Employees are dismissed fairly.

5. Responsibilities of the Employee

- To co-operate with reorganisation procedures
- To seek to mitigate individual loss by actively exploring alternative employment and accept work where it is suitable.

Part B – Procedure

6. Definition of a Redundancy and Restructure Situation

Redundancy is a potentially fair reason for dismissal.

A dismissal by reason of redundancy may occur when:

- 'The Employer ceases or intends to cease, to carry on the business for the purposes of which the Employee was employed or intends to cease, to carry on the business in the place where the Employee was so employed'

- 'The requirements of that business for Employees to carry out work of a particular kind, or for Employees to carry out work of a particular kind in the place where they were so employed have ceased or diminished or are expected to cease or diminish'

(Section 139 (1) Employment Rights Act 1996)

A restructure may be defined as a reorganisation of the School's operations which may give rise to a need to change:

- The staffing structure

- An Employee's job role and / or job description

- An Employee's salary, hours or other terms and conditions

- The way in which a service is delivered including an Employee's pattern of work.

A restructure may also result in the need to reduce the total number of staff and may lead to a redundancy situation.

7. The role of the Governing Body

Prior to commencing a restructure or redundancy process, the Headteacher will present rationale for the proposed redundancies / restructure to the governing body for consideration and approval.

Where the governing body is satisfied of the need to proceed, and that no other reasonable alternatives exist, they will instruct the Headteacher or nominated person to begin a consultation process and, if appropriate, confirm that a redundancy situation is unavoidable. In the case of restructures a redundancy situation may be declared as a precautionary measure in situations where the extent of any redundancies is not yet known.

The Governing Body will also identify appropriate panels who will have delegated responsibility for managing the process.

8. Delegated Responsibility

The application of the School's Redundancy / Restructure procedure will be managed by an individual or panel with delegated authority to take decisions regarding the process, including making dismissals on behalf of the Governing Body.

Please refer to Appendix 2 for further details of the delegation arrangements which apply in this School.

9. Timescales for the Procedure

The School will set reasonable timescales for each stage of the process.

Indicative timescales for the process are set out in Appendix 1.

The School may, in exceptional circumstances, adopt a shorter timescale for the process, but with due regard for the need for meaningful consultation.

For the purpose of this procedure 'working day' will normally refer to the 195 school days. At the School's discretion, working days may include school closure periods where an Employee works outside of term time. Appropriate timescales will be discussed with the affected Employees.

10. Right to Representation

A workplace colleague or Trade Union representative may accompany an Employee to any meeting held under this procedure.

11. Selection Pools

When a restructure or redundancy situation arises, the School will use objective criteria to establish at the outset those Employee(s) who will be in the selection pool.

The precise pool(s) will be determined by the circumstances and may comprise of the whole School / a discrete department or a particular group of Employees or individual Employees who undertake the same or similar work.

12. Avoidance Measures

Where a potential redundancy situation arises, the School will in the first instance consider any avoidance measures including:

- Non recruitment to vacant posts

- Seeking volunteers for redundancy
- Appointing to vacancies from among existing Employees
- Cessation of temporary / fixed term contracts / secondments, where this is lawful and fair
- Exploring other options with Employees such as a voluntary reduction in hours
- Redeployment to alternative posts in the School (or throughout the Trust in the case of MATs)
- Retraining
- Early retirement (within the provisions of the Teacher's Pension and Local Government Pension Scheme)
- Reduction in the use of casual or supply staff
- Reduction in overtime or additional hours.

Additionally, the School will explore all non staff cost saving measures.

Exploration of these measures will continue during the consultation process. Should avoidance measures come to light the Redundancy / Restructure Panel may halt the process in one or all of the selection pools.

13. Consultation Meeting

A consultation meeting will be convened as soon as practicable with the potentially affected Employees and their representatives to discuss proposals to restructure / make redundancies.

Employees and their representatives will be given reasonable notice of the date of any consultation meeting. Copies of any documentation relevant to the proposals may be shared with representatives in advance of the meeting.

During the early consultation meeting the School will explain:

- the rationale and proposals for change
- the process and timescales to be followed.

Staff and their representatives will be invited to put forward their views and alternative proposals for consideration by the redundancy / restructure panel, with a view to reaching agreement, where possible.

There will usually be an opportunity for representatives to attend a pre meet with the School immediately before the consultation meeting and staff will have the opportunity to meet with their representatives at the end of the meeting.

14. Formal Consultation

Guidance Note – In accordance with Burgundy Book Conditions of Service (Appendix 1) where a redundancy situation involves Teachers collective consultation with recognised unions should take place and written notification must be provided to them including the details as set out in Section 188 if the Trade Union and Labour Relations Act 1992.

Where more than 20 employees are at risk of redundancy collective consultation must take place and a S188 notification also be provided.

In all other circumstances the School may determine the nature of any written documentation provided.

Following the consultation meeting the school will enter into a period of formal consultation with Employees and their representatives.

In the case of potential redundancy situations involving:

- 20 or more employees in a period of 90 days or less or
- Staff employed in accordance with the Burgundy Book (teachers)

written notification will be provided in accordance with the provisions of the Section 188 notice and will include:

- Reasons for the proposals and any proposed redundancies
- Numbers and descriptions of Employees it is proposed to make redundant
- The total number of Employee at the School
- The proposed method of selecting those who may be dismissed
- The proposed method of carrying out the dismissals, including the period over which dismissals will take place
- The proposed method of calculating redundancy payments

In all other potential redundancy situations or in the case of a restructure where no redundancies are proposed, consideration will be given to producing a written consultation document / proposal as appropriate.

The School will notify the Department for Business Innovation and Skills (HR1 Notification) in instances where it is proposed that more than 20 Employees will be made redundant within a 90 day period or less.

15. Timescales for Formal Consultation

> ***Guidance Note:***
>
> *Schools should seek guidance from their personnel provider regarding the appropriate consultation period given the circumstances.*

The Formal Consultation period will start the working day after the Consultation Meeting or as soon as is possible thereafter.

During formal consultation Employees and their representatives are invited to make written comments about the proposals to the redundancy panel.

Consideration will be given to allowing sufficient time for meaningful consultation with Employees and their representatives. Indicative timescales for consultation are as follows:

- Where redundancies are proposed Formal consultation will usually not be less than 10 working days.

- Where it is proposed that more than 20 Employees will be made redundant in a period of 90 days or less, the School will follow the Statutory Consultation process and timescales as required in the Trade Union and Labour Relations Act 1992 as set out in the table below:

Employees to be dismissed at the establishment over a 90 day period	**Minimum period consultation should start before notice of first dismissal is issued**
20-99 Employees	30 calendar days
More than 100 Employees	45 calendar days

- In the case of a restructure where no redundancies are proposed the period for consultation will be determined by the school. Consideration will be given to what is reasonable and meaningful given the scope and nature of the changes proposed,

16. Individual Consultation

During the period of Formal Consultation, Employees in the selection pool will be given the opportunity to meet on a 1:1 basis with the Headteacher or other appropriate member of the staff team to discuss:

- The implications of the proposals for the individual
- The proposed method of selection and scoring
- Timescales
- Employee's views on the proposals and any comments / alternative considerations they wish to raise
- Suitable alternative employment opportunities
- Making an expression of interest for voluntary redundancy.

The School will consider any comments made during individual consultation and respond in writing as appropriate.

A Trade Union representative or workplace colleague may be present at this meeting.

17. Consideration of Responses

At the end of the formal consultation period the Redundancy / Restructure Panel will consider any comments and counter proposals which have been made by Employees' or their representatives and respond in writing. Where counter proposals are rejected, the reasons will be stated.

Should alternative options become available as a result of consultation the Redundancy / Restructure Panel may halt the process in one or all of the selection pools.

Should the School's proposals be amended as a result of the consultation process Employees and their representatives will be advised of this.

18. Request for Volunteers

To prevent compulsory redundancies, applications for voluntary redundancy will be considered.

Volunteers should put their request in writing to the Redundancy / Restructure panel who will determine whether this can be accepted. The panel reserves the right to decline volunteers in circumstances where this may be detrimental to the business needs of the School. In order to consider requests from volunteers, the School may request that they be received by a specified date.

Consideration will be given to 'bumped' redundancies where appropriate. A bumped redundancy is where a volunteer for redundancy who is not in the initial pool is accepted and someone who would otherwise be made redundant moves to the post of the volunteer.

There is no right of appeal against non acceptance of a request to volunteer for redundancy or to be considered for bumped redundancy.

Should sufficient volunteers be accepted, the Redundancy / Restructure Panel may halt the process in one or all of the selection pools.

An acceptance of a volunteer is provisional pending the conclusion of the redundancy process. Should the situation within the School change prior to notice being issued, this offer may be withdrawn.

19. Slotting

Employees may be automatically placed or 'slotted' into a post in the reorganised structure if their current post is largely unaffected by the proposed changes.

In general terms slotting may be considered in instances where:

- The grade is unchanged
- There are the same or greater number of jobs in the new structure as in the current structure
- The job is deemed to be 75% the same in terms of responsibility and accountability, job tasks and overall objectives.

Posts that are potentially eligible for slotting will be identified during the consultation process. The Redundancy / Restructure Panel will determine which posts will slot and eligible Employees will receive written confirmation of this usually at the end of the Formal Consultation stage.

Wherever possible, slotted roles will be confirmed at the earliest opportunity to reduce uncertainty.

20. At Risk Notification

At the end of the formal consultation period, and should no alternatives to redundancy have been identified, Employees in the pool for selection will be notified in writing that they are formally 'at risk' of redundancy if appropriate, and advised of the details of the redundancy / restructure selection process.

21. Selection Criteria

Selection for Redundancy

If, having taken the above steps, it has not been possible to avoid a compulsory redundancy situation, the School will establish a suitable objective and fair method for selecting Employees whose jobs will be made redundant. This proposed selection criteria and method will be shared during consultation.

Selection criteria may include one or more of the following:

- Standard core competencies
- Job specific competencies and specialist skills
- Attendance records (excluding absences relating to pregnancy and disability)
- Formal Disciplinary records (unexpired disciplinary warnings only)
- Performance management records and achievement of objectives
- Relevant Qualifications
- Continuous Professional Development within the past 5 years (including evidence of how this has been utilised in the job role)
- Evidence of contribution to the wider School community

The precise selection criteria may vary dependent on the selection pool and what is reasonable given the circumstances.

When identifying selection criteria, the School will have careful regard to equalities issues and reasonable expectations for the job role.

The School will seek to ensure that the selection criteria are robust and fairly applied and objectively scored for all candidates within the pool.

Selection criteria may be assessed via:

- A skills audit
- An application and interview process
- A selection activity
- An analysis of staff data.

More than one selection method may be used. Where multiple methods are used the relative weighting of these will be specified during the consultation process.

The proposed selection criteria and method will be shared during consultation.

Where there is a single Employee in the selection pool or all posts within a pool are to be removed from the structure, it will not be necessary to undertake a selection process.

Selection in a reorganisation

Where new posts or significantly different posts are created as a result of a restructure, recruitment to these will usually be via a competitive application / recruitment process. The precise process will be outlined during consultation.

In such circumstances, these vacancies may be ring fenced to certain groups of Employees or individuals, in the first instance. Any ring fencing provisions will be outlined during consultation.

Should an Employee not be selected for a post in the new structure and their original post is deleted – this will result in them being made redundant.

22. Notification of Outcome: Selection for Redundancy

An Employee may be notified verbally or in writing of the outcome of the selection process. In all cases the outcome will be confirmed in writing and include an invitation for the Employee to attend a decision meeting should they wish to discuss the circumstances of their selection and notification of their right to appeal.

23. Notification of Outcome: Offers of new posts or contractual variations

An Employee may be notified verbally or in writing of any offer of a new post or contractual variation. In all cases the details will be confirmed in writing and include

a full statement of any changed terms and conditions, confirmation of the effective date and any notice that may apply.

Where, in accordance with teaching or support staff provisions, salary protection arrangements apply these will also be confirmed in writing.

Employees will be asked to confirm their acceptance of any offer in writing and the School may specify a timescale in which confirmation should be given.

Employees will be given the opportunity to attend a decision meeting and also appeal the decisions to terminate their current post

Where variations to a contract or an offer of suitable alternative employment are unreasonably refused – the School reserves the right to dismiss the Employee with notice and re-engage them on the new terms. Employees who do not accept re-engagement will not be entitled to a redundancy payment and will be considered to have resigned.

24. Decision Meeting

Employees who have been provisionally selected for redundancy or who have declined an offer of alternative employment / contractual variation will be invited to attend a Decision Meeting with the Redundancy Panel.

The purpose of this meeting is

- for the Headteacher / Redundancy Panel to explain the reasons for the deletion of the post and / or the Employee's selection for redundancy
- for the Employee to ask any questions relating to their selection and / or present reasons why they believe they should not have been selected.

The Decision Meeting should take place as soon as practicable, and usually within 5 working days of written notification of the outcome of the selection process. The panel may adjourn the Decision Meeting should the Employee present information requiring further investigation.

A Trade Union representative or workplace colleague may be present at this meeting.

The meeting may be postponed for up to 5 working days if the Trade Union representative or workplace colleague cannot attend. It should be noted that where the proposed date of the decision meeting has been shared with Employees and their representatives at the outset of the redundancy process, it would usually be expected that parties would be available to attend on the pre arranged date unless issues had been raised when the timeline was originally shared.

Employees are encouraged to attend this meeting but may choose not to, should they wish.

The outcome of the Decision Meeting will be confirmed in writing with the Employee usually within 5 working days.

25. Notice Entitlement

Employees will receive written notice of their dismissal by reason of redundancy, once they have been advised of the outcome of any Decision Meeting.

Statutory notice will be given where this exceeds an Employee's contractual notice period.

Where statutory notice is issued this will be 1 week for each year of service, up to the maximum of 12 weeks.

In the case of teachers, notice will be issued with due regard to the contractual provisions and termination dates set out in the Burgundy Book detailed in table below or statutory entitlement whichever is the greater.

Teachers*	
For redundancies at the end of the Summer term	3 months expiring 31st August
For redundancies at the end of the Autumn term	2 months expiring 31st December
For redundancies at the end of the Spring term	2 months expiring 30th April

** Please note that in the case of a Headteacher the notice period is 1 month longer in all cases*

In the case of support staff employed on Kent Scheme terms and conditions, notice will be issued in accordance with the provisions of the Employee's contract or statutory entitlement whichever is the greater.

Support Staff: Kent Scheme Conditions of Service	
KR2-KR8	1 calendar month
KR9	2 calendar months
KR10 +	3 calendar months

Where school follows alternative provisions for support staff the notice period should be specified here

The School may reserve the right in certain circumstances to offer, by mutual agreement, a period of paid garden leave pending the expiry of an Employee's notice period.

26. Appeal

Employees may appeal in writing against the decision to terminate their current contract by reason of redundancy. Appeals should be made to the Clerk to the Governing Body or other nominated person within 5 working days of receipt of written notice and should state clearly the grounds for appeal.

Grounds for appeal may include:

- Unfairness of decision
- That new evidence has come to light
- Significant procedural irregularities.

Any documentation that the Employee wishes to be considered by the appeal panel should be provided with the letter of appeal and in all cases no later than the deadline for the receipt of appeals.

Appeals will be heard by the redundancy appeal panel as soon as practicable, and usually within 10 working days of receipt.

The school will provide the Employee with copies of any documents which will be referred to during the appeal in advance and usually no later than 5 working day before the appeal meeting.

A Trade Union representative or workplace colleague may be present at this meeting.

The meeting may be postponed for up to 5 working days if the Trade Union representative or workplace colleague cannot attend. It should be noted that where the proposed date of the appeal meeting has been shared with employees and their representatives at the outset of the redundancy process, it would usually be expected that the parties would be available to attend on the pre arranged date.

The purpose of the Appeal is to review the original decision on the basis of the grounds for appeal presented by the Employee.

The outcome may be:

- To uphold the previous decision to dismiss the Employee on the grounds of redundancy

To uphold the Employee's appeal and withdraw the dismissal decision.

The outcome of the appeal meeting will be confirmed in writing with the Employee, usually within 5 working days.

Where an Employee's appeal is upheld the panel will refer the matter to the redundancy / restructure panel who will determine the next steps.

The decision of the appeal panel is final and there is no further right of appeal.

Part C: Considerations for Employees Selected for Redundancy

27. Suitable Alternative Employment

The School will take reasonable steps to identify suitable alternative employment and redeployment opportunities for Employees under notice of redundancy.

Individuals will be made aware of any vacancies which arise within the School.

While priority will be given wherever possible to Employees under notice of redundancy, the School reserves the right to appoint the best available candidate to any vacancy.

Any offers of alternative employment will be made in writing, including a full statement of the terms and conditions offered.

Where suitable alternative employment is offered salary protection will be payable to eligible staff in accordance with the provisions of teaching or support staff pay and conditions. It should be noted that only posts identified during the consultation process as suitable alternatives will attract protection.

28. Refusal of Suitable Alternative Employment

Should an Employee feel unable to accept an offer of alternative employment they may wish to discuss the reasons for this informally with the Headteacher in the first instance. It will be for the Employee to demonstrate to the Redundancy / Restructure Panel the reason why an alternative offer made by the School is not reasonable and suitable.

An Employee who unreasonably refuses an offer of suitable alternative employment made with broadly comparable terms and conditions, may lose their entitlement to

redundancy pay and early release of LGPS pension (where applicable). In such circumstances, dismissal would still be for reason of redundancy.

29. Considerations for Employees on maternity, adoption and shared parental leave

An Employee on maternity, adoption or shared parental leave, and who is under notice of redundancy, will have a statutory automatic right to be offered suitable alternative work, if available, ahead of any other Employees. In the event that more Employees fall into this category than posts available a selection process will need to be used.

Where an Employee is on maternity / adoption or shared parental leave any notice period will be paid at full pay.

Where an Employee who is on maternity / adoption leave or shared parental leave is made redundant statutory maternity and adoption pay will continue until its expiry – however occupational maternity / adoption pay will cease at the date of redundancy Employees who are pregnant at the date of redundancy may also be entitled to receive statutory maternity pay.

Employees who are pregnant or on maternity leave at the date of redundancy will be provided with guidance on their individual entitlements,

30. Statutory Trial Periods

Where an Employee will be entitled to a 4 week statutory trial period where they are under notice of redundancy and are offered suitable alternative employment within the School which differs from the terms of their current contract.

If either party determines within the trial period that the new job is not suitable, the employment will terminate by reason of redundancy. In this situation the date for calculating an Employee's redundancy payment will be the date on which the original contract was due to be made redundant. Where an Employee unreasonably terminates a trial period, the School reserves the right to withhold a redundancy payment.

The trial period may be extended beyond the initial 4 weeks by mutual agreement to enable further retraining. Any extension will be confirmed in writing.

The School may at its discretion offer trial periods to Employees offered suitable alternative employment at an earlier stage of the redundancy process.

31. Deferred Redundancy

A deferred redundancy may occur where an employee selected for redundancy is placed into an interim or temporary role which delays their date of redundancy. The maximum period for which a redundancy will be deferred is 18 months.

The basis on which a redundancy payment will be calculated at the end of any temporary role will be discussed with the Employee.

32. Time off to look for alternative employment

Employees under notice of redundancy and who have been continuously employed by the School for at least 2 years, have the statutory right to take a reasonable amount of time off work to look for another job, attend interviews or attend training.

At the School's discretion, this provision may be extended to Employees with less than 2 years' service.

In granting time off consideration will be given to the business needs of the School. Employees wishing to take advantage of this provision should make appropriate arrangements with their manager.

It is for the school to determine what is reasonable however it is not expected that time off would exceed an average of 2 paid days per week or pro rata for part time staff – guidance note.

33. Outstanding Leave

Employees who are to be made redundant will be advised of any outstanding leave. This should be taken during the notice period wherever possible. In the event that this is not possible, payment will be made in lieu of any outstanding leave.

34. Calculating Redundancy Payments

Guidance Note:

Kent Maintained Schools may be able to apply to KCC for funding of redundancy and associated pension costs arising from redundancies.

In instances where the School does not meet the criteria for local authority funding or chooses not to apply for funding, redundancy costs (and associated pension costs where applicable for support staff) will be met directly by the School.

Academies are not eligible to apply for Local Authority Funding of redundancy / pension costs.

The amount of the redundancy payment will be determined by the Employee's age and length of service as set out in Appendix 2. The Employee will be entitled to receive:

- Half a week's pay for each year of employment in which the Employee was aged 21 or under
- One week's pay for each year of employment in which the Employee was aged between 22 and 40, and
- One and a half weeks' pay for each year of employment in which the Employee was aged 41 or over.

Redundancy payments are based on an Employee's actual contractual gross weekly pay and are not subject to the statutory weekly pay threshold.

Service before the age of 18 years will not count. There is no upper age limit on statutory redundancy payments.

The maximum number of years of employment that can be taken into account is 20.

Under the terms of the Local Government Modification Order, the School will recognise prior continuous service with maintained schools and other bodies covered by the order for the purpose of redundancy. It should be noted that employment with an Academy will also count towards continuous local government service for redundancy purposes.

Details of those bodies on the Modification Order are available from the School.

Employees will receive a written estimate of redundancy monies payable. It is the Employees responsibility to check this information is correct and notify the school of any anomalies / provide evidence of any service under the modification order that they wish to be considered for the purpose of their redundancy entitlement.

The redundancy payment will be based upon the contractual circumstances of the Employee at the date statutory redundancy notice is issued.

35. Deductions from Redundancy Payments

Redundancy payments of less than £30,000 are free from normal payroll deductions. Any sums in excess of £30,000 are subject to payroll deductions in respect of Income tax and will be made via the School payroll.

36. Securing Alternative Employment and the Modification Order

Employees will not be entitled to a redundancy payment if they are offered before their date of redundancy, alternative employment with an employer covered by the

Local Government Modifications Order, which commences within 4 weeks of the date of redundancy.

Details of associated employers on the Modification Order are available from the School.
The School reserves the right to withhold redundancy payment or recover any payment made where an Employee starts alternative employment with an associated employer in these circumstances.

Where an offer of alternative employment is made, the start date of this employment should not be artificially delayed to facilitate a 4 week break. Where it is believed a start date has been artificially delayed any redundancy payment may be withheld.

Employees should advise the school as soon as possible if they are offered alternative employment with an associated employer which means they are no longer entitled to a redundancy payment.

37. Leaving before the redundancy date

Should an Employee wish to leave employment prior to the expiry of their notice period they should make the School aware of this as soon as possible and explain the reasons for requesting an early release.

This will usually be regarded as a resignation and there will be no entitlement to a redundancy payment.

38. Release of Local Government Pension

Current members of the LGPS who are aged 55+ at the date of redundancy and have more than 3 months pensionable service are required under the terms of the scheme to take their pension should they be made redundant.

There is no requirement for members of the Teachers' Pension Scheme to take their pension if they are made redundant.

39. Record Keeping

Notes may be taken of all discussions and formal / informal meetings held with an Employee to discuss redundancy issues. Where notes are taken a copy will be made available to the Employee.

Minutes will be taken at decision and appeal meetings. Minutes may be taken by a clerk who is present at the meeting or transcribed from an audio recording. An audio recording will only be shared with the prior consent of the Employee.

Minutes will be shared with the Employee as soon as is practicable. The Employee will have the opportunity to check the accuracy of minutes. Where there are discrepancies between the Employer and Employee that cannot be resolved both versions of the minutes will be held on record. Where an audio recording is made this will be shared with the Employee if requested.

40. Other Considerations

Reasonable Adjustments
The School will consider making 'reasonable adjustments' in any redundancy consultation and selection process for Employees with declared disabilities or additional needs. This may include the provision of an amanuensis (scribe) to assist in the completion of written audits. Individuals should make the Redundancy / Restructure panel aware of any additional requirements so that consideration may be given to appropriate adjustments.

Absent Employees
The School will seek to ensure absent Employees are kept fully informed of the redundancy process by inviting them to consultation meetings and ensuring they receive copies of relevant written information. Where an individual is unable to attend meetings, the School will explore means of ensuring effective communication is maintained.

Advice and Support to Employees
Employees are advised to seek support from their Trade Union Representative or Professional Association with regards to redundancy issues. Employees may address questions about this procedure to the Headteacher or other delegated staff member.

41. Confidentiality

All parties are required to respect the confidentiality of all information relating to the Redundancy / Restructure process.

The School recognises its obligations under the General Data Protection Regulation (2018) and associated legislation and the rights of Employees with regards to the personal data held on them.

All records relating to the management of Redundancy / Restructure processes will be gathered, processed, held and shared in accordance with the requirements of the General Data Protection Regulation and Data Protection Act.

Please refer to the School's Data Protection Policy and Privacy Notice for further details.

Appendix 1: Indicative Redundancy / Restructure Timeline

1	**Governing Body meets** • Agree need to proceed with restructure and commence consultation • Panel identified	Before Consultation Meeting is convened School to determine
2	**Formal Consultation Meeting with Employees and Trade Union / Professional Associations** • Proposals Explained	Reasonable Notice (e.g. 5-10 working days)
3	**Formal Consultation Period** • Section 188 letter or consultation letter shared as appropriate • Comments invited from Employee and Trade Union / Professional Associations	Commences Working Day Following the Consultation Meeting Where redundancies are proposed the consultation period will be 10 working days or longer as required by TULRA OR Where no redundancies are proposed - the school will determine consultation period
4	**Individual Consultation** • Employees given the opportunity to meet on 1:1 basis	Usually during first week of formal consultation
5	**End of Formal Consultation** • Panel considers responses to consultation and whether original proposals should proceed or be revised	Asap after end of consultation
6	**At risk letters sent - where redundancies are proposed** • Employees placed at risk and notified of selection process • Where no redundancies are proposed employees advised of selection process	Allow 1 week

7	**Selection** • Audits / Applications to be returned by • Selection Meeting • Interviews Held (if applicable)	Allow 1 – 2 weeks
8	**Notification of outcome** • Communicate outcome of process • Inform Employees if their posts are selected for redundancy or • Offer of an alternative post made / contractual variation confirmed • Employees advised they may attend a decision meeting and appeal	Asap after conclusion of selection process
9	**Decision Meeting** • School explains reason for Employee's selection for redundancy • Employee may ask questions or present reasons why they believe they should have been selected	Meeting usually held within 5 working days of written notification of the outcome of the selection process Outcome confirmed in writing as soon as practicable - usually within 5 working days and prior to notice being issued
10	**Notice Issued** • Notice will be the greater of statutory or contractual entitlement	After the Decision Meeting and in line with statutory / contractual entitlement
11	**Appeal Meeting** • Appeals to be made by • Employees Advised of the outcome by	Appeals to be made within 5 working days of start of notice period Appeals usually heard within 10 working days Outcome confirmed in writing as soon as practicable
12	**Contracts terminate by reason of redundancy or contractual amendments effective**	

Appendix 2: Delegated Responsibility

Guidance Note:

Under the School Staffing Regulations 2009, dismissal decisions, may be delegated to either:

- The Headteacher.
- One or more governors.
- One or more governors acting together with the Headteacher.

Governors should therefore determine delegation arrangements for the management of redundancy dismissals within their own School. Any delegation arrangements should be consistent with the Terms of Reference of the Governing Body.

Schools are advised to seek guidance from their personnel provider on the appropriate composition of formal panels given the circumstances to ensure a fair, impartial and objective process.

The application of the School's procedure will be managed by an individual or panel with delegated authority to take decisions regarding the process, including making dismissals on behalf of the Governing Body.

Consideration should be given to the appropriate composition of the panel in the circumstances.

Either: Where authority to dismiss has been delegated
In this school responsibility for dismissal decisions has been delegated to the Headteacher, the redundancy process may be managed by, and initial restructure and redundancy decisions made, solely by the Headteacher.

A redundancy / restructure panel of one or more governors may be convened to hear the matter in situations where it is not appropriate for the Headteacher to perform this function.

Appeals will be heard by a panel of one or more governors who have had no prior involvement in the matter under consideration.

Staff governors should not be a member of a governor redundancy, restructure or appeal panel.

Or: Where authority has not been delegated
In this school responsibility for dismissal decisions has not been delegated and therefore formal hearings to consider dismissal will be heard by a redundancy / restructure panel of one or more governors who have had no prior involvement in the matter under consideration.

Appeals will be heard by a further panel of one or more governors who have had no prior involvement in the matter under consideration.

Staff Governors should not be a member of a governor redundancy, restructure or appeal panel.

Additional Considerations for Community and Voluntary Controlled Schools

In accordance with the 2009 School Staffing Regulations, where a decision is made by a Community or Voluntary controlled school to dismiss an employee the Local Authority (via Cantium HR Consultancy Service) must also be informed of the decision and reasons for this by the School. Notice of redundancy will be issued by the school on behalf of the Local Authority and the Governing Body.

Appendix 3: Indicative Redundancy Entitlement Chart

The table below provides an illustration of the redundancy entitlement (weeks' pay) an Employee may receive depending on their age and length of continuous local government service.

Age (years) — Service (years)

	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
17	1																		
18	1	1½																	
19	1	1½	2																
20	1	1½	2	2½	-														
21	1	1½	2	2½	3	-													
22	1	1½	2	2½	3	3½	-												
23	1½	2	2½	3	3½	4	4½	-											
24	2	2½	3	3½	4	4½	5	5½	-										
25	2	3	3½	4	4½	5	5½	6	6½	-									
26	2	3	4	4½	5	5½	6	6½	7	7½	-								
27	2	3	4	5	5½	6	6½	7	7½	8	8½	-							
28	2	3	4	5	6	6½	7	7½	8	8½	9	9½	-						
29	2	3	4	5	6	7	7½	8	8½	9	9½	10	10½	-					
30	2	3	4	5	6	7	8	8½	9	9½	10	10½	11	11½	-				
31	2	3	4	5	6	7	8	9	9½	10	10½	11	11½	12	12½	-			
32	2	3	4	5	6	7	8	9	10	10½	11	11½	12	12½	13	13½	-		
33	2	3	4	5	6	7	8	9	10	11	11½	12	12½	13	13½	14	14½	-	
34	2	3	4	5	6	7	8	9	10	11	12	12½	13	13½	14	14½	15	15½	-
35	2	3	4	5	6	7	8	9	10	11	12	13	13½	14	14½	15	15½	16	16½
36	2	3	4	5	6	7	8	9	10	11	12	13	14	14½	15	15½	16	16½	17

37	2	3	4	5	6	7	8	9	10	11	12	13	14	15	15½	16	16½	17	17½
38	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	16½	17	17½	18
39	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	17½	18	18½
40	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	18½	19
41	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	19½
42	2½	3½	4½	5½	6½	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½
43	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
44	3	4½	5½	6½	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½
45	3	4½	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
46	3	4½	6	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½
47	3	4½	6	7½	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
48	3	4½	6	7½	9	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	23½
49	3	4½	6	7½	9	10½	12	13	14	15	16	17	18	19	20	21	22	23	24
50	3	4½	6	7½	9	10½	12	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	23½	24½
51	3	4½	6	7½	9	10½	12	13½	15	16	17	18	19	20	21	22	23	24	25
52	3	4½	6	7½	9	10½	12	13½	15	16½	17½	18½	19½	20½	21½	22½	23½	24½	25½
53	3	4½	6	7½	9	10½	12	13½	15	16½	18	19	20	21	22	23	24	25	26
54	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	20½	21½	22½	23½	24½	25½	26½
55	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22	23	24	25	26	27
56	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	23½	24½	25½	26½	27½
57	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25	26	27	28
58	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	26½	27½	28½
59	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28	29
60	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28½	29½
61+	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28½	30

Appendix 4: Decision and Appeal Meetings

General

Decision and Appeal Meetings should take place at a reasonable time and place usually during the Employee's normal working hours and, in the case of Employees who work term time only, during the School term. Meetings should not continue beyond 5pm to protect the welfare of the Employee. These arrangements may be varied by mutual agreement.

Consideration should be given to the venue for the hearing. There should be adequate rooms for the parties and arrangements to ensure that the meeting is conducted with discretion and confidentiality maintained. A venue away from the School site may be appropriate in certain circumstances.

The precise procedure to be followed will vary depending on the particular circumstances of each case, but in general the following will apply:

Procedure for Decision Meetings

- The Chair of the Redundancy Panel will introduce those present and their roles, explain the procedure to be followed and the format of the meeting.

- The Chair of the Redundancy Panel will explain the reasons why the Employee has been provisionally identified for redundancy with reference to the outcome of any audit or selection process. The Employee and their representative may ask any questions relating to this.

- The Employee and their representative may wish to present reasons why he / she should not have been selected. This may include asking the panel to reconsider its initial selection decision. The Employee is not permitted to add to information given during the selection process or comment on the performance of others. The Redundancy Panel may ask questions relating to the points raised by the Employee.

- The meeting is adjourned to enable the Redundancy Panel to consider the points raised and whether the provisional decision to dismiss should be upheld.

- The Decision Meeting is reconvened, and the outcome is communicated verbally to the Employee. The outcome will also be confirmed in writing to the Employee within 5 working days of the decision.

Procedure for Appeals

- The panel will identify a chair whose role is to facilitate the appeal meeting.
- The chair of the panel will introduce those present and their roles, explain the case to be considered, the procedure to be followed and the format of the meeting.
- The Employee or their representative shall put the case in support of the grounds for appeal, including any mitigating circumstances. This may include referring to written submissions and evidence. The School's representative and panel may ask questions of the Employee and their representative.
- The School's representative presents the case for upholding the previous panel's decision and refers to written documentation. The Employee and their representative and panel may ask questions of the School's representative.
- The panel will invite both parties to sum up their cases, with the Employee or their representative having the final word. The hearing will then be adjourned whilst the panel deliberates over the evidence.
- Adjournments may be requested by both parties or by the panel during the appeal hearing. If new evidence is presented the appeal may need to be adjourned while this is investigated.
- The appeal hearing will then be adjourned whilst the panel deliberates over the evidence. If further clarity is required both parties may be recalled and the hearing reconvened so that all parties may hear any additional evidence.
- Where possible the appeal will be reconvened and the Employee advised verbally of the outcome following the conclusion of the process and the Panel's deliberations. On occasion it may not be possible to determine an outcome on the day of the appeal, in which case the panel will reconvene at the earliest possible opportunity to make a decision. Where the panel reconvenes, the outcome will be communicated in writing to the Employee.
- In all circumstances the Employee will be advised in writing of the outcome of the hearing usually within 5 working days of the decision being made.

The Role of the Representative

The Employee has the right to be accompanied to a hearing or appeal meeting by either a workplace colleague or recognised Trade Union representative.

The representative may address the hearing to put and sum up the Employee's case, respond on behalf of the Employee at the hearing and confer with the Employee during

the hearing. The representative does not have the right to answer questions on the Employee's behalf, address the hearing if the Employee does not wish it or prevent the employer from explaining their case.

The Role of the HR Advisors

The School may request that a HR advisor attends an appeal meeting whose role is to advise the panel on the procedure and any points of employment law.

A further HR Advisor may also be in attendance to support the School in the presentation of their case.

The HR Advisors may be allowed to ask questions and clarify issues on behalf of the party they are supporting.

Appendix 5: Procedure for the Closure of a Maintained School / Academy

General

A modified redundancy procedure will be followed where it is proposed by the Local Authority or Dfe that a school will close.

Proposals for the closure of a maintained school will be managed by the Local Authority in accordance with its stated policy and Dfe Guidance. Proposals for the closure of an Academy will be managed in accordance with guidance issued by the Dfe or Regional Schools Commissioner.

The Redundancy Panel will give due consideration to the process and decisions of the local authority / Dfe regarding to the closure when managing the resulting redundancy process.

The timings of the stages within this procedure will reflect the timescales required by the local authority / Dfe for public consultation and issuing public notice of the closure, however consideration will be giving to allowing sufficient time for meaningful consultation with employees and their Trade Union / professional association representatives.

Redundancy Panel

The application of this procedure will be managed by an individual governor or panel of governors with delegated authority to take decisions and make dismissals on behalf of the Governing Body.

Consultation Meeting

Consultation will commence with affected staff and Trade Union / professional association representatives at the earliest practical opportunity following a proposal being made to close a school.

Where proposals are announced some time in advance of the anticipated closure date and to support the sharing of information – meetings and communication may take place with employees and their Trade Union representatives on an informal basis in advance of a Consultation meeting being convened.

A Consultation meeting will be convened so that consideration can be given to the implications of the proposals for employees. As a guide Employees and their representatives will be given not less than 5 working days' notice of the date of this meeting.

This timing of this early consultation meeting will usually broadly coincide with the start of public consultation regarding the closure proposals – but may vary depending on the circumstances.

Formal Consultation
Following the Consultation meeting the Redundancy Panel will enter into a period of Formal Consultation with Employees and their representatives. At this stage the proposals will be formally set out in writing in accordance with the provisions of the Section S188 notice.

Formal consultation will usually be not less than 10 working days. A shorter timescale may apply in exceptional circumstances. Where this is required this will be discussed with staff and Trade Union Representatives.

Where it is proposed that more than 20 Employees will be made redundant within a period of 90 days or less – the School will follow the following timescales for consultation as required by statute (TULRA 1992):

Employees to be dismissed at the establishment over a 90 day period	**Minimum period consultation should start before notice of first dismissal is issued**
20-99 Employees	30 calendar days
More than 100 Employees	45 calendar days

The school will notify the Department for Business Innovation and Skills in instances where it is proposed that more than 20 Employees will be made redundant within a period of 90 days or less.

Please refer to section 15/16 of the procedure for further information regarding formal consultation

Individual Consultation
During the formal consultation period Employees will be given the opportunity to meet on a 1:1 basis with a representative from the School/ Local Authority to discuss the implications of the proposals for the individual and any comments they wish to make.

Consideration of Responses
At the end of the formal consultation period the Redundancy Panel will consider any comments and counter proposals which have been made by Employees or their representatives and respond in writing, as appropriate.

Should the School's proposals be amended as a result of the consultation process Employees and their representatives will be advised of this. Where counter proposals are rejected, the reasons will be stated.

At Risk Notification
Should no alternatives to redundancy be identified Employees will be notified in writing that they are formally 'at risk' and have been provisionally selected for redundancy.

Where necessary 'at risk' notifications may be issued in advance of a final local authority decision being made to close the school.

Employees will have the opportunity to attend a Decision Meeting to discuss their reasons for selection for redundancy.

The outcome of the Decision meeting will be confirmed in writing usually within 5 working days.

Please refer to section 24 of the procedure for further information regarding the Decision Meeting

Notice
Written notice of redundancy will not be issued until the conclusion of public notice and only once the Corporate Director / Cabinet member has confirmed the final closure decision.

Notice will be the greater of an employee's contractual or statutory notice entitlement

The School may reserve the right in certain circumstances to offer, by mutual agreement, a period of paid garden leave pending the expiry of an Employee's notice period.

Please refer to section 25 of the procedure for further information regarding notice

Appeal
Employees may appeal in writing against the decision to terminate their employment by reason of redundancy.

Appeals should be made within 5 working days of receipt of written notice and should clearly state the grounds for appeal.

Appeals will be heard by the redundancy appeal panel as soon as practicable and usually within 10 working days of receipt.

The outcome of the appeal meeting will be confirmed in writing to the Employee usually within 5 working days

Please refer to section 26 of the procedure for further information regarding appeals

Redundancy Payments
Redundancy payments will be calculated in accordance with the details set out in section 34 of the procedure.

Employees will not be entitled to receive a redundancy payment if they are offered before their date of redundancy, alternative employment with an employer covered by the Local Government Modifications Order, to commence within 4 weeks of the date of redundancy. For further information please refer to section 36 of the procedure.