

# Severn Bridges Multi Academy Trust



## Redundancy Procedure

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## **Introduction**

Redundancy arises when employees are dismissed because:

- The employer has ceased, or intends to cease, to carry on the business for the purposes of which the employee was so employed; or
- The employer has ceased, or intends to cease, to carry on the business in the place where the employee was so employed; or
- The requirements of the business for employees to carry out work of a particular kind has ceased or diminished or are expected to cease or diminish; or
- The requirements of the business for the employees to carry out work of a particular kind, in the place where they were so employed, has ceased or diminished or are expected to cease or diminish.

### **We will ensure that:**

- All possible steps are taken to avoid compulsory redundancies and, where this is not possible, to reduce their number and mitigate their effects.
- Alternatives to compulsory redundancy (such as a freeze on recruitment, job sharing, reduced hours by mutual agreement, retraining and redeployment and voluntary redundancies) will be thoroughly considered prior to any compulsory redundancy exercise being undertaken.
- The total number of redundancies made is kept to a minimum
- Employees and their representatives are fully consulted on any proposals and their implementation.
- Selection for redundancy is based on clear criteria that will be objectively and fairly applied ensuring every effort is made to redeploy or find suitable alternative work for employees selected for redundancy
- Support and advice will be provided to employees selected for redundancy to help them find suitable work when their employment has come to an end.

## **Selection for Redundancy**

### **Principles**

The selection of employees for redundancy will be based on criteria which:

- Are as objective as possible
- Are supported by clear, verifiable evidence
- Are applied consistently
- Are appropriate and relevant
- Enable selectors to distinguish among employees for the purposes of selection
- Do not directly or indirectly discriminate unlawfully (i.e. on grounds of age, race, sex, disability, pregnancy, part-time basis, fixed term employment, Trade Union

membership, non-membership or activities, religion or belief, marriage/civil partnership or sexual orientation).

We will consider those who fall under Redundancy Protection in line with legislation as set out in the Management of Change Policy and Procedure Section 7.

Selection criteria will be designed to ensure that we are able to retain employees with the attributes and skills required to meet its future operational, curricular, pastoral and organisational needs.

The most common methods of selection are detailed below, however others may be used as appropriate. Employees and Trade Unions will be fully consulted on the selection process and criteria (if applicable) to be adopted for redundancy through the Management of Change Consultation Process.

### **Selection Matrix Assessments**

All directly affected employees will be required to complete a pro forma and as fully as possible explain how they meet the listed criteria.

Should employees refuse to complete the form, the information we hold about the employee will be used to establish how they meet the criteria.

The selection matrix will normally consist of 5 criteria which will be scored as follows:

1. Evidence raises serious doubt about the individual's ability to meet this criteria
2. Evidence suggests that the individual is not sufficiently confident/competent in this area
3. Evidence demonstrates appropriate levels of experience skills, experience and awareness of issues
4. Evidence demonstrates high level of experience skills, experience and understanding of the issue; and level of self-confidence expected
5. Evidence demonstrates that the individual would be able to take this issue beyond the current level of performance in this area
6. The criteria will be listed in order of priority. A mark will be given to each criteria. Those who can demonstrate they have the required skills listed in the criteria will score the higher marks.

### **Selection Meeting**

A selection meeting will be held at which each completed selection matrix will be assessed and scored. Decisions will be made by the Headteacher/Principal and/or Governors as appropriate.

A representative from the Local Authority will attend the Selection Meeting to offer advice in line with the School Staffing (England) Regulations 1999.

Those who do not demonstrate they have the skills to meet the criteria will have a lower score and are more likely to be selected for redundancy.

Once the selection meeting has taken place, those employees who have the lowest score will be informed that they have been selected for redundancy. This will be confirmed in writing and they will be invited to attend a meeting to issue them formal notice of redundancy.

Those who have been successful in retaining posts following the selection process will also be informed and this will be confirmed in writing to them.

## **Interviews**

Directly affected employees will be invited to express an interest in posts and will need to complete an expression of interest form and submit this by the deadline stated.

Employees will be shortlisted on the basis of whether they have demonstrated on their expression of interest form that they can meet the person specification for the role.

However, consideration will also be given to bridgeable gaps in skills and whether this gap can be filled with existing experience and skills or training within a specified period of time, e.g. the requirement of the job is a specific qualification but the employee who has undertaken that role doesn't have the qualification but has the relevant skills and experience, this would not preclude the individual from being interviewed and if they were the best candidate, being offered the post.

As part of this interview process other methods of assessment may also be used, for examples, skills tests, presentations etc... These will be detailed as part of the consultation process.

Consideration should be given to 'bridgeable' gaps in skills and whether this gap can be filled by training within a specified period of time.

Please note that if this interview process relates to a Headteacher role then we may take the decision to advertise this externally, either nationally or locally. This will be confirmed as part of the consultation process.

Posts that have not been filled at the end of the recruitment process will be advertised externally.

## **Notice Meeting**

This meeting will be held with employees who have been unsuccessful in securing a post and 7 calendar days' notice of meeting will be given and they will be informed of their right to be accompanied by a trade union representative or work colleague.

At this meeting, the process will be recapped, the reasons for the decision will be discussed and the employee will have the opportunity to make their representations. The employee will be issued with a formal notice letter stating their employment will end by reason of

redundancy. Notice will be issued in line with contractual or statutory notice periods whichever is greater and they will be informed of their right to Appeal.

### **Right of Appeal**

Once formal notice of redundancy has been issued, employees have the right to appeal against unfair selection for redundancy. Should an employee wish to exercise this right, they must do so in writing to the Governing Body within 10 calendar days of receipt of the notice letter.

On receipt of the appeal letter, the Appeals Committee of the Governing Body shall convene at the earliest opportunity, giving 10 working days notice of the appeal hearing.

The employee is entitled to be accompanied by a trade union representation or colleague at the appeal hearing and any supporting paperwork must be received by the appeals committee no later than 5 working days before the hearing.

### **Suitable Alternative Employment/Redeployment**

During this notice period we will continue to identify opportunities for redeployment within the Academy. If there are suitable vacant posts and the employee meets the person specification of the post they will be interviewed ahead of any other candidates.

Should the employee be successful in obtaining suitable alternative employment and the provisions of the contract differ from their existing contract then a trial period of 4 weeks **may** apply. This will be confirmed in writing as part of the offer of employment. This trial period may also be extended by agreement. If the employee works beyond the four week period (or the jointly agreed extended period) the employee will be deemed to have accepted the new employment and there will be no entitlement to a redundancy payment.

If an employee turns down suitable alternative employment or the employee resigns without good reason during the trial period, the employee may lose their entitlement to a redundancy payment.

### **Redeployment to other organisations**

We have no agreements in place with other schools or the Local Authority to redeploy our employees into these organisations, however we would support our employees with any applications they wish to make and attendance at interviews.

Where employees on notice of compulsory redundancy are applying for posts within the Local Authority area although they would need to apply for posts in the usual way, we can make approaches to the recruiting school and encourage them to offer our employees an interview for any post, at the employees request.

### **Redundancy Pay & Pension Release**

Employees with a minimum of 2 years continuous service, either with us or an employer recognised under the The Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999.

Redundancy Pay calculations are determined by the Terms and Conditions of employment and differ for Teachers and Support Staff as set out below

### **Support Staff**

For those employees employed on NJC terms and conditions of employment redundancy pay is calculated as follows:

- Half an actual week's pay for each full year you were under 22
- one week's actual pay for each full year you were 22 or older, but under 41
- one and half week's actual pay for each full year you were 41 or older
- Length of service is capped at 20 years.
- Total weeks actual pay is then multiplied by 1.5 times

The Local Government Pension Scheme gives an automatic right to pension release should a member of the scheme be made redundant and they are 55 years or older on the termination date.

### **Teachers**

For those employees employed under Teachers Terms and Conditions of Employment (Burgundy Book) redundancy is calculated in line with the Statutory Redundancy Pay provisions as set out below:

- Half a week's pay for each full year you were under 22
- one week's pay for each full year you were 22 or older, but under 41
- one and half week's pay for each full year you were 41 or older
- Length of service is capped at 20 years.
- A weeks pay is capped at a set rate which is reviewed annually on the 1 April each year. Information on the current rate can be found here [Redundancy: your rights: Redundancy pay - GOV.UK](#)

If a Teacher is a member of the Teachers Pension Scheme and they are 55 or over on the termination date, whether or not pension is released is at the discretion of the employer.

### **Modification Order**

Under the Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999, where an employee who is under notice of redundancy receives an offer of a job from another Modification Order body (organisations who are regarded as

local government employers), before the termination of his or her employment and takes it up within 4 weeks of the end of the old employment, there will be no dismissal for redundancy payment purposes, and therefore no entitlement to redundancy pay.

Details of the relevant employers can be found in Schedules 1 and 2 of the statutory provisions at: [The Redundancy Payments \(Continuity of Employment in Local Government, etc.\) \(Modification\) Order 1999](#)

Employees will be asked before a redundancy payment is made whether or not they have been offered another job with a Modification Order body and, if so, whether they intend to take the offer up within 4 weeks of finishing their current job.

### **Support for Employees**

We will provide all affected employees with detailed information on the range of support that is available for them at the commencement of the consultation process and at their notice meeting.

A brief summary of support is set out below:

- **Informal confidential discussions** - There will be opportunities throughout the process for employees to talk to the Headteacher confidentially about any concerns and issues regarding the proposals and confirmed structure.
- **Time off for interviews and/or training** - For those employees under formal notice of redundancy, we will allow the employee reasonable time off to attend interviews or training.
- Requests for this should be made to the Headteacher and with reasonable notice.
- **Careers Advice, Support and Training** - The National Careers Service provide a number of services to support employees develop their skills and also gain new employment [www.nationalcareersservice.direct.gov.uk/](http://www.nationalcareersservice.direct.gov.uk/)
- We are happy to consider any requests for training and these should be discussed with the Headteacher.
- **Employee Assistance Programme** - We provide a Confidential Counselling Service for all employees. This is provided through Health Assured and is accessible via a free 24 hour confidential helpline - 0800 783 2808.
- **Face to face counselling** - Our sickness insurance scheme Education Mutual offer face to face counselling. This is accessible by phoning 01623 287840 or emailing [healthcare@educationmutual.co.uk](mailto:healthcare@educationmutual.co.uk) or accessing the website: [educationmutual.co.uk](http://educationmutual.co.uk)
- **Education Support** - A Charity which offers telephone information, support and counselling for all those working in Education Staffed by trained counsellors with education expertise the service is 24 hour, free and confidential helpline 08000 562 561.

### **Monitoring and Review**

This policy is reviewed at least every three years and will be updated as needed to ensure it is up-to-date with such issues as they emerge and evolve, including any lessons learnt.

Any changes made to this policy will be communicated to all members of staff. All members of staff are required to familiarise themselves with all processes and procedures outlined in this policy as part of their induction programme.