

Duddon Saint Peter's CE School



Redundancy Policy and Procedure



1. Definition of redundancy and the legal position

Under employment law, a redundancy situation arises where there is a requirement for fewer employees to do work of a particular kind, or work of a particular kind at their place of work has diminished. In addition, since August 1993, there has been a requirement to consult trade unions, with a view to reaching agreement, if the employer proposes to dismiss one or more employees "for a reason not related to the individual concerned or for a number of reasons which are not so related".

In addition to employment law, there are specific education laws relating to employees in schools. In particular, paragraphs 44, 45 and 46 and Schedule 3 of the Education Reform Act 1988 prescribe the legal position of Governing Bodies and the Council in relation to the dismissal of employees and any consequential costs.

1. Introduction

1.1 Duddon St. Peter's C.E. Primary believes that in order to provide the best education for our pupils, our staff structure should be developed in line with changing demands and financial pressures.

2. Aims/Principles

2.1 Redundancy situations will be handled fairly, efficiently and transparently while ensuring all necessary steps are taken to ensure affected employees are supported and consulted.

2.2 The school recognises that uncertainty is very unsettling for staff and will make every effort to dispel uncertainty around individuals' employment situations as quickly as possible. The school will communicate clearly with all affected employees.

2.3 All formal responses to proposals from employees and their Trade Unions will be properly considered.

- 2.4 Employees refusing to take suitable alternative jobs may lose redundancy pay if the post is unreasonably refused.
- 2.5 Redundant employees who have received a severance payment will not normally be re-employed by the School. However, it is recognised that there may be some circumstances where re-employment of employees who have been made redundant would be acceptable. In these cases there can be no re-employment for the number of weeks equivalent to the redundancy payment received, with a minimum of 4 weeks' gap from the end of the old employment. In exceptional circumstances it may be possible to start a job sooner than stated above; however the appropriate amount of redundancy pay would have to be repaid.

3. Policy

- 3.1 The school will consult staff and Trade Unions at the earliest opportunity about any proposals for change with a view to reaching agreement about how they may best be implemented and redundancies minimised.
- 3.2 Where a Governing Body is satisfied that staff reductions are unavoidable, it **must** be the primary and overriding aim of that Governing Body, and the Local Authority, to seek to achieve any reductions by voluntary means. Before this process all temporary hours will need to be revoked. (Unless these hours have now become permanent within the eyes of the law)
- 3.3 It is only when all voluntary means have been exhausted that a Governing Body should consider nominating staff for redundancy. Failure to adopt and follow correct procedures could lead to an employee seeking redress through Tribunals or the courts. This could result in extra costs for the schools.
- 3.4 Schools that feel they are faced with a potential redundancy situation should get in touch immediately with their **HR Business Partner in the Local Authority**.
- 3.5 Selection of staff to be made redundant will be through an objective selection process. The criteria used to select employees who will potentially be made redundant will be objective, transparent and fair and based on the skills required to meet the school's existing and anticipated business needs.

4. Redundancy Pay for Teaching Staff and Support Staff

- 4.1 This is calculated by the Local Authority and will be shared to members of staff when requested. This information is not available to the whole Governing Body and is never used in the process of restructuring and which posts within the school remain or are made redundant. All costs are funded through the school budget.

This policy is adopted from the CWAC model Redundancy Policy.

Date: *January 2022*

Date of review *Spring 2024*