



# The Bolton Impact Trust

## Redundancy Policy

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# 1 Introduction

- 1.1 Bolton Impact Trust is committed to providing high quality services efficiently, effectively and economically to the community.
- 1.2 Equally the academy wishes to continue to act as a fair and equitable employer that is committed to the principle of maintaining the highest possible level of job security for its employees. It recognises, however, that in certain circumstances staffing reductions may be necessary.
- 1.3 In the event that a potential redundancy situation is identified the academy will endeavour to address this by workforce planning procedures, including staff redeployment, consideration of requests for voluntary redundancy or voluntary early retirement and all other reasonably practicable measures, to seek to avoid a compulsory redundancy situation. Should, however, compulsory redundancy become necessary, the academy will ensure that a consistent and fair method of selecting the staff concerned is applied.
- 1.4 Accordingly, the following procedure sets out how potential redundancy situations and, if necessary, compulsory redundancy, should be dealt with.

## 2 Exclusions to the procedure

- 2.1 The Procedure will not apply in the following circumstances:
  - termination during, or at the end of a probationary period of service, whether or not the probationary period was extended beyond its originally specified duration
  - resignation by the employee, or other termination by mutual consent
  - to agency staff, contractors or external consultants

## 3 Objectives

- 3.1 The purpose and objectives of the procedure are:
  - to ensure that the academy complies with the legislative requirements in relation to redundancy situations
  - to provide clear advice to Academy Leads and the Trustees as to their role in handling potential redundancy situations
  - to outline the workforce planning and management measures available to seek to minimise or avoid compulsory redundancies
  - to set out a clear framework for the management of compulsory redundancy situations including the application of redundancy selection criteria
  - to seek to ensure that where compulsory redundancy is necessary, employees leave the service of the academy feeling that they have been treated in a fair and equitable manner

## **4 Potential redundancy situation**

4.1 A potential redundancy situation arises:

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

4.2 As soon as it becomes evident that a potential redundancy situation could exist then the employing Trustees must identify the employees likely to be affected, both directly and indirectly.

4.3 In some instances the employee(s) to be made redundant will comprise all those undertaking a particular job(s) and/or at a particular location(s) making the application of redundancy selection criteria unnecessary. In these circumstances, however, care should be taken to check that a wider group of employees are not potentially affected as a consequence of them having similar or common contracts of employment.

4.4 Arrangements must also be made to inform and consult with the employees concerned and their Trades Union representatives.

## **5 Alternatives to compulsory redundancy**

5.1 In order to avoid or reduce the need for compulsory redundancy, alternative measures must be considered within the academy. These include the potential for the redeployment of the employees concerned (within the existing academy structure) and the use of other workforce planning arrangements to manage the required reduction in employee numbers.

5.2 In the first instance, the academy concerned will seek to re-deploy staff within the existing academy workforce.

5.3 The academy must also give consideration to the application, where reasonably practicable, of other workforce planning and management measures. These include the following:

- natural wastage through normal staff turnover
- suspending relevant external recruitment
- reducing overtime
- reducing the number of hours worked
- voluntary redundancy
- voluntary early retirement

- 5.4 In all cases the consideration and application of possible alternatives to redundancy should be carried out in conjunction with the academy's HR representative.
- 5.5 Where as part of a redundancy consultation process it is proposed to make changes to existing terms and conditions of employment e.g. reduction in grade / hours worked, consideration should be given to whether these changes would constitute a suitable alternative employment offer. Each case should be considered individually giving due consideration to the employees personal circumstances. In the case of imposed hour's changes, these would 'normally' not exceed 15% of current contracted hours.
- 5.6 If following consideration it is deemed that the proposed changes are **not** a suitable alternative employment offer, the affected employees should in normal circumstances be offered the following options;
- i. Full Redundancy Payment in accordance with the provisions detailed in section 10 of this policy;
  - ii. Partial redundancy payment plus 10%, to compensate for hours lost e.g. if an employee has their hours of work amended in their contract of employment from 30 to 25 as part of a restructure or redundancy process they may choose to receive a redundancy payment for the 5 hours 'lost' plus an additional 10% in accordance with the provisions detailed in section 10 of this policy. A revised contract of employment will be issued detailing the revised contractual entitlements.

**Note – where an employee elects to accept a partial redundancy payment as detailed above, the following iii. does not apply.**

- iii. Accept the new role, on the revised terms and conditions with an undertaking that any increase in workload (hours available) would be wherever possible, offered to them in the first instance. Where additional work is identified but the academy feels unable to offer the hours to existing employees for any reason, this must be communicated to the affected employees (and/or their representatives) prior to the recruitment process commencing.
- 5.7 Within this academy, there are no provisions to offer salary protection to staff as a result of reduction contracted hours of employment.

## 6 The statutory consultation process

- 6.1 In addition to informing and consulting with the Trades Unions and employees concerned once a potential redundancy situation is identified, there is a statutory duty to consult when any specific redundancy proposal is formulated. This is when it becomes clear that alternatives to compulsory redundancy are unlikely to resolve the situation.
- 6.2 The statutory duty applies where it is proposed to dismiss at least 20 employees on the grounds of redundancy. The minimum statutory consultation periods that must be observed before the first of the redundancy dismissals take effect are:
- i. 20 to 99 redundancies - the consultation must start **at least** 30 days before any dismissals take effect

- ii. 100 or more redundancies - the consultation must start **at least** 45 days before any dismissals take effect

**Note – whilst there is no specific legislative requirement to consult if making less than 20 redundancies, within this academy it is deemed best practice to commence consultation at least 30 days before any dismissals take effect.**

- 6.3 The purpose of the statutory consultation process is to seek to reach agreement about ways of avoiding the dismissals, or reducing the number of employees to be dismissed, and mitigating the consequences of any dismissals.
- 6.4 To this end the following information must be disclosed:
  - the reason for the proposals
  - the numbers and descriptions of the employees at risk
  - the total number of employees of that description at the establishment(s) affected by the proposals
  - the proposed method of selecting for redundancy (see Paragraph 7 below)
  - the proposed method of carrying out the dismissals
  - the proposed method of calculating the amount of any redundancy payments to be made (see Paragraph 10 below)
- 6.5 In all cases the statutory consultation process should be carried out in conjunction with the academy's HR representative.

## **7 Application of redundancy selection criteria**

- 7.1 If, despite consideration of alternative measures, the need for compulsory redundancy is unavoidable, then the Redundancy Selection Criteria may be used to determine which employee(s) will ultimately be declared redundant unless it is evident that all employees will be made redundant. Please refer to paragraph 4.3 above.
- 7.2 The redundancy selection criteria are set out in detail in Appendix A.
- 7.3 If it becomes necessary to identify which employee(s) will be declared redundant from within the group(s) of employees at risk, then the redundancy selection criteria will be applied. This will involve, in respect of each employee within the group, an objective assessment of the following:
  - work performance
  - relevant skills and competencies
  - disciplinary record
  - attendance record
- 7.4 The selection criteria assessment is to be carried out in respect of each employee by a redundancy selection panel comprising of three members of the Trustees, in conjunction with the Academy Lead, and to ensure compliance of process the academy will invite the academy's HR representative. Guidelines, together with advice from the academy's HR representative, will be available to help the academy's redundancy selection panel complete the assessments objectively and consistently.

7.5 All the employees involved in the redundancy selection process will, prior to the redundancy selection taking place, be provided with a copy of the Redundancy Selection Criteria together with an explanation as to how it will be applied.

## **8 Appeals against redundancy selection criteria**

8.1 An employee who is selected for redundancy will be informed in writing, within five working days, of their selection and will be provided with details of the scores given in relation to the selection criteria applied.

8.2 The letter confirming an employee has been selected for redundancy will contain details of the right to appeal against selection for redundancy to the Trustees Redundancy Appeals Panel. Any appeal must be submitted on the pro-forma, (attached at Appendix B), to the Chair of the Trustees Redundancy Appeal Panel of the academy, within 10 working days of receipt of the redundancy notification.

8.3 The grounds for appeal must be based on the application of the redundancy selection criteria. The pro-forma, (Appendix B), must be completed stating clearly the reasons why the employee considers the redundancy selection criteria have been applied incorrectly.

8.4 The Redundancy Appeals Panel will comprise three Trustees who have not been involved earlier in the selection process. A member of the academy's HR team will be available to the Trustees Redundancy Appeals Panel on request in an advisory capacity.

8.5 The employee will have the right to be accompanied at the Appeal, by a work colleague or trade union representative.

8.6 At the appeal hearing it will be the responsibility of the Chair of the Redundancy Selection Panel to demonstrate to the academy's Redundancy Appeals Panel that the redundancy selection criteria have been applied correctly. It will be for the employee or his/her work colleague or trade union representative, to demonstrate to the Trustees Redundancy Appeals Panel that the redundancy selection criteria have been applied inappropriately and/or the information considered had been incorrect resulting in the employee being selected wrongly.

8.7 The Trustees Redundancy Appeals Panel, having considered submissions from both parties, can determine either that the:

- redundancy selection criteria had been applied correctly and on these grounds dismiss the appeal
- redundancy selection criteria had not been applied correctly and/or the information upon which it was based was incorrect but that the resultant amendments would have made no difference to the outcome of the redundancy selection and on these grounds dismiss the appeal
- redundancy selection criteria had not been applied correctly and/or the information upon which it was based was incorrect but it was unclear what impact this would have on the redundancy selection and so refer the matter back to the academy's Redundancy Selection Panel for reassessment

- redundancy selection criteria had been applied incorrectly and/or the information upon which it was based was incorrect with the result that the employee had been selected wrongly and so upholds the appeal
- 8.8 A representative from the academy's Human Resources team will act as Secretary to the Trustees Redundancy Appeals Panel on request and record details of any evidence presented and the outcome of the appeal together with the basis of the decision.
- 8.9 The decision of the Trustees Redundancy Appeals Panel will be final but an employee will have the right to seek to refer the matter to an Employment Tribunal.
- 8.10 In the event that an appeal against redundancy selection is allowed this may mean that another employee will have to be selected for redundancy, provided that the alternatives to redundancy have been considered in respect of the selected employee, the statutory consultation process has been applied and the employee has subsequently been afforded the right of appeal. In these circumstances the employee concerned should be advised as soon as is practicable and the opportunity to appeal afforded as per paragraph 8.1 above.

## **9 Offers of suitable alternative employment**

- 9.1 Once an employee has been selected for redundancy efforts must continue to be made to find him/her suitable alternative employment until the date of termination. If suitable alternative employment is available but not offered to an employee selected for redundancy any resulting dismissal may be deemed to be unfair. Conversely, if an employee who is dismissed on grounds of redundancy is considered to have unreasonably refused an offer of suitable alternative employment then he/she will forfeit the right to a redundancy payment.
- 9.2 An offer of suitable alternative employment must reflect, as far as practicable, the terms and conditions of employment previously enjoyed by the employee selected for redundancy, if however, there are any changes wholly or in part from the existing contract of employment, then the employee is entitled to a trial period of four weeks in order to determine the suitability of the offer. The determination of what is suitable and, indeed, what constitutes an unreasonable refusal is not statutorily defined and hence each case will need to be determined on merit and in consultation with the Academy's HR representative.
- 9.3 The identification of suitable alternative employment options and offers to employees that are selected for redundancy should be done in conjunction with the Academy's HR representative.

## **10 Redundancy payments**

- 10.1 An employee, who has at least two years' continuous service, is entitled to a redundancy payment based on the statutory matrix and in accordance with the definition of a week's pay outlined in Paragraph 10.2 below. The maximum length of service which can be counted for statutory redundancy pay is 20 years.



## **Definition of a week's pay**

10.2 The maximum week's pay that an employee is entitled to will be as set down under the statutory scheme (currently £479 per week), subject to a cap of an actual week's pay.

In all instances if an employee's working hours vary, or where there are no normal working hours, pay is averaged over the previous 12 weeks.

## APPENDIX A

# Redundancy selection criteria matrix

To determine which employees will be selected for redundancy, an assessment must be made against the criteria set out below. The criteria must be applied objectively to each employee and any supporting factors used in making the assessment must be relevant to the job(s) concerned.

Redundancy selection criteria	Assessment approach	Scoring
Work performance	Document review (live warnings only)	No capability record: 10 First Written Warning: 5 Final Written Warning: 0
Relevant skills and competencies	Interview and assessment centre to test essential requirements of person specification for relevant post in new structure	Demonstrates the full range of skills and competencies that meet or exceed the requirements of the role: 10  Demonstrates many of the skills and competency requirements of the role: 5 Demonstrates some of the skills and competency requirements of the role: 2  Total score for this criterion must be underpinned by detailed score based on assessment centre performance.  This information can be used to differentiate between candidates should there be a tie situation on total score.
Attendance record	Document review (live warnings only)	No record of poor attendance: 10 First Written Warning: 5 Final Written Warning: 0
Disciplinary record	Document review (live warnings only)	No disciplinary record: 10 First Written Warning: 5 Final Written Warning: 0

Having assessed and scored each employee against the criteria the overall total for each individual is calculated. The employee(s) with the lowest score(s) are selected for redundancy.

For example, where it is necessary to reduce the number of employees within the group from 15 to 10, the five with the lowest scores will be selected for redundancy (subject to any appeal).

**APPENDIX B**

# **Appeal against redundancy selection pro- forma**

<b>Your Details</b>
<b>Name</b>
<b>Acade my</b>
<b>Position Name</b>

## **Why do you feel that the redundancy selection criteria have been applied incorrectly?**

Please continue on a separate sheet if necessary.

<b>Reasons</b>
<b>Work Performance</b>
<b>Skills and Competencies</b>
<b>Disciplinary record</b>
<b>Attendance</b>

<b>Signed</b>	<b>Date</b>
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To be returned to the chair of the academy's redundancy appeals panel. Please retain a copy of this pro forma, along with any written response you receive, for your reference.

# Managing redundancy flowchart



