

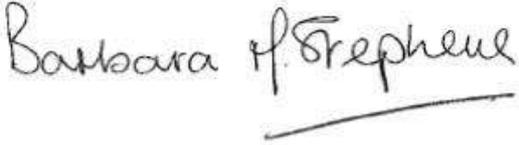


ENERGY COAST UTC

REDUNDANCY POLICY

2016-2018

Approved: Barbara Stephens, Chair of Governors

Signed: 

Date: October 2016

Date for Review: October 2018

Revision History:

Revision History			
Revision	Date	Owner	Summary of Changes
0	October 2016	CT	NEW
1			
2			
3			
4			
5			

Contents

Introduction	4
Policy Statement	4
The Purpose of the Policy	5
Planning	5
Avoiding Compulsory Redundancies	5
Making Compulsory Redundancies	6
Steps taken by the Principal	6
Termination of Employment	7
Alternative Working Mechanisms	7
Time Off	8
Redundancy Payments	8
Monitoring and Review of the Policy	8
The Insolvency Service HR1	9

Energy Coast University Technology College Redundancy Policy for academy-based employees

In this document: **“ECUTC” or “the academy”** means Energy Coast University Technical College; **“The Trust”** means the ECUTC Trust; and references to **“we”** and **“our”** are references to the Trust.

1 Introduction

- 1.1 This document sets out the Energy Coast University Technology College (ECUTC) Trust’s policy relating to potential redundancy situations. This policy does not form part of employees’ terms and conditions, is not contractually binding, and may be subject to change.
- 1.2 The ECUTC Trust is the employer of all ECUTC employees and is responsible for determining whether an employee should cease to work at the academy on the grounds of redundancy.
- 1.3 By the Employment Rights Act 1996, an employee is dismissed by reason of redundancy if the dismissal is wholly or mainly attributable to the fact that:
 - (a) the employer has ceased or intends to cease to carry on the business for the purposes for which the employee was employed, or to carry on that business in the place where the employee was so employed; or
 - (b) the requirement for the employee to carry out work of a particular kind, or to carry it out in the place in which they are employed, has ceased or diminished, or is expected to cease or diminish.

2 Policy Statement

- 2.1 The Trust will always try to avoid the need for compulsory redundancies but sometimes these may be necessary, for example where there is a fall in pupil roll. We will take into account the view of the Principal when deciding if there is a need for compulsory redundancies.
- 2.2 Where we are unable to avoid reducing employee numbers, we will try to minimise the effect of redundancies through the steps set out in this policy.
- 2.3 We will not discriminate directly or indirectly on grounds of any protected characteristic including gender, sexual orientation, marital or civil partner status, gender reassignment, race, colour, nationality, ethnic or national origin, religion or belief, disability or age.

- 2.4 Part-time employees and those working under fixed-term contracts will not be treated differently from permanent, full-time comparators.

3 The Purpose of the Policy

- 3.1 The purpose of this policy is to have a framework in place that sets out what we will do when a reduction in employee numbers may be necessary.
- 3.2 In dealing with such circumstances, we aim to:
- (a) communicate clearly with all affected employees and ensure that they are treated fairly;
 - (b) endeavour to avoid compulsory redundancies where possible;
 - (c) consult with employees and employee representatives and/or recognised trade unions as appropriate;
 - (d) undertake any selection for compulsory redundancy fairly and reasonably.

4 Planning

- 4.1 It is the role of the ECUTC Governing Body to ensure that there is effective planning, financial management and resources allocation in place in the day to day and strategic management of the academy.
- 4.2 The academy will regularly review its resources and staffing structure to ensure it is fit for purpose and is meeting the needs of our pupils' teaching and learning requirements. The Governing Body will ensure that effective workforce planning is carried out in order to minimise surplus staff situations.

5 Avoiding Compulsory Redundancies

- 5.1 Where there is a redundancy situation, we will enter into consultation with all affected employees on an individual basis and, where appropriate, on a collective basis with employee representatives and/or recognised trade unions. The aim of the consultation will be to discuss ways to mitigate against the need for redundancies, and to provide an opportunity for all those concerned to discuss the problem and consider options or alternative ways of tackling the problem.
- 5.2 Consultation will begin in good time and be:
- (a) at least 30 days before the first dismissal takes effect, if 20 to 99 employees are to be made redundant at one establishment over a period of 90 days or less, and
 - (b) at least 45 days before the first dismissal takes effect if 100 or more employees are to be made redundant at one establishment over a period of 90 days or less; and
 - (c) where required a notice will be issued under advance notification of redundancies (HR1 form) to the insolvency service.
- 5.3 In the first instance, we will consider what steps we might take that might avoid the need to make compulsory redundancies. Examples of such steps where appropriate and practicable are:

- (a) reducing the use of agency staff;
- (b) restricting recruitment, or a vacancy freeze in affected categories of employees and in those areas into which affected employees might be redeployed;
- (c) natural wastage;
- (d) secondment;
- (e) retraining and/or redeployment;
- (f) reducing overtime
- (g) offering reduced working time including job-sharing or other flexible working arrangements;
- (h) inviting applications for early retirement or voluntary redundancy (at the absolute discretion of the academy);
- (i) budget savings in non-staffing budgets.

5.4 Measures to avoid compulsory redundancies will only be adopted if they are reasonable and do not adversely affect the academy or the quality of teaching and learning provided to our pupils.

6 Making Compulsory Redundancies

6.1 When it is not possible to avoid making compulsory redundancies, all affected employees, employee representatives and/or recognised trade unions will be advised that compulsory redundancies cannot be avoided, and consultation will then follow on the procedure and any selection criteria to be adopted.

6.2 Where a role is to be made redundant and it is necessary to select between more than one employee, selection will be carried out according to defined criteria. The criteria will aim to be objective (where possible), robust, transparent, fair, non-discriminatory and based on the skills required to meet our existing and anticipated academy needs.

7 Steps to be taken by the Principal

7.1 The Principal is primarily responsible for consultation and selection, and it is the Principal who will take the steps required for the Trust to comply with the steps identified above.

7.2 Where it is anticipated that there may be a need for a significant number of redundancies across a number of roles, the Principal will carry out an audit to consider:

- (a) the curriculum;
- (b) the appropriate number of teaching staff required to support the curriculum and actual and anticipated student numbers;
- (c) the direct support functions required for teaching and learning;
- (d) the appropriate number of support staff required in light of the above; and
- (e) the relevant skill sets of all staff required.

7.3 The Principal will take responsibility for the following matters, together with the Governing Body as may be appropriate:

- (a) assessing alternatives to redundancy and their impact (paragraph 5.4 above);

- (b) identifying the staff or categories of staff whose posts are likely to be affected and the number of such staff;
- (c) preparing a timetable;
- (d) preparing redundancy selection criteria;
- (e) the consultation process, including identifying appropriate persons to carry out the process with potentially affected staff, employee representatives and/or trade unions;
- (f) other procedural steps which may be required.

7.4 The Principal will prepare (or arrange to be prepared) a consultation document to inform each potentially affected member how the application of the criteria relates to them and the timetable to be followed. Consultation meetings will be held as referred to above at points 5.1 – 5.2, either with the Principal or a person appointed by the Principal.

7.5 Any selected employee will also be offered a further meeting, either with the Principal or a person appointed by the Principal. The employee will be entitled to be accompanied by a colleague or trade union representative, will be able to make oral and/or written representations on any aspects of the process or its application to him or her, including the possibility of alternative employment. The outcome of this meeting may result in the selected employee's dismissal on grounds of redundancy.

8 Termination of Employment

8.1 If the outcome of the process conducted above is that the employee is to be dismissed by reason of redundancy, then notice of termination of employment will be given in writing, in accordance with the employee's contract of employment, and written confirmation will be given of the payments that the employee will receive.

8.2 An employee who is dismissed will be given the opportunity to appeal against dismissal. The employee will be informed of the applicable timescale at the date of dismissal, but the usual timescale will be:

- (a) employee to appeal in writing within five working days of written confirmation of dismissal;
- (b) appeal hearing within 28 days, to be chaired by a panel of governors;
- (c) employee informed of decision of panel within five working days' of the appeal hearing.

8.3 An employee may be accompanied at the appeal hearing by a trade union representative or other individual.

9 Alternative Working Mechanisms

9.1 As part of the above process, we and the academy will endeavour to redeploy employees who are selected for redundancy to suitable alternative work. Where vacancies exist which appear to be suitable, redeployees will be considered in priority to other candidates. We reserve the right not to appoint

candidates who are not deemed to meet the requirements of the post; but will give consideration to whether an appointment might be made on the basis that the employee would meet the requirements within a reasonable time frame after reasonable further training or support is provided.

- 9.2 Employees selected for redundancy whilst on maternity leave, have separate legal entitlement to be offered any suitable alternative work.
- 9.3 An individual who is redeployed into an alternative post is entitled to a trial period of four weeks in the new job. This may be extended by mutual agreement for training purposes. If the alternative employment is found to be unsuitable by the employee following the trial, employment will be terminated on grounds of redundancy on the original terms. The employee will be entitled to a redundancy payment, if eligible.
- 9.4 An employee will not be entitled to a redundancy payment if he or she unreasonably refuses an offer of suitable alternative employment. In this situation, the employee's contract would still be terminated by reason of redundancy.
- 9.5 We will continue to consider suitable alternative employment during an employee's notice period, up until the effective termination date.

10 Time off

- 10.1 An employee under notice of redundancy will be entitled to a reasonable amount of paid time off to look for alternative work, attend interviews, etc. providing this is not detrimental to the teaching and learning of the students. Any employee wishing to take advantage of this right should make the appropriate arrangements with his or her line manager.

11 Redundancy payments

- 11.1 Employees with two or more years' service may be entitled to a statutory redundancy payment. The amount of this payment will be confirmed when the employee is selected for redundancy and the sum will be paid along with the employee's final salary payment or payment in lieu of notice. Depending on the circumstances, the academy may waive its right to insist on employees working their notice and instead give a payment in lieu of notice.

12 Monitoring and Review of the Policy

- 12.1 We will review this policy on a regular basis.



Advance notification of redundancies

Trade Union and Labour Relations (Consolidation) Act 1992, Part IV, Chapter II

Note for employer

There is a statutory requirement for the Government to assist employees facing redundancy. In order to do this, advance notification of potential redundancies is required from you. Failure to comply with the statutory notification requirements below without good cause may result in prosecution and a fine, on summary conviction, for the company and/or officer of the company.

The Redundancy Payments Service (RPS), acting on behalf of the Secretary of State for Business, Innovation and Skills, collects the information and distributes it to the appropriate Government Departments and Agencies who offer job brokering services and/or training services so that they can discharge their obligation to your employees. The information about your company is commercially confidential and may be used only for the purpose of assisting those facing redundancy. The other Government Departments and Agencies are bound by the same confidentiality terms as the RPS. You will be contacted directly by your local Jobcentre Plus and other service providers in your local area with offers of assistance during this notification/consultation period.

Data Protection Act 1998 We will store the information you give us in a computer system, which will help us deal with it more efficiently. We may use the information for statistical purposes.

How to complete this form	Your legal obligations
<p>1) Use a separate form for each establishment where 20 or more redundancies may occur within a 90-day period.</p> <p>2) Type, or use black ink and write your answers in CAPITALS, as this will make it easier for us to read.</p> <p>3) Where tick boxes appear, please tick those that apply.</p> <p>4) If there is not enough space for your answers, please use a separate sheet of paper and attach it to this form.</p> <p>5) If the circumstances outlined in this form change, please notify us immediately.</p> <p>6) Please return the completed form, by post to: The Insolvency Service, Redundancy Payments Service, PO Box 16685, BIRMINGHAM, B4 6FD or by email to HR1@insolvency.gsi.gov.uk</p> <p>If you email the form to us there is no need for you to send the original form by post.</p> <p>Tel: 0121 380 3415 for assistance on completing the form. Please be aware sections marked with an asterisk must be completed, if the information for these sections is missing the form will not be accepted.</p>	<p>1) You are required by law to notify the RPS of a proposal to dismiss 20 or more employees as redundant at one establishment within a period of 90 days or less.</p> <p>2) If you operate from more than one site, each one is treated separately for notification and consultation purposes. An establishment is the site where an employee is assigned to work. You must complete a form for each site where 20 or more redundancies are proposed.</p> <p>3) Your Minimum period for notification and consultation for:</p> <ul style="list-style-type: none"> • between 20 to 99 redundancies at one of your establishments, is at least 30 days before the first dismissal. • 100 or more redundancies at one of your establishments, is at least 45 days before the first dismissal. <p>4) You must notify us at least 30/45 days before the first dismissal and before you issue any individual notices of dismissal.</p> <p>5) You must send a copy of this notification to the representatives of the employees being consulted.</p> <p>6) If you have already notified us about one group of redundancies and you need to make further redundancies you should treat them as separate events. You do not need to add the numbers in the two groups together to calculate the minimum period for either group.</p> <p>7) The notification date is the date on which we receive your completed form.</p> <p>8) If it is not reasonably practicable for you to comply with the minimum notification periods you must make every effort do so as far as you are able. You must give reasons why you could not provide the information on time.</p>
<p>Further information on assistance for employers</p> <p>For more copies of the form you can down load one from our website on; http://www.bis.gov.uk/assets/insolvency/docs/forms/redundancy-payments/hr1pdf</p> <p>Guidance on redundancy handling and assistance for employers can be found on the following websites:</p> <ul style="list-style-type: none"> • GOV.UK - https://www.gov.uk • Insolvency Service - http://www.bis.gov.uk/insolvency • Wales - http://wales.gov.uk/topics/businessandconomy/?lang=en • Scotland - http://www.scottish-enterprise.com/grow-your-business 	

1. Employer's details *			7. Nature of main business (SIC code)																	
Name: Address: Postcode: Company or Charity Registration Number (if applicable): Telephone: Email:																				
2. Employer's contact details *			8. Closure of the business																	
Name Address (if different to 1) Postcode: Tel: Email:			Do you propose to close this establishment? Yes / No																	
3. Establishment where redundancies are proposed *			9. Reasons for redundancies *																	
Address at box 1 Yes / No Address at box 2 Yes / No Other Address (please write address below) Postcode: Tel: Email:			Please tick one or more boxes to show the main reason(s) for the proposed redundancies																	
4. Timing of redundancies *			A Lower demand for products or services																	
a) Date of first proposed dismissal			B Completion of all or part of contract																	
b) Date of last proposed dismissal			C Transfer of work to another site or employer																	
c) If you have given less than the required 30 / 45 day notification period please give reason for late notification			D Introduction of new technology/plant/machinery																	
			E Changes in work methods or organisation																	
			F Other (please give brief details below)																	
			G Insolvency																	
			Details:																	
5. Method of selection for redundancy			10. Consultation																	
			a) Please provide the name(s) of																	
			<table border="1"> <thead> <tr> <th>Recognised trade union</th> <th>Name of representative</th> <th>Description of employee they represent</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>			Recognised trade union	Name of representative	Description of employee they represent												
Recognised trade union	Name of representative	Description of employee they represent																		
			b) If you do not recognise trade unions for any groups of employees please give the name(s) of their elected representatives below:																	
			<table border="1"> <thead> <tr> <th>Name of elected representative</th> <th>Description of employee they represent</th> </tr> </thead> <tbody> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </tbody> </table>			Name of elected representative	Description of employee they represent													
Name of elected representative	Description of employee they represent																			
			c) Have you given a copy of this form to all the appropriate representatives? Yes / No																	
			d) Have you started the consultation process with the appropriate representative? Yes / No																	
6. Staff numbers/redundancies at this establishment *			e) If yes, please give the date consultation started:																	
Occupational group	Total number of employees	Number of possible redundancies	f) Have you given individual notices of dismissal to the employees? Yes / No																	
Manual																				
Clerical																				
Professional																				
Managerial																				
Technical																				
Apprentices/trainees																				
Under 18																				
Other																				
Totals																				
11. Declaration*																				
I certify that the information given on this form is, so far as I know, correct and complete.																				
Signature:																				
Position:																				
Date:																				