

Redundancy Policy



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CHAIR OF TRUSTEES:	
CEO:	

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Introduction

This procedure has been drawn up in consultation with recognised trade unions and associations: ASCL, ATL, NAHT, NASUWT, NUT and Unison.

It is the aim of EPA Trust to avoid redundancies wherever possible. However, from time to time changes (for example, a fall in pupil roll or organisational change) may necessitate the need to consider redundancies.

In doing so we will not discriminate directly or indirectly on grounds of gender, sexual orientation, marital or civil partner status, gender reassignment, race, colour, nationality, ethnic or national origin, religion or belief, disability or age.

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

The Trust is the employer of all employees working within the academy. The term 'relevant body' has been used throughout this procedure. The differing structures of academies means that the academy trust will need to define the relevant body for the purpose of this procedure.

Policy on Redundancy

When does redundancy apply?

1. Redundancy will arise only if one (or all) of the following circumstances applies:
 - the activity has ceased or is intended to cease.
 - the activity has ceased or is intended to cease in the place where the employee is employed.
 - the requirements for employees to carry out work of a particular kind have ceased or diminished or are expected to cease or diminish.
2. Where this is necessary, the academy will ensure that:
 - The total number of redundancies are kept to a minimum
 - Employees and, where appropriate, their representatives are fully consulted on any proposals and their implementation
 - Selection for redundancy is based on clear criteria that will be applied objectively and fairly
 - Every effort is made to redeploy or find alternative work for employees selected for redundancy; and support and advice is provided to employees selected for redundancy to help them find suitable work when their employment has come to an end.

Scope

3. This Agreement applies to all staff employed by EPA Trust.

Consultation

4. Where redundancy situations are unavoidable, we will enter into consultation with all affected employees on an individual basis and also with recognised trade unions to discuss ways to mitigate against the redundancy. The purpose of this consultation will be to provide the opportunity for all those concerned to discuss the situation and consider options.
5. Irrespective of the number of employees at risk of redundancy, we will consult with representative of recognised trade unions when we are planning to make redundancies.
6. Consultation should commence as soon as it becomes known there is a need for redundancy.

7. There is no statutory timescale if a proposal results in less than 20 redundancies. If a proposal may result in between 20 to 99 redundancies consultation must start at least 30 days before any dismissals take effect. If a proposal may result in 100 or more redundancies the consultation must start at least 45 days before any dismissals take effect.
8. Sufficient information will be made available to allow for meaningful consultation to take place including:
 - The reasons for the proposals
 - Identification of the posts to be deleted from the structure
 - Proposed method of selecting employees (if applicable)
 - Timescales for the proposal
9. In the first instance, we will consider what steps we could take that could avoid the need to make compulsory redundancies. Examples of such steps include:
 - Reducing the use of agency staff
 - Implementing the variable hours clause
 - Restricting recruitment or a vacancy freeze in affected categories of employees and in those areas into which affected employees might be redeployed
 - Natural wastage
 - Secondment
 - Retraining and / or redeployment within and across our academy trust
 - Reducing overtime
 - Offering reduced working time including job-sharing or other flexible working arrangements, where these are practicable
 - Inviting applications for early retirement or voluntary redundancy. In all cases the decision to release an employee under such schemes will be at the absolute discretion of the academy.
 - Ensure that all funding streams are explored and accessed

Voluntary redundancy

10. In order to minimise the need for compulsory redundancies, the academy may consider requests for voluntary redundancy. However, no additional payments will be offered in relation to voluntary redundancy. The Employer reserves the right to decline requests for voluntary redundancy.

Redundancy selection

11. Selection criteria will be used when a redundancy situation involves a pool of employees that is larger than the number of posts.
12. The criteria used to select will be objective, transparent, fair and based on the skills required to meet our existing and anticipated needs. See Appendix 1 for Selection Criteria
13. In line with the EPA Trust Scheme of Delegation the application of the selection criteria will be carried out by Directors or Governors. Individual employees who are provisionally selected for redundancy following the application of the criteria will be informed of the fact and invited to make written representations to a Decision meeting consisting of Directors or Governors. They will be given an opportunity to make written representations if the application of the criteria is felt to be unfair or there has been a mistake in the application of the criteria.
14. Following the Decision meeting the employee(s) selected will be informed in writing that it will be recommended that the employee(s) be dismissed on grounds of redundancy. Any individual member of staff employed in a post which may be removed from the staffing structure, should the proposal go ahead, will be informed they are 'At Risk' of redundancy.

Alternative work

15. The academy will make every effort to redeploy any employee who is selected for redundancy into suitable alternative work. Any such employees will be informed of all the available vacancies in the academy at the time of their selection and will be given an opportunity to discuss.
16. Where a post is largely or wholly the same, the post holder will be slotted in to the new post; providing they meet the basic requirements for the post as detailed in the person specification.
17. Where a new post is the result of combining the duties of two or more existing posts, selection, in the first instance, will be restricted to those staff whose duties have been combined. This process is called 'ring fencing'.
18. Staff who are redeployed have a statutory entitlement to a trial period of 4 weeks in their new post. Within this period both the employee and manager will have an opportunity to assess the employee's suitability to carry out the job. If, at the end of this period, the employee or manager feels that the trial period has not been completed successfully, each has the right to end the placement and the redundancy compensation will be due.

19. A member of staff may lose the right to a redundancy payment in the event that they unreasonably refuse an offer of suitable alternative employment. As a general rule, offers of alternative employment which are on the same grade, offer similar responsibilities and which protect the earnings of the member of staff will be regarded as being 'reasonable'. If the employee does refuse an offer of alternative employment then the reasons will be discussed with the employee and any objections will be considered.
20. Employees on maternity / parental leave and who are 'At Risk' of redundancy have a separate legal entitlement to be offered any suitable alternative work that is available.

Time off work

21. An employee at risk of or under notice of redundancy will be entitled to a reasonable amount of paid time off to look for alternative work, attend interviews, etc. Employees wishing to take advantage of this right should make the appropriate arrangements with their line manager.

Salary Protection in the Event of Redeployment

Salary Protection in the Event of Redeployment - Support staff

22. A member of staff who has been redeployed to a post on a lower grade and salary will be entitled to a period of salary protection. This rate of pay will be paid at one grade above the substantive grade of the post and maintained at this level for a period of one year.
23. There will be no incremental increase; however, national pay awards will be paid in the normal way. At the end of this period of protection, the rate of pay will revert to the substantive grade of the post.

Salary Protection in the Event of Redeployment - Teaching Staff

24. Salary Safeguarding will be paid in accordance with the provision in the School Teachers' Pay and Conditions Document.

Redundancy

25. If it has not been possible to redeploy 'At Risk' employees within the consultation period, those individuals will be given notice of redundancy by <name> .
26. Staff will be expected to work during the notice period.
27. A member of staff working their notice period will be entitled to the same support and assistance in obtaining further employment as under the 'at risk' stages of the process.

28. If suitable alternative employment has not been identified by the end of the notice period, the member of staff will be dismissed by reason of redundancy.

Termination of employment

29. 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.

Redundancy Payments

30. Calculations of redundancy payments will be made based on an employee's age and length of employment. It is calculated in accordance with Oxfordshire County Council's current policy for such payments. This is to pay at actual salary rates for one and a half times the calculation for the statutory number of weeks' pay due. The statutory calculation is based on continuous service (maximum 20 years to count) with each year of service counting as follows: age up to 22, 0.5 week, 22-40, 1 week, 41 and over, 1.5 weeks.

31. There is no entitlement to enhanced payments under this scheme.

32. The amount of this payment will be confirmed when the employee is selected for redundancy and the sum will be paid at the end of the contract period providing all elements of 'The Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) (Amendment) Order 2004', known as the Modification Order, are satisfied.

Appeal to the Relevant Body

33. Formal appeal to the Relevant Body must be lodged in writing with the Clerk to Directors/Governors.

34. An employee may appeal against

- selection for redeployment
- interpretation and/or application of this agreement
- formal notice of redundancy

35. An appeal must be made within 5 working days of the date of the redundancy notice. An appeal meeting will be held within 10 working days of receipt of the appeal letter. An employee will receive a minimum of 5 working days' notice in writing of this meeting and will be entitled to be accompanied and/or represented at the meeting.

36. The Appeal Committee must be made up of Directors/Governors with no previous involvement with the case. The committee should consist of at least three Directors/Governors.
37. It is intended that the Appeal panel will review the grounds for appeal as set out by the employee.
38. The lodging of an appeal should not, in itself, delay the application of any change process but it is in the interests of both sides that appeals are addressed and resolved before the proposed change takes effect.
39. The decision of the Appeal panel is made on behalf of the Relevant Body and there is no further right of appeal.

Supporting Employees

40. The Trust recognises that the redundancy process can be difficult for employees and will seek to support employees throughout the process.

Equality statement

As part of the on-going commitment to equality the application and outcomes of this procedure will be monitored with reference to gender, race and other protected characteristics.

Annex A – Selection Criteria

Selection for redundancy

1. Selection criteria will be used when a redundancy situation involves a pool of employees that is larger than the number of posts.
41. The academy will ensure that fair and transparent criteria for selection for redundancy are identified and applied consistently.
42. The first stage of selection will be to invite requests for volunteers to express an interest and be considered for redundancy. The basis of selection will be determined by the academy's financial, economic, technical and organisational needs, curriculum needs and requirements. Therefore, the academy is under no obligation to accept these volunteers and will ensure that a balanced workforce remains in order to meet future needs.

Selection criteria

43. Employers will consult affected recognised trade unions/employees regarding the selection criteria. The criteria must be objective, fair and consistent. Basing any selection on skills or qualification will help to keep a balanced workforce appropriate to the academy's future needs.
44. Examples of the criteria that we will use are:
 - skills, competencies and qualifications
 - attendance record - reasons for and extent of absence are known and are therefore not discriminatory.
 - disciplinary record
 - performance records.
 - length of service (only as one of a number of criteria)
45. Particular care will be taken to ensure that selection criteria are not directly or indirectly discriminatory on grounds of protected characteristics as outlined in the Equality Act 2010.
46. Therefore, when using criteria such as absences, the academy will not count absences that might be connected with a reason such as pregnancy or disability.
47. The academy is aware that using length of service as a criterion is an unsatisfactory way of retaining the most competent employees and that as a selection criteria those with less

service may be younger employees. Therefore, service will only be used as part of a wider range of selection criteria.

48. The academy will use a selection procedure based on a points system which will score each employee against the relevant criteria.
49. Scoring from an audit and/or interview should be carried out by at least two managers who assess all employees in the selection pool. Marks from the two assessors should then be added together to give a total score for each employee.
50. The employee(s) with the lowest score(s) will be at risk of potential redundancy.