

Viking Academy Trust



Redundancy & Restructure Policy

The VIKING ACADEMY TRUST 'Redundancy & Restructure Policy & Procedure' has been created following advice from ACAS and HR Inform.

Approved by the Trust: Term 5 2019

Reviewed biennially: Term 5

Last review date: Term 5 2023

Signed:

A handwritten signature in black ink, appearing to read 'Rob', is written over a faint rectangular stamp.

Chair of Trustees

Redundancy and Restructure Policy and Procedure

The Viking Academy Trust

Schools in the Viking Academy Trust (VAT)

Chilton Primary School

Ramsgate Arts Primary School

Upton Junior School

This 'Redundancy and Restructure Policy and Procedure' is for all
aforementioned schools.

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Part A - Policy

1 Policy Statement

It is the aim of the Viking Academy Trust to maintain secure employment for all Employees by reviewing its staffing structure on a regular basis to plan for future needs.

However, in certain circumstances the need to restructure the workforce may be unavoidable and a potential redundancy situation may arise.

Where the need to restructure arises, the Viking Academy Trust will seek to ensure that:

- Measures are implemented to avoid redundancies where possible and the total number of redundancies are kept to a minimum;
- Effective communication and consultation takes place with Employees and their Trade Union representatives at the earliest opportunity;
- Selection for redundancy or posts in a restructure situation is based on clear criteria which will be objectively and fairly applied;
- Redeployment opportunities are explored wherever possible and Employees are supported in seeking alternative employment;
- Employees selected for redundancy are given the opportunity to make representations and appeal.

The Viking Academy Trust expects that Employees affected by a potential redundancy or restructure situation will attend collective and individual consultation meetings, wherever possible.

An Employee who is at risk of redundancy has a responsibility to seek and accept alternative employment where it is suitable. A refusal to accept an offer of suitable alternative employment, may result in the Employee forfeiting their right to a redundancy payment.

This procedure explains:

- How the Viking Academy Trust will manage redundancy and restructure situations in a fair, consistent and reasonable manner
- How the Viking Academy Trust will meet its obligations with regards to consultation
- The entitlements of Employees who are made redundant.

2 Scope

This Policy and Procedure applies to all Employees of the Viking Academy Trust.

3 Adoption Arrangements and Date

This procedure was adopted by the Board of Trustees of the Viking Academy Trust in May 2017 supersedes any previous Redundancy and Restructure Policy and Procedure.

This policy will be reviewed by the Executive Headteacher every two years or earlier if there is a need. This will involve consultation with the recognised unions.

4 Responsibilities of the Viking Academy Trust

- To plan and review the staffing structure to best meet the needs of pupils whilst ensuring the optimum use of the Viking Academy Trust's resources
- To establish and adhere to restructure and redundancy procedures
- To consult with Employees and their Trade Union representatives
- To seek to minimise redundancies and identify alternative employment opportunities for Employees who are at risk of redundancy
- To ensure that where redundancies are necessary Employees are dismissed fairly.

5 Responsibilities of the Employee

- To co-operate with reorganisation procedures
- To seek to mitigate individual loss by actively exploring alternative employment and accept work where it is suitable.

Part B - Procedure

6 Definition of a Redundancy and Restructure Situation

Redundancy is a potentially fair reason for dismissal.

A dismissal by reason of redundancy may occur when:

- 'The Employer ceases or intends to cease, to carry on the business for the purposes of which the Employee was employed or intends to cease, to carry on the business in the place where the Employee was so employed'

- 'The requirements of that business for Employees to carry out work of a particular kind, or for Employees to carry out work of a particular kind in the place where he was so employed have ceased or diminished or are expected to cease or diminish'

Section 139 (1) Employment Rights Act 1996

A restructure may be defined as a reorganisation of the Viking Academy Trust's operations which may give rise to a need to change:

- The staffing structure
- An Employee's job role and / or job description
- An Employee's salary, hours or other terms and conditions
- The way in which a service is delivered including an Employee's pattern of work.

A restructure may also result in the need to reduce the total number of staff and this could lead to a redundancy situation.

7 The role of the Governing Body (Board of Trustees)

Prior to commencing a restructure or redundancy process, the Executive Headteacher will present all the information relevant to the business case for the proposed redundancies / restructure to the governing body/Board for consideration and approval.

Where the Board of Trustees is satisfied of the need to proceed, and that no other reasonable alternatives exist, they will instruct the Executive Headteacher or nominated person to begin a consultation process and, if appropriate, confirm that a redundancy situation is unavoidable. In the case of restructures a redundancy situation may be declared as a precautionary measure in situations where the extent of any redundancies is not yet known.

The Governing Body/Executive Headteacher will also identify appropriate panels who will have delegated responsibility for the process.

8 Delegated Responsibility and the Role of the Redundancy / Restructure Panel

Guidance Notes:

Under the School Staffing Regulations 2009, dismissal decisions, may be delegated to either:

- The Executive Headteacher

- One or more Trustees / Local Governors
- One or more Trustees / Local Governors acting together with the Executive Headteacher.

Academies are not obliged to adhere to these regulations therefore Trustees / Governors should determine delegation arrangements for the management of redundancy dismissals within their own Viking Academy Trust.

Academies are advised to seek guidance from their personnel provider on the appropriate composition of formal panels given the circumstances to ensure a fair, impartial and objective process.

The application of the Viking Academy Trust's procedure will be managed by an individual or panel with delegated authority to take decisions regarding the process, including making dismissals on behalf of the Board of Trustees.

Consideration should be given to the appropriate composition of the panel in the circumstances.

Either:

Where authority to dismiss has been delegated

In this Viking Academy Trust responsibility for dismissal decisions has been delegated to the Executive Headteacher, the redundancy process may be managed by, and initial restructure and redundancy decisions made, solely by the Executive Headteacher.

A redundancy / restructure panel of one or more Trustees / Local Governors may be convened to hear the matter in situations where it is not appropriate for the Executive Headteacher to perform this function.

Appeals will be heard by a panel of one or more Trustees who have had no prior involvement in the matter under consideration.

It will be usual for a Trust / Governor panel to be comprised of not less than two members, although this may vary depending on the circumstances.

Staff governors should not be a member of a governor redundancy, restructure or appeal panel.

Or

Where authority has not been delegated

In this Viking Academy Trust responsibility for dismissal decisions has not been delegated and therefore formal hearings to consider dismissal will be heard by a redundancy / restructure panel of one or more Trustees / Local Governors who have had no prior involvement in the matter under consideration.

Appeals will be heard by a further panel of one or more Trustees who have had no prior involvement in the matter under consideration

It will be usual for a Trustee / Governor panel to be comprised of not less than 2 members, although this may vary depending on the circumstances

Staff Governors should not be a member of a governor redundancy, restructure or appeal panel.

9 Timescales for the Procedure

Guidance Notes:

Academies have discretion to set their own timescales for redundancy processes whilst being mindful of the need for meaningful consultation and meeting any statutory consultation periods.

The Viking Academy Trust will set reasonable timescales for each stage of the process.

Indicative timescales for the process are set out in Appendix 1.

The Viking Academy Trust may, in exceptional circumstances, adopt a shorter timescale for the process, but with due regard for the need for meaningful consultation. A shorter timescale may also be followed in the case of restructures which do not involve potential redundancies or where Employees are in agreement to the proposed changes.

For the purpose of this procedure 'working day' will normally refer to the 195 days of the Viking Academy Trust year for teachers employed under the terms of the School Teachers' Pay and Conditions Document.

For support staff employed on a term time only basis working days will normally refer to the days worked under their contract or for staff employed on contracts outside of the Viking Academy Trust term will mean all days excluding weekend and bank holiday days.

10 Right to Representation

Guidance Note: There is no statutory right to be represented at meetings related to redundancy dismissals. However, it is widely regarded as good practice. Failure to allow representation may give reason for the fairness of a process to be challenged.

There is no statutory obligation to consult collectively with recognised Trade Unions where it is proposed to dismiss fewer than 20 redundancies within a 90 day period - however it is widely regarded as best practice.

A workplace colleague or trade union representative may accompany an Employee to any formal meeting connected with a restructure or redundancy process.

Due and careful consideration will also be given to any request from an Employee to be accompanied by a workplace colleague or Trade Union representative at informal meetings.

The Viking Academy Trust undertakes to provide reasonable opportunities for consultation with recognised Trade Union Representatives during any process. Consultation would usually be with the officers of recognised unions who may delegate the matter to Viking Academy Trust or local representatives.

The Viking Academy Trust also undertakes to facilitate reasonable opportunities for Employees to meet with their Trade Union representatives during any process.

11 Selection Pools

When a restructure or redundancy situation arises the Viking Academy Trust will use objective criteria to establish at the outset those Employee(s) who will be in the unit of selection.

The precise pool(s) will be determined by the circumstances and may comprise of the whole Viking Academy Trust / a discrete department or a particular group of Employees or individual Employees who undertake the same or similar work.

12 Avoidance Measures

Guidance Note: It is best practice to evidence how avoidance measures have been considered prior to commencing a redundancy process.

Where a potential redundancy situation arises, the Viking Academy Trust will in the first instance consider any avoidance measures including:

- Non recruitment to vacant posts
- Seeking volunteers for redundancy
- Appointing to vacancies from among existing Employees
- Cessation of temporary / fixed term contracts / secondments, where this is lawful and fair
- Exploring other options with Employees such as a reduction in hours
- Redeployment to alternative posts in the Viking Academy Trust
- Retraining
- Early retirement (within the provisions of the Teacher's Pension and Local Government Pension Scheme)

- Reduction in the use of casual or supply staff
- Reduction in overtime or additional hours.

Additionally the Viking Academy Trust will explore all non-staff cost saving measures.

Exploration of these measures will continue during the consultation process. Should avoidance measures come to light the Redundancy / Restructure Panel may halt the process in one or all of the selection pools.

13 Early Consultation

Guidance Notes:

There is no requirement to hold an early consultation meeting - however there is a statutory requirement for employers to consult 'in good time' once redundancies are proposed.

An early consultation meeting will be convened as soon as practicable with the potentially affected staff and their representatives to discuss proposals to restructure / make redundancies.

As a guide, Employees and their representatives will be given as much notice as possible and representatives given not less than 5 working days' notice of any early consultation meeting. Copies of any documentation relevant to the proposals (such as the business rationale, relevant budgetary information, pupil and curriculum information, list of affected staff and indicative timeline) should be shared with representatives as soon as is practicable in advance and no later than 5 working days before the meeting.

During the early consultation meeting the Viking Academy Trust will explain their rationale, proposals for change and outline the process and timescales to be followed. Staff and their representatives will be invited to put forward their views and alternative proposals for consideration by the redundancy / restructure panel, with a view to reaching agreement, where possible. There will usually be an opportunity for representatives to attend a pre meet with the Viking Academy Trust immediately before the consultation meeting and staff will have the opportunity to meet with their representatives at the end of the meeting.

The interval between early and formal consultation will usually not be less than 5 working days. At the end of this period the redundancy panel will meet to consider any response received. In some circumstances the Viking Academy Trust reserves the right to move to formal consultation immediately after the Early Consultation Meeting.

14 Formal Consultation

Guidance Notes:

Consultation should be reasonable and appropriate given the circumstances. In the case of potential redundancy situations involving 20 or more employees consultation should follow the

provisions of the S188 written notice. It is good practice to confirm the proposals in writing as part of all consultation processes.

Following the early consultation meeting, the Viking Academy Trust will enter into a period of formal consultation with Employees and their representatives.

At this stage, the proposals will be formally set out in writing by the redundancy panel. In the case of potential redundancy situations, written notification will be in accordance with the provisions of the Section 188 notice.

Written consultation notification will include:

- Reasons for the proposals and any proposed redundancies
- Numbers and descriptions of Employees it is proposed to make redundant
- The total number of Employees of this description employed at the Viking Academy Trust
- The proposed method of selecting those who may be dismissed
- The proposed method of carrying out the dismissals, including the period over which dismissals will take place
- The proposed method of calculating redundancy payments
- Timescales for the process
- Other options for consideration and ways in which compulsory redundancies may be reduced or avoided - including inviting volunteers - or the consequences of redundancies mitigated
- Arrangements for individual consultation meetings
- Invite Employees and their representatives to put forward responses or counter proposals with a view to reaching agreement where possible.

In the case of a restructure, where no redundancies are proposed, this information may be modified and may additionally include:

- Details of the proposed changes to the structure and impact of these on Employees
- Job Descriptions and / or Person Specifications for any new or changed posts
- Details of the selection process to any new roles

The purpose of consultation is to formally explain the proposals and, in the case of a potential redundancy situation, to explore alternatives with a view to reaching agreement, if possible.

Particular attention will be paid to ensuring information is shared with Employees who may not have been able to attend the meeting due to absence or maternity leave.

15 Timescales for Formal Consultation

Guidance Notes:

Where more than 20 redundancies are proposed consultation must follow the statutory timescales set out below. Where fewer than 20 employees are to be made redundant there are no prescribed timescales and Academies may determine the duration of any consultation.

Consideration will be given to allowing sufficient time for meaningful consultation with Employees and their representatives.

Following the receipt of the written formal consultation document, there will be a formal consultation period during which time Employees and their representatives are invited to make written comments about the proposals to the Redundancy Panel.

Formal consultation will usually not be less than 15 working days. A shorter timescale may apply in exceptional circumstances following agreement between the Viking Academy Trust and Trade Unions.

Where it is proposed that more than 20 Employees will be made redundant in a period of 90 days or less, the Viking Academy Trust will follow the Statutory Consultation process and timescales as required in the Trade Union and Labour Relations Act 1992 as set out in the table below:

Employees to be dismissed at the establishment over a 90 day period	Minimum period consultation should start before notice of first dismissal is issued
20-99 Employees	30 days*
More than 100 Employees	45 days*

(*please note under TULRA legislation statutory consultation timescales are defined as calendar days).

The Viking Academy Trust will notify the Department for Business Innovation and Skills in instances where it is proposed that more than 20 Employees will be made redundant within a 90 day period or less.

16 Individual Consultation

Guidance Notes:

ACAS advises that individual consultation should take place in all redundancy / restructure situations. All affected employees should be given the opportunity to meet on an individual basis - although they do not have to attend. Case law has shown that dismissals have been found to be unfair where individuals have not been consulted - even in instances where their professional associations have been consulted.

Employees are encouraged to engage in meaningful discussion about the proposals.

During the period of Formal Consultation, Employees in the selection pool will be given the opportunity to meet on a 1:1 basis with the Executive Headteacher or other appropriate member of the staff team to discuss:

- The implications of the proposals for the individual
- The proposed method of selection and scoring
- Timescales
- Employee's views on the proposals and any comments / alternative considerations they wish to raise
- Suitable Alternative employment opportunities
- Making an expression of interest for voluntary redundancy.

A written record of individual consultation meetings may be made and a copy shared with the Employee.

The Viking Academy Trust will consider any comments made during individual consultation and respond in writing as appropriate.

A trade union representative or workplace colleague may be present at this meeting.

17 Consideration of Responses

Guidance Notes:

For consultation to be meaningful, sufficient opportunity should be given to consider and respond to employees / representatives regarding any comments.

At the end of the formal consultation period the Redundancy / Restructure Panel will consider any comments and counter proposals which have been made by Employees or their representatives and respond in writing, as appropriate.

Should alternative options become available as a result of consultation the Redundancy / Restructure Panel may halt the process in one or all of the selection pools.

Should the Viking Academy Trust's proposals be amended as a result of the consultation process Employees and their representatives will be advised of this. Where counter proposals are rejected, the reasons will be stated.

18 Request for Volunteers

Guidance Notes:

There is no legal obligation to seek volunteers - however this is generally regarded as best practice. There is no legal obligation to consider bumped redundancies - however this may be a means by which compulsory redundancies can be avoided.

To prevent compulsory redundancies, applications for voluntary redundancy will be considered.

Volunteers should put their request in writing to the Redundancy / Restructure panel who will determine whether this can be accepted. The panel reserves the right to decline volunteers in circumstances where this may be detrimental to the business needs of the Viking Academy Trust. In order to consider requests from volunteers, the Viking Academy Trust may request that they be received by a specified date.

Consideration will be given to 'bumped' redundancies where appropriate. A bumped redundancy is where a volunteer for redundancy who is not in the initial pool is accepted and someone who would otherwise be made redundant moves to the post of the volunteer.

There is no right of appeal against non-acceptance of a request to volunteer for redundancy or to be considered for bumped redundancy.

Should sufficient volunteers be accepted, the Redundancy / Restructure Panel may halt the process in one or all of the selection pools.

An acceptance of a volunteer is provisional pending the conclusion of the redundancy process. Should the situation within the Viking Academy Trust change prior to notice being issued, this offer may be withdrawn.

19 Slotting

Guidance Notes:

It is best practice to consider slotting where job roles are largely unchanged.

Employees may be automatically placed or 'slotted' into a post in the reorganised structure if their current post is largely unaffected by the proposed changes.

In general terms slotting may be considered in instances where:

- The grade is unchanged
- There are the same or greater number of jobs in the new structure as in the current structure
- The job is deemed to be 75% the same in terms of responsibility and accountability, job tasks and overall objectives.

Posts that are potentially eligible for slotting will be identified during the consultation process. The Redundancy / Restructure Panel will determine which posts will slot and eligible Employees will receive written confirmation of this usually at the end of the Formal Consultation stage.

Wherever possible, slotted roles will be confirmed at the earliest opportunity to reduce uncertainty.

20 At Risk Notification

Guidance Notes:

This is not a legal requirement but recommended from a best practice viewpoint to ensure the employee is formally aware that they are at risk of redundancy dismissal. Also important if the Viking Academy Trust intends to offer special status to at risk employees such as priority consideration for internal vacancies.

At the end of the Formal Consultation Period, and should no alternatives to restructure / redundancy have been identified, Employees in the pool for selection will be notified in writing that they are formally 'at risk' of redundancy if appropriate, and advised of the details of the redundancy / restructure selection process.

21 Selection Criteria

Guidance Notes:

Academies may determine their own selection criteria and methods. Care should be taken to avoid potentially discriminatory selection criteria or methods which may disadvantage a particular group of employees. This may include employees with 'protected characteristics' under the Equality Act and part time / fixed term employees. Where staffing data is being considered - Academies should take care to ensure this is accurate and complete. Best practice suggests that selection criteria should be capable of being applied in an objective manner - rather than be reliant on subjective opinion.

Selection for Redundancy

If, having taken the above steps, it has not been possible to avoid a compulsory redundancy situation, the Viking Academy Trust will establish a suitable objective and fair method for

selecting Employees whose jobs will be made redundant. This proposed selection criteria and method will be shared during consultation.

Selection criteria may include one or more of the following:

- Standard core competencies
- Job specific competencies and specialist skills
- Attendance records (excluding absences relating to pregnancy and disability)
- Formal disciplinary records (unexpired disciplinary warnings only)
- Performance management records and achievement of objectives
- Relevant qualifications
- Continuous professional development within the past 5 years
- Evidence of contribution to the wider Viking Academy Trust community.

The precise selection criteria may vary dependent on the selection pool and what is reasonable given the circumstances.

When identifying selection criteria the Viking Academy Trust will have careful regard to equalities issues and reasonable expectations for the job role.

The Viking Academy Trust will seek to ensure that the selection criteria are robust and fairly applied and objectively scored for all candidates within the pool.

Selection criteria may be assessed either via:

- A skills audit
- An application and interview process
- A selection activity
- An analysis of staff data.

More than one selection method may be used. Where multiple methods are used the relative weighting of these will be specified during the consultation process.

The proposed selection criteria and method will be shared during consultation.

Where there is a single Employee in the selection pool or all posts within a pool are to be removed from the structure, it will not be necessary to undertake a selection process.

Selection in a reorganisation

Where new posts or significantly different posts are created as a result of a restructure, recruitment to these will usually be via a competitive application / recruitment process. The precise process will be outlined during consultation.

In such circumstances, these vacancies may be ring fenced to certain groups of Employees or individuals, in the first instance. Any ring fencing provisions will be outlined during consultation.

In this instance, any redundancies will be identified through non recruitment to available posts.

22 Notification of Outcome: Selection for Redundancy

Employees will be notified in writing of the outcome of any selection process and, if provisionally selected for redundancy, the reasons for their selection and proposed dismissal on the grounds of redundancy. This notification may also include the Employee's individual audit or interview scores and an explanation of the reasons why they have been selected for redundancy.

This written notification will also include an invitation for the Employee to attend a representation meeting and notification of their right to appeal.

23 Notification of Outcome: Offers of new posts or contractual variations

Where an Employee is offered a new post or a variation made to their current post - the details will be confirmed in writing, including a full statement of any changed terms and conditions, confirmation of the effective date and any notice that may apply.

Where, in accordance with teaching or support staff provisions, salary protection arrangements apply these will also be confirmed in writing.

Employees will be asked to confirm their acceptance of any offer in writing and the Viking Academy Trust may specify a timescale in which confirmation should be given.

Where an offer of a new post is declined, an Employee is entitled to make representations and appeal against the decision to terminate their current post. Where an Employee has accepted alternative employment there is no right to representation or appeal.

Where variations to a contract or an offer of suitable alternative employment are unreasonably refused - the Viking Academy Trust reserves the right to dismiss the Employee with notice and re-engage them on the new terms.

24 Representation Meeting

Guidance Notes:

The right to make representations is a requirement of the School Standards and Framework Act for maintained schools. Academies are encouraged to adopt this stage as this is in line with ACAS best practice guidance which advises employers hold a formal dismissal meeting.

Employees who have been provisionally selected for redundancy or who have declined an offer of alternative employment / contractual variation will be invited to attend a representation meeting with the Executive Headteacher / Redundancy Panel.

The purpose of this meeting is for the Executive Headteacher / Redundancy Panel to explain the reasons for the Employee's selection and for the Employee to ask any questions relating to this. The Employee may also wish to present reasons why they should not have been selected to the Panel. However it should be noted that the meeting is not an opportunity for the Employee to add to information already provided during the selection process or comment on the performance of other Employees in the pool. At the end of the meeting the Employee may wish to ask the Panel to reconsider its provisional selection decision.

Any documentation that either party wishes to present to the representation meeting should be shared in advance - usually not less than 3 working days before the representation meeting.

Representation meetings should take place as soon as practicable, and usually within 5 working days of written notification of the outcome of the selection process. The panel may adjourn the representation meeting should the Employee present information requiring further investigation.

A trade union representative or workplace colleague may be present at this meeting. The meeting may be postponed for up to 5 working days if the Trade Union representative or workplace colleague cannot attend.

It should be noted that where the proposed date of the representation meeting has been shared with employees and their representatives at the outset of the redundancy process, it would usually be expected that that parties would be available to attend on the pre-arranged date unless issues had been raised when the timeline was originally shared.

Employees are encouraged to attend this meeting but may choose not to, should they wish.

The outcome of the representation meeting will be confirmed in writing with the Employee usually within 5 working days.

25 Notice Entitlement

Guidance Notes:

The provision of written notice is a statutory requirement. Employees should receive the greater of contractual or statutory notice. The maximum statutory notice which can be given is 12 weeks - but an employee's contract may allow for a longer period. The length of statutory notice is determined by qualifying continuous service for employers covered by the modification order.

Employees will receive written notice of their dismissal by reason of redundancy, once they have been advised of the outcome of any Representation meeting.

Notice will be the greater of contractual or statutory entitlement, up to a maximum of 12 weeks as determined by qualifying continuous service under the terms of the Local Government Modification Order. Where statutory notice is issued this will be 1 week for each year of service, up to the maximum of 12 weeks.

In the case of teachers, notice will be issued with due regard to the contractual provisions and termination dates set out in the Burgundy Book detailed in table below or statutory entitlement whichever is the greater.

For redundancies at the end of the summer term	3 months notice expiring 31 st August
For redundancies at the end of the Autumn term	2 months notice expiring 31 st December
For redundancies at the end of the Spring term	2 months notice expiring 30 th April

Please note that in the case of a Headteacher the notice periods are longer than those above, and can be found in the Burgundy Book.

The Viking Academy Trust may reserve the right in certain circumstances to offer, by mutual agreement, a period of paid garden leave pending the expiry of an Employee's notice period.

26 Appeal

Guidance Notes:

The right to appeal against dismissal is a requirement of the School Standards Act for maintained schools. Academies are encouraged to adopt this stage as this is in line with ACAS best practice guidance which advises employers to allow for appeals against redundancy.

Employees may appeal in writing against the decision to terminate their current contract by reason of redundancy. Appeals should be made within 5 working days of receipt of written notice and should state clearly the grounds for appeal.

An appeal may be made on one or more of the following grounds:

- Unfairness of decision
- That new evidence has come to light
- Significant procedural irregularities .

Any documentation that the Employee wishes to be considered by the appeal panel should be provided with the letter of appeal and in all cases no later than the deadline for the receipt of appeals.

Appeals will be heard by the redundancy appeal panel as soon as practicable, and usually within 10 working days of receipt.

The Viking Academy Trust will provide the Employee with copies of any documents which will be referred to during the appeal in advance and usually no later than 5 working days before the appeal meeting.

A trade union representative or workplace colleague may be present at this meeting.

The meeting may be postponed for up to 5 working days if the Trade Union representative or workplace colleague cannot attend.

It should be noted that where the proposed date of the representation meeting has been shared with employees and their representatives at the outset of the redundancy process, it would usually be expected that parties would be available to attend on the pre-arranged date.

The purpose of the Appeal is to review the original decision on the basis of the grounds for appeal presented by the Employee.

The outcome may be:

- To uphold the previous decision to dismiss the Employee on the grounds of redundancy
- To uphold the Employee's appeal and withdraw the dismissal decision.

The outcome of the appeal meeting will be confirmed in writing with the Employee, usually within 5 working days.

The decision of the appeal panel is final and there is no further right of appeal.

27 Suitable Alternative Employment

Guidance Notes:

There is a statutory requirement for employers to seek ways of avoiding or minimising redundancies including offering alternative employment if it is available.

The Viking Academy Trust will take reasonable steps to identify suitable alternative employment and redeployment opportunities for Employees under notice of redundancy.

Individuals will be made aware of any vacancies which arise within the Viking Academy Trust at the time of their selection and will be given an opportunity to discuss with their line manager..

While priority will be given wherever possible to Employees under notice of redundancy, the Viking Academy Trust reserves the right to appoint the best available candidate to any vacancy.

Any offers of alternative employment will be made in writing, including a full statement of the terms and conditions offered.

Where suitable alternative employment is offered salary protection may be payable in accordance with the provisions of teaching or support staff pay and conditions. It should be noted that only posts identified during the consultation process as suitable alternatives will attract protection.

28 Considerations for Employees on maternity, adoption and additional paternity leave

An Employee on maternity, adoption and additional paternity leave, and who is under notice of redundancy, will have a statutory automatic right to be offered suitable alternative work, if available, ahead of any other Employees. In the event that more Employees fall into this category than posts available a selection process will need to be used.

Where an Employee who is on maternity or adoption leave is made redundant statutory maternity and adoption pay will continue until its expiry - however occupational maternity / adoption pay will cease at the date of redundancy.

29 Refusal of Suitable Alternative Employment

Should an Employee feel unable to accept a contractual variation or offer of a new post they may wish to discuss the reasons for this informally with the Executive Headteacher in the first instance. It will be for the Employee to demonstrate to the Redundancy / Restructure Panel the reason why an alternative offer made by the Viking Academy Trust is not reasonable and suitable.

An Employee who unreasonably refuses an offer of suitable alternative employment made with broadly comparable terms and conditions, may lose their entitlement to redundancy pay. In such circumstances, dismissal would still be for reason of redundancy.

30 Statutory Trial Periods

Guidance Notes:

Statutory trial periods apply to employees under notice. Employers may at their discretion extend trial periods to employees offered alternative employment earlier in the process.

Where an Employee is under notice of redundancy, any offer of suitable alternative employment within the Viking Academy Trust, where the provisions of the new contract differ from the current contract, will be subject to a 4 week statutory trial period.

If either party determines within the trial period that the new job is not suitable, the employment will terminate by reason of redundancy on the date on which employment on the previous contract was due to end. In cases where an Employee terminates the trial period without good reason the Viking Academy Trust reserves the right to withhold the redundancy payment.

The trial period may be extended beyond the initial 4 weeks by mutual agreement to enable further retraining. Any extension will be confirmed in writing.

The Viking Academy Trust may at its discretion offer trial periods to Employees offered suitable alternative employment at an earlier stage of the redundancy process.

31 Time off to look for alternative employment

Guidance Notes:

There is a statutory right for employees with more than 2 years' service to be given reasonable paid time off to look for alternative employment. What is 'reasonable' is not defined in law but employers may indicate what they believe to be reasonable.

Employees under notice of redundancy and who have been continuously employed by the Viking Academy Trust for at least 2 years, have the statutory right to take a reasonable amount of time off work to look for another job, attend interviews or attend training.

At the Viking Academy Trust's discretion, this provision may be extended to Employees with less than 2 years' service.

In granting time off consideration will be given to the business needs of the Viking Academy Trust. Employees wishing to take advantage of this provision should make appropriate arrangements with their manager.

It is not expected that time off would exceed an average of 2 paid days per week or pro rata for part time staff.

32 Outstanding Leave

Employees who are to be made redundant will be advised of any outstanding leave. This should be taken during the notice period wherever possible. In the event that this is not possible, payment will be made in lieu of any outstanding leave.

33 Calculating Redundancy Payments

Guidance Notes:

Under TUPE Employees transferring to the Viking Academy Trust will be entitled:

- To receive redundancy payment based on actual weekly pay unless the Viking Academy Trust have specifically consulted to vary the formula under which redundancies are calculated at the point of Viking Academy Trust transfer
- To have prior continuous service recognised with bodies covered by the modification order.

The Viking Academy Trust has scope to offer employees who join their employment post transfer different provisions - this may include not recognising prior service under the modification order or limiting redundancy payments to the statutory maximum.

Redundancy payments will be calculated in accordance with the formula laid down in statute.

In addition, under the terms of the Local Government Modification Order, the Viking Academy Trust will recognise prior continuous service with maintained schools and other bodies covered by the order. It should be noted that employment with an Viking Academy Trust will also count towards continuous local government service for redundancy purposes.

Details of those bodies covered by the Modification Order is available at:

http://www.local.gov.uk/employment-relations/-/journal_content/56/10180/3510617/ARTICLE;

Employees may be asked to provide evidence of their qualifying service under the modification order.

The amount of redundancy payment will be determined by the Employee's age and length of service as set out in Appendix 2. The Employee will be entitled to receive:

- Half a week's pay for each year of employment in which the Employee was aged 21 or under
- One week's pay for each year of employment in which the Employee was aged between 22 and 40; and
- One and a half weeks' pay for each year of employment in which the Employee was aged 41 or over.

Service before the age of 18 years will not count. There is no upper age limit on statutory redundancy payments.

The maximum number of years of employment that can be taken into account is 20.

A week's pay will be based on the actual weekly pay of the Employee.

Where an Employee with two or more posts is made redundant from one post, service for redundancy calculation purposes will be based on the service accrued / current salary on this contract only.

Employees will receive a written estimate of redundancy monies payable. The redundancy payment will be based upon the contractual circumstances of the Employee at the date statutory redundancy notice is issued.

34 Deductions from Redundancy Payments

Guidance Notes:

This is a HMRC provision.

Redundancy payments of less than £30,000 are free from normal payroll deductions. Any sums in excess of £30,000 are subject to payroll deductions in respect of Income tax and will be made via the Viking Academy Trust payroll.

35 Securing Alternative Employment and the Modification Order

Guidance Notes:

Academies have discretion to waive this requirement. Where a Viking Academy Trust recognises prior service under the modification order - this provision should apply.

Employees will not normally be entitled to a redundancy payment if they are offered before their date of redundancy, alternative employment with an employer covered by the Local Government Modifications Order, to commence within 4 weeks of the date of redundancy.

Where an offer of alternative employment is made, the start date of this employment should not be artificially delayed to facilitate a 4 week break. Where this does occur, the Viking Academy Trust reserves the right to withhold redundancy payment.

Details of those bodies covered by the Modification Order is available at:

http://www.local.gov.uk/employment-relations/-/journal_content/56/10180/3510617/ARTICLE;

Employees should advise the Viking Academy Trust as soon as possible if they are offered alternative local government employment which means they are no longer entitled to a redundancy payment.

The Viking Academy Trust may ask Employees to provide a written declaration that they are not taking alternative employment which would invalidate their entitlement to a redundancy payment. Should the Viking Academy Trust become aware that an Employee has made a false declaration any redundancy payment may be withheld or reclaimed.

36 Leaving before the redundancy date

Should an Employee wish to leave employment prior to the expiry of their notice period they should make the Viking Academy Trust aware of this as soon as possible and explain the reasons for requesting an early release.

This will usually be regarded as a resignation. Exceptionally the Viking Academy Trust may agree to the Employee retaining their redundancy payment when leaving early.

37 Release of Local Government Pension

Guidance Notes:

This is a requirement of the LGPS. Academies cannot opt out.

Employees aged 55+ at the date of redundancy are entitled under the terms of the Local Government Pension Scheme to the immediate release of their local government pension.

38 Record Keeping

Notes may be taken of all discussions and formal / informal meetings held with an Employee to discuss redundancy issues. Where notes are taken a copy will be made available to the Employee.

Minutes will be taken at representation and appeal meetings and shared with the Employee as soon as practicable. The Employee will have the opportunity to check the accuracy of these minutes.

39 Other Considerations

Reasonable Adjustments

The Viking Academy Trust will consider making 'reasonable adjustments' in any redundancy consultation and selection process for Employees with declared disabilities or additional needs. This may include the provision of an amanuensis (scribe) to assist in the completion of written audits. Individuals should make the Redundancy / Restructure panel aware of any additional requirements so that consideration may be given to appropriate adjustments.

Absent Employees

The Viking Academy Trust will seek to ensure absent Employees are kept fully informed of the redundancy process by inviting them to consultation meetings and ensuring they receive copies of relevant written information. Where an individual is unable to attend meetings the Viking Academy Trust will explore means of ensuring effective communication is maintained.

40 Advice and Support to Employees

Employees are advised to seek support from their Trade Union Representative or Professional Association with regards to redundancy issues. Employees may address questions about this procedure to the Executive Headteacher or other delegated staff member.

41 Data Protection

Viking Academy Trust processes personal data of employees, including data that is within the special categories of data (such as personal data concerning an employee's health), collected during their recruitment and while they are employed in accordance with its data protection policy for the purposes of dealing with any potential or actual redundancies. In particular, data

collected and processed for those purposes is held securely and accessed by, and disclosed to, individuals for the purposes of:

- Complying with its statutory notification and consultation obligations (including trade union representatives (where a union is recognised) and employee representatives);
- Following a fair procedure to ensure that dismissals for redundancy are not unfair;
- Selecting employees for redundancy;
- Considering alternatives to redundancy;
- Offering alternative employment;
- Implementing redundancies;
- Dealing with appeals against selection; and
- Defending legal claims arising from redundancies.

Inappropriate access or disclosure of employee data by an employee of the organisation constitutes a data breach and should be reported immediately in accordance with Viking Academy Trust's data protection policy. It may also constitute a disciplinary offence, which will be dealt with under the organisation's disciplinary procedure.

Trade union representatives, in their capacity as representatives of a trade union, must deal with personal data about employees in accordance with all relevant legal requirements, including the General Data Protection Regulation.

Appendix 1: Indicative Redundancy Timeline

1	Governing Body meets <ul style="list-style-type: none"> • Agree need to proceed with restructure and commence consultation • Panel identified 	
2	Early Consultation Meeting with Employees and Trade Union / Professional Associations <ul style="list-style-type: none"> • Proposals Explained 	At least 5 working days notice of meeting
3	Formal Consultation Period / S188 <ul style="list-style-type: none"> • Section 188 letter and documentation circulated to unions • Individual Consultation Meetings Held 	15 working days formal consultation
4	Individual Consultation <ul style="list-style-type: none"> • Employees given the opportunity to meet on 1:1 basis 	Usually during first week of formal consultation
5	End of Formal Consultation <ul style="list-style-type: none"> • Panel considers responses to consultation and whether original proposals should proceed 	Asap after end of consultation
6	At risk letters sent <ul style="list-style-type: none"> • Employees placed at risk and notified of selection process 	Allow 1 week
7	Selection <ul style="list-style-type: none"> • Audits / Applications to be returned by • Selection Meeting • Interviews Held (if applicable) 	Allow 1 - 2 weeks
8	Notification of outcome <ul style="list-style-type: none"> • Communicate outcome of process • Inform Employees if their posts are selected for redundancy or • Offer of an alternative post made / contractual variation confirmed • Employees advised of right to representation & appeal 	Asap after conclusion of selection process
9	Representation Meeting <ul style="list-style-type: none"> • Representations to made by • Representation to be heard by • Employees advised of outcome by 	Usually held within 5 working days after notification of outcome Outcome within 5 working days of representation meeting

10	<p>Notice Issued</p> <ul style="list-style-type: none"> • Notice will be the greater of statutory or contractual entitlement up to a maximum of 12 weeks 	<p>After representations and in line with statutory / contractual entitlement</p>
11	<p>Appeal Meeting</p> <ul style="list-style-type: none"> • Appeals to be made by • Representations to be heard by • Employees Advised of the outcome by 	<p>5 working days to make appeal</p> <p>Appeals usually heard within 10 working days</p> <p>Outcome within 5 working days of appeal meeting</p>
12	<p>Contracts terminate by reason of redundancy</p>	

Appendix 2: Statutory Redundancy Calculations Chart

Age (years)	Service (years)																		
	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
17	1																		
18	1	1½																	
19	1	1½	2																
20	1	1½	2	2½	-														
21	1	1½	2	2½	3	-													
22	1	1½	2	2½	3	3½	-												
23	1½	2	2½	3	3½	4	4½	-											
24	2	2½	3	3½	4	4½	5	5½	-										
25	2	3	3½	4	4½	5	5½	6	6½	-									
26	2	3	4	4½	5	5½	6	6½	7	7½	-								
27	2	3	4	5	5½	6	6½	7	7½	8	8½	-							
28	2	3	4	5	6	6½	7	7½	8	8½	9	9½	-						
29	2	3	4	5	6	7	7½	8	8½	9	9½	10	10½	-					
30	2	3	4	5	6	7	8	8½	9	9½	10	10½	11	11½	-				
31	2	3	4	5	6	7	8	9	9½	10	10½	11	11½	12	12½	-			
32	2	3	4	5	6	7	8	9	10	10½	11	11½	12	12½	13	13½	-		
33	2	3	4	5	6	7	8	9	10	11	11½	12	12½	13	13½	14	14½	-	
34	2	3	4	5	6	7	8	9	10	11	12	12½	13	13½	14	14½	15	15½	-
35	2	3	4	5	6	7	8	9	10	11	12	13	13½	14	14½	15	15½	16	16½
36	2	3	4	5	6	7	8	9	10	11	12	13	14	14½	15	15½	16	16½	17
37	2	3	4	5	6	7	8	9	10	11	12	13	14	15	15½	16	16½	17	17½
38	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	16½	17	17½	18

39	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	17½	18	18½
40	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	18½	19
41	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	19½
42	2½	3½	4½	5½	6½	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½
43	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
44	3	4½	5½	6½	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½
45	3	4½	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
46	3	4½	6	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½
47	3	4½	6	7½	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
48	3	4½	6	7½	9	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	23½
49	3	4½	6	7½	9	10½	12	13	14	15	16	17	18	19	20	21	22	23	24
50	3	4½	6	7½	9	10½	12	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	23½	24½
51	3	4½	6	7½	9	10½	12	13½	15	16	17	18	19	20	21	22	23	24	25
52	3	4½	6	7½	9	10½	12	13½	15	16½	17½	18½	19½	20½	21½	22½	23½	24½	25½
53	3	4½	6	7½	9	10½	12	13½	15	16½	18	19	20	21	22	23	24	25	26
54	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	20½	21½	22½	23½	24½	25½	26½
55	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22	23	24	25	26	27
56	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	23½	24½	25½	26½	27½
57	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25	26	27	28
58	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	26½	27½	28½
59	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28	29
60	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28½	29½
61+	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28½	30

Appendix 3: Guidance for Representation and Appeal Meetings/Hearings

General

Representations and Appeals should take place at a reasonable time and place usually during the Employee's normal working hours and, in the case of Employees who work term time only, during the School term. These arrangements may be varied by mutual agreement.

Consideration should be given to the venue for the hearing. There should be adequate rooms for the parties and arrangements to ensure that the hearing is conducted with discretion and confidentiality maintained. A venue away from the School site may be appropriate in certain circumstances.

The precise procedure to be followed will vary depending on the particular circumstances of each case, but in general the following will apply:

Procedure for Representation Meetings

- The Chair of the Redundancy Panel will introduce those present and their roles, explain the procedure to be followed and the format of the meeting.
- The Chair of the Redundancy Panel will explain the reasons why the Employee has been provisionally identified for redundancy with reference to the outcome of any audit or selection process. The Employee and their representative may ask any questions relating to this.
- The Employee and their representative present reasons why he / she should not have been selected. This may include asking the panel to reconsider its initial selection decision. The Employee is not permitted to add to information given during the selection process or comment on the performance of others. The Redundancy Panel may ask questions relating to the points raised by the Employee.
- The meeting is adjourned to enable the Redundancy Panel to consider the points raised and whether the provisional decision to dismiss should be upheld.
- The representation meeting is reconvened and the outcome is communicated verbally to the Employee. The outcome will also be confirmed in writing to the Employee within 5 working days of the decision.

Procedure for Appeals

- The panel will identify a chair whose role is to facilitate the appeal meeting.
- The chair of the panel will introduce those present and their roles, explain the case to be considered, the procedure to be followed and the format of the meeting.
- The Employee or their representative shall put the case in support of the grounds for appeal, including any mitigating circumstances. This may include referring to written submissions and evidence. The School's representative and panel may ask questions of the Employee and their representative.

- The School's representative presents the case for upholding the previous panel's decision and refer to written documentation. The Employee and their representative and panel may ask questions of the School's representative.
- The panel will invite both parties to sum up their cases, with the Employee or his/her representative having the final word. The hearing will then be adjourned whilst the panel deliberates over the evidence.
- Adjournments may be requested by both parties or by the panel during the appeal hearing. If new evidence is presented the appeal may need to be adjourned while this is investigated.
- The appeal hearing will then be adjourned whilst the panel deliberates over the evidence. If further clarity is required both parties may be recalled and the hearing reconvened so that all parties may hear any additional evidence.
- The appeal hearing is reconvened and the outcome is communicated verbally to the Employee. This should also be confirmed in writing. On occasion it may not be possible for the panel to reach a decision on the day of the hearing in which case the appeal may be reconvened or all parties may agree for the outcome to be communicated in writing within 5 working days of the decision being made.
- Where the decision is made to uphold an Employee's appeal the matter will be referred back to the Executive Headteacher / Redundancy Panel.

The Role of the Representative

The Employee has the right to be accompanied to a hearing or appeal meeting by either a workplace colleague or recognised trade union representative.

The representative may address the hearing to put and sum up the Employee's case, respond on behalf of the Employee at the hearing and confer with the Employee during the hearing. The representative does not have the right to answer questions on the Employee's behalf, address the hearing if the Employee does not wish it or prevent the employer from explaining their case.

The Role of the HR Advisor

The School may request that a HR advisor attends an appeal meeting whose role is to advise the panel on the procedure and any points of employment law.

A further HR Advisor may also be in attendance to support the School in the presentation of their case.

The HR Advisor may be allowed to ask questions and clarify issues on behalf of the party they are supporting.