



Achieving together in faith

Holy Cross Catholic MAC

Redundancy Policy

Responsible for policy	Marina Kelly
Date of policy	September 2020
Date approved by HCC MAC Board	2 nd September 2020
Date of policy review	September 2023

Redundancy Policy

Definitions

1. **'MAC'** means the Holy Cross Catholic Multi Academy Company and references to 'MAC' include, as the context may require, all sites upon which it is operating, including:
 - **Bishop Ullathorne Catholic School**
 - **Cardinal Newman Catholic School**
 - **Christ the King Catholic Primary School**
 - **St Augustine's Catholic Primary School**
 - **St Elizabeth's Catholic Primary School**
 - **St John Vianney Catholic Primary School**
 - **St Thomas More Catholic Primary School**
 - **Central Establishment Head Office.**
2. **'Articles'** means the MAC's articles of association from time to time.
3. **'Board'** means the board of directors (each, a **'Director'**) of the MAC.
4. **'Chair'** means, as applicable, the Chair of the Board or the Chair of the Local Governing Body of an applicable School at the relevant time.
5. **'Clerk'** means the Clerk to the Board or the Clerk to the Local Governing Body of the School appointed from time to time, as appropriate.
6. **'Chair'** means the Chair of the Board of the Directors or the Local Governing Body appointed from time to time.
7. **'CSEL'** means the Catholic Senior Executive Leader of the Mac appointed as its chief executive in accordance with the Articles (or the person carrying out that function in the absence of a CSEL at any applicable time).
8. **'Companion'** means a willing work colleague (not family member) not involved in the substance of an applicable employee's performance issues under review under this Policy, or an accredited representative of a trade union or other professional association of which that employee is a member, who should be available for the periods of time necessary to meet the timescales set out in this Policy.
9. **'Diocese'** means the Roman Catholic Diocese of Birmingham.
10. **'DSC'** means the Diocesan Schools Commission of the Diocese or such other education service as is provided by the Diocese at any applicable time, which may also be known or referred to as the Birmingham Diocesan Education Service (**'BDES'**).
11. **'Governors'** means the governors appointed and elected to the Local Governing Body of the School from time to time (each, a **'Governor'**).
12. **'Headteacher'** means the headteacher of a School or person holding equivalent office with overall responsibility for the day to day management of that School.
13. **'Head Office Team'** means the staff whose principle engagement with the MAC is in its central executive team.
14. **'LGB'** means the Local Governing Body of a School appointed in accordance with the Articles.
15. **'Policy'** means this policy and the policies and procedures contained within it.

16. **'School'** means an applicable school within the MAC, and also refers to all sites upon which the school undertaking is, from time to time, being carried out.
17. **'Vice-Chair'** means the Vice-Chair of the Board or an applicable LGB at any relevant time.
18. Words and expressions not otherwise defined in this Policy shall, unless the context requires otherwise, have the meanings attributed to them in the Articles.

Guidance on the Process for Redundancy of Staff Employed by Holy Cross Catholic Multi Academy Company

1. Introduction

This document sets out the MAC's policy and procedures for handling redundancy situations. This Policy does not form part of the employee's terms and conditions and may be subject to change.

The MAC is the employer of all employees working for it within the Schools and the Head Office Team. The Board is responsible for deciding whether an employee should be dismissed on the grounds of redundancy.

An employee is dismissed by reason of redundancy if the dismissal is wholly or mainly attributable to the fact that:

- The MAC has ceased or intends to cease (i) to carry on the establishment or operation the purposes for which that employee was employed, or (ii) to carry on that establishment or operation in the place where that employee was so employed; or
- The requirement for that employee to carry out work of a particular kind, or to carry it out in the place in which they are employed, had ceased or diminished, or are expected to cease or diminish.

This policy should be implemented when considering any restructure proposals which may result in there being fewer posts and/or if those proposals have a detrimental impact on employees (e.g. reduction in working hours or salary).

2. Policy statement

The MAC's overriding aim is to avoid compulsory redundancies wherever possible, and to manage the MAC in a way that continues to provide employment for its employees. However, from time to time changes (for example, a fall in pupil roll and cuts to funding) may necessitate the need to consider redundancies.

Where the MAC is unable to avoid reducing employee numbers, it will try to minimise the effect of redundancies through the steps set out in this Policy. 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 comparators where applicable. The only proviso to this is where a relevant post must be held by a practising catholic.

3. The Purpose of this Policy

The purpose of this Policy is to have a framework in place that sets out what we will do whenever the reduction in employee numbers may become necessary. In particular, we will ensure that we will:

- i. communicate clearly with all affected employees and ensure that they are treated fairly;
- ii. make every reasonable effort to avoid compulsory redundancies;
- iii. consult with employees and, where appropriate in accordance with clause 5, with recognised trade unions; and
- iv. ensure that any selection for compulsory redundancy is undertaken fairly and reasonably.

4. Planning

The MAC will endeavour to ensure that there is effective planning, financial management and resource allocation in place in the day to day and strategic management of the MAC. The MAC will regularly review its resources and staffing structure to ensure, so far as is reasonably practicable, that it is fit for purpose and is meeting the needs of its pupils' teaching and learning requirements.

The MAC will ensure that effective workforce planning is carried out with a view to minimising surplus staff situations.

The MAC will use actual weeks' pay to calculate the redundancy payment.

5. Roles and Responsibilities

The MAC has a responsibility to ensure that:

- This Policy is followed in all cases of redundancy
- Redundancies are minimised wherever possible
- Redundancy processes are applied fairly and consistently
- Selection criteria used are fair, objectively applied and non discriminatory
- Full and open consultation with staff and unions
- Where possible suitable alternative work is offered within the MAC
- All staff have an awareness of this Policy

6. Avoiding Redundancies

Wherever possible the MAC will plan to try to avoid or minimise redundancies where future staffing reductions are likely. Consideration will therefore be given to:

- Achieving reductions through 'natural wastage'

- Restricting recruitment of permanent staff
- Reducing the use of temporary staff whilst recognising their employment rights.
- Reducing working hours where staff are in agreement or it is allowed in the contract of employment
- Using existing staff to fill vacancies at the MAC
- Job Share arrangements

7. Voluntary Redundancies

The MAC will, so far as is reasonably practicable, always seek volunteers for redundancy prior to imposing compulsory redundancies. There is no commitment (on either the employee concerned or the MAC) if an employee expresses an interest in applying for voluntary redundancy.

Applications for voluntary redundancy will be considered by the MAC based its operational needs. The MAC may refuse, acting reasonably, a request for voluntary redundancy where the specialist knowledge, skills training and qualifications of the relevant employee are still required in the MAC.

Even if an employee applies for voluntary redundancy, they still have the right to appeal the decision once they have received a letter confirming their request until they formally accept the offer of voluntary redundancy. At that point, the applicable employee may still claim for unfair dismissal, subject to the terms of any Settlement Agreement that they may have signed in accordance with the terms of applicable employment legislation.

8. Compulsory Redundancies

Where there are:

- Not enough or no volunteers
- Staff who have volunteered but Governors do not feel able to release them
- No other avenues to explore to avoid redundancies

the MAC will have to consider compulsory redundancies. The selection for compulsory redundancies will be done using criteria which is fair, objective, consistent and non-discriminatory.

9. The Redundancy Process

9.1 Prior to consultation

Once it has been established that there is no way to avoid redundancies and it is recognised that there is potentially a redundancy issue, the MAC will determine the number and types of post which may be surplus to its needs. This will be done in consultation with applicable Headteachers.

Discussions at this stage will be restricted to the broad issues to ensure that Directors who may be involved in the Redundancy or Appeal committees will not have detailed prior knowledge.

Two panels of Directors will be established (usually three people in each panel) a Redundancy Committee and an Appeals Committee. No employee of the MAC will be on

either committee but may be required attend to present the case or answer questions. The committees may be advised by an HR adviser, who will not be a member of the applicable committee. A formal record of the proceedings will be kept.

The Redundancy Panel has delegated authority to consider the redundancy issue and produce draft proposals for solving the problem. The Appeal Committee is to hear appeals against selection for redundancy. No Director can serve on both committees or on either committee if they have or may have an interest in the outcome.

9.2 Consultation

The minimum statutory period for consultation is as follows:

- 20-99 Employees to be dismissed by redundancy are entitled to a minimum 5 weeks unless agreed by employees to be reduced
- 100+ Employees to be dismissed by redundancy are entitled to a minimum 90 days.

Although there is no set statutory period for less than 20 employers the MAC will apply the 5 week's consultation period. Directors will consult all recognised Trade Unions of the employees affected when proposing redundancies.

To start the consultation process a letter will be sent to all unions which will meet the requirements of Section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992 as amended by the Trade Union Reform and Employment Rights Act 1993 which will outline the following details:

- Why it is felt redundancies are necessary
- The numbers and descriptions of employees whom it is proposed to make redundant and the total number of employees in these positions.
- The proposed method of selecting staff for redundancy
- The proposed method of carrying out the dismissal and the timescale over which this will take place.
- The proposed method of calculating any redundancy pay.
- The date and time of the first consultation meeting.

At the same time the CSEL/Headteacher will inform staff of the situation providing them with a copy of the letter sent to unions and confirming the date of the first consultation meeting.

Staff who are on maternity or adoption leave, or long-term sickness leave will also be consulted and kept informed of the situation. An employee who is on maternity or adoption leave who has been selected for redundancy must be offered any suitable alternative vacancy available in preference to other employees under consideration for redundancy.

During the consultation process comment will be invited from both unions and staff to help produce a constructive approach to the situation. Consultation will include:

- Strategies to avoid redundancies
- The reason for the proposed staffing reduction
- Where there is a financial reason for redundancy, full budgetary information
- The procedure to be used for redundancies

- Selection criteria for identifying posts which will be made redundant.
- Selection criteria in the event of too many volunteers for redundancy.

Agreement will also be reached on dates of any subsequent meetings.

All employees will be consulted with regardless of length of service.

9.3 Selection

When considering selection for redundancy a fundamental basis is that the ongoing needs and requirements of the MAC are of primary consideration. However, criteria for selection will be fair and in line with its equal opportunities policy.

The draft proposals, if any, established by the Directors' Redundancy Committee may identify specific posts as a result of, say, a management reorganisation and/or use a range of criteria spread across the affected groups of staff.

Criteria used could include:

- Skills Match – this requires accurate information and will involve using a criteria matrix for scoring.
- The standard of work performance.

Other criteria can also be used and although legal, are more subjective:

- Contribution to broader 'life' of the MAC;
- Disciplinary record;
- Attendance record (not including maternity).

Directors will consult on draft criteria and establish a scoring formula for the criteria. Unless the proposals for staffing reduction are self-selecting, Directors will use three or four criteria which are weighted according to importance. It is also possible to give "plus points" to certain staff (e.g. post holders who have difficult-to-replace skills). Although it may be clear fairly quickly who the draft criteria has identified, this will not take place formally until consultation has taken place. All selection processes will be conducted 'anonymously' i.e. no names will be included on any paperwork.

When the consultation process has finished the Redundancy Committee of the Board will meet to review all of the information gathered during the consultation process and consider whether volunteers can be released. Volunteers will be advised at this stage whether their application has been successful and that they have the right of appeal against the decision made.

If there are not enough volunteers, staff will be asked to complete a criteria matrix with support from the CSEL/Headteacher or appropriate manager. Once these have been completed Directors will meet again to agree which people are at risk of redundancy.

When a person has been identified as 'at risk' either through the application of the selection criteria or because a specific job has been identified they will be informed in as sympathetic way as possible. A letter will be sent confirming they are at risk and they will be informed of their right to make representations and their rights of appeal. Representations must be made in writing within 5 working days of delivery of the letter.

Rights of representation are to the Redundancy Committee and enable an individual to present against their selection. If the individual decides not to make representations a redundancy notice will be issued.

9.4 Representation Meeting

Individuals will be given 5 working days written notice of a meeting which will confirm their right to be accompanied by a friend or trade union representative (reasonable requests to delay will be considered).

Realistically unless there can be demonstrated to be a legal or procedural error or other significant flaw in the process, it is unlikely the Redundancy Committee will overturn the decision. The simple fact that the person does not like the outcome will not be a good reason to overturn a decision.

An HR Provider can act as advisor to the panel who can also be supported by the Headteacher. Provided all processes and procedures have been fairly applied, it is most likely that most cases will end at this stage.

The Redundancy Committee will confirm to the individual in writing the decisions of the panel and inform them of the right of appeal to the Appeal Committee. Notes of the proceedings of the panel will be kept.

The process for conducting Representation Meetings is set out in Appendix A

9.5 Dismissal

If the Redundancy Committee decides to uphold the original decision a redundancy notice will be issued. Staff made redundant will be entitled to notice as per their contract of employment. Where it is not possible to serve notice in time for the individual to be given their statutory or contractual notice it will be paid in lieu and they will not be required to work.

The CSEL or applicable Headteacher and the Redundancy Committee will consider requests from individuals who have been issued with a redundancy notice to leave prior to their redundancy date based on the operational needs of the MAC.

9.6 Appeal

At least 5 working days notice of the meeting will be given (reasonable requests to delay will be considered).

At the Appeal hearing, the whole case will be heard by the Appeal Committee. The presentation to the Appeal Committee will be by the chair of the Redundancy Committee who may be assisted by the CSEL and/or the applicable Head Teacher, explaining what the Redundancy Committee did and why. The appellant then puts the case against. The appellant must have all relevant paperwork.

If the appeal is upheld the redundancy notice will be withdrawn.

If the appellant is unsuccessful, they can, if they wish, take out an application for a hearing at an Employment Tribunal for unfair dismissal. The Mac's adherence to the correct procedures, timescales and fair selection criteria will lessen the risk to it of such a claim being successful. Accordingly, contemporaneous notes of ALL proceedings will therefore be taken and kept.

10.0 Redeployment

It is a statutory duty of every employer to seek to find somebody 'at risk' of redundancy suitable alternative employment. In a time of staff reduction this may be difficult, however, the MAC will endeavour to find alternative positions within the MAC are available for staff who are at risk of redundancy.

If appropriate jobs become available at the MAC when redundancies are likely, prime consideration will be given to staff 'at risk' provided they meet the minimum criteria for selection for the relevant post(s).

The Employer also recognises that employees who are notified that they are at risk of redundancy have the right to time off to look for alternative work or arrange training for new employment.

11.0 Timetable

The MAC realises that the following of all of the procedures and compliance with appropriate consultation will cover a significant timespan, and it will therefore endeavour to begin the process at the earliest possible date. An example of a typical timetable is given in Appendix B.

The Board approved this policy on:

Signed: Chair

Signed: CSEL

Appendix A

Appeal Hearing Procedure

The Chair will make introductions.

- 1) The Chair of the Redundancy Committee (possibly aided by the CSEL and/or applicable Headteacher) will present the Committee's case for its selection of the individual for redundancy.
- 2) The Employee and/or their representative may ask questions.
- 3) Members of the Appeal Committee may ask questions.
- 4) Employee and/or their representative make their representations against selection for redundancy.
- 5) CSEL/Headteacher/Chair of Redundancy Committee may ask questions.
- 6) Appeal Committee may ask questions.
- 7) Chair of Redundancy Committee/CSEL/Headteacher sum up if they wish.
- 8) Employee and/or their representative will sum up if they wish.
- 9) Parties leave the room. The note taker and any HR advisers will remain.
- 10) The Committee will make its decision and will advise all parties in person and/or put it in writing within 5 working days.

If the Appeals Committee decide to confirm the original decision the appellant will be advised of any further right of appeal (if any).

If the Appeals Committee upholds the appeal the redundancy notice will be withdrawn.

Please note: If no representations are made the redundancy notice can be issued a week after the member of staff is formally notified of the outcome from the Redundancy Committee meeting.

Appendix B

Timetable

	Actions Required	Likely Timescale	Date to be Actioned
Preparation and Planning Up to 6 weeks	Decision taken to act on potential problem. CSEL/Headteacher to provide evidence to support proposal to reduce staffing to the Board for determination that the process should take place		
	MAC Board meets CSEL/Headteacher supported by HR Provider. Board members appointed to Redundancy Committee and Appeals Committee. Redundancy Committee meeting to agree timetable and draft compulsory selection criteria for consultation		
Consultation Period 5 weeks	S188 notice to recognised Trade Unions. Notice given of formal meeting with staff. Invite TU's/Associations.	1 day	
	Talk informally to staff and provide them with a copy of S188 notice advising them of date of first formal consultation meeting	1 day	
	Formal meeting with staff, CSEL/Headteacher and Trade Unions at which copies of timetable, criteria, financial information and any other relevant information are distributed. Plus where appropriate notification of closing date for expressions of interest in roles, voluntary redundancy and ways of avoiding redundancies will be discussed.	1 day	
	Period of consultation <ul style="list-style-type: none"> • 1:1 meetings • Counselling • suggesting other options to avoid redundancy • opportunity for volunteers to come forward • calculation of entitlements 	4.2 weeks	

	Actions Required	Likely Timescale	Date to be Actioned
Selection up to 3 week	Redundancy Committee meeting supported by CSEL/Headteacher and HR Consultant to consider proposals from the consultation period, voluntary applications and make provisional decision to select posts for redundancy	1 day	
	If there are no viable proposals/volunteers CSEL/Headteacher holds individual meetings with staff to complete matrix exercise then Headteacher completes master matrix	Up to 2 weeks	
	If no viable proposals or volunteers redundancy Committee meets again supported by CSEL/Headteacher and HR provider to consider evidence, and makes decision to slot staff to new posts and select posts for redundancy	1 day	
Dismissal Procedure 2 weeks	Member(s) of staff and Trade Unions informed of outcomes. Member(s) of staff given 5 working days to indicate wish to make representations and then 5 days notice of Redundancy Committee representation hearing. Consideration of suitable alternative employment and counselling	2 weeks	
	Redundancy Committee hearing takes place to receive representations. Decisions announced. Member(s) of staff advised of right to appeal within 5 working days	1 day	
Notice Period Up to 3 months	Redundancy notice issued by MAC	1 day	
	Staff who make appeals given 5 days notice of meeting Redundancy notice withdrawn if decision overturned.	Up to 2 weeks	