

REORGANISATION, REDEPLOYMENT & REDUNDANCY POLICY & PROCEDURES

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| Approving Body | Trust |
| Date of Last Review | November 2022 |
| Statutory (Y/N) | |
| Responsible Officer | BMAT CEO for and on behalf of the Trust |

1. Introduction: BMAT will endeavour to provide security of employment and avoid redundancies, in so far as doing so is reasonably practicable, and in line with the organisation's objectives. However, circumstances may arise that make it necessary to reduce the number of BMAT employees. In such cases, this policy will apply.
2. Scope: This policy applies to all BMAT employees.
3. Preventing redundancies: In the event that BMAT's circumstances change in a material way, such that fewer roles and employees are needed to perform their work, only vacancies critical to fulfilling the organisation's objectives will be filled.
The use of temporary and agency staff will also be restricted.
4. Measures to reduce employee numbers: Should there be a need for redundancies, the following steps will be taken. Entitlement to a redundancy payment applies only to those employees with more than two years continuous service with BMAT. The rights of part-time, full-time and staff on fixed term contracts are equal. Agency workers and temporary staff are not included.
5. Authority to make redundancy decisions:
 - a. The BMAT Trust Executive will make or approve redundancy decisions, under the leadership of the BMAT CEO.
 - b. Before redundancy decisions are implemented, the CEO will present them to the Board of Trustees, for ratification.
 - c. The Trustees' role is to check and ratify redundancy decisions that comply with this Policy, and meet the needs of the organisation.
 - d. Where a proposed redundancy decision affects a member of the Trust Executive, the BMAT CEO will refer the matter to, and determine it with, the Board of Trustees, under the leadership of the Chair of the Trust. Where a proposed redundancy decision affects the BMAT CEO, it will be determined by the Board of Trustees, under the leadership of the Chair of the Trust.
6. Voluntary redundancy, redeployment or transfer:
 - e. Volunteers for redundancy, redeployment to another suitable post within BMAT, or transfer to part time/reduced hours/job sharing arrangements will be sought.
 - f. BMAT reserves the right to decline any volunteer if their leaving, redeployment or transfer would impact disproportionately on the fulfilment of an organisational objective.
7. Compulsory redundancy:
 - a. In a situation where compulsory redundancies are unavoidable, objective selection criteria linked to organisational needs will be used to select employees. These criteria will prevent direct or indirect discrimination against employees.
 - b. Managerial and organisational requirements, curricular and pastoral needs, and School Improvement Plans should be used to determine which selection criteria to apply.

- c. Examples of selection criteria which may be include but are not limited to the following, which need not be given equal weight:
 - i. Relevant skills and experience;
 - ii. Standard of work performance; iii. Absence record;
 - iv. Disciplinary record;
 - v. Aptitude for work; and
 - vi. Length of Service.
- 8. Suitable alternative employment:
 - a. Where possible, BMAT will give consideration to suitable alternative employment within the organisation, for employees facing a redundancy situation.
 - b. In the event that more than one employee is facing redundancy, each of whom may be suitable for an alternative role, a decision on which employee will be offered the role will be made on the basis of open competition and interview.
 - c. Any employee who accepts such an appointment will have the right to a four week trial period in which to try out the role.
 - d. This does not affect any rights to redundancy payments where the transfer proves unsuccessful, as long as reasons for rejection are reasonable.
 - e. If an individual refuses the offer of an alternative appointment, at a comparable rate of pay and for which in all respects the individual is well suited, without a justified reason, they will lose the right to redundancy pay.
- 9. Severance payments:
 - f. To qualify for statutory redundancy payments, an employee must have at least two years continuous employment with BMAT. The maximum number of years continuous service that can be counted for statutory redundancy payments is 20 years. Where calculating statutory redundancy pay, please refer to the maximum amount for one week's pay set by the government and adjusted on a yearly basis, which is currently as follows.
 - g. Employees will receive half a week's pay for each completed year of service in which they were under 22 years old.
 - h. Staff will receive one week's pay for each completed year of service in which they were between the age of 22 and 40 years old.
 - i. Staff will receive 1 1/2 week's pay for each completed year of service in which they were 41 years old or more.
 - j. Any enhancement to the foregoing statutory entitlement will be entirely at BMAT's discretion.
- 10. Individual and Collective Consultation:
 - a. The following information will be provided to employees likely to be affected by redundancy:
 - i. Reasons for redundancies;
 - ii. Numbers and job categories of employees affected;

- iii. Total numbers of employees employed in each job category;
 - iv. The proposed selection criteria to be used;
 - v. The proposed method of carrying out the redundancies and the period over which they will occur, contractual entitlement to notice will be respected;
 - vi. The proposed method of calculating any redundancy payments.
- b. Where fewer than 20 redundancies appear necessary, individual consultation will take place with those employees likely to be affected by redundancies. Said employees will be invited to meet with a member of the Trust Executive, via letter or email, which should contain information about why their role is recommended for redundancy.
 - c. Employees may be accompanied by a colleague or trade union representative.
 - d. If the Trust Executive decides to uphold its decision, the employee should be informed in writing, within seven calendar days.
 - e. If the Trust Executive decides to review its decision, it will reassess the employee's role against the selection criteria, and come to a decision within seven calendar days, which it will communicate to the employee in writing.
 - f. When a significant number of redundancies (20 or more) appears necessary, a collective consultation will take place as follows (employees on a fixed-term contract will not be involved in collective consultations, unless their contract is ending only because of redundancy).
 - vii. At least 30 days before the first dismissal takes effect, if 20 to 99 employees are to be made redundant, over a period of 90 days or less;
 - viii. At least 45 days before the first dismissal takes effect, if 100 or more employees are to be made redundant, over a period of 90 days or less.
 - g. Collective consultations will cover ways to avoid redundancies, the reasons for redundancies, ways to keep dismissals a minimum, and how to limit the effects for employees.
 - h. Collective consultations will take place between BMAT and trade union representatives or elected employee representatives (for affected employees who are not represented by a trade union, or affected employees who are represented by a trade union that is not recognised by BMAT).
11. Notification of dismissal:
- a. Employees selected for redundancy will be given notice of termination of employment in accordance with their contracts and written confirmation of the payments that they will receive.
 - b. The notification will specify when the employment is to terminate, and what redundancy payment the employee is entitled to.
 - c. The notification will include details on the right of appeal against the dismissal and the procedure which must be followed.
12. Support: Redundancy is a stressful personal experience. BMAT may offer support in the following ways.
- a. Paid time off to look for work;

- b. Assistance in finding alternative employment;
- c. Redundancy counselling (those who feel they would benefit from counselling should in the first instance approach HR or their manager);
- d. Appropriate support to remaining staff, should the occasion arise.

13. Appealing a redundancy decision:

- a. Employees have a right of appeal against decisions to make them redundant. The purpose of an appeal will be to determine whether procedures were followed correctly, and whether the decision taken was fair.
- b. An individual must make known their intention to appeal in writing within 7 calendar days of the redundancy process concluding.
- c. The appellant should address the appeal to the Chair of the Trust, c/o the Clerk to the Trust, and must state clearly the grounds for appeal (i.e. why they believe that the applicable redundancy procedures were not followed correctly and/or why they believe that the decision taken was not fair).
- d. The appeal will normally be heard within 21 calendar days of the receipt of the appeal by BMAT, by a minimum of two Trustees. A representative of the Trust Executive should attend, to explain the rationale for the decision. A member of HR may attend in an advisory capacity. The appellant may be accompanied by a colleague or trade union representative at the appeal hearing.
- e. The outcome of the appeal will be given in writing as soon as reasonably practicable after the appeal hearing. The appeal decision will be final