



## **Restructure and Redundancy Policy**

It is the aim of Ditton Church Preschool (DCPS) to ensure, as far as possible, security of employment of its employees through effective business and workforce planning. Whilst DCPS is committed to seeking to avoid compulsory redundancies, it may be the case that circumstances (e.g. regulatory or market changes, strategy decisions, modernising etc.) result in this being unavoidable from time to time.

Whilst we need to achieve the necessary operational outcomes, we are committed to ensuring fair, robust and transparent processes, including meaningful consultation during restructuring and, where staffing reductions are required, redundancy situations.

Topics that you will find in this policy are:-

- Purpose and scope
- Consultation
- Redeployment & trial periods
- Voluntary Redundancy
- Compulsory Redundancy
- Time off work
- Termination of employment due to redundancy
- Appeals
- Policy Review and Contacts

### **Purpose and Scope**

From time to time, the Management Committee, in order to address financial sustainability or efficiency of a department or service or business as a whole, may identify a need to carry out a review where the outcomes of that review may be to reduce staffing levels or create some other change to employment contracts.

The impact may be on one employee, a specific group of employees or department; or the entire Pre School.

The policy applies to all DCPS employees however, it does not form part of an employee's terms and conditions of employment.

This policy sets out the DCPS approach to managing restructures and dealing with potential redundancies.



## **Consultation**

The aim of consultation will be to ensure opportunity for employees and management committee representatives to openly and fully explore the proposals and to reach a shared understanding and, if possible, agreement on the proposals or amended proposals.

The management committee will only proceed with the proposed or amended proposals, once agreement has been reached or a period of consultation has concluded and where we consider that it is reasonable to do so.

Consultations will be with individuals. The length, content and outcome of the consultation will vary depending on the change which we are proposing to undertake. During a consultation, you (either directly or via your representative) will be given the opportunity to express your opinion about the proposed change, together with any concerns or objections, ask any questions and put forward alternative suggestions/proposals.

Where the consultation relates to proposed redundancies, the consultation process will specifically seek to identify ways of:

- avoiding the potential redundancies
- reducing the number of employees to be made redundant
- mitigating the effects of the redundancies on the affected employees

After each consultation meeting, the management committee representatives will give serious consideration to your views and determine whether any changes should be made to the proposals. They will also consider whether we can provide assistance to mitigate any detrimental effects that the change may have. Further consultation meetings will be held where necessary.

## **Employee representatives**

At each individual redundancy consultation meeting, employees have the right to be accompanied by a colleague or Union Representative.

## **Redeployment & Trial Periods**

If it should become necessary to consider redundancies, we will make every effort to redeploy to alternative work (if available within the Pre School), any employee who is selected for redundancy.

We will seek to identify any alternative vacancies within the Pre School that may be suitable for those employees who have been selected for redundancy. These efforts to identify suitable alternative employment will not cease until the employee's notice period expires.

We will also ensure employees selected for redundancy have access to available vacancies (via the DCPS staff notice-board) and are given an opportunity to discuss which vacancies are likely to be suitable. Additionally, where an employee believes that there is an available post within DCPS that could be suitable, the individual should raise this with their line manager at the earliest opportunity, so this can be explored.



Whilst consideration will be given - wherever possible - to those individuals under threat of redundancy, the management committee reserves the right to select the best available candidate in relation to any available alternative position.

Where alternative employment is offered and accepted in a redundancy situation, there will be a trial period of four weeks in the new post. This time-period may be extended by written agreement between the parties. The trial period is a statutory provision enabling both the employee and the organisation to assess whether the post is genuinely suitable for the employee.

If an employee believes it is not a suitable alternative role for them, they must raise this as soon as possible and prior to the end of the trial period. An employee may reject offers of alternative employment or reject a role during or at the end of a trial period which may lead to their dismissal by reason of redundancy.

If an employee unreasonably rejects a suitable alternative role, they will not be entitled to a redundancy payment. However, the employee may retain the right to statutory redundancy pay, in circumstances where they successfully argue that the role offered to them is not a suitable alternative role (e.g due to a significant difference in duties, working arrangements or salary) and/or it is accepted that the employee's refusal of the role is reasonable in the circumstances.

The relevant date for the purpose of calculating redundancy pay in the circumstances will be the date on which the employee's original job ended (and not the date that marked the end of any trial period)

### **Voluntary redundancy**

Voluntary redundancies would be considered when:

- a voluntary redundancy would minimise the need for compulsory redundancy, i.e. prevent the compulsory redundancy of a colleague; or
- an employee requesting voluntary redundancy would not be replaced if their request was accepted, as their role is no longer required.

Whether or not any special arrangements will be offered in relation to voluntary redundancies will be a matter for consultation and will depend on the circumstances.

The management committee reserves the right at its absolute discretion to decline requests for voluntary redundancy.



### **Compulsory redundancy**

Where compulsory redundancy is unavoidable, it may be necessary to apply selection criteria in order to select from a pool of employees. The criteria used in selecting employees for redundancy will depend on the existing circumstances and the particular needs of the Pre School at the time. However, every effort will be made to determine a fair set of criteria which achieve the genuine Pre School requirements following appropriate consultations.

Individuals who are provisionally selected for redundancy following the application of the criteria will be informed of the fact and invited to a meeting, at which they will be given an opportunity to raise any concerns they may have about the application of the criteria or related matters.

### **Time off work**

An employee under notice of redundancy will be entitled to a reasonable amount of paid time off to attend interviews, visit recruitment agencies or attend relevant training/workshops in order to seek new employment elsewhere.

Employees wishing to take advantage of this right should submit requests in advance to their line manager.

### **Termination of employment**

If an employee is issued notice of redundancy, the default position is that the employee would work their complete notice period before their employment terminates due to redundancy. However, the management committee may, depending on the circumstances, choose to make a payment in lieu of some or all of the notice period.

Employees with two or more years service whose employment terminates due to redundancy may be entitled to a statutory redundancy payment. The amount of this payment will be confirmed when the employee is selected for redundancy and the sum will be paid along with the employee's final salary payment and/or payment in lieu of notice. A statutory redundancy pay calculator can be found on the government's website.

Redundancy payments only become payable when employment terminates after the employee has been issued notice of dismissal due to redundancy. An employee who resigns before notice is issued will not be entitled to a redundancy payment even if their role was identified as redundant.



### **The Appeals Procedure**

An employee who wishes to appeal against selection for redundancy or against dismissal in the event of termination and re-engagement of employment, must do so in writing within five working days.

The management committee will appoint two committee members to an Appeals Panel (with suitable authority to override the original decision) to conduct the appeal meeting. Committee members appointed to the Appeals Panel will hold the appeal meeting and their decision is final.

### **Policy Review and Contacts**

This policy will be reviewed and amended from time to time by DCPS in line with legal requirements, business objectives, operational needs, and for other reasons that may arise.

DCPS will endeavour to notify staff of key changes; however, it is the responsibility of all employees to keep themselves up to date with the current versions of employment policies.

Please therefore revisit all employment policies at regular intervals and refer to relevant policies as and when the need arises. Should you have any questions regarding this policy and/or its application, please speak to your line manager.

**This policy was adopted by the**

**Date**

**Signed on behalf of the Management Committee**

**Role of Signatory**

**Next Review Date:**

Ditton Church Pre School Management Committee

November 2023

Chair of Management Committee

November 2024