



ETC International College

Redundancy Policy

December 2024

This policy document applies to your employment at ETC International College, 22-24 West Hill Road, Bournemouth, BH2 5PG and all other organisation sites that you may be asked to work at from time to time.

1. Policy statement

1.1 The employer's policy is to comply with the law of England regarding redundancy rights. The policy is not a contractual document.

1.2 In the event that the policy and the law conflicts, the law should take precedence. If employees are in any doubt as to what their rights are they should discuss matters with the employer.

1.3 Should this policy change as a result of amendments in the law, the changes will be notified to the employee via written communication posted in the staff room and offices.

2. Definitions

2.1 'Dismissal by reason of redundancy' – where the dismissal is attributable wholly or mainly to:

a) The fact that the employer has ceased, or intends to cease to carry on the business for the purpose for which the employee was employed, or

b) The fact that the employer ceased, or intends to cease to carry on the business in the place where the employee was employed, or

c) The fact that the requirements of the business for employees to carry out work of a particular kind has ceased or diminished or is expected to cease or diminish. This includes a need to reduce the workforce regardless of whether a remaining employee moves into that employee's job, or

d) The fact that the requirements of the business for employees to carry out work of a particular kind in the place where they were employed has ceased or diminished or is expected to cease or diminish. This includes a need to reduce the workforce in that location regardless of whether a remaining employee moves into the employee's job.

2.2 'Statutory redundancy payment' – entitlement to a lump sum payment based on length of service up to 20 years and a weekly pay capped at a maximum amount and payable at a rate according to the employee's age. This is in accordance with the government Statutory Redundancy Payments Scheme.

2.3 'Qualifying period' – the period of continuous employment that an employee must have in order to qualify for statutory redundancy payment. This is a period of 2 years' continuous employment with the employer.

2.4 'Voluntary redundancy' – the process by which the employer invites volunteers to nominate themselves for redundancy and makes a discretionary payment to such volunteers in excess of the statutory redundancy payment.

2.5 'Remuneration' – wages or salary.

2.6 'A week's pay' – This is the amount of basic weekly pay the employee is entitled to under the terms of their contract of employment. However, this amount is capped at a maximum figure set by the government and so may not be reflective of the actual basic weekly pay received by the employee. Basic

weekly pay does not include overtime, which was not part of the employee's

normal working hours. For those employees whose earnings vary from week to week, the average hourly earnings will be multiplied by the average weekly hours over 12 complete weeks of work before the calculation date.

3. Statement of Intent

The employer will wherever possible maintain job security.

However, it is recognised that there may be changes in market conditions, organisational requirements and technological developments, which may affect staffing needs. Where compulsory redundancy is necessary the organisation will handle the redundancy in accordance with this policy and in a fair, consistent and sympathetic manner. It will seek to minimise as far as practicable any hardship that may be suffered by employees. In implementing this policy the organisation will seek to retain key skills and company knowledge for the future well-being of the organisation and to maintain a balanced age profile across the workforce.

4. Redundancy Rights – Relevant Criteria

4.1 An employee who has been made redundant will be entitled to claim a statutory redundancy payment from the employer if the employee meets the following criteria:

- a)** The employee has been dismissed by reason of redundancy.
- b)** The employee has two years qualifying continuous employment at the date of termination of the employment.
- c)** The employee has not been offered a suitable new job with the same employer or an associated employer or an employer who takes over the current employer's business before their contract of employment expires.

5. Statutory Redundancy Pay

5.1 The statutory redundancy payment is calculated as follows:

- i)** Half a week's pay for each complete year of continuous service up to the age of 21.
- ii)** One week's pay for each complete year of continuous service between the ages of 22 and 40.
- iii)** Thereafter one and a half week's pay for each complete year of continuous service.

5.2 The maximum number of year's continuous service that can be counted for statutory redundancy payment purposes is 20, from the relevant date (the date on which the redundancy notice ends).

5.3 The employer may at its discretion pay an employee in excess of the statutory redundancy payment level.

6. Consultation on Redundancy

6.1 Where it is proposed to make 20 or more employees redundant within a 90-day period, a recognised trade union or employee representative will be consulted about any proposed redundancies before such redundancies take place. Such consultations will take place in good time but at least 30 days before the first dismissals are due to take effect.

6.2 Where it is proposed to make 100 or more employees redundant within 90 days or less, consultation with a recognised trade union or employee representative will begin at least 90 days before the first of the dismissals take effect.

6.3 Where it is proposed to make less than 20 employees redundant, the employer will inform and consult individual employees who are to be dismissed. Such consultation will take place as

soon as practicable before the dismissal takes effect. This will be at least 2 weeks before notice of redundancy is served on the employee.

7. Selection for Redundancy

7.1 Before the employer makes any decisions regarding those employees to be selected for redundancy, the employer will consider all available alternative options and examine if the proposed redundancy scheme can be reversed or modified.

7.2 Such alternative options shall include, but not be restricted to, the following:

- i)** Whether there are any volunteers for redundancy.
- ii)** Whether there is an opportunity for part-time working.
- iii)** Whether staff can be retrained to carry out other types of employment within the organisation.
- iv)** Whether new work could be brought into the organisation.
- v)** Whether transfers of staff can be made within the organisation as a whole.
- vi)** Whether there are any opportunities for job-sharing.
- vii)** Whether there are members of staff who wish to take a career break.
- viii)** Reduction or elimination of overtime.

7.3 Having examined all available alternative options, the employer will then set a timetable for effecting redundancies.

7.4 Selection of employees for redundancy will be made on the basis of objective criteria, which will be fairly applied as follows:

- i)** The pool of employees to whom the criteria is to be applied will be clearly defined.
- ii)** The chosen selection criteria will be clearly identified and supported by evidence and data and will be subject to anti-discrimination legislation.
- iii)** There will be a full investigation to determine whether the criteria has been met and to what degree in respect of employees falling within the chosen pool of employees.

7.5 The criteria will be based upon skills, standard of work performance or aptitude for work and attendance or disciplinary record.

7.6 All employees affected by redundancy will be told in writing the reasons for the redundancy and what efforts had been made to prevent it and the selection procedure which will be applied in determining those employees to be made redundant. Employees will also be advised of the timetable for redundancy.

7.7 An employee who has been selected for redundancy will be interviewed by his/her line manager or the Principal / Director. The employee will be advised at this meeting why he/she has been selected, their termination date and the terms of the redundancy. This information will also be followed up in writing to the employee. The employee will be given every opportunity to voice his/her concerns regarding the redundancy and will be informed of the appeal procedure as outlined in Clause 13.

8. Notice of Dismissal for Redundancy

8.1 An employee who is to be made redundant will be given notice in writing from the employer. Such notice will be given after the announcement of the redundancy and after the interview process at paragraph 7.7 has taken place. The notice will include the following details:

- a) The reason for the dismissal.
- b) The date when the employment will end.
- c) Any entitlements to statutory redundancy pay with details of how the entitlement has been calculated.
- d) Details of any ex gratia payments (if applicable).
- e) Details of any additional contractual payments due to the employee such as details of any payments in lieu of notice, or payments due for unused holiday entitlement.
- f) Details of how and when the employee can appeal through the employer's grievance procedure in respect of the selection for redundancy.

8.2 The notice period for dismissal for redundancy will be no less than the employee's contractual notice period for termination of his/her employment or if none, the prescribed statutory notice period.

8.3 An employee who has been given notice of redundancy may leave early by agreement with the employer and still qualify for their redundancy payments as long as their notice period has started by the date they wish to leave.

9. Reasonable time off to look for another job

An employee who has been selected for redundancy and has two years continuous employment will be entitled to reasonable paid time off work during working hours to look for another job or make arrangements for training.

10. Alternative Employment within the Organisation

10.1 On selection of an employee for redundancy, the employer will make enquiries within the organisation about any vacancies that could be offered to redundant employees. If any vacancies are available, these will be offered to those employees. In the case where there are insufficient numbers of vacancies for the number of employees to be made redundant, each affected employee will be asked to apply for the vacancies and the employer will hold formal interviews and select the appropriate employee for those vacancies on merit.

10.2 If an employee accepts an offer of alternative employment within the organisation, he/she will be entitled to a trial period of one-month to assess the suitability of such employment. If during the one-month trial period the employee decides to leave, he/she will retain the right to any redundancy payments for which he/she qualifies if the job is deemed unsuitable. The employer and employee may by mutual agreement extend the one-month trial period if retraining is required.

11. Voluntary Redundancy

11.1 Following consultation and announcement of redundancies, the employer may invite employees to volunteer for such redundancies before any compulsory redundancies take place.

11.2 The employer is not bound to accept any requests for voluntary redundancy and will consider the imbalance in the remaining skills and experience, which may be created by accepting those employees who volunteer for redundancy, if it would affect the efficient operation of the organisation.

11.3 The employer will pay an ex gratia payment in addition to the statutory redundancy pay on such occasion, should any employees volunteer for redundancy.

11.4 The amount of the ex gratia payment will be detailed to any employees who volunteer for redundancy. The employer will not be under an obligation to make ex gratia payments at the same level or at all should compulsory redundancies be necessary.

11.5 An employee who volunteers for redundancy will only be entitled to payment if dismissal of that employee actually takes place.

12. Employees who are laid off

12.1 Employees who are laid off and receive no wages or who are put on short time and receive less than half a week's pay for four consecutive weeks or six out of 13 weeks may make a claim for redundancy to the employer.

12.2 Such a claim must be made in writing.

12.3 The employer may refuse to pay if it believes that normal working is likely to resume within four weeks of the claim being made.

13. Appeals

13.1 If the employee is dissatisfied with the reasons given for the redundancy or feels that the selection criteria is unfair they may appeal after receiving written notification of the redundancy to their line manager within 7 working days of the date of the redundancy letter.

13.2 The line manager will hear all appeals usually within 14 working days of receiving the employee's grounds for appeal.

13.3 The employee will be invited to attend an appeal meeting and must take all reasonable steps to attend.

13.4 The decision of the line manager will be final.

13.5 The outcome of the appeal will be set out in writing for the employee as soon as possible after the appeal has been held. Any decision on the appeal will be final.

14. Date of Implementation

This policy has been effective from 10th October, 2008 and shall not apply to any actions that occurred prior to this date.

15. Questions

If you have any questions regarding this policy document and how it applies to you, please consult your line manager.

16. Alteration of this Policy

These guidelines will be subject to change and updating. Any alterations will be communicated to you by your line manager.

Last reviewed: 29th October, 2021.

Updated December 2024 Board of Governors

Next update due December 2027