



## **Redundancy Management Policy**

### **Introduction**

The school policy for redundancy management has the full agreement of the whole staff and the Governing Body. The policy was approved and ratified by the Governing Body during the Autumn Term 2008.

### **Aims**

Through this policy we aim:

- To ensure that all staff are clear how any redundancy would be managed
- To be supportive and to promote staff welfare

### **Legal Requirements**

- the selection process for the termination of employment of staff must be fair and objective;
- the recognised trade unions must have been properly involved;
- every endeavour must be made to find suitable alternative employment; and
- the member of staff must be given reasonable time off work with pay to seek alternative employment.

The following Acts, Orders and Regulations have clauses relating to the redundancy process. *These can be found in detail in Section 2 of the Personnel Guidance Manual in the Human resources section of the Nottingham City Schools website.*

- Trade Union and Labour Relations (Consolidation) Act 1992 Section 139
- Employment Rights Act 1996 Sections 52, 141, 155
- Employee Relations Act 1999
- The Redundancy Payments (Continuity of Employment in Local Government etc) (Modification) Order 1999
- The Part time Workers (Prevention of Less Favourable Treatment) Regulations 2000
- Fixed Term Contract (Prevention of Less Favourable Treatment) Regulations 2002
- Education Act 2002 and the School Staffing (England) Regulations 2003
- Employment Act 2002 (Dispute Resolution) Regulations 2004
- Employment Equality (Age) Regulations 2006

### **Role of the Head teacher and Governing Body**

The governing body is responsible for deciding the number of staff to be employed at it's school and sometimes there may be the need to change the staffing establishment for budgetary reasons, pupil numbers, curriculum or operational needs, or for some other reason. The

governing body has the responsibility for managing staffing reductions. The fairness of dismissals can be challenged in an Employment Tribunal and the governing body will be the respondents in such actions.

Governing bodies must ensure that both voluntary and compulsory redundancies are avoided wherever possible. If, within one year of a dismissal for redundancy reasons, a school reinstates staffing levels to the former level then the school will be required to meet the costs of the redundancy and any liabilities towards pension costs unless the LA agrees there are justifiable reasons for the reinstatement of a post.

Governing body may delegate the responsibilities to appropriate committees and delegate the management of the redundancy process to the Head teacher.

As soon as the staffing complement has been set and there is the need for a staffing reduction, the Head teacher will consider the timelines and try to set dates for the Staff Dismissal Committee and Dismissal Appeals Committee. The trade union representative will be contacted to try to agree a mutually acceptable date for these hearings.

The number of governors on the Staff Dismissal Committee should not be less than three. Where it is not reasonably practicable the committee shall include two governors. The Dismissal Appeal Committee cannot have fewer governors than the Staff Dismissal Committee.

At both hearings, the Head teacher will present the case for redundancy. In this capacity, Head teachers have no part in the decision making process and must withdraw at the same time as the employee and their representative.

### **Role of the Local Authority**

- Except in the case of voluntary aided schools, the LA remains the employer in law.
- The LA will seek to retain qualified and experienced staff
- Normally the costs of staffing reductions will be met by the LA and not from the school's delegated budget.

### **The Process ~ notifying staff**

Where there is a budget problem that may require a reduction in the number of employees, staff will be notified and consulted as soon as possible. This will be within the context of a staff meeting. The first approach will be to consider whether or not it is possible to achieve the required reduction through the non-renewal of a fixed term contract.

All staff will be consulted in exploring ways to avoid redundancy. This may include:

- Staff turnover including future staffing needs of the school.
- Redeployment to other work in school.
- A voluntary variation in working hours including voluntary job sharing arrangements or part time working.

For staff considering early retirement/voluntary redundancy Children's Services Human Resources will provide individuals with estimates of financial benefits that may be payable. Estimates will be for information only, with no commitment for any party. Volunteering for redundancy does not guarantee approval by governors.

To achieve a fair reduction in staffing, the agreed timelines will be followed. This will mean that to consider the termination of contract by the end of August, the school will start the procedures as quickly as possible and certainly by mid-March of the academic year. Timelines will be assessed to ensure that all stages for the redundancy process are met. A guide to timelines is shown as [Appendix 1](#).

### **Notifying the trade unions**

As soon as staff have been informed of the decision to declare a staffing reduction, the Head teacher will start the consultation process by writing to:

- the secretaries of all the recognised trade unions irrespective of whether or not the planned reduction will affect teaching or school support staff; and
- Children's Services Human Resources.

The Head teacher will bring the notice to the attention of all groups of staff and inform them where they may refer to it e.g. Staff tab on the Learning Gateway. Individual copies will be sent to staff absent from work.

The school will adopt the standard selection criteria that should be applied **in all cases of redundancy**. See [Appendix 2](#).

The Head teacher will begin the process of analysing staff through the application of the selection criteria.

### **Consultation with the recognised Trade Unions**

The Trade Union and Labour Relations (Consolidation) Act 1992 states that an employer must consult with appropriate trade union representatives as soon as practicable and as fully as possible. The purpose of consultation is to provide an opportunity for all concerned to share the problem and explore the options. *Details of the consultation process with the unions can be found in Section 9 part 6 of the Personnel Guidance Manual in the Human resources section of the Nottingham City Schools website.*

### **Selection criteria and method for selection**

Having explored the means by which a redundancy could be avoided the next stage is to apply a standard selection criteria and to be specific about how the individual(s) affected have been identified. This is the most complex part of the process and will be started at the point of issuing the Section 188 letter 'Notification of Proposed Redundancies' to the recognised trade unions.

In all cases of redundancy the overriding requirement must be the curriculum/organisational needs of the school. The standard selection criteria, which will be applied hierarchically, are as follows:

- the termination of fixed term contract holders appointed within the guidelines on the use of fixed term contracts;
- the requirements of the curriculum and organisational needs of the school;
- applications for early retirement and/or voluntary redundancies, from staff in identified areas in which reductions are to be made; and

- qualifications, experience, skills, flexibility of staff to teach/work in other subjects/areas in the school measured in relation to the curriculum/organisational needs of the school.

Redundancy is not a vehicle for dismissing employees who are perceived by a governing body not to be performing satisfactorily. Capability procedures exist for these situations.

Part time workers will not be treated less favourably than full time staff and flexibility criteria will have to be used carefully.

Normally, selection criteria will be designed to ensure that the school is able to retain staff with the attributes required meeting its future operational, curricular, pastoral and organisational needs.

Age and length of service may be deemed as discriminatory and are not one of the recommended selection criteria. From October 2006 discrimination on the grounds of age became illegal.

Any method for selection will be objective and non-discriminatory.

The recommended selection criteria are standard across schools in the city and operate hierarchically. Ambleside Primary will apply the standard criteria to their own situation and in the case of a compulsory redundancy or the non-renewal of a fixed term contract there will always be clear documentation as to how the criteria have been applied and the results.

### **Part Time Staff**

Where there is part of a post reduction then a part time worker will not be automatically selected as this would contravene the Part time Employees (Prevention of Less Favourable Treatment) Regulations 2002. The Head teacher will first ask for volunteers for redundancy from all staff or those willing to accept a voluntary reduction in hours. A reduction in hours by mutual agreement can be made quite easily. If voluntary measures are not possible then the procedure for compulsory redundancies will have to be followed.

If, in applying the selection criteria, a full time teacher is selected for a compulsory reduction in hours, this could be regarded as a substantial change in contract and s/he could choose, instead, to be made redundant. A new appointment to the new reduced hours would have to be sought.

### **Volunteers**

The school will explore any interest in voluntary redundancy. It will be possible to accept a volunteer where this meets the curriculum and organisational needs of the school. If more than one person volunteers, the selection for redundancy will be based on the application of the standard selection criteria. Although there is no appeal against 'non selection' for redundancy within this procedure, unless handled fairly and objectively this could form the basis of a grievance complaint. Any recommendation for voluntary redundancy will be taken to the Staff Dismissal Committee, in a similar way to cases of a compulsory redundancy.

## **Compulsory Redundancy**

If there is no volunteer for redundancy, or if having examined the requirements of the curriculum/organisational needs of the school, the volunteer does not meet with the required selection criteria, the reduction may have to be made on a compulsory basis. . The overriding principles at this stage will be to ensure that:

- having identified the area(s)/subject(s) where reductions are to be made, the selection process must include the appropriate 'pool of staff';
- objective criteria are applied fairly and consistently in an independent way by means of comparative analysis to ensure that employees are not unfairly selected; and
- the agreed procedure has been followed.

## **Pool of Staff**

If the area of reduction has been identified as one particular phase, it will be necessary to demonstrate that the selection has included all staff within the school in the same occupational group for the 'pool of staff' at risk of redundancy, i.e. all teachers in the school, or all teaching assistants in school, so that the 'pool of staff' for selection includes all staff and not only those staff who work in the particular phase.

## **Skills Audit**

In considering the 'pool of staff' at risk as part of the selection, the Head teacher will undertake a skills audit and apply an objective selection method to ensure selectors used meet the school's future operational, curricular, pastoral and organisational needs. Selectors which could be used in respect of teaching staff include:

- particular subject expertise;
- ability to teach additional subjects; and
- experience with particular age groups or key stages.

Selectors will link to the School Improvement Plan.

A meeting will be held with staff individually so that the purpose and implications of the selection criteria can be explained. This process will be management led but individuals will be given a copy of the skills audit to consider prior to the meeting with the Head teacher. Any information used to make a selection for redundancy will be checked with individuals on a confidential basis for accuracy to ensure a fair selection is made.

The drawing up of fair criteria is not in itself enough to guarantee fair selection. Selectors will be able to demonstrate that they have applied the criteria as objectively as possible. The Head teacher will make sure she has up to date information on staff relevant to the criteria.

Employees that least meet the needs of the school through this process will usually be provisionally selected for redundancy.

Once the Head teacher has objectively identified individuals she will meet with each member of staff to explain the reason for the selection. This will be done as quickly and sensitively as possible and prior to the dismissal hearing.

The Head teacher will be able to demonstrate at any hearing that may be necessary, that a skills audit has been undertaken. This will include providing anonymous details of the audit undertaken.

### **Personal hearing and appeals**

Any member of staff who is the subject of a recommendation for termination of contract has a right within the School Staffing (England) Regulations 2003 to make written and/or oral representations before a Staff Dismissal Committee with a right of appeal to a Dismissal Appeals Committee. If there is more than one employee represented by the same trade union then they may elect to have their cases heard together.

Having discussed the matter privately with individual the Head teacher will write to the employee giving notice of their right to attend the hearing of the Staff Dismissal Committee and to be represented by a trade union representative or a work colleague. An individual will be given the opportunity to present written representation to the committee. Papers should be sent to the Head teacher who will arrange for papers to be distributed to governors. An individual is entitled to a copy of any documents relevant to their case and being presented by the Head teacher, at the same time as the documents are being circulated to the committee. Governors will be sent copies of the Head teacher's case for dismissal and those submitted by the employee.

Individual(s) will receive written confirmation of the decision and be given the right of appeal within 14 days of receipt of the letter confirming the decision . This letter will be sent within 3 days of the Staff Dismissal Committee decision.

An individual will receive an invitation to the hearing before the Dismissal Appeals Committee.

If there is an appeal, the governing body will adopt the same procedure as the original committee hearing (see [Appendix 3](#)). The outcome will be confirmed in writing to the employee with a copy to their representative and Human Resources.

If an employee is successful at appeal then they will be informed in writing within 3 days that the notification of termination of contract is withdrawn.

### **Notice**

The LA will issue a letter of termination of contract to the individual within 14 days of receipt of the notification from school.

The notice provisions within the termination letter will be those relevant to, and set out in, an individual's contract of employment. All teachers are under two months notice, and in the summer term three months, terminating at the end of a school term. Where a teacher has been continuously employed for more than eight years they will be entitled to additional notice, as specified in the Employment Rights Act 1996. Notice can be summarised as follows:

## **Notice Dates – Teachers**

<b>Notice under Conditions of Service</b>			
Finishing Date	31 <sup>st</sup> August	31 <sup>st</sup> December	30 <sup>th</sup> April
Notice under contract of employment to be received by	31 <sup>st</sup> May	31 <sup>st</sup> October	28 <sup>th</sup> February
Notice if teacher has more than 8 years continuous service	31 <sup>st</sup> May	One week for each year of continuous service – maximum 12 weeks	One week for each year of continuous service – maximum 12 weeks

## **Notice Dates – Support Staff**

Normal period of notice under a contract of employment is 4 weeks. However, an employee that has five or more years continuous service will be entitled to one weeks notice for each completed year of continuous service up to a maximum of twelve.

## **Redeployment**

Governors have a duty to mitigate the consequences of a compulsory redundancy and every effort will be made during the notice period to redeploy the individual(s) affected into a suitable alternative post in the school.

Human Resources will, during the notice period, assist in efforts to redeploy individuals to a suitable alternative post.

Individuals selected for dismissal on the grounds of redundancy have a right to time off to seek other employment and permission should be granted to attend interviews, redeployment meetings, job centres, etc, within working hours as necessary.

## **Alternative offers of work made by another Modification Order body**

If an employee who is under notice of redundancy receives an offer of a job from another Modification Order body before the termination of his or her current employment and takes it up within 4 weeks of the end of the old employment, there will be no dismissal for redundancy payment purposes.

## **Racial Equality & Equal Opportunities Statement**

All staff have equal access and inclusive rights to their work regardless of their age, gender, sexual orientation, race, religion, belief, disability or ability. Ambleside Primary School is committed to creating a positive climate that will enable everyone to work free from racial intimidation and harassment and to achieve their full potential. Policies are available on each of these that expand on this further.

## **Review**

This policy will be reviewed in the Autumn term 2012.



Guide to Timelines

Action	Timeline guide
Finance Committee (or equivalent) sets staffing complement and delegates procedural arrangements to the head teacher	Normally when budget is set and staffing needs considered.
Head teacher issues Notification of Proposed Redundancies to all trade unions (Section 188 letter)	Next day
<i>10 working days consultation period</i>	
Notification to individual(s) giving notice of hearing before Staff Dismissal Committee to consider case for dismissal on grounds of redundancy	
<i>10 actual days notice (excluding school holidays)</i>	
Hearing before Staff Dismissal Committee	
If termination of contract determined	Within 7 days and preferably next day, confirm to employee the right of appeal within 14 calendar days. Ask the LA to terminate the contract of employment within 14 days.
If termination of contract not determined	Next day, inform employee of the Committee decision
LA terminates contract of employment	Within 14 days of receipt of notification from school
Notification of appeal hearing	10 actual days notice (excluding school holidays)
<i>Notice dependent on conditions and length of service</i>	
Appeal hearing before Dismissal Appeals Committee	If necessary, within the notice period
Employment ends or notice of redundancy withdrawn	

**APPENDIX 2**  
**Standard Selection Criteria for Redundancy**

- a) The termination of fixed term contract holders appointed within the guidelines on the use of fixed term contracts
  
- b) The requirements of the curriculum of the school/organisational needs of the school
  
- c) Applications for early retirement and/or voluntary redundancies, from staff in identified areas in which reductions are to be made. An exploration with staff of the possibility of a voluntary reduction in hours to work part time or on a job share basis, if this will avoid the need to make a compulsory redundancy.
  
- d) Qualifications, experience, skills, flexibility of staff to teach/work in other subject/areas in the school, measured in relation to the curriculum/organisational needs of the school.

### APPENDIX 3

#### Order of Events for Staff Dismissal Committee and Dismissal Appeals Committee

- 1 Head Teacher presents the case.
- 2 Questions from employee and/or employee representative to the Head Teacher
- 3 Questions from the Committee to the Head Teacher

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- 4 Employee (or representative) presents their case
- 5 Questions from Head Teacher to the employee (or representative)
- 6 Questions from the committee to the employee (or representative)

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- 7 Head Teacher sums up and confirms recommendations to the Committee
- 8 Employee (or representative) sums up
- 9 Both parties withdraw

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- 10 Committee considers and makes a decision
- 11 All parties reconvene and decision is given
- 12 Individual informed of right of appeal within 14 days. Later confirmed in writing.

#### **APPEAL**

Same procedure but must be with different Governors.  
No further right of appeal.