



Dame Alice Owen's School

SCHOOL POLICY

STAFFING REDUCTIONS GUIDANCE

Agreed by the Governing Body Personnel & Remuneration Committee To be reviewed	February 2016 Spring 2018
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(Reviewed every 2 years)

{First agreed: February 2012}

To be monitored by Alan Davison, Headteacher

1. Introduction

This guidance is intended to help the Headteacher and Governors manage a redundancy process fairly, correctly and without discrimination. Separate guidance is available in relation to restructures where redundancy is unlikely to be an outcome.

Where a restructure results in significant changes to terms and conditions and/or numbers of posts this could also amount to a redundancy situation where, generally, selection is through a competitive interview process. The unsuccessful candidates are then subject to the individual consultation process dealt with in paragraph 9 onwards.

2. Consultation with HfL Schools' Hr Advisory Team

2.1 It is **essential** that there should be consultation with School's Human Resources who will appoint an Advisor to lead the process as soon as a potential need for reduction in staffing has been identified. The Governing Body has delegated the dismissal powers to the Personnel and Remuneration Committee and Headteacher.

2.2 Detailed planning is the key to any successful redundancy exercise and at the outset your Human Resources Advisor will help you determine an outline timeframe for the implementation process which will factor in consultation and statutory notice periods.

3. The definition of redundancy

The statutory definition of “redundancy” encompasses three types of situation, school closure, workplace closure (that is closure of one of several sites or relocation to a new site) and reduction in workforce. In schools a budget shortfall as a result of declining pupil numbers is the most common reason for staff redundancies. Sometimes restructures give rise to redundancies in situations where the change in job function is so radical that it represents a diminished requirement for work of a particular kind.

4. Consultation with relevant Trade Unions/Professional Associations

4.1 A collective redundancy process will only be triggered if the school proposes to dismiss as redundant 20 or more employees over a period of 90 days or less or in a restructure if termination and re-engagement is necessary for 20 or more employees. If this situation applies the school **must follow** mandatory filing requirements and mandatory consultation periods (breach is a criminal offence). Collective redundancy requirements are outside the scope of this guidance.

4.2 In a non-collective redundancy situation there is no mandatory procedure laid down by statute and nor does the ACAS Code of Practice on Disciplinary and Grievance Procedures apply. However the school must follow a fair procedure following principles established by case law, which this guidance incorporates, in order to avoid an unfair dismissal.

4.3 Where employees are represented by a recognised Trade Union/ Professional Association a fair procedure requires there to be consultation with that representative body as to the best means by which the desired management outcome can be achieved with as little hardship to the employees as is possible. Case law has established that consultation should include the following:

- Avoiding the dismissals
- Reducing the number of employees to be dismissed
- Mitigating the consequences
- The selection pools
- The selection criteria

5. Commencing the process

5.1 A notification of proposed redundancy will be issued by the Chair of Governors which will propose a time and date for a meeting at the school to commence the consultation process. Attached at appendix 1 is a model notification letter which the Human Resources Advisor will assist in completing. Whilst this is the start of the process there are several issues which must be fully considered, understood and addressed **before** this notification letter can be completed. They are as follows:

5.2 **Establishing the business case.** The Trade Union/ Professional Association may argue that redundancies can be avoided and so the School must develop its business case with supporting documentation. The aim is to provide a cogent explanation supported by relevant information to allow the Trade Union/ Professional Association to understand what is proposed so that they can respond.

5.3 **Alternatives to Redundancy.** At all stages Governors are required to do everything possible to avoid or mitigate the effects of redundancy which could include:

- Examining all areas of the budget for possible savings, eg, energy costs, delaying maintenance projects.

- Voluntary redundancy, recruitment freeze, withdrawing new job offers, deferring new joiners, early retirement (teaching staff only).
- Redeployment to another post, secondment, sabbatical usually through the current employer.
- Overtime ban, termination of agency /temporary workers, non-renewal of fixed term contracts, reduced hours.

Advice must be taken from your Human Resources Advisor prior to implementing any of the above.

5.4 Establish proposed numbers. Establish proposals for the number and timescale of redundancies. In some cases there may be a need to retain employees who are dealing with a project, to ensure a handover or stagger the terminations.

5.5 Identifying the pools for selection. The school will begin by identifying a group of employees from which the redundancies will be made. It is to this selection pool that the selection criteria will be applied. The choice of pool is primarily a decision for the school but it must be based on rational considerations. The school must not limit the pool to a category of employees if there are other groups doing similar work or where employees' jobs are interchangeable. Where unique roles exist it is permissible to have a pool of one.

5.6 The Selection Criteria. This is the most critical task in the process in terms of achieving the schools aims but it can be an onerous and time consuming process. The criteria need be carefully drawn to ensure that the best employees in terms of skills and experience are retained to meet the future needs of the school. Because the future needs of a school will vary from time to time it is not possible to stipulate specific criteria to be used in all redundancy situations but in most cases the criteria will relate to employee's qualifications and skills, experience, work performance, attendance, and disciplinary record. Appendix 2 includes criteria, not in order of priority, which have been used by schools in previous years. Selection on purely subjective grounds will be unfair. The criteria must be both objective and capable of independent verification through documentation for e.g. live formal warnings under the health and attendance procedure, capability or disciplinary procedure. It is legitimate for the school to attach weightings to the criteria to reflect their relative importance but the school must be able to justify this decision. The Human Resources Advisor will assist you with this process and will ensure that the criteria are not inadvertently discriminatory.

6. Formulating an appropriate communication channel.

This formal process should not usually be the first that staff learn about serious difficulties. Staff should be informed at the earliest opportunity that the leadership of the school is looking at redundancies/restructures due to budgetary pressures through informal staff briefings.

6.1 The School will need to consider its overall communication strategy with employees as it would be unwise to rely on the Trade Union /Professional Association Representatives as the only source of information to affected employees. As a minimum there should be an initial meeting with all at risk employees followed up by a confirmatory letter which the Human Resources Advisor will supply. The school may wish to convene regular update meetings or bulletins during the period that consultation is taking place with the Trade Unions/Professional Associations. Care must be taken to ensure that redundancy is only presented as a possibility at this stage. The School must identify employees on long term sick, maternity/paternity or shared parental leave and ensure they are not omitted from the communication process.

7. The first Consultation meeting with the Trade Union.

The Head Teacher (or Senior Manager to whom this task is allocated) will be required to present the business case and the Human Resources Advisor will present on the process and the advice/support available. Agreement on requesting volunteers should be sought. The number of these meetings will vary but provided the School has genuinely sought to consult with a view to reaching agreement a point will be reached where the School can implement the process irrespective of agreement. The Human Resources Advisor will advise on this if/when necessary. In most cases this part of the process will conclude with agreement on the necessity for redundancy, the correct pool and selection criteria which are then to be applied.

8. Applying the Selection Criteria

The selection criteria are applied to all the employees in the pool by a minimum of two senior managers (often, but not necessarily, the Head teacher and a Governor from the Personnel and Remuneration Committee as this task may have to be delegated where appropriate). This will identify those employees with the lowest scores. The School must write to those employees confirming their provisional selection and inviting them to the first individual consultation meeting at which they may be accompanied by their Trade Union representative or work colleague. Their scores must be made available to them. The Human Resources Advisor will help you to complete a letter calling the employee/s to the meeting. It is important that the other employees are not told that they are safe, or have not been selected, because the situation may change during the consultation stage.

9. The First Consultation Meeting (with each individual)

It will usually be appropriate for the Human Resources Advisor to attend these individual consultation meetings which are the opportunity for the school to answer any queries about how the criteria have been applied. Matters for discussion will depend on specific circumstances but should include.

- An opportunity for the employee to comment on the basis for selection both in terms of pool and selection criteria.
- An opportunity for the employee to challenge their redundancy selection and to explain any factors that may have led to their selection and of which you may be unaware.
- An opportunity for the employee to put forward any suggestions to avoid the redundancy
- Consideration of alternative employment.
- An opportunity to address any concerns.

Minutes should be taken and any issues which arise discussed with the Human Resources Advisor.

10. Follow up

The School should follow up any suggestions the employee has made to avoid the redundancy or challenge their score. If the school increase the score it will be necessary to check the scores of the other employees in the pool to see if the employee in question still falls below the cut off point for redundancy selection. If not the school will need to send a letter, hold a consultation meeting and the follow up with the other employee who now falls below the cut-off point. The Human Resources Advisor will assist you to complete the necessary follow up letter.

11. The Second Consultation Meeting (with each individual)

The purpose of this meeting is to check whether there has been any change of circumstance on either side particularly with regard to alternative employment opportunities and deal with any outstanding queries. Again the employee may be accompanied by a Trade Union Representative or

work colleague. The School will then confirm the selection for redundancy, advise of the right of appeal and go through the redundancy package /pension entitlements which will have been supplied in advance by the Human Resources Advisor. A termination of employment letter must be completed with the assistance of the Human Resources Advisor and sent.

12. The Appeal Process

The dismissal letter will allow the employee 7 days calendar days from the receipt of the redundancy confirmation letter to appeal. The appeal will be heard by a panel of Governors and a Human Resources Advisor will be present to advise.

13 The Notice Period.

13.1 For teachers the **minimum** notice period is two months to the end of the Autumn and Spring terms (or statutory entitlement if longer) and three months for the end of the Summer Term. However the notice period must end on either the 30 April, 31 August, or 31 December.

13.2 For support staff the **minimum** notice period is one month (or statutory entitlement if longer, this would be a maximum of 12 weeks depending on service.)

13.3 In cases of redundancy dismissal Governors should seek to provide at least three calendar months' notice wherever possible.

Schedule 1 Financial Information

Restructures

Salary Protection

1.1 Local Government Employees - 1 April 2010

If employees are redeployed to a lower graded post within the school, and hold a permanent contract protection arrangements will be as follows:

The rate of pay (not grade) at the time the employee takes up the lower graded post will be frozen (i.e. no future increments or pay awards) for **2** years.

- A maximum protection of no more than one grade applies.
- At the end of the **2** year period the employee will be paid at the maximum of the new (lower) grade.
- If the maximum of the new (lower) grade catches up, through national pay increases, before the **2** years is up, the protection will cease. From that date onwards the rate of pay at the new (lower) grade will be paid.
- Differences in hours or weeks per year will not be subject to protection.
- For staff redeployed to another school it will be up to the new school whether they will apply salary protection.

If a reduction in hours is offered, then a decision will be made as to whether it is suitable alternative employment, taking into account the individual's personal circumstances.

1.2 Teachers

From the 1 January 2006 all salary protections will be in accordance with the safeguarding arrangements and will be subject to a **3** year maximum in line with the School Teachers Pay and Conditions Document. Differences in hours worked will not be subject to protection and therefore any protected allowances would also be paid pro-rata if your new post were part-time.

2 Redundancy

Calculation of redundancy payments – Teaching and Local Government Employees

Those who are made redundant and have more than 2 years continuous service are entitled to a redundancy payment based on the statutory calculator which is based on actual weeks salary summarised as follows:

- 0.5 weeks for every year of service for those aged 21 and under
- 1 week for every year of service for those aged 22 – 40
- 1.5 weeks for every year of service for those aged 41 and over
- There is a cap at 20 years' service

A ready reckoner can be found at schedule 2. Please note however that this should be used for guidance purposes only.

3. Voluntary Redundancy

Employees who are employed under the **Local Government** conditions of service and who are over 55 may be prepared to retire in order to create a vacancy and thus avoid a redundancy.

Those eligible to retire and who are made redundant will in accordance with **current** pension regulations receive their pension early. They will also receive a redundancy payment based on the statutory calculator (in practice this would be a maximum of 30 weeks) and actual salary will be used in accordance with the Local Government Modification order.

Teachers over 55

Teachers who are over 55 are entitled to a redundancy payment only. They may access their pension through an actuarially reduced benefit.

5 Future Employment

There are constraints, on further employment, if an employee is made redundant, including voluntary redundancy.

Shortly before the date of redundancy employees will be asked to certify in writing that they have not been offered verbally or in writing a contract with another public sector employer.

N.B. The definition of “public sector employee” is a very wide one. Employee’s should check with the HR Team, Pensions Section whether a new employer falls within the definition. Employees may lose entitlement to a redundancy payment if this is not checked

If employees have new job offer, and that new work begins within 28 days of the date of redundancy, **the employer will not be able to make a redundancy payment** but their continuous service will be preserved. Employees will, however, be free to take up immediately work of any type outside the public sector

Employees will be able to take up another public sector job, and keep the compensatory redundancy payment, if there is a break in service of at least 28 days.

Any redundancy payments and the lump sum elements of pension benefits are free of tax. Annual pension payments are taxed as income. Please note however that tax regulations only allow tax free redundancy payments up to a maximum of £30,000.

Re-employment of Local Government employees, who have taken voluntary early retirement, is subject to restrictions (Information available from LPFA).

Teachers' Pension Website: www.teacherspensions.co.uk

Schedule 2 Ready Reckoner

This ready reckoner is based on 1 ½ per years' service for those aged 41 or over, 1 week for those aged 22-40 and half a week for those aged 21 & under.

Statutory redundancy pay table

Age	Service (Years)																			
	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	
17*	1																			
18	1	1½																		
19	1	1½	2																	
20	1	1½	2	2½	-															
21	1	1½	2	2½	3	-														
22	1	1½	2	2½	3	3½	-													
23	1½	2	2½	3	3½	4	4½	-												
24	2	2½	3	3½	4	4½	5	5½	-											
25	2	3	3½	4	4½	5	5½	6	6½	-										
26	2	3	4	4½	5	5½	6	6½	7	7½	-									
27	2	3	4	5	5½	6	6½	7	7½	8	8½	-								
28	2	3	4	5	6	6½	7	7½	8	8½	9	9½	-							
29	2	3	4	5	6	7	7½	8	8½	9	9½	10	10½	-						
30	2	3	4	5	6	7	8	8½	9	9½	10	10½	11	11½	-					
31	2	3	4	5	6	7	8	9	9½	10	10½	11	11½	12	12½	-				
32	2	3	4	5	6	7	8	9	10	10½	11	11½	12	12½	13	13½	-			
33	2	3	4	5	6	7	8	9	10	11	11½	12	12½	13	13½	14	14½	-		
34	2	3	4	5	6	7	8	9	10	11	12	12½	13	13½	14	14½	15	15½	-	
35	2	3	4	5	6	7	8	9	10	11	12	13	13½	14	14½	15	15½	16	16½	
36	2	3	4	5	6	7	8	9	10	11	12	13	14	14½	15	15½	16	16½	17	
37	2	3	4	5	6	7	8	9	10	11	12	13	14	15	15½	16	16½	17	17½	
38	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	16½	17	17½	18	
39	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	17½	18	18½	
40	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	18½	19	
41	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	19½	
42	2½	3½	4½	5½	6½	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	
43	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	
44	3	4½	5½	6½	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	
45	3	4½	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	
46	3	4½	6	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	
47	3	4½	6	7½	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	
48	3	4½	6	7½	9	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	23½	
49	3	4½	6	7½	9	10½	12	13	14	15	16	17	18	19	20	21	22	23	24	
50	3	4½	6	7½	9	10½	12	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	23½	24½	
51	3	4½	6	7½	9	10½	12	13½	15	16	17	18	19	20	21	22	23	24	25	
52	3	4½	6	7½	9	10½	12	13½	15	16½	17½	18½	19½	20½	21½	22½	23½	24½	25½	

53	3	4½	6	7½	9	10½	12	13½	15	16½	18	19	20	21	22	23	24	25	26
54	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	20½	21½	22½	23½	24½	25½	26½
55	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22	23	24	25	26	27
56	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	23½	24½	25½	26½	27½
57	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25	26	27	28
58	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	26½	27½	28½
59	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28	29
60	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28½	29½
61+	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28½	30