



SCHOOLS' MODEL REDUNDANCY POLICY

This Model Redundancy Policy is provided for all maintained schools for consideration for adoption by their Governing bodies.

Headteachers of schools that purchase Personnel support from Devon County Council Human Resources should ensure they read the comprehensive guidance that accompanies this model procedure and seek advice from their link Personnel Officer.

**This policy was adopted by West Exmoor
Federation.....School Governing Body
onJan 08..... (date)**

Policy Date : January 2008

Personnel Service to Schools

If you require further help in the interpretation of this policy you can contact the Schools' Helpline at schoolspersonnelhelpline@devon.gov.uk.

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DEVON COUNTY COUNCIL HUMAN RESOURCES SERVICE

SCHOOLS MODEL REDUNDANCY POLICY

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This Model Redundancy Policy is provided as a core Devon County Council Service to all maintained schools for consideration for adoption by their Governing bodies.

Schools that purchase Personnel support from DCC Personnel should ensure they also read the comprehensive guidance that accompanies this model procedure and seek advice from their link Personnel Officer.

A) Handling Redundancy

- A1 The Governing Body, as the 'relevant Body' in a school with delegated staffing powers, is responsible for deciding the number and the categories of staff working within the school.
- A2 Under statute, the Governing Body must adopt a policy for dealing with staff dismissals, including redundancy. This model policy is provided, following consultation with Trade Unions/Professional Associations. It is provided for the Governing Body to consider for adoption. Should the Governing Body wish to make changes to this model policy, it must undertake the required consultation with the County Officers of all recognised Trade Unions / Professional Associations.

B) The Legal Framework

- B1 The Employment Rights Act 1996 defines redundancy as a situation where:
- The employer ceases or intends to cease either to carry on the business for the purposes for which the employee was employed or to carry on the business in the place in which the employee was employed.
- Or
- The requirements of the business for employees to carry out work of a particular kind or for employees to carry out work of a particular kind in the place where the employee was employed, have ceased or diminished or are expected to cease or diminish.
- B2 In the school situation this could be interpreted as, for example, when the school has to reduce its staffing establishment for budgetary reasons or the fact that staffing at a school needs to be reorganised to respond to organisational or curricular changes.
- B3 Any termination of a contract is a dismissal and must be as a result of action under the appropriate policy.
- B4 Employees working under temporary or fixed term contracts are protected under the Fixed Term Workers regulations. Temporary or fixed term contract employees must be treated equally with permanent staff and considered under this policy.

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- B5 Employees who are part-time are protected under the Part Time Workers regulations. Part-time employees must be treated equally with full-time staff under this policy.
- B6 In all cases where redundancies are being considered, there is a legal requirement to consult the County Officers of all recognised Trade Unions/ Professional Associations and individual staff (including those who are absent, for example on sickness or maternity leave) and the need to advise and involve the Local Authority (LA).
- B7 Governors of Voluntary Aided should advise the appropriate Diocesan Director of Education when redundancy is under consideration.
- B8 A representative from a recognised trade union/professional association, or a companion, who is a work colleague, may accompany a member of staff **at all stages of the procedure**

C) PERSONNEL GUIDANCE

- C1 Schools that do not purchase personnel support from DCC, must ensure that either they or their personnel service provider has adequate financial resources to cover any costs arising from subsequent challenges to the process or its outcome.
- C2 Legal support will be provided by DCC as necessary for a school at an Employment Tribunal, as long as the governors have acted reasonably and have fully considered advice given during the process as part of the Personnel Services purchased from DCC.

D) EQUAL OPPORTUNITIES

- D1 This procedure is based on best practice and is designed to promote a consistent and fair approach to redundancy issues in the school. The Governing Body will ensure that the application of the procedure will not disproportionately or unfairly affect any staff in the school recognising the diversity of the community.

E) RESPONSIBILITY FOR ACTION

- E1 The full Governing Body will refer the task of determining whether staffing reductions are necessary, including looking at other options, to the First Committee. This Committee will consist of not less than three Governors. For the purposes of this process the First Committee will be known as the Nomination Committee.
- E2 The remaining Governors will hold themselves in readiness as an Appeal Committee. There must be the same number of governors on each committee.

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- E3 The school's personnel service provider will provide the guidance on the relevant employment law and good practice. It is the responsibility of the Governing Body to comply with this policy and manage the process. Parts of this may be delegated as follows.

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	The Governing Body is responsible for this policy being properly followed. However, the following areas will be delegated as indicated			
	Head teacher	Governing Body	Chair of the relevant Committee	Clerk to Govs or nominated person
Adopting Redundancy Policy		✓		
Determine membership (inc Chair) of the Nomination/Appeal Committees		✓		
Overseeing the sound application of the process		✓		
Producing statutory information and documentation	✓			
Attendance at consultation meetings	✓		✓	
Co-ordinating all parties to set timetable	✓			
Setting up of consultation meeting and first meeting of Nomination Committee	✓			
Ensuring a note-taker present at all meetings	✓			
Ensuring the accuracy of the minutes of the committee meetings			✓	
All correspondence to staff	✓			
Notifying Headteacher of the outcome of the Nomination Committee			✓	
Notifying staff orally and confirming in writing the outcome of Nomination Committee meeting	✓			
Notification to the Local Authority to issue notice to nominated employees (for Community and VC schools)			✓	
Issue notice to nominated staff in VA and Foundation schools		✓		
Seeking alternative employment for nominated employees	✓ (see Section T)			
Notifying Headteacher and the Chair of the relevant committee regarding the receipt of representations and appeals				✓
Setting up and administering Nomination and Appeal Committees				✓
Notifying staff member(s) orally and confirming in writing the outcome of the Nomination and Appeal Committees			✓	

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F) RECORD KEEPING

- F1 The Headteacher will ensure that there is a full, comprehensive record of the redundancy process.
- F2 The Chair of the Nomination Committee will ensure that a note is kept of the proceedings of the Committee given that there may be a need to produce the documentation used in arriving at decisions, at subsequent hearings. This note must include how the selection criteria were applied and which posts were nominated. Additionally, a minute of the meeting will be held under Confidential Part 2 arrangements and will simply record the decision reached.

G) REPORTING TO THE LOCAL AUTHORITY

- G1 The Governing Body must comply with notification procedures to access possible LA funding for redundancy cases before entering into any redundancy procedure.
- G2 The LA is the employer of staff in Community and Voluntary Controlled Schools. The LA will issue notices of dismissal and will be named as joint respondent in any Employment Tribunal claims arising from this process, therefore it should be kept informed at each stage of the process.
- G3 Redundancy costs arising as a result of budgetary difficulties in the school will be funded from a centrally managed budget as long as the school has obtained the approval of the Schools in Balance (Redundancy) (SIB) panel, and has acted reasonably and has followed the School's redundancy policy.
- G4 The Headteacher will provide a report to SIB before the consultation begins and an update after the meeting of the Nomination Committee.
- G5 The LA will not normally fund the costs of redundancies arising from staff restructuring.

H) PRIOR CONSIDERATIONS BY THE GOVERNING BODY AND HEADTEACHER

- H1 The Governing Body will determine whether any necessary staffing reduction only applies to one area of the school e.g. if a special unit closes and the staff are contracted specifically to work in that unit. In this case, the consultation will take place with these staff and the County Officers. All affected staff must be fully consulted, other staff will be kept informed.

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H2 Before considering any staffing reductions, the Governing Body will give consideration to reducing expenditure in other areas or restructuring the school's staffing.

H3 Advice will be sought from the school's Finance Officer.

J) CONSULTATION WITH STAFF VIA TRADE UNIONS/PROFESSIONAL ASSOCIATIONS

J1 The legal requirement is to consult with a view to reaching agreement but failure to achieve agreement with the County Officers of the Trade Unions/Professional Associations will not prevent the Governing Body from deciding that redundancies are necessary.

J2 Consultation will be meaningful.

J3 Consultation will begin as soon as the potential need for redundancies has been identified.

J4 The Headteacher will provide a report including the following information and options for staffing structures which will be consulted on with all recognised Trade Unions/Professional Associations prior to its consideration by the governors' Nomination Committee:.

- The reasons and circumstances that have led to the need to consider redundancies;
- Possible ways of avoiding or reducing the need for redundancy which have been considered;
- Appropriate budget information including the likely budget shortfall;
- Curricular provision;
- Pupil number trends and projections;
- School development plan;
- The total number and description of employees in the establishment;
- The number and description of employees that may need to be dismissed as a result of the redundancy;
- The proposed criteria and method of selection;
- The proposed procedure for carrying out the redundancy dismissals, including the period over which the dismissals will take effect;
- The proposed method of calculating the redundancy pay where this will be in excess of the statutory (or contractual) scheme.

Individual members of staff will not be named or consulted at this stage.

J5 There will be a meeting with County Officers of the recognised Trade Unions/Professional Associations, as staff representatives, the Head Teacher, a Governor and the Personnel adviser to discuss the

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situation and to consult on the options available, including any possible ways of avoiding redundancy, and if redundancy proves to be unavoidable, the means of selecting the post (s) and thus the member(s) of staff to be nominated for redundancy.

- J6 In the event of any comments/responses being made by the recognised Trade Unions/Professional Associations on behalf of their members, Governors will respond formally to any alternative proposals and will refer these to the governors' Nomination Committee.
- J7 Whenever possible, the Governing Body will, at the conclusion of the consultation meeting, agree with Trade Union/Professional Association representatives, a timetable for any necessary meetings under later stages of this procedure.

K) FORMAL STAFF MEETING

- K1 In addition to the consultation via the County Officers of the recognised Trade Unions/Professional Associations, the Headteacher will have a meeting with all staff to discuss the reasons for the redundancy and the process to be followed. The same information will be given to all the staff, including those absent from school for any reason, as has been given to the Trade Unions/Professional Associations,
- K2 The Headteacher will ask whether any staff wish to make a request to alter their working arrangements or have any alternative proposals on how the school may achieve a balanced budget including volunteering for redundancy. This should be put in writing to the Headteacher. Staff should be advised to consult with their Trade Unions/Professional Associations if considering this move.
- K3 As the school and the LA have the responsibility to mitigate potential redundancies, any employee who requests that their post is nominated for redundancy and is accepted, will be referred to the Corporate Placement Unit (CPU) to participate in the redeployment programme. Employees will be made aware of and must consider any suitable alternative employment that becomes available during their notice period. Failure by school managers to actively participate in the redeployment process may result in the school having to fund any redundancy costs.
- K4 At the meeting, the Headteacher will issue a staff profile form for each member of staff in the affected area to complete to provide information for the Nomination Committee to demonstrate how each employee meets the selection criteria contained within this policy. (Teachers' form – Appendix 1, Support Staff form – Appendix 2)

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- K5 Staff should be made aware of the availability of confidential advice relating to retirement/redundancy financial benefits through the LA. Staff should also be advised to discuss such matters with their Trade Union/Professional Association representative.

L) PREPARATION BY THE HEADTEACHER FOR THE NOMINATION COMMITTEE

- L1 Prior to the Nomination Committee meeting, the Headteacher will consider requests from any staff requesting that their posts be nominated for redundancy or alter their working arrangements.
- L2 For each request for a post to be nominated for redundancy the Headteacher will report to the Nomination Committee on the potential impact on the school taking into account the overriding need to retain relevant skills, knowledge and experience required by the school and the need to contain costs.
- L3 Requests for alternative working arrangements will be considered where this will enable existing postholders to be retained, e.g. requests for flexible working, part time or reduction in hours, as long as these match staffing to the school's overall needs and responsibilities, in particular to maintaining the breadth and balance of curriculum and to meeting managerial, organisational and other legal requirements.
- L4 The Headteacher will report to the Nomination Committee on the viability of the alternative working arrangement requested.
- L5 The Headteacher will ensure that the report produced prior to consultation is amended to incorporate any responses/suggestions to the consultation from staff or Trade Unions/Professional Associations.

M) THE SELECTION CRITERIA

- M1 When the Nomination Committee needs to identify the post(s) to be nominated for redundancy, the following selection criteria will be used to assess the postholders.

These selection criteria will also be used for consideration of any posts where the employee has requested that their post be nominated for redundancy:

- Professional Standards for the job
- Commitment to raising standards of education
- Contributing to the good standing of the school in the community
- Communication Skills
- Flexibility and adaptability

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- Skills and Competencies
- Keeping self professionally up to date

N) NOMINATION COMMITTEE

- N1 Before the meeting begins, it should be confirmed that none of the Governors on the Committee has an identifiable pecuniary interest, close relationship with any employee or vested interest.
- N2 A representative of the LA must be present at the Nomination Committee for Community and Voluntary Controlled (VC) schools. The Nomination Committee must have advice from the school's personnel service provider and must ensure that the personnel service provider will cover any additional costs arising from any subsequent challenges to the process or outcome.
- N3 The Headteacher will be present to give professional advice. Decisions will be made by the Nomination Committee.
- N4 The Headteacher will present the Nomination Committee with a statement of the likely budgetary shortfall, a description of future trends and a detailed analysis of likely curriculum adjustments, e.g. pupil numbers, subject areas by periods, staff lists, etc. the information should be sufficiently detailed to give a clear and objective understanding of the schools' needs, enabling the Committee to reach an independent view as to which posts in the school, if any, should be nominated for redundancy.
- N5 The Nomination Committee will consider any requests for a member of staff's post to be nominated for redundancy against the selection criteria taking into account the Headteacher's comments. In the case of more than one request, the Nomination Committee will use the selection criteria for decision making purposes.
- N6 The Nomination Committee will consider the information presented by the Headteacher on the viability of alternative working arrangements requested by staff to avoid the necessity for compulsory redundancies and determine if these can be agreed.
- N7 If, having made these prior considerations, the Nomination Committee still determines that compulsory redundancy is necessary, the Committee will consider the staff profiles and apply the selection criteria to determine which posts is/are to be proposed for nomination.
- N8 The Nomination Committee members will ensure that they each have the same understanding of each selection criteria.

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N9 The selection criteria will be applied with care and in a reasonable, fair and objective way.

N10 The Nomination Committee will advise the Headteacher of their decision.

P) AFTER THE NOMINATION COMMITTEE MEETING

P1 The Headteacher will orally advise the relevant staff member(s) of the proposal to nominate their post for redundancy, of their right to a written statement of reasons and their right to make representations to the Nomination Committee.

P2 Written confirmation, including the reasons for nomination, will be provided to the employee within three clear consecutive days of the date of the Nomination Committee.

Q) REPRESENTATIONS TO THE NOMINATION COMMITTEE

Q1 A nominee wishing to exercise his/her right to make representations, must notify the Clerk to Governors in writing within **five clear consecutive days** of the date of the written notification of the nomination.

Q2 Arrangements will be made for Nomination Committee to be convened as soon as possible.

Q3 To allow the nominee the opportunity to discuss his/her situation with a Trade Union/Professional Association representative and to prepare a submission, the meeting will not normally be held less than ten clear consecutive days after the date of the written notification of nomination.

Q4 At least five clear consecutive days before the Nomination Committee meeting, the nominee and his/her representative will be given copies of the minutes of the first Nomination Committee meeting, with all references to other staff removed, and the selection criteria assessment sheet. The employee will also provide to the Clerk to Governors any documentation he/she wishes to be considered at the meeting at least three clear consecutive days before the meeting.

Q5 A representative from the Local Authority must be present at the Nomination Committee for Community or VC schools. A representative of the LA must be present at the Nomination Committee for Foundation and VA schools if full legal support is to be given as a result of any challenges to the process followed and its outcomes.

Q6 The Nomination Committee must have had advice from the school's personnel service provider and must ensure that the personnel service

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provider will cover any additional costs arising from any subsequent challenges to the process or its outcomes.

- Q7 The Headteacher may be called as a witness. If both the Committee and the nominated member of staff agree, the headteacher can be asked to remain during the whole of the meeting to offer professional advice.
- Q8 The meeting must be held in accordance with good employee relations practice (see guidance).

R) AFTER REPRESENTATIONS TO THE NOMINATION COMMITTEE

- R1 The Chair of the Committee will orally advise the relevant staff member(s) of the decision of the Nomination Committee.
- R2 If the decision is that the nomination stands, the nominee will be given written confirmation within three clear consecutive days of the date of the Committee, with a written statement of reasons and their right to appeal.
- R3 If the decision is that the employee should not be nominated, the employee will have written confirmation. In this case, the Nomination Committee will be reconvened to determine what steps need to be taken to achieve a balanced budget.
- R4 If the decision is that the employee should be nominated, the Governing of a Community or VC school will write to the LA informing it of the decision and the LA will give the employee notice. In the case of a Foundation or VC school the governing will give notice.

S) APPEAL COMMITTEE

- S1 The Appeal Committee must contain the same number of Governors to the Nomination Committee, none of whom should have been involved in the original decision.
- S2 Before the meeting begins, it should be confirmed that none of the Governors on the Committee has an identifiable pecuniary interest, close relationship with any employee or vested interest.
- S3 An employee whose post is nominated for redundancy may lodge an appeal on the following grounds:
Ground 1 – that the selection for redundancy was unfair
Ground 2 – that the reason for dismissal was not redundancy
- S4 The appeal must be lodged with the Clerk to Governors in writing within **five clear consecutive days** of the Nomination Committee

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meeting, stating the grounds of appeal (as detailed above) and giving reasons for the appeal.

- S5 Arrangements will be made for the Appeal Committee hearing to be held as soon as possible but not normally less than ten clear consecutive days after the date of the Nomination Committee.
- S6 An appeal provides the employee with an opportunity to make representations to the governors on another committee not involved in the original decision.
- S7 An Appeal Committee should satisfy itself that:
- Adequate information was available to enable the Nomination Committee to make a measured decision.
 - The individual was given the right to make representations and that those representations were weighed with the original information available.
 - Having regard to all the circumstances the decision to select the member of staff was reasonable.
 - The employee was given an equal opportunity to provide relevant information.
- S8 At least three clear consecutive days before the Appeal Committee meeting, the nominee and his/her representative will be given copies of the notes of the Nomination Committee which considered the representations and any documents submitted to the Committee.
- S9 A representative from the LA must be present at the Appeal Committee for Community and VC schools. A representative of the LA must be present at the Appeal Committee for Foundation and VA schools if full legal support is to be given as a result of any challenges to the process followed and its outcomes.
- S10 The Appeal committee must have advice from the school's personnel service provider and must ensure that the personnel service will cover any additional costs arising from any subsequent challenge to the process or its outcomes.
- S11 The Headteacher can be called as a witness. If both the Committee and the nominated member of staff agree, the headteacher can be asked to remain during the whole of the meeting to offer professional advice.
- S12 The hearing must held in accordance with good employee relations practice (see guidance)

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S13 In the event of the Appeal being unsuccessful, the decision will be final. Written confirmation will be given of the decision within three clear consecutive days.

S14 In the event of the Appeal being successful:

- Written notification will be given within three clear consecutive days of the decision and the next steps
- For Community and VC schools, the LA will be notified so that the notice of dismissal can be withdrawn
- For VA and foundation schools, the Chair of Governors will withdraw the notice of dismissal.
- The Appeal Committee will refer the matter back to the Nomination Committee.

T) LOOKING FOR SUITABLE ALTERNATIVE WORK FOR NOMINATED EMPLOYEES

T1 An Employer has a legal responsibility to mitigate compulsory redundancies and must actively pursue options for alternative work for nominated employees.

T2 The Governing Body in Community and VC schools acknowledges that it shares responsibility with the Local Authority for seeking alternative employment for staff under notice of redundancy.

T3 For Voluntary Aided and Foundation Schools, the responsibility lies with the Governing Body as the employer. However, the LA will work with the Governing Body to seek alternative employment for staff under notice of redundancy.

T4 In circumstances where employees are under notice of redundancy, the School and County Council will:

- Advise the employee to seek advice from their Trade Union/Professional Association
- Look for suitable alternative employment within the organisation;
- Provide access to post seeker training such as interview technique training and advice on completion of application forms;
- Ensure each employee knows of and has access to the Counselling Service;
- Allow reasonable paid time off for internal and external interviews;
- Consider and support attendance of any possible work based training, placements or mentoring arrangements;
- Consider the use of psychometric testing for career counselling purposes;
- Provide an agreed reference.

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- T5 When employees are under notice of redundancy, the School and County Council will expect the employee to:
- Fully engage in the redeployment process;
 - Give consideration to every suitable, available opportunity;
 - Be flexible in considering job opportunities;
 - Present skills and experience appropriately on application forms;
 - Prepare thoroughly for any applications or interview processes;
 - Consider and identify any training requirements in advance of recruitment processes;
 - Request assistance for interview preparation when required;
 - Take on board feedback from the process;
 - Provide reasons in writing why a post is not considered suitable when the employee is matched by the CPU for a vacancy.

- T6 The School and County Council consider suitable alternative employment to be that which is:
- Suitable for the individual concerned in terms of status and responsibility;
 - On an equivalent grade to the current post;
 - Up to two grades lower than the current post and acceptable to the employee in which case a redeployment allowance may be payable in order to compensate the employee for a reduction in earnings;
 - Similar or the same in weekly working hours and/or shift patterns;
 - Within the employee's capability and not involving unreasonable additional inconvenience to the employee.;
 - A post which is fewer or more hours than contracted or at a different base, but which the employee wishes to consider and is willing to accept as a suitable alternative employment.

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Staff Profile Form – Teacher

CONFIDENTIAL

Guidance notes for completion of Staff Profile Form

The purpose of the staff profile form is to give you the opportunity to provide the Governors' Nomination Committee with up to date details of your skills, knowledge and experience. If you have any queries or concerns over the completion of this form, then please raise these with your Headteacher.

This information will be used by the Nomination Committee to make informed decisions when identifying nominations for redundancy based on the seven criteria adopted by the Governing Body and detailed in the school's redundancy policy (copy available from the Headteacher). Please provide examples of how you meet these criteria in relation to your job at the school. Please attach further sheets if you wish.

Please use additional sheets if you require more space for your response.

School:

Name:

Reference number:

I confirm that the information included in this form is accurate.

Signed (teacher's name).....

Date.....

This sheet will be removed before the forms are copied for the Nomination Committee.

Please ensure that you put the reference number above on the top of each sheet of your form.

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Reference number:

Present Post:

Current Job:

Year group(s) taught and (where relevant) subjects taught:

Other areas of job responsibility:

- 1. Professional Standards for the job** *(e.g. as described by the DCSF/TDA/ Professional qualifying bodies)*

- 2. Commitment to raising standards of education** – *(e.g. contributing to making the school one to which parents want to send their children and children want to attend; contribution to the well-being of children; demonstrating high expectations, etc).*

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Reference number:

- 7. Keeping self professionally up to date** (*e.g. steps taken to ensure an up to date knowledge of current education issues to enable an effective contribution to the school*)

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Staff Profile Form – Support Staff

Guidance notes for completion of Staff Profile Form

The purpose of the staff profile form is to give you the opportunity to provide the Governors' Nomination Committee with up to date details of your skills, knowledge and experience. If you have any queries or concerns over the completion of this form, then please raise these with your Headteacher.

This information will be used by the Nomination Committee to make informed decisions when identifying nominations for redundancy based on the seven criteria adopted by the Governing Body and detailed in the school's redundancy policy (copy available from the Headteacher). Please provide examples of how you meet these criteria in relation to your job at the school. Please attach further sheets if you wish.

Please use additional sheets if you require more space for your response.

School:

Name:

Reference number:

I confirm that the information included in this form is accurate.

Signed

Date.....

This sheet will be removed before the forms are copied for the Nomination Committee.

Please ensure that you put the reference number above on the top of each sheet of your form.

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Current Job Title:

Please detail your current job responsibilities:

- 1. Professional standards for the job** *(please give examples of how you demonstrate your Professional abilities in your job)*

- 2. Commitment to raising standards of education** – *(Please give examples of how you contribute to making the school one to which parents want to send their children and children want to attend and how you contribute to the well-being of children).*

- 3. Contributing to the good standing of the school in the community** *(Please give examples of how you gain the respect and confidence of parents and governors; etc).*

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