

REDUNDANCY PROCEDURE

Definition:

'Is to', 'are to' and 'must' are obligatory. 'Should' is not obligatory but is best practice and is to be adhered to unless non-compliance can be justified.

INTRODUCTION

1. The Governing Body seeks to ensure, as far as possible, security of employment for employees by forward planning. However, it is recognised that from time to time the needs of the Bishop Wordsworth's School (the School) may change and could lead to reduced staffing requirements which will entail employees being made redundant. The statutory definition of redundancy is contained in in Section 139 of the Employment Rights Act 1996 which is reproduced below:

"For the purposes of this Act an employee who is dismissed shall be taken to be dismissed by reason of redundancy if the dismissal is wholly or mainly attributable to:

- a. *the fact that his employer has ceased or intends to cease:*
 - (1) *to carry on the business for the purposes of which the employee was employed by him, or*
 - (2) *to carry on that business in the place where the employee was so employed, or*
- b. *the fact that the requirements of that business:*
 - (1) *for employees to carry out work of a particular kind, or*
 - (2) *for employees to carry out work of a particular kind in the place where the employee was employed by the employer, have ceased or diminished or are expected to cease or diminish."*

2. **Purpose.** The purpose of the Procedure is to provide a clear and fair process to be followed, when it becomes necessary to reduce the School's staffing establishment, which is compliant with statutory requirements in relation to consultation, equalities legislation, and dismissal procedures. The Procedure is not contractual.

3. **Application.** This Procedure is to be used when circumstances arise which could lead to a reduction in hours or posts in the School's staffing structure. This may be as a result of falling numbers on roll, changes in curriculum requirements, changes to the School site, a review of the deployment of staff resources, reduction in funding, School closure or other reasons. The surplus staffing situation at the School may involve:

- a. A unique post being declared redundant.
- b. A reduction in the number of staff employed to do the same type of work (e.g. class teachers).
- c. A reduction in hours and/or a change in duties and responsibilities where a complete reorganisation of the structure may be advisable.

4. **Equal Opportunities.** This Redundancy Procedure will be applied fairly and consistently to all employees employed at the School regardless of gender, race, colour, marital status, national or ethnic origin, nationality, disability, sexual orientation, age, religion, trade union membership/non membership, status or number of hours worked.

5. **Roles and Responsibilities.** The Governing Body, advised by the Head, is responsible for determining the size and nature of the staffing structure at the School. The Head is to lead the redundancy process under the direction of the Governing Body and is responsible for determining the selection criteria, for consulting Trade Union representatives and employees on the criteria and for undertaking the selection decision(s). The Head may delegate tasks below as appropriate and therefore any reference to 'Head' may also be read as 'Head's delegate.

PRINCIPLES

6. Consultation is to include ways of avoiding dismissals, reducing the number to be dismissed, and mitigating the effects of the redundancies.

7. Individual employees have the right to be accompanied by a trade union representative or a work colleague at any individual meeting to discuss potential redundancy or redeployment.

8. Information about the proposed staffing changes is to be made available to all representatives of the trade unions representing the group(s) of employees affected.

9. If during the redundancy process the necessary reduction can be achieved through natural wastage, then relevant employees will be informed in writing that the redundancy process has been terminated.

10. **Planning to Avoid Redundancy.** The Governing Body will seek as part of its staff planning process to avoid or minimise the effect of any foreseen employee surpluses by the following strategies where appropriate:

- a. Restricting the recruitment of permanent employees.
- b. Reducing the use of temporary employees without infringing employment rights.
- c. Reduction in hours - where agreed with the employee or allowed for in the contract of employment.
- d. Filling vacancies from among existing employees.
- e. Job sharing.
- f. Training or re-training to a suitable alternative post.
- g. Release of employees before the contractual resignation date.

11. Where the above strategies have not achieved the requirement to reduce staffing numbers the following staged procedure will be applied.

REDUNDANCY PROCEDURE STAGE ONE – PROPOSAL TO REDUCE STAFFING

12. The Head is to prepare a Staffing Proposal Paper in consultation with the Pay & Staffing Committee. The Paper is to explain the background to the need to reduce the staffing establishment and include details of:

- a. Current staffing levels (numbers in each type of employee group potentially affected).
- b. Proposed staffing.
- c. Financial implications.
- d. Any alternatives that have been explored in accordance with Paragraph 10 above.
- e. Any fixed term contracts and/or natural wastage which will enable some or all of the reduction to be made legally without recourse to redundancy.
- f. Date(s) on which the proposed new staffing structure will become effective and therefore any redundancies would occur.
- g. The proposed method of achieving the reduction.

REDUNDANCY PROCEDURE STAGE TWO – CONSULTATION AND RATIFICATION

13. **Consultation with Trade Unions.** The Head, on behalf of the Governing Body, is to send a copy of the Staffing Proposal Paper to representatives of relevant trade unions, notify them of dates of staff consultation meeting(s) and advise when the Staffing & Pay Committee will agree the proposals.

14. **Consultation with Employees.** The Head is to write to all potentially affected employees and offer to meet them, with a representative if wished, to consult on the proposal to reduce staffing numbers. A copy of the staffing proposal and a copy of this redundancy procedure is to be made available to employees. Any comments on proposals are to be made by employees within 14 days. .

15. **Ratification of Proposal by the Pay & Staffing Committee.** The Head is to present the Staffing Proposal adjusted if appropriate after consultation to the Pay & Staffing Committee where any written representations from employees affected by the proposal or from Trade Union representatives are to be considered before ratification. If the Proposal is ratified Stage 3 of the Procedure will commence.

REDUNDANCY PROCEDURE STAGE THREE – VOLUNTARY SOLUTIONS

16. The Head is to inform all relevant employees of the outcome of the Staffing & Pay Committee meeting and to invite them to consider any possible potential voluntary solutions such as:

- Premature retirement
- Voluntary redundancy
- Voluntary redeployment
- Voluntary reduction in hours
- Job-sharing.

17. Consideration is also to be given as to whether a volunteer for redundancy in one area of the School could facilitate the retention of an employee who would otherwise be potentially redundant (a 'bumped' redundancy). At least 14 days are to be given for individuals to consider these options, including seeking financial benefits information. Individual employees may seek information without prejudice, from the Head on voluntary options. Estimates of financial benefits for premature retirement and/or redundancy are to be available on request

18. **Outcome of Voluntary Solutions.** If more employees volunteer for redundancy than are required to meet the reduction in staffing structure, the Head is to determine which employees the School needs to retain to maintain a balance of expertise within the staff. These employees are not to be granted voluntary redundancy. Employees who volunteer for redundancy, and whom the Head selects for redundancy on this basis, are to have their employment terminated on the grounds of redundancy in accordance with legal obligations. If a reduction can be achieved through voluntary reduction in hours, individual contracts of employment are to be amended and confirmed in writing to the employees concerned.

19. **Staffing Reduction Not Achieved.** If voluntary solutions do not meet the whole of the staffing reduction required, the Head is to inform relevant employees affected of the need to move to Stage 4 of the Procedure.

REDUNDANCY PROCEDURE STAGE FOUR – SELECTION FOR COMPULSORY REDUNDANCY

20. If the need for reduction in staffing specifies a particular post or posts and thus a specific individual or individuals are identified as potentially redundant, selection for redundancy may not be necessary although consideration should be given to the possibility of 'bumped' redundancy (Paragraph 17 above) by consulting with other employees. In these circumstances, Stage 5 of the procedure is to commence for those individuals. For Stage 4,

the Head is to use fair and objective selection criteria. The aim of this selection method is to enable the School to retain the balance of skills and expertise it needs.

21. **Selection for Compulsory Redundancy - Support Staff.** The Head is to determine the core and specialist requirements of the School for the affected employee group, including particular skills, training, qualifications and expertise relevant to the roles.

22. **Selection for Compulsory Redundancy - Teachers.** The Head is to use the requirements below to select the pool for potential redundancy.

a. **Core Organisational and Managerial Requirements.** These requirements include the need for a Head, deputy/assistant heads and other School-wide management roles

b. **Specialist Requirements.** These requirements focus on core curriculum needs and any specific requirements in the School or departmental action plan.

c. **General Requirements.** At this stage the Head should identify any other requirements. In most cases this will be expressed as the School needing to retain teachers with the broadest range of skills and expertise in the particular key stage(s) or subject area(s).

23. **Consultation.** The Head is to consult all potentially affected employees on the application of the requirements above and write to Trade Union Representatives to inform them of the need to move to compulsory selection for redundancy, to inform them of the selection requirements defined and to seek their views and comments.

24. **Selection Against Criteria – Identification of Skills.** To facilitate the selection exercise, employees are to be invited to complete a short skills' audit form on which they should outline their key skills, qualifications, training and expertise. The format for teaching staff is at Annex A. The completed skills' form together with the evidence listed in Paragraph 25 & 26 (as applicable) is to be used to select employees for redundancy.

25. **Selection Against Criteria - Support Staff.** A panel of senior members of staff chaired by the Head is to conduct an analysis against the proposed staffing structure by comparing the skills and expertise of existing employees against specific selection criteria as detailed below. The criteria may be weighted to reflect the future needs of the School providing the weighting is evidence-based.

a. Consideration is to be given to retaining the broadest range of skills and expertise.

b. The general requirements will be considered across the whole School or within an area or department as appropriate, taking into account:

(1) Current & recent past standard of work and performance (evidenced from annual appraisal reviews).

(2) Qualifications and specialist skills.

(3) Attendance and/or sickness record

(4) Recent in-service or other training.

(5) Other current duties eg: pastoral or extracurricular.

(6) Disciplinary record.

26. **Selection Against Criteria - Teachers.** A panel of senior members of staff chaired by the Head is to assess teachers' skills and expertise against the criteria below. The criteria may be weighted to reflect the future needs of the School providing the weighting is evidence-based. The format at Annex B may be used for scoring:

a. Current & recent past standard of work and performance (evidenced from annual appraisal reviews).

- b. Qualifications and specialist skills.
- c. Range of subject expertise.
- d. Attendance and/or sickness record.
- e. Recent in-service or other training.
- f. Other current duties eg: pastoral or extracurricular
- g. Disciplinary record.

REDUNDANCY PROCEDURE STAGE FIVE – CONSIDERATION OF TERMINATION OF EMPLOYMENT (REDUNDANCY PANEL)

27. The Head is to notify employee(s) in writing that they have been selected at Stage 4 for potential redundancy. The notification is to invite the employee(s) to attend the Governors' Redundancy Panel consider the termination of their employment and to provide them with an opportunity to make representations about their proposed selection. At least 7 days' notice of when the Panel will take place is to be given to each employee.

28. The letter is also to notify employees of their right to be accompanied at the Redundancy Panel by a trade union representative or a work colleague who may speak at the Panel on behalf of the employee. It is to include the scores resulting from the evidence listed in Paragraphs 25 or 26 (as applicable) and any other evidence that will be presented at the Redundancy Panel.

29. The employee is to be supported in seeking alternative employment prior to the termination of employment. Efforts to redeploy the employee should continue up to the date of termination and, if successful, the notice of termination of employment withdrawn.

30. The composition of the Governors' Redundancy Panel is at Paragraph 43 below.

REDUNDANCY PROCEDURE STAGE SIX- TERMINATION OF EMPLOYMENT

31. The Governors' Redundancy Panel is to consider the scoring produced from the Skills Sheet and any other evidence as listed in paragraphs 25 & 26 (as applicable). It is also to consider any representations made by the employee. Decisions taken by the Panel and the reasons for those decisions are to be recorded and be available on request to the employee.

32. The procedure at the Meeting is to follow the format below; (the Head, the employee and the employee's representative should be present during the hearing and the last may speak on behalf of the employee):

- a. The Chair of the Panel is to introduce the Panel members and describe the process to be followed.
- b. The Head is to explain the reasons why the employee has been identified for proposed redundancy; witnesses may be called to give evidence.
- c. The Panel may question the Head and any witnesses called.
- d. The employee may make a personal representation to the Panel and may present evidence.
- e. The Panel may ask the employee questions.
- f. The Head and employee are to be asked if they have any further comments.
- g. All except panel members and the Secretary to the Meeting are to withdraw.
- h. The Panel deliberates. Note that, if the Panel wishes to ask either party any supplementary questions, both parties are to return.

33. If the Governors' Redundancy Panel determines that any employee selected is to be subject to redundancy it is to inform each employee that they will be sent a letter of formal

notice of termination of employment within 7 days. The letter is to include the right of appeal against any decision to terminate employment and to state that normally the only grounds for appeal are: if the redundancy process has not followed this Procedure, if the redundancy process has been in contravention of the Law or if new evidence is available that was not available when the Redundancy Panel convened.

34. Decisions taken by the Panel and the reasons for those decisions are to be recorded and be available on request to both parties as are the Meeting notes.

35. **Teachers' Notice Period.** Teachers are under a minimum of two months' notice and, in the summer term, three months terminating at the end of a the Summer holidays. Teachers that have been continuously employed for more than 8 years are entitled to receive additional notice of up to 12 weeks which depends on length of service of over 8 years,.

36. **Support staff Notice Period.** Support staff are entitled to up to 12 weeks' notice dependent on length of service.

REDUNDANCY PROCEDURE STAGE SEVEN – APPEAL

37. An employee may appeal against redundancy for the reasons given in Paragraph 33 above. Except in exceptional circumstances, the Appeal is not to be a re-hearing of evidence that has already been presented to the Redundancy Panel. To exercise the right of appeal the employee must state their intention to appeal and the grounds for the appeal in writing to reach the Company Secretary within 7 days of receiving written notification of termination of employment.

38. The letter is also to notify the employee of their right to be accompanied or represented at the Appeal by a trade union representative or a work colleague. It is the responsibility of the employee to ensure that their representative is adequately briefed.

39. The composition of the Governors' Appeal Panel is at Paragraph 43 below.

40. The format of the Appeal is to be as follows: (the Head, the employee and the employee's representative should be present during the hearing and the last may speak on behalf of the employee):

- a. The Chair of the Panel is to introduce the Panel members and describe the process to be followed and remind the employee that the intention is not to hear evidence that has already been considered.
- b. The employee may present the grounds for appeal
- c. The Panel may ask the employee questions.
- d. The Chair of the Redundancy Panel is to explain the reasons for the decision.
- e. The employee, the Panel and the Head may ask the Chair of the Redundancy Panel questions.
- f. The Head, Chair of the Redundancy Panel and employee are to be asked if they have anything further they wish to say.
- g. All except panel members and the Meeting Secretary are to withdraw.
- h. The Panel deliberates. Note that: if the Panel wishes to ask either party any supplementary questions then both parties are to return.

41. The employee is to receive written notification of the Appeal Panel's decision within 7 days. This decision is final and there is no further right of appeal to the School.

42. Decisions taken by the Panel and the reasons for those decisions are to be recorded and be available on request to both parties as are the Meeting notes.

COMPOSITION OF PANELS

43. Both Redundancy & Appeals panels are to consist of at least three non-staff governors nominated by the Chair or Vice Chair of the Governing Body. The Chair of the Governing Body may not be a member of the panels. Additionally, the Appeals Panel may not consist of fewer members than the Redundancy Panel which made the decision which is the subject of the appeal and may not include any member of that Redundancy Panel. Both panels may include non-voting professional HR personnel to advise on the Law and procedures.

FINANCIAL ENTITLEMENTS

44. Statutory entitlements to redundancy pay are calculated in accordance with the Redundancy Payment Act and the Redundancy Payments (Local Government) Modification Order 1983 (as amended). Discretion is used to base these payments on actual pay. Therefore these are not limited to the statutory actual wage as stated in the legislation above.

45. An employee who is dismissed for reason of redundancy will be entitled to a redundancy payment after two years continuous service with the authority or another employer listed on the redundancy payments (Local Government) (modification) order 1983 (as amended).

46. Payments are based on an individual's length of service up to a maximum of 20 years.

47. Redundant employees who are 50 years of age or over will be notified of any accrued benefits which they may be entitled to receive under their pension scheme.

48. Further information on the statutory entitlement to redundancy pay including the number of weeks pay that an individual is entitled to can be obtained from www.gov.uk.

MONITORING

49. The Governing Body, advised by School's Leadership Team, will review this procedure annually.

50. This Procedure was adopted by Governors on 7.12.12 and last reviewed on (dates in () indicates no change): 27.11.13, 06.01.15, 17.11.15, (10.11.16), 07.11.17, 13.11.18, 22.11.19

Annexes:

- A. Skills Audit - Teacher Skills and Qualification Form.
- B. Example Teacher Selection Redundancy Criteria.

SKILLS AUDIT - TEACHER SKILLS AND QUALIFICATION FORM

(Example criteria)

| | |
|---|---|
| | Please give details and examples with an indication of when you undertook this work/post. |
| Level 1 - Core Organisational and Managerial Requirements | |
| Leadership Team | |
| Year Leader | |
| Subject Coordinator | |
| Key Stage Coordinator | |
| SEN Coordinator | |
| | |
| Form Tutor | |
| Department Head | |
| Head of Year | |
| Other | |
| Level 2 - Specialist Requirements | |
| KS3 | |
| KS4 | |
| KS5 | |
| Designated Special Needs Teacher | |
| Specific subjects taught | |
| Training & Development | |
| Provide details of any relevant training undertaken within the last 3 years. Include short courses, extended course, degree diploma's, in-house courses, inset training | |

| |
|---|
| |
| Specialist Relevant Skills |
| Provide details of any specific relevant skills |
| |

| |
|--|
| Level 3 - General Requirements |
| Describe any experience you have in relation to the general requirements identified. (See Redundancy Procedure) |
| |

This form when completed will be used, together with appraisal reports, in scoring teachers.

EXAMPLE TEACHER SELECTION REDUNDANCY CRITERIA

Schools to amend the requirements as appropriate

| Level One - Organisational and Managerial Requirements | |
|---|--|
| Senior Leadership/Management Team | |
| Year Leader | |
| Subject Coordinator | |
| Cross Curricular Coordinator | |
| Key Stage Coordinator | |
| SEN Coordinator | |
| Form Tutor | |
| Department/Faculty Head | |
| Head of Year | |
| Other | |
| | |
| | |

| Level Two - Specialist Requirements | |
|--|--|
| Teaching Expertise | |
| KS3 | |
| KS4 | |
| KS5 | |
| Designated Special Needs Teacher | |
| Specific subjects taught | |
| Training & Development | |

| | |
|--|--|
| Completed/attended a short course or conference which related to a curriculum subject in the last 2 years. | |
| Completed a relevant degree or diploma (after entering the teaching profession) | |
| Relevant higher professional qualification | |
| Attended a relevant extended course | |
| Attended more than 1 extended courses | |
| Inset undertaken which brought positive benefits to the school | |
| Training & development undertaken not directly related to the School but related to teaching | |
| Specialist Relevant Skills | |
| E.g. Maths or science Teacher | |
| Music skills | |

| | |
|--|--|
| Level 3 - General Requirements | |
| Evidence of teaching more than 1 subject | |
| Evidence of teaching mixed age ranges | |
| Extra-Curricular/ Pastoral duties | |