



# RESTRUCTURE & REDUNDANCY POLICY AND PROCEDURE

*This policy/procedure/guidance is written by Worcestershire County Council HR and has been adopted by DOWMAT Board on 10.10.24 to apply to all schools in the DOWMAT. It is to be read in conjunction with the DOWMAT Scheme of Delegation (HR policies and procedures section and Appendix 1.).*

## Our Vision

'To Love, To Learn, To Serve' sums up the DoWMAT's vision for those who come together to create the MAT, enabling all to flourish both as individuals and in community with each other; living life in all its fullness (John 10:10).

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## Our Values

### To Love

The New Testament sums up the entire law as a call to “love your neighbour as yourself” (Galatians 5:14). The Bible teaches that we are only able to love because God first loved us (1 John 4:10). This love is expected to characterise the way in which the DoWMAT operates, makes decisions, builds relationships, and carries out its day-to-day business: each person putting the needs of others before their own, with a commitment to the flourishing of all. The exposition of love in 1 Corinthians 13 reminds us that love is patient, kind, forgiving, generous, humble, trusting, respectful, hopeful, resilient and enduring. Those who learn and work in the DoWMAT, and all who come into contact with it, can expect to experience that love in the way that they are treated.



### To Learn

The DoWMAT is a Christian learning community that is committed to enabling all to live a life of freedom and transformation as a result of the hope and wisdom that learning brings. Learning is at the heart of the Church of England’s vision for and commitment to education. Growing in wisdom is celebrated in the Bible and all are exhorted to listen, to seek guidance, to acquire knowledge and to learn discretion (Proverbs 1: 1-6), largely through human relationships and interactions. Jesus’ teaching, as summed up in the Beatitudes (Matthew 5:3-10), describes human beings who are learning to live a life that is characterised by humility, compassion, mercy, righteousness and peace. The learning that takes place within the DoWMAT is expected to be recognisably rooted in these godly characteristics and focused upon enabling the holistic development of people who are made in the image of God.



### To Serve

Service and servant leadership, was a striking feature of the way in which Jesus lived his life. The example he gave to his disciples in washing their feet (John 13:1-17) provides us with a role model for the way in which we should seek to live in community with others. Putting the needs of others before our own, supporting people in their growth and development as holistic human beings, enabling people’s gifts and talents to come to the fore as a result of our service to them are all defining characteristics of the way in which the DoWMAT operates. In serving others and meeting their needs through generosity of spirit, we manifest God’s grace and love for others (1 Peter 4:8-11).



These core values underpin all aspects of our Trust as we strive to make a positive difference to the lives of all DoWMAT pupils whilst they are at school and in later life. Through these values, we can be sure our community is one of hope; a place of transformation and trust, where all are treated with respect and dignity.

**OUTSTANDING PROFESSIONALS | COLLABORATIVE PARTNERSHIPS | STRONG SYSTEMS | CONFIDENT LEARNERS**

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## **1. Introduction**

The school recognises that there may be circumstances where it may be necessary to make organisational changes to address changing operational needs of the school, some of which may result in redundancies\*. However, it will avoid or mitigate making redundancies wherever reasonably possible.

School restructures\* or redundancies may occur for example, where it has to reduce its staffing establishment due to falling pupil numbers or budgetary problems; a school is closing or amalgamating with another school; or where the staffing needs to be restructured to respond to organisational or curricular changes.

\*For definitions see Appendix B

The change in staffing situation at the school may involve:

- A unique post being declared redundant.
- A reduction in the number of staff employed to do the same work (e.g., Class Teachers or Teaching Assistants)
- A reduction in hours and/or a change in duties and responsibilities where a complete/partial reorganisation of the structure may be advisable.

## **2. Purpose and Scope**

This Policy sets out the school's approach to managing restructures or redundancies, incorporating the legal requirements and how staff will be treated if the school needs to make changes or reductions to the staffing establishment. The principles and procedures will be applied fairly, reasonably, and consistently.

This policy applies to all employees, teaching and support staff in school. It does not apply to self-employed contractors, consultants or agency workers.

If a Fixed-term contract is ending for reason of redundancy - the FTC guidance/Procedure should be followed: Fixed Term Contract Procedure and Fixed Term Policy Guidance.

This policy and procedure has been agreed following consultation with the recognised trade unions and is recommended for adoption.

## **3. Equality and Diversity**

Equality and diversity underpin all the School's/Academies/Trusts employment policies, procedures and practices and they actively promotes equality of opportunity and values diversity among its employees. There will be no discrimination on the grounds of any of the protected characteristics at any stage in the redundancy/restructure process. In all cases, where employees have particular support needs by reason of disability, language or other factors, reasonable adjustments will be considered and made as necessary.

## 4. Key Change Management Principles

The school will:

- 4.1. Produce a clear Business Rationale (see Redundancy/Restructuring Guidance for details), which indicates the nature of the change, staff and level of any reductions proposed.
- 4.2. Seek to retain as many staff and as much expertise as possible within a new structure.
- 4.3. Provide support and information to employees at risk of redundancy or during change and reorganisation, in a timely manner; seeking to minimise the anxiety of staff as far as possible.
- 4.4. Make every effort to mitigate the need for redundancies and seek to minimise the number of redundancies necessary.
- 4.5. Comply with legal obligations to consult collectively and individually; ensuring that employees and trade unions are fully consulted on proposals, the procedure (including 'selection pool'\* and selection process) and any developments.
- 4.6. Consider affected staff for posts fairly, reasonably and consistently; staff will be given serious consideration under any ring-fencing and slotting arrangements
- 4.7. Ensure that selection for redundancy or for a restructure is based on criteria that are fair, transparent and capable of objective assessment and which are applied fairly and consistently; the aim will be to retain skills necessary to meet current and future needs.
- 4.8. Seek to find suitable alternative employment wherever possible for employees who are selected for compulsory redundancy.
- 4.9. Employees may be entitled to salary protection (support staff) or salary safeguarding (teachers) if redeployed as a result of redundancy or reorganisation.
- 4.10. Employees will be considered for posts that have a similar number of hours and similar grade (support staff). Staff will only be slotted-in where the essential requirements match, the grade is the same, no promotion is involved and there are sufficient numbers of posts available such that there is no competition.
- 4.11. Appointments to posts in a new structure will be through a selection process usually and this may include an interview.
- 4.12. If staff are not appointed to a post in the new structure, then the redundancy procedure will apply. There is no right of appeal against appointment decisions in a restructure.
- 4.13. If any staff do not engage with the process, they will still be considered for suitable posts.
- 4.14. If at any time throughout a redundancy process the necessary reduction in staff can be achieved through other means, the relevant staff and recognised trade unions will be informed in writing that the redundancy process has been ended or the need for the number of redundancies has been reduced.
- 4.15. An employee under notice of redundancy will be entitled to a reasonable amount of paid time off to look for alternative work.
- 4.16. An employee has the right of appeal if they feel that their selection for compulsory redundancy was unfair or that the reason for dismissal is not redundancy or that the process was unfair.

## **5. Avoiding Redundancies**

The school will consider avoiding and minimising redundancies throughout the process, taking account of operational needs.

Every reasonable effort will be made to find suitable alternative employment for staff whose posts are at risk of redundancy, within the school or across the MAT/foundation (where applicable) wherever possible.

Employees on maternity leave, shared parental leave or adoption leave, who are at risk of redundancy, regardless of length of service are entitled to be offered a suitable alternative vacancy (prioritised above other staff), where one is available.

Staff offered suitable alternative employment have a statutory entitlement to a four-week trial period in any alternative post, which can be extended if agreed ahead of the start of the trial period. The purpose is to give both parties the chance to decide whether the new job is suitable, without losing the right to a redundancy payment.

## **6. Voluntary Redundancy**

To prevent compulsory redundancies, the school may, where appropriate, invite applications for voluntary redundancy. However, the school reserves the right not to accept voluntary requests and consider applications on a case by-case basis, which may include taking account of the cost/school's budget and future needs.

## **7. Redundancy Pay**

Employees whose employment is terminated on the grounds of redundancy who have at least 2 years continuous (local government) service at the date of dismissal will be eligible for a redundancy payment.

Taking account of statutory obligations, redundancy compensation payments will be made: using the school's formula for calculating redundancy payments that applies at the date of notice of dismissal following regulations in relation to tax free payments and public sector exit payments.

Employees who are aged over 55 and are also an active member of a pension scheme (LGPS or TPS) are entitled to take their pension benefits when they are dismissed on the grounds of redundancy. For Support staff this will include full pension benefits. For Teachers it will not include any premature retirement benefits; only Actuarially Adjusted Benefits paid by the Teachers' Pension scheme. Staff are encouraged to seek their own pensions advice.

Employees within a public sector organisation may be subject to a statutory cap on the total amount payable as part of a redundancy package and are advised to seek financial advice and information regarding any legal limitations.

If an employee under notice of redundancy and accepts an offer of employment from a body on the Redundancy Modifications Order, before the dismissal takes effect (where the offer is made and the employment starts within 4 weeks after the date of redundancy), they will not be eligible for a redundancy payment.

Employees who fail to accept a reasonable offer of suitable alternative employment will lose their entitlement to redundancy compensation.

## 8. Trade Union Representation

The appropriate recognised trade unions will be notified as soon as possible when potential redundancies are being considered.

Trade union representatives will be invited to attend formal consultation meetings with employees.

Staff will be encouraged to seek advice from their professional association/trade union throughout any redundancy or reorganisation/restructuring process.

## 9. Procedure

### The Business Case

At the outset of any anticipated change that may result in a redundancy/restructure, it is the responsibility of the Head Teacher to draw up a comprehensive business case to justify the proposed strategy and may include: (see Redundancy Guidance document for pro forma)

- the School Development Plan and financial planning
- the actual and projected pupil numbers
- the use of unallocated reserve/carry forward to support staffing costs.
- the projected “clawback” if pupil numbers have not reached the numbers projected when the current budget was set.
- an anticipated curriculum change which could lead to a limited adjustment in the structure/establishment.
- any steps taken by the School to secure alternative funding.
- details of any steps taken to avoid and/or minimise redundancies.

## 10. Roles and Responsibilities

### 10.1 The role of the Governing Body/Trustees

- 10.1.1. Prior to commencing a redundancy process, the Head Teacher will present all the information relevant to the business case to the Governing Body/Trustees for their consideration and recorded decision. If the Governing Body/Trustees decides to proceed, and no other reasonable alternatives exist at that time, they will instruct the Head Teacher to begin a consultation process.
- 10.1.2. The Governing Body/Trustees will also identify an appropriate ‘Decision Makers Panel’ who will have delegated responsibility for key decisions arising from this process. The Decision Makers Panel will have delegated responsibility for staffing issues and will comprise of ideally no less than two governors who have had no prior direct involvement in the individual matter under consideration with the exception of any decision in principle as set out in 10.1.above.
- 10.1.3. The Governing Body/Trustees at the same time will ensure that members of the Appeals Committee are identified and that they have no further involvement in any discussions that could result in redundancies at the School until the Appeals Stage.

## 10.2 The Role of Decision Makers

10.2.1 The Decision Makers Panel will meet with the Head Teacher [**1<sup>st</sup> Decision Makers Meeting**]. HR Consultancy may attend if required. At this meeting the Decision Makers will:

- be fully briefed on the business case and explore the options available.
- identify the number of potential teaching and/or non-teaching posts that could be affected.
- agree the projected date for achieving the required reduction/restructure subject to trade union consultation and notice requirements.
- draft a provisional timeline to be distributed as part of the Early Consultation process: an 'Indicative Redundancy/Restructuring Timeline' is provided for this purpose (Appendix A) and under normal circumstances for teaching staff, this should be no later than:

1 <sup>st</sup> March for potential dismissal on 31 <sup>st</sup> August
1 <sup>st</sup> July for potential dismissal on 31 <sup>st</sup> December
1 <sup>st</sup> November for potential dismissal on 30 <sup>th</sup> April

(NB In the case of a Head Teacher in a redundancy situation, consultation will need to commence 1 calendar month sooner to comply with notice provisions).

- propose the selection criteria which will be subject to consultation with trade unions and employees.
- provisionally agree the date for further meetings .

## 10.1 The role of the Head Teacher

### 10.1.1

The Governing Body/Trustees will normally delegate the Head Teacher to facilitate and oversee the planning, consultation and implementation of the redundancy/restructuring process in a transparent and sensitive way. Their role will be to:

- plan and comply with processes ensuring that a comprehensive business case is presented to enable the Governing Body/Trustees to make an informed decision whether there is no alternative to a restructure and/or the possibility of redundancies.
- lead the communication/consultation process with trade unions and employees with the necessary support of Schools HR Consultancy.
- on behalf of the Decision Makers Panel, consult with the trade union representatives regarding the proposed redundancy/restructuring selection criteria and subsequently apply this and identify posts/employees for potential redundancy.
- ensure employees are notified in writing that they are 'at risk' of potential redundancy.
- be available to meet with employees who have been identified of being at risk of potential redundancy.

- at any personal hearing, present the School case to the Decision Makers Panel of their recommendation of selection for redundancy.
- at any appeal hearing, support the Chair of the Decision Makers Panel in presenting their case as necessary.
- ensure that employees including those who may be absent from work due to maternity/paternity leave, sickness or secondments are consulted and kept informed.

## 11.The Consultation Period

The School will inform and consult trade unions and the directly affected staff as soon as practicable and in accordance with employment legislation referred to as early consultation. Should this early informal consultation not result in agreement on avoiding a reduction in posts or the need for a formal restructure, this will be followed by formal consultation. Under Section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992 (TULRA), there is no statutory timescale laid down where up to 19 employees are due to be dismissed due to redundancy in an establishment. Statutory consultation timescales will be followed if the employer is proposing to dismiss between 20 and 99 – employees – at least 30 days consultation or 100 employees – at least 90 days consultation.

11.1 However, where it is proposed that less than 20 employees are affected, each employee has a right to be genuinely consulted about redundancy proposals and an indicative and reasonable timeframe will be followed taking account the complexity, scale and nature of the proposals. The Decision Makers must ensure that the consultation timeframe is sufficient, so as to be meaningful, allowing opportunity to take into account counter proposals and alternatives to the proposals considered.

### 11.2 Early Consultation (informal)

Meeting as soon as practicable to discuss the draft proposals.

The School will inform and consult trade unions and the **directly affected staff** (NB in cases whereby one post is potentially impacted this should be dealt with sensitively, it may be appropriate to meet first with this member of staff before engaging in further staff communication) As a guide the purpose of the early consultation meeting will be

- Describe staffing position and reason for the need to reduce/restructure. Give key headlines of the plan, proposed reductions/changes and draft proposals.
- engage with employees and their trade union representatives and provide an opportunity for them to contribute to the change process by inviting and considering views, ideas and alternative proposals.
- Explain seeking alternatives to redundancy – request staff contributions for seeking alternatives e.g., indication or retirements/resignations
- Explain voluntary redundancy– informing directly impacted staff that communication will be made to all school staff about the proposed changes and where possible seeking voluntary redundancy from the widest possible trawl within the School.
- Volunteers for redundancy or early retirement to discuss with Head (accompanied by a colleague or trade union representative if they wish)

- ensure the consultation is sufficient taking account of the nature of the proposals and levels of consultation involved – including individual consultation meetings as required.
- set reasonable timescales for each stage of the process with reference to the ‘Indicative Redundancy/Restructuring Timeline’ see Redundancy/Restructuring Guidance for pro-forma.

### **11.3 Formal Consultation**

The relevant trade union and employee representatives should then be informed in writing of the following information for proposed redundancies (Section 188 Notice). The Section 188 Notice will include:

- reasons for the proposals and any proposed redundancies
- numbers and descriptions of employees it is proposed to make redundant (including those employed on fixed-term contracts where it is proposed the contract will terminate early and on the grounds of redundancy)
- the total number of employees of this description employed at the School.
- the proposed method of selecting those who may be dismissed – including who is designated to apply the selection criteria – normally Head teacher/SLT.
- the proposed method of carrying out the dismissals, including the period over which dismissals will take place.
- the proposed method of calculating redundancy payments.
- timescales for the process
- other options for consideration and ways in which compulsory redundancies may be reduced or mitigated.

For proposed restructures a pack of information will also be provided and should include

- the proposed new structure and copies of job descriptions and personal specifications
- clear identification of the pool i.e., which groups of staff are impacted
- the proposed criteria to be used when selecting/appointing to the new positions – including that slotting in will be applied where applicable NB If any staff do not engage with the process, they will still be considered for suitable posts.
- the method by which the selection will be assessed/measured – including who is designated to apply the selection the Head teacher/SLT.
- timescales for the process

11.4 Employees and their representatives will be given as much notice as possible and not less than 5 working days’ notice of the Formal Consultation Meeting. There will be an opportunity for representatives to attend a pre-meeting with the Designated Person (usually the Head Teacher) immediately before the consultation meeting. Staff will be given the opportunity to meet with their representatives at the end of the consultation meeting. A member of the Decision Maker Panel may attend this Formal consultation meeting.

- 11.5 Depending on the circumstances individual consultation meetings may also be arranged and employees affected should be offered an opportunity to speak to the Headteacher on a one-to-one basis at any point during the consultation period.
- 11.6 Affected employees on maternity/adoption leave, long-term sickness absence, secondments or any other leave will also be consulted, and appropriate arrangements will need to be put in place such as inviting them to meetings, sending information to home addresses, visiting employees at home or communicating through nominated representatives.
- 11.7 There is a statutory duty for Schools to notify the Department for Business, Innovation and Skills (BIS) in instances where they propose to make 20 or more employees redundant at one establishment within a 90-day period or less. Form HR1 is obtainable from a Redundancy Payments Office or Job Centre and should be completed by the appropriate HR provider in conjunction with the school and for LA Schools a copy must be forwarded to the Director for Education.

<b>Employees to be dismissed at the establishment over a 90-day calendar period</b>	<b>Minimum period consultation should start before notice of first dismissal is issued</b>
20 to 99 employees	30 calendar days
More than 100 employees	90 alendar days

11.8 Avoidance Measures

Where a potential restructuring/redundancy situation arises, the school will endeavour where at all possible, to preserve employment and mitigate against the need for any job losses, by exploring all of the following:

- restrictions on recruitment (non-recruitment to vacant posts, internal recruitment only etc)
- seeking volunteers for redundancy / early retirement (within the provisions of the Teacher’s Pensions Scheme and Local Government Pension Scheme) with due regard to the costs and the needs of the school
- cessation of temporary / fixed term contracts / secondments where this is lawful and fair.
- reduction in the use of agency, casual and/or supply staff
- exploring other options with employees such as a reduction in hours / additional hours / overtime / job share opportunities.
- unpaid leave
- redeployment to alternative posts in the School/MAT/ as appropriate

11.9 Exploration of the above measures will continue during the consultation process and should the feasibility of one or more of the above change then the Decision Makers Panel may halt the

process at any stage.

#### 11.10 Closure of the Formal Consultation Period

If having taken the above steps, it has been decided that there is still a need within the school to carry out the restructure or it has not been possible to avoid a compulsory redundancy situation the formal consultation period will then close.

- At the end of the formal consultation period, the Decision Makers Panel (including the Headteacher) will meet to consider any comments and counter proposals which have been received from employees or their trade union representatives and respond in writing as appropriate **[2<sup>rd</sup> Decision Makers Meeting]** This will be also the official deadline for Voluntary Redundancy requests and the Decision Makers Panel will also consider any requests for Voluntary Redundancy and whether these can be accepted. The Panel will retain the right to decline requests in circumstances where this may be detrimental to the business and future needs of the School.

11.11 Should the School's proposals, including the proposed selection criteria, be amended as a result of the consultation process, employees and their trade union representatives will be notified. If there are no changes to the original proposals the Designated Person (usually the Head Teacher) will confirm that the consultation period has closed and confirm that the proposed redundancies or restructure will be implemented. This will be in outcome of consultation notification document.

## 12. At Risk

Should no alternatives to the proposed restructure/redundancies have been identified, affected employees in the selection pool will be:

- notified in writing by the Headteacher that they are formally 'at risk' and asked if they wish to have a face- to-face meeting with the Headteacher at this point. If a meeting is required employees will be entitled to bring a trade union representative or colleague to the meeting and a representative from the School's HR Consultancy may also attend.
- Staff will be invited to complete a **Skills Audit Form** where applicable, which will be used in any selection process. If staff fail to complete a form, they will still be considered for suitable posts, based on the information available. In a restructure situation, staff will be asked to state preferences for posts where they meet the essential criteria (maximum 3 preferences).
- Suitable alternative employment options should be explored for those staff **at risk** of redundancy throughout the process In Multi Academy Trusts, employment opportunities will be explored across the employing Multi Academy Trust. Staff meeting required criteria will be offered an interview where possible. It is recognised that this school's Governing Body will not have appointment authority at another school. Any offer of suitable alternative employment will be confirmed in writing. If an employee accepts the offer, they are entitled to a trial period of 4 weeks in the alternative role. Where applicable, salary protection/safeguarding will be applied. If an employee does not accept an offer confirmed

to be suitable alternative, they may lose any entitlement to redundancy payment if selected/dismissed for redundancy.

### 13. Selection for Redundancy/Appointing to New Structure

- 13.1 The Designated appointed person/s normally the Headteacher/SLT **will apply the criteria/carry out the selection process** and will be responsible for communicating appropriately the outcome i.e., which staff have been selected for redundancy/slotted into suitable positions or who is appointed to the new structure.
- 13.2 Employees will be notified in writing or via a meeting as appropriate of the outcome of the selection process including appointments to new posts/slotting into roles and, if provisionally selected for redundancy, **the reasons for their selection** and proposed dismissal on the grounds of redundancy. Employees who have been notified of a proposed dismissal on the grounds of redundancy must be informed of their right to have a personal hearing with the Decision Makers Panel.

### 14. Personal Hearing and Dismissals

- 14.1 Employees will be required to confirm their intention to have a personal hearing with the Redundancy Panel within 5 working days of receiving written notification and the hearing should normally be convened giving at least five working days' notice [**3<sup>rd</sup> Decision Makers Meeting**].
- 14.2 The purpose of this meeting is for the Head Teacher to explain the reasons for the employee's selection and for the employee to ask any questions relating to this. The employee may make representations in relation to any of the following:
- redundancy proposals
  - provisional redundancy decisions
  - the offer of a post which the employee deems to be an unsuitable alternative to redundancy.
- 14.3 However, it should be noted that the personal hearing is not an opportunity for the employee to add to information already provided during the selection process or to comment on the performance of other employees in the pool.
- 14.4 For LA Schools, a WCC representative, has an entitlement to attend for the purposes of giving advice where dismissal may be a possibility. The Local Authority must receive reasonable notice of this meeting.
- 14.5 Any documentation that either party wishes to present at the meeting should be issued not less than 3 working days in advance.
- 14.6 The Decision Makers Panel may adjourn the personal hearing should the employee present information requiring further investigation.
- 14.7 Employees have a right to be represented by a trade union representative or a work colleague at this meeting.
- 14.8 The Decision Makers Panel shall either confirm the original selection or return to the previous stage of the process to select another member of staff for compulsory redundancy.
- 14.9 The decision of the Panel will be confirmed in writing to the employee within 5 working days.

#### 14.10 Notice Period

14.10.1 The dates teaching staff can be issued with notice are outlined in the conditions of service for School Teachers in England and Wales, the 'Burgundy Book', and in order for the dismissal to be effective the deadline dates must be met. A contract may be terminated on three fixed dates only in the year as tabulated:

End Date	Length of Notice
Summer Term (31 <sup>st</sup> August)	3 months' notice given by 31 <sup>st</sup> May
Autumn Term (31 <sup>st</sup> December)	2 months' notice given by 31 <sup>st</sup> October. <i>plus 1 further week for each additional year beyond 8 years' service</i>
Spring Term (30 <sup>th</sup> April)	2 months' notice given by 28 <sup>th</sup> /29 <sup>th</sup> February. <ul style="list-style-type: none"><li><i>plus 1 further week for each additional year beyond 8 years' service</i></li></ul>
	12 weeks in total for 12 years' service and over

14.10.2 In the case of a Head Teacher, the notice period will usually be 3 months and 4 months to terminate employment at the end of Summer Term.

14.10.3 Non-teaching staff must be issued either their contractual or statutory notice entitlement, whichever is the greater amount up to a maximum entitlement of 12 weeks' notice depending on their length of service.

### 15.Appeals

15.1 An employee may appeal against the decision to terminate their employment by reason of redundancy. Appeals must be made in writing to the Chair of the Decision Makers Panel within 10 working days following formal notification clearly stating the grounds of their appeal.

15.2 The appeal will be considered by the Appeals Committee of the Governing Body/Trustees normally within 10 working days of receiving the appeal notification. The Appeals Committee will have delegated responsibility for hearing appeals from staff against the decisions of the Redundancy Panel and will have had no prior involvement in any selection decision taken by that Panel.

15.3 The decision of the Committee will be notified to the employee within 5 days of the hearing.

## **16.Redeployment and Pay Protection/Salary Safeguarding**

- 16.1 The School will take all reasonable steps to ensure the continuing employment of staff who are subject to notice of redundancy, by seeking alternative job opportunities within the School
- 16.2 If an 'at risk' Teacher secures an alternative post, salary safeguarding arrangements apply and these will be in accordance with the School Teachers' Pay and Conditions Document.
- 16.3 For all other School/MAT based staff if an 'at risk' employee is redeployed to a lower graded post, they will receive pay protection for a maximum of 3 years. In this instance, salary protection is subject to a maximum value of 10% of the employee's basic salary in their current post. The employee's basic salary is normally frozen at the current cash level for the shorter of three years or the point at which the rate applicable in the new post exceeds the frozen rate. However, where the employee would be working fewer hours in the new post than in the current post, salary protection would be based on the reduced hours i.e., where hours are reduced from 37 to 30, salary protection will be based on the 30-hour point in the current and new post grade. Salary protection only applies if there's a reduction to gross salary so, if increased hours in a lower graded post result in the same of higher gross salary, salary protection would not be offered.
- 16.4 Time off to look for other work and training.
  - 16.4.1 At risk employees are entitled to reasonable time off work during working hours to attend interviews with a prospective employer and to look for new employment (i.e., attendance at job centres or employment agencies) or to make arrangements for training for future employment.
  - 16.4.2 In such circumstances, at risk employees must seek approval from the Head Teacher and to produce supporting evidence where possible. Each request will be considered in terms of its reasonableness, purpose and the amount of time being requested.

## **APPENDIX A – - Model Procedure for Hearing – Potential Redundancy Dismissal**

**Present:** 'Decision Maker/s' with delegated authority under the School Governance (Procedures) (England) Regulations 2009 and any amending regulations  
HR adviser acting on behalf of the Local Authority – advising 'Decision Maker/s'  
Headteacher (where not 'Decision Maker') and HR adviser (when appropriate)  
Employee  
Employee's colleague or trade union representative  
Clerk to take notes

1. Chair will introduce those present.
2. HR adviser acting on behalf of the Local Authority will describe the purpose of the meeting.
3. The Headteacher will describe the reasons for the proposals that an employee cease to be employed by reason of redundancy and the reasons for the particular criteria for selection.
4. The employee and / or colleague / trade union representative, followed by 'Decision Maker/s', may ask questions of the Headteacher.
5. The employee and / or colleague / trade union representative will make their representations.
6. 'Decision Maker/s' will ask questions of the employee and / or colleague / trade union representative.
7. The Headteacher may make a concluding statement.
8. The employee and / or colleague / trade union representative may make a concluding statement.
9. Interested parties (all apart from 'Decision Maker/s' and LA Officer) will withdraw while the 'Decision Maker/s' consider the representations.
10. The 'Decision Maker/s' will consider the matter and will inform the employee concerned orally of their determination and confirm it, in writing, within 5 working days.

It is the responsibility of the Clerk to ensure that a Minute of the hearing is kept. This should note the date and time of the meeting, those present and the decision.

## **APPENDIX B Model Procedure for Appeal Hearing – Redundancy Dismissal**

**Present:** Dismissal Appeal Panel: with delegated authority under the School Governance (Procedures) (England) Regulations 2009 and any amending regulations.  
HR adviser acting on behalf of the Local Authority – advising Panel  
Headteacher and HR adviser (when appropriate)  
Employee  
Employee's colleague or trade union representative  
Clerk to take notes

1. Chair will introduce the members of the Panel, the employee and representative.
2. Chair will describe the purpose and function of the meeting and will read or circulate a copy of the original determination.
3. Those present may seek any clarification about the original determination.
4. The Headteacher will describe the reasons for the original proposals that an employee cease to be employed by reason of redundancy including the reasons for the selection of the particular employee concerned.
5. The employee and / or colleague / trade union representative will ask questions of the Headteacher.
6. The members of the Panel will ask questions of the Headteacher.
7. The employee and / or colleague / trade union representative will make their appeal against the determination.
8. The Headteacher and / or adviser will ask questions of the employee and / or colleague / trade union representative.
9. The members of the Panel will ask questions of the employee and / or colleague / trade union representative.
10. The Headteacher will make a concluding statement introducing no new material.
11. The employee and / or colleague / trade union representative will make a concluding statement introducing no new material.
12. Interested parties (all apart from Panel and HR adviser to the panel) will withdraw while the Panel considers the appeal.
13. The Panel will recall the interested parties and announce their decision in person, (although if the Panel considers discussions may be protracted the interested parties may be released and informed later/in writing). The decision will be confirmed in writing to the interested parties within 5 working days of the decision being reached.
14. A copy of the decision will also be sent to School Employee Services either for information or

for action.

## **APPENDIX C – Voluntary Redundancies**

### **1. Voluntary Redundancies**

There will be occasions where the need to pursue the formal procedure is removed by appropriate individuals indicating their willingness to be declared redundant (referred to as voluntary redundancies).

### **2. Managing Volunteers**

- It is quite common for a member of staff to volunteer to be made redundant. This is particularly so if early release of pension can be secured. However, it should be noted that the availability of a volunteer must be properly justified by the availability of a proper evidence base. A member of staff will only be entitled to receive a redundancy payment if there is a genuine redundancy. If there is a suitable volunteer it could be possible to allow this volunteer, who is not at risk, to receive a redundancy payment or release of pension, thereby creating a vacancy to be filled by an employee at risk.
- The accelerated procedure can commence at any stage during the full procedure once an acceptable volunteer has emerged.
- Employees will be informed about the opportunity to volunteer as part of the consultation process. Timeframes to apply will be made clear.
- Employees considering volunteering should be advised to seek financial advice and understand pension implications and obtain estimates.
- Redundancy estimates and where applicable pension estimates can be obtained through HR Consultancy.
- Applications will be treated confidentially and considered on a case-by-case basis. The school is under no obligation to accept a volunteer, although where possible it will be preferable to making compulsory redundancies. The school will provide objective business reasons to support or refuse a voluntary redundancy application including:
  - Current and future workforce needs within the school/MAT
  - Retaining specific skills and expertise required to deliver business priorities within the school/MAT
  - The cost of redundancy and whether costs can be recovered within a reasonable period
- Should circumstances change which subsequently reduce the need for redundancies, the notice of redundancy may be withdrawn. Any affected staff and trade unions will be notified at the earliest opportunity.
- Employees who have accepted voluntary redundancy will not be eligible for any suitable alternative employment opportunities.

- If sufficient volunteers come forward to remove the need for further redundancies, the redundancy process can be ended at any stage.
- For Maintained schools: Volunteers must also be considered under the Central Funding Support Scheme if central funds are to be provided to make the redundancy payment. It is important to note that redundancy payments in voluntary cases will only be centrally funded if agreed by the LA under the Central Funding Support Scheme. Agreement to accept volunteers for redundancy could be revoked if the situation changes and no or fewer redundancies are required.
- In the case of voluntary redundancies, the governing body may delegate dismissal authority to the Headteacher and by adopting this procedure agree to do this.

### **3. Accelerated Procedure**

Where an employee volunteers for redundancy which is approved the following shortened procedure may be followed:

1. Employee volunteers after consulting their union if appropriate.
2. Headteacher believes that voluntary redundancy will aid the school and makes application under Central Funding Support Scheme where applicable. (Appendix D)
3. Headteacher confirms position is acceptable with Chair of Governors or other nominated Governor/Decision-Maker.
4. Headteacher checks with the employee that they still wish to go ahead with the voluntary redundancy.
5. Headteacher writes to employee 'offering' voluntary redundancy and offers them the opportunity to attend a formal dismissal meeting or make representations in writing.
6. Employee responds in writing.
7. If required, a Dismissal meeting is held before the Headteacher. The appropriate notice should be issued for this meeting, i.e. 5 working days. (Letter) The 'volunteer' may choose not to make any form of representation and confirm a meeting is not necessary.
8. Headteacher issues Formal Notice of redundancy on behalf of Governors.
9. Employee can provide counter notice and request to leave earlier if they wish. It is for the school to determine whether that is acceptable and can be accommodated.
10. Head informs the Local Authority of the decision for Maintained Schools).

## APPENDIX D - Redundancy Procedure Flowchart

