



The John Fisher School Redundancy Policy and Procedure

Responsible: Governors' Resources Committee
Next Review Date: October 2021

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1. INTRODUCTION

- 1.1 The Governing Body is committed to ensure that, so far as possible, the security of employment for its employees is maintained by careful planning.
- 1.2 It is recognised however, that there will be occasions when the changing needs of the school will necessitate staffing reductions e.g. reduction in pupil numbers, unexpected cuts in funding, change in curriculum needs.
- 1.3 Where this occurs, the Governing Body is committed to minimising the effect of redundancies through the provision of the measures set out in the following policy and procedure. This policy framework should be applied in conjunction with the wider redundancy toolkit for schools and the Redeployment Policy where appropriate.
- 1.4 The Governing Body will ensure that the redundancy process is handled in a fair, objective and sympathetic manner, consistent with ensuring that any hardship that may be suffered by the employees concerned is minimised as far as possible, but that the best outcome is also secured for the school in terms of the promotion of high standards.

2. SCOPE

- 2.1 This policy and procedure apply in full to all employees (subject to the provisions outlined below), excepting those staff employed on a fixed term contract of less than 12 months' duration and those with less than one year's service.
- 2.2 Where an individual has been appointed to a fixed term contract that was agreed for a specific purpose, without the nature of the role significantly changing or evolving since that time, the model redundancy procedure at **Appendix A** will apply.
- 2.3 The policy has been drawn up by the County Council following consultation with the recognised trade unions and teachers' professional associations and is recommended to all school Governing Bodies for adoption (in the case of school federations, it is recommended to the federation's Governing Body).
- 2.4 This policy and procedure does not apply where the contract of one or more employees is to be transferred in accordance with the provisions of the Transfer of Undertakings (Protection of Employment) Regulations 2006. The Governing Body will need to seek further advice from Human Resources in this regard.
- 2.5 The Local Authority will not accept liability for any actions, claims, losses or expenses arising out of a school's decision not to follow this recommended policy and procedure, where it is found that the school's Governing Body has acted in an unfair or discriminatory manner.**

3. POLICY STATEMENT

- 3.1 The Governing Body will make every effort to avoid and/or mitigate the need for redundancies.
- 3.2 The Governing Body fully supports the principle of full consultation and will ensure that this is carried out from the earliest opportunity and throughout the period of any proposed redundancies, as required by legislation and in terms of employment best practice.
- 3.3 Where compulsory redundancies are unavoidable, the Governing Body will ensure that selection for redundancy is made on the basis of fair, objective and non-discriminatory principles.
- 3.4 The Governing Body will seek to redeploy employees, wherever practicable, whose posts are identified as being at risk or declared redundant, in accordance with the Redeployment Policy.
- 3.5 If circumstances change at any point throughout the redundancy process, the Governing Body will notify the Local Authority, the affected staff and recognised trade unions/professional associations, as soon as is reasonably practicable.

4. GENERAL PRINCIPLES

4.1 Reasons for redundancy

- 4.1.1 Any redundancy is a dismissal in law. The legal definition of redundancy is set out at **Appendix B**.
- 4.1.2 Changes to staffing levels may be made by the Governing Body to meet financial targets, to achieve defined goals by the re-allocation of resources or to meet the curricular or other needs of the school.
- 4.1.3 Where such staffing changes result in a reduction or the elimination of the requirement for work of an employee or a group of employees undertaking the same or similar functions, then a redundancy situation exists within the School.

4.2 Mitigating the need for redundancies

- 4.2.1 The Governing Body will make every effort to avoid and/or mitigate the need for redundancies by careful planning to ensure the efficient deployment of the workforce in line with staffing structures, curriculum needs and the profile of the staff.
- 4.2.2 Planning should be carried out on an ongoing basis with the support of the officers from the LA/Human Resources to explore alternative staffing options to redundancy, at as early a stage as possible.
- 4.2.3 Options may include the following:
- natural wastage;
 - reduction or elimination of overtime for support staff;

- reductions in hours where agreed;
- voluntary job share/part-time working;
- redeployment to an alternative post within the school by agreement.

4.2.4 In circumstances in which a redundancy situation has been declared, the Governing Body will give serious consideration to placing a freeze on recruitment, or restricting the posts that are advertised. There should be no external recruitment to a post that could be reasonably occupied by an 'at risk' employee.

4.2.5 Further discussions on ways of avoiding compulsory redundancies should also take place with staff and their representatives as part of the consultation process.

4.3 Consultation

4.3.1 In all cases of redundancy, there is a legal obligation for full and thorough consultation to take place with relevant recognised trade unions/professional associations and all employees likely to be affected by the proposed measures, not just those who are likely to be dismissed. This also includes employees who may be on maternity leave or absent for medical reasons. The statutory requirements and timescales are set out in full at **Appendix C**.

4.3.2 The Governing Body will ensure that consultation is at an early enough stage to allow discussions as to whether the proposed redundancies are necessary at all.

4.3.3 Consultation should always be with a view of seeking to agree ways of avoiding any dismissals, reducing the numbers of employees to be dismissed and mitigating the consequences of any dismissal.

4.3.4 This therefore includes giving serious consideration on a case by case basis to any applications put forward from affected members of staff for voluntary retirement/redundancy.

4.3.5 Where the trade unions/professional associations make representations on the proposals, having due regard to the relevant statutory consultation timescales, there is a legal duty on the Governing Body to consider these proposals in full and respond accordingly.

4.4 Redeployment

4.4.1 The Governing Body will seek to redeploy employees, wherever practicable, whose posts are identified as being at risk or declared redundant, in accordance with the Redeployment Policy.

4.4.2 There will not be a redeployment search for those employees who volunteer for redundancy. However, a member of staff who has volunteered for redundancy may be redeployed to a post where a resignation causes an internal vacancy that is considered to be suitable alternative employment.

4.4.3 Rights to a redundancy payment could be affected by a refusal to accept any reasonable offer of suitable alternative work. Further information can be found in sections 5.8 and 5.9 of the Redeployment Policy.

4.5 Selection criteria

4.5.1 In circumstances in which compulsory redundancies are unavoidable, the Governing Body will ensure that selection for redundancy is made on the basis of objective, non-discriminatory principles and that the criteria are applied consistently.

4.5.2 The pool for selection and the selection criteria should be clear and understood by managers, employees and employee representatives. Every effort will be made to agree all selection criteria and weightings with the trade unions/professional associations.

4.5.3 The selection of the pool of employees at risk of redundancy should be based on the leadership and management, curriculum and financial needs.

4.5.4 Individuals from within the pool should be considered in terms of an analysis of their qualifications, experience (including particular expertise), skills and performance.

4.5.5 In very exceptional circumstances and only after the agreed criteria has not identified the requisite number of staff to be selected, the principle of LIFO (last in first out) may be considered, but only on the advice of HR so as to avoid any claims of unlawful discrimination.

4.5.6 Selection should be carried out in the light of an assessment of which employees in the pool are best able to make a continuing contribution to the school, as set out in the School Improvement Plan and staffing structure.

4.6 Financial responsibility

4.6.1 Within the scope of the Education Act 2002 (staffing guidance, sections 35 and 36), Governing Bodies have the power to appoint and dismiss staff. This brings with it a degree of responsibility in respect of staff redundancies, to ensure that a fair and legal process is followed, the most cost-effective solution is reached and that the best outcome is secured for the Governing Body.

4.6.2 Schools must ensure they have the necessary funds to make any redundancy/pension payments. Advice should be sought from LA Finance Officers.

4.7 Other organisational changes

4.7.1 There may be some circumstances when it is not appropriate to follow the full redundancy procedure in the first instance.

4.7.2 In cases of authority led school reorganisations/amalgamations, the Governing Body should follow the 'Procedure for Transfer of Staff' at the outset, although this may be a precursor to initiating the redundancy procedure at a later date.

4.7.3 In school led reorganisations of staffing structures, the Governing Body will adhere to the protocols as established by the Education (Review of Staffing Structure) (England) Regulations 2005. These place a statutory duty on schools to consult on any changes to staffing structures.

4.8 Written notice of dismissal

4.8.1 Support staff will receive the period of notice on full pay as specified in their contract, or notice equating to one week for each completed year of service up to a maximum of 12 weeks, whichever is the greater.

4.8.2 An employee on teachers' conditions of service who is made redundant will be given a minimum of two months' notice and in the summer term three months' notice, terminating at the end of a school term. This excludes headteachers who will be under a minimum of three months' notice and in the summer term four months, terminating at the end of a school term. However, where a teacher has been continuously employed for more than eight years, they will be entitled to receive additional notice, as specified in the Employment Rights Act 1996.

4.8.3 Under exceptional circumstances, pay in lieu of notice will be given where there is good reason for the employee not to work the notice period.

4.8.4 Notice of dismissal will be given in writing. The LA will issue dismissal notices for Community and Voluntary Controlled schools and the Governing Body in respect of Voluntary Aided, Foundation schools and Academies.

4.8.5 Employees under notice of dismissal may ask the Governing Body to allow them to leave their job early, before the expiry of their notice period. If agreed, the date of dismissal will be the date of expiry of the counter notice and not the date of the original notice from the school.

4.8.6 During the notice period, employees will be allowed reasonable paid time off during working hours to look for work, attend interviews or to arrange training.

4.8.7 Efforts to redeploy employees will also be undertaken for the duration of the notice period, where appropriate, in accordance with the Redeployment Policy.

4.9 Statutory Redundancy/compensation payments

4.9.1 To qualify for a statutory redundancy payment, employees must have two years' continuous Local Government service at the expiry of their notice period.

4.9.2 In calculating continuous Local Government Service, account will be taken of the Redundancy Payments (Continuity of Employment in Local Government) (Modification) Order 1999, as amended.

4.9.3 Redundancy payments will be paid in accordance with the statutory provision as follows, up to a maximum of 20 years service:

Up to aged 21 years	0.5 weeks' pay for each completed year of service
Aged 22 to 50 years	1 weeks' pay for each completed year of service
Aged 51 years upwards	1.5 weeks' pay for each completed year of service

4.9.4 The calculation of and entitlement to any redundancy/compensation payment will be made on the basis of an employee's actual weekly pay.

4.9.5 Where a member of staff is offered another job with an alternative associated employer (as covered by the Redundancy Payments Modification Order) before the termination of their employment and the job commences within 4 weeks of the date of dismissal, they will lose their right to a redundancy payment.

Compensation payments for Support Staff

4.9.6 The school/County Council has the discretion to pay an enhanced severance payment to all eligible employees under the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations 2006.

4.9.7 With effect from 1 April 2011, all redundancy compensation payments for staff employed under the Green Book terms and conditions of service will be calculated by applying a multiplier of 1.75 to the statutory minimum entitlements as set out at 4.9.3. So, for example, if an employee was entitled to ten weeks redundancy pay using the statutory formula, they would actually receive 17.5 weeks pay (1.75 x 10 weeks), at their actual weekly rate.

Compensation payments for Teaching Staff

4.9.8 The school/County Council has the discretion to pay an enhanced severance payment to all eligible employees under the Teachers (Compensation for Redundancy and Premature Retirement) (Amendment) Regulations 2006, except where teachers in the Teachers Pensions Scheme, aged 55 up to normal retirement age, opt for a redundancy payment with a multiplier applied.

4.9.9 Most redundancy compensation payments for teachers will be calculated by applying a multiplier of 1.75 to the statutory minimum entitlements as set out at 4.9.3. So, for example, if an employee was entitled to ten weeks redundancy pay using the statutory formula, they would actually receive 17.5 weeks pay (1.75 x 10 weeks), at their actual weekly rate. The exception to this is teachers in the Teacher Pension Scheme, aged between 55 up to normal retirement age, who have the option of choosing an actuarially abated pension with a redundancy payment with the multiplier applied, or an unreduced pension with a redundancy payment without the multiplier applied.

4.10 Appeal process

4.10.1 An appeal can only be based on the grounds that selection for redundancy is unfair, the reason for dismissal is not redundancy or that an alternative post offered in accordance with the Redeployment Policy is unsuitable.

4.10.2 There is no right of appeal in respect of the reason for declaring redundancies or requesting redeployment, or a decision not to redeploy a potentially redundant employee. Staff who are aggrieved in respect of these matters are entitled to lodge a grievance in accordance with the School's Grievance Procedure.

4.11 Timescales

4.11.1 Indicative timescales for the redundancy process are set out at **appendix 2 in the redundancy toolkit**. This is to ensure that the redundancy process is handled in the most consistent and fair manner possible, whilst at the same time ensuring that statutory dismissal notices are issued within the required timescales.

5. ONGOING WORK WITH SCHOOLS

5.1 At the earliest opportunity possible, and where it is considered that changes to staffing levels/composition may be needed within the school to meet specific targets in the future, the Governing Body/Headteacher will work closely with LA officers (LSI, Finance and HR), to explore all possible options (see 4.2.2).

5.2 Where, following discussions with the relevant advisers, the Headteacher still considers that there is no other alternative but to reduce staffing levels, a scoping discussion will be held between the Headteacher and an HR Officer, to map out the redundancy process and timescales involved.

6. REDUNDANCY PROCEDURE

Informal Communication and Consultation

Wherever possible, the Governing Body/Headteacher will informally give notification to the trade unions/professional associations that reductions in staffing may be likely, as well as convene an informal meeting with potentially affected staff to alert them to the situation.

Preparation

Prior to the Governing Body meeting (Step 1 below) the Headteacher should prepare the background information and relevant documents. See template report, Appendix A.

Equality Impact Assessment

An Equality Impact Assessment should be completed by the Headteacher in respect of the proposed redundancy situation. The EqIA assessment form should be included with the Report (Appendix A) at the start of the process, if available. The EqIA should continue to be developed throughout the consultation process in response to the feedback from staff and trade unions and completed by the end of the consultation process.

6.1 Step one - meeting of the school's Governing Body and appropriate advisors

- 6.1.1 A meeting of the school's Governing Body should be convened. The school's HR Officer should be given prior notice of the meeting and be invited to attend, along with other LA officers as involved in earlier discussions (see 5.1 above). Their role will be to provide professional input around the school's curriculum needs and the current and future financial situation.
- 6.1.2 Based on the evidence presented, and after considering appropriate advice, the Governing Body will decide whether or not to invoke the redundancy procedure.
- 6.1.3 If it is agreed that the procedure is to be followed, the proposed new structure shall be determined, based solely on organisational need and in line with the school improvement plan and curriculum requirements. Due regard will be given to minimising the impact on staff numbers at all times.
- 6.1.4 It would be appropriate for the Headteacher to work on the revised structures in advance of the Governing Body meeting. However, if it is not possible for the Governing Body to determine all the relevant paperwork at the time that the redundancy procedure is invoked, a further meeting could be convened for this purpose.
- 6.1.5 The employee group(s) potentially affected by the proposals shall be identified, including any post(s), which might be excluded for consideration for redundancy. At this stage the Governing Body must not consider the respective merits of individuals, but instead focus on the continuing need for a particular post in the staff structure.
- 6.1.6 The Governing Body will establish the proposed selection criteria and weightings to be used, in line with the principles set out in section 4.5 of this policy. These will be set explicitly in a discrete document for consultation.
- 6.1.7 The timetable for the redundancy process and consultation meetings should be discussed and agreed, taking into account final dates for the issue of dismissal notices.

6.2 Step two – notification of need to reduce staffing establishment

- 6.2.1 Following the meeting outlined in step one of the procedure, the Chair of Governors should send a letter to the recognised trade unions/professional associations that sets out the statutory consultation requirements. The letter should also set out details of the Governing Body's decision, reasons leading to the determination of the need for a reduction in staffing and include the prospective timetable for implementing redundancies (**see appendices 1 and 2 in the redundancy toolkit**).
- 6.2.2 At this stage, depending on the date agreed for the staff consultation meeting and in line with the requisite timescales for notification, the letter inviting staff to a formal consultation meeting should also be sent out (**see appendix 8 in the redundancy toolkit**).

6.3 Step three – consultation meeting with trade unions

- 6.3.1 The Governing Body should provide sufficient information to those with whom it consults to allow full and meaningful consultation to take place in line with the principles set out in section 4.3 and **Appendix C** of the policy.
- 6.3.2 Following the meeting of the Governing Body at which the redundancy procedure was invoked, the recognised trade unions should be invited to a consultation meeting with the Headteacher, Chair of Governors/other relevant Governor(s) (on behalf of the Governing Body) to discuss the proposals. An HR Officer should also be in attendance.
- 6.3.3 If a meeting is deemed necessary by either party, the Headteacher will be responsible for disclosing information such as the school budget position, forecast pupil numbers and the staffing structure, with this information being sent to the trades unions in advance of the meeting (**see appendix 3 in the redundancy toolkit**).
- 6.3.4 Every effort will be made to agree the selection methods to be used, the selection criteria matrix and weighting factors and the skills audit/staff profile form with the trade unions (**see appendices 4, 5, 6, 7, 8 and 9 in the redundancy toolkit**). In circumstances where agreement cannot be reached, the Chair of Governors/other relevant Governor(s) will determine the criteria.

6.4 Step four – consultation meeting with staff

- 6.4.1 Allowing for sufficient timetabled time between the Step 3 meeting with the trade unions, the pool of affected staff should be informed of the situation at a formal consultation meeting convened by the headteacher. The relevant trade unions/professional associations and an HR Officer should also be invited to attend and a copy of the redundancy policy be sent to all staff (**see appendix 8 in the redundancy toolkit**).
- 6.4.2 At this meeting, staff should be provided verbally with the same information already given to the trade unions (section 6.2.1), and reference also made to the skills audit/staff profile form.
- 6.4.3 Discussions during this meeting and throughout the consultation period should focus on ways of mitigating the need for redundancies. Where appropriate, the Headteacher should offer the alternative options outlined in section 4.2.3 to all affected employees as part of the process and following the meeting, confirm these options and timescales for response in writing.
- 6.4.4 During the consultation meeting, the HR Officer should make reference to the process for supporting staff whose posts are placed 'at risk' at the point at which redundancies are declared.

6.5 Step five – ongoing consultation period

- 6.5.1 Following the consultation meeting, the Headteacher should send a confirmatory letter to all staff in the group(s) affected outlining the selection criteria for redundancy (or send this separately as soon as possible if not available at that

time), together with the timetable for the consultation process (**see appendices 2, 4 and 11 in the redundancy toolkit**). The letter should also confirm the deadline by which staff should respond to the voluntary measures proposed, which could include voluntary retirement/redundancy.

NB The consultation period will be 30 days (or 45 days where it is proposed to dismiss as redundant 100 or more employees at one establishment). See appendix C.

- 6.5.2 As soon as possible after the general meeting, and confirmed within the letter, all affected employees should be offered the opportunity to have an individual meeting with the Headteacher to comment on the proposals and ascertain their personal position. The employee has a right to be accompanied at the meeting by trade union representative or work colleague (but not in the capacity of a practising lawyer) (**see appendix 11 in the redundancy toolkit**).
- 6.5.3 The content of any individual discussions should be recorded by the Headteacher, with a copy given to the individual concerned and will, if considered appropriate and necessary, be included in the report to Staffing Committee.
- 6.5.4 The Headteacher should inform all other staff that the redundancy procedure has been put into effect in the staff group(s) selected.

Implementation by voluntary means

- 6.5.5 Once the deadline for receipt of voluntary proposals has passed and in circumstances where the recognised trade unions/professional associations or employees have responded suggesting alternative methods of dealing with the situation, the Governing Body will give these voluntary measures full and proper consideration.
- 6.5.6 A meeting of the Governing Body/other relevant Governors (on behalf of the Governing Body) should be convened to consider the proposals in full, with LA officers as involved in earlier meetings, in attendance throughout.
- 6.5.7 The Governing Body should consider the funding arrangements for potential redundancy/pension payments. A contribution towards the costs may be available in some circumstances from the School's Contingency budget managed by the Local Authority. Advice should be sought from the LA Finance Officers.
- 6.5.8 Where the reduction in staff can be achieved through voluntary means, the Governing Body should notify the Local Authority, the affected staff and recognised trade unions/professional associations without delay (**see appendices 15 and 16 in the redundancy toolkit**).
- 6.5.9 As part of the consideration of requests for voluntary redundancy the Governing Body will need to consider how costs can be met from the schools' delegated budget and staff and trade unions/professional associations informed of the outcome accordingly (**see appendices 14 and 15 in the redundancy toolkit**).

Requests for voluntary redundancy may be turned down if funds are not available.

Response to consultation

- 6.5.10 Throughout the ongoing consultation period the Headteacher (with the support of HR) will be responsible for drafting a response, or arranging a separate meeting with the trade unions/professional associations where necessary, giving full reasons for accepting, modifying or rejecting all the alternatives put forward (including voluntary measures), as determined by the Governing Body in 6.5.5.

Implementation by compulsory means

- 6.5.11 If, towards the end of the consultation period, sufficient reductions have not been achieved through voluntary means and it becomes clear that compulsory redundancies may still be necessary, the relevant staff should be sent a copy of the skills audit/staff profile form, together with a copy of the selection criteria matrix and be asked to complete and return to the headteacher by an agreed date **(see appendices 4, 5, 6, 7, 8, 9 and 12 in the redundancy toolkit)**.

6.6 Step six – Report to the Staffing Committee

- 6.6.1 At the end of the consultation period, should selection for compulsory redundancies still be necessary, the Headteacher should prepare a written report to the Staffing Committee. The report should set out full details of the process, including the initial Governing Body decision, outcome of the consultation process, possibilities for avoiding compulsory redundancies explored (including details of any approved/rejected volunteers) and the proposed redundancy selection criteria to be used **(see appendix 13 in the redundancy toolkit)**.
- 6.6.2 The Headteacher must write to all staff potentially affected no less than 10 working days before the staffing committee meeting, enclosing a copy of the report, advising them of the date of the meeting, their right to representation and the potential outcome. The letter should also be copied to the recognised trade unions/ professional associations **(see appendix 14 in the redundancy toolkit)**.
- 6.6.3 All relevant paperwork, including the completed skills audit/staff profile forms should be made available to members of the Staffing Committee in advance of the meeting.

6.7 Step seven – Meeting of the Staffing Committee

- 6.7.1 The school's HR Officer should be in attendance throughout the entire meeting of the Staffing Committee, along with other LA officers, as involved in earlier discussions, about the financial status and impact on staffing levels and curriculum needs.

6.7.2 The Staffing Committee of the Governing Body will receive the Headteacher's report on the reduction in staffing establishment in the presence of the individuals and their representatives.

6.7.3 All individuals potentially affected by the reductions in staffing will then be entitled to make representations in respect of the proposals either by themselves or by a trade union representative and the Staffing Committee will receive these oral or written representations on a collective or individual basis, as agreed.

6.7.4 Following receipt of collective or individual representations, the Staffing Committee will consider the report and any representations received and may resolve to accept the report un-amended, accept the report amended in the light of representations received, or to reject the report.

Selection for compulsory redundancy

6.7.5 Should the need for compulsory redundancies be accepted as part of the report and the Governors agree that all other options have been fully explored, the Staffing Committee will select the staff to be declared redundant in accordance with the principles set out at 4.5 and the selection criteria and weightings already discussed at 6.3.4.

6.7.6 When appropriate, either prior to or after selection, the Headteacher or the nominated representative will address the meeting to set out the position on funding.

6.7.7 As part of the selection process, the Staffing Committee should use the agreed selection criteria to match the needs of the school against the affected employees. The selection criteria matrix should be used for this purpose and to record any decisions (**see appendix 4 in the redundancy toolkit**).

6.7.8 In making their decisions, the Staffing Committee should consider the operational needs arising from future staffing plans, curriculum, pastoral, organisational and managerial needs and the skills, experience and particular expertise required to deliver these priorities.

Verbal notification of outcome to affected staff

6.7.9 The Staffing Committee members will meet individually with all potentially affected staff directly following the meeting to inform them of the decision and their right of appeal. This verbal decision will then be followed up in writing (**see appendix 17 in the redundancy toolkit**).

6.8 Step eight – authorisation and issue of formal written notice of dismissal

6.8.1 For staff in Community or Voluntary Controlled Schools, the LA will issue notice of dismissal to the staff selected by the Staffing Committee for redundancy in accordance with the relevant notice periods and within 14 days of receipt of the Governing Body's instruction as approved. The Governing Body will be responsible for issuing notices of dismissal for Foundation, Voluntary Aided schools and Academies. (**See appendices 18, 18a, and 18b in the redundancy toolkit**).

6.8.2 The letter will inform staff of their right of appeal against selection for redundancy in accordance with section 4.10 of the redundancy policy. Appeals must be submitted within 10 working days of receipt of the notice of dismissal letter.

6.8.3 In the event that the school has not accepted the advice of the HR officer, a full justification will need to be provided as part of the official notification.

6.8.4 The trade unions/professional associations should also be formally notified of the outcome of the Staffing Committee at this stage (**see appendix 15 in the redundancy toolkit**).

6.9 Step nine– consideration of redeployment

6.9.1 The school (and Local Authority in respect of Community and Voluntary Aided Schools) has a responsibility to support the principles of redeployment and work towards retaining the valuable skills and experience of staff within schools.

6.9.2 The school will ensure that, as part of seeking alternative employment, a review of any current or anticipated vacancies within the school will take place to assess whether there may be any suitable alternative positions available.

6.9.3 For Community and Voluntary Controlled Schools, in accordance with the Redeployment Policy, at the point at which staff are issued with their notice of dismissal, a HR Officer will work closely with the school and the employee to seek suitable alternative employment within other schools.

NB This does not apply to Voluntary Aided Schools, Foundations Schools or Academies where the redeployment search will be within the school only (or within the wider Trust if applicable).

6.9.4 Further information can be found in the School's Redeployment Policy and Procedure.

6.10 Step ten – Meeting of the Appeal Committee

6.10.1 Where an appeal is lodged, the Governing Body should convene a meeting of an ¹Appeals Panel, giving staff 10 working days notice of the date of the meeting. A HR Officer should be in attendance (**see appendix 19 in the redundancy toolkit**).

6.10.2 The Appeal Committee will consider the decision of the Staffing Committee and any supporting paperwork, against the employee's appeal.

6.10.3 The Appeal Committee should hear individual representations from the individual members of staff and their representatives. Any written submissions should be submitted 5 working days before the date of the hearing, for circulation to all parties.

¹ The Appeal Panel will be made up of members of the Governing Body who have not been involved in the Staffing Committee decision at Stage 7 of the redundancy procedure or members who are impartial and where there will be no conflict of interest

- 6.10.4 The Appeal Committee will then consider the representations and may resolve to accept or dismiss the appeal.
- 6.10.5 The decision will be given orally to the member of staff at the conclusion of the meeting and confirmed in writing within 5 working days (**see appendix 20 in the redundancy toolkit**).
- 6.10.6 In circumstances where the appeal is upheld, the Governing Body (Voluntary Aided Schools, Foundation Schools or Academies) or the LA (Community or Voluntary Controlled Schools), if applicable, will make arrangements to retract the notice of dismissal. The Governing Body will need to decide whether to reconvene a meeting of the Staffing Committee under step seven of the procedure, to make further selections for redundancy.
- 6.10.7 The decision of the Appeal Committee will be final.

Appendix A

Redundancy Policy and Procedure Report - Proposed Staffing Reductions

Date

1 Background

<Name of school> is a *primary/middle/secondary school with <number of pupils> aged <enter age from and to>. It also has *Speech and Language Base/pre-school/after school/holiday club/club boarding facilities within the school that caters for <number of children>. There are <number> of staff employed at the school consisting of teaching staff and support staff, working across <number of classes>. Support staff include the following staff groups: *Teaching Assistants, Midday Supervisors, Office/Administrative/Finance, Catering, Caretaking, Cleaning staff.

2 Reasons for Review

The reasons for the proposed reduction in post(s) are:

(Provide full details of the reasons and explain what post(s)/staff groups will be affected and the proposed savings that are expected to be achieved).

3 Pupil Numbers

The current number of pupils on roll are:

(Attach information showing current number of pupils in each year/subject group and relevant future projections).

(Explain any changes in pupil numbers and whether/how they relate to the proposed reduction in posts).

4 Proposed staffing reductions

The post(s) that are proposed to be reduced from the current staffing arrangements are:

Job title	Hours	Grade	Number of posts

(Provide a copy of the current structure and proposed new structure, if applicable).

5 Selection Pool

(Explain who the pool of staff affected by the proposed staffing reductions are and how the pool of staff has been defined).

(If the post(s) affected are single posts explain the reasons why the individual post(s) have been selected).

6 Budget Information

See attached budget information.

(Provide relevant budget information. Indicate any recent changes to the budget and reasons for the need to make budget savings).

7 Impact on workloads

(Explain how the reduction in staff will impact on the current and future workloads of staff, including whether the work is no longer required, what areas of the work will remain, whether the work will be dealt with in a different way).

8 Other options considered/taken

(Explain other options that have been considered and/or taken to address the situation, for example other budget reductions/efficiency savings, reduction in posts due to natural wastage).

9 Timescales

The date of the proposed redundancy(s) will be xxxxxx. The timescales are detailed in the Indicative Timetable, see appendix 2.

Appendix B Definition of redundancy

An employee who is dismissed shall be taken as dismissed for redundancy if it is attributable wholly or mainly to:

- The fact that the employer has ceased, or intends to cease, to carry on the business for the purposes for which the employee was employed, or has ceased, or intends to cease, to carry on that business in the place where the employee was so employed, or
- The fact that the requirement of that 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 he was so employed, has ceased or diminished, or is expected to cease or diminish

(Section 139 (1) Employment Rights Act (ERA 1996))

Appendix C Statutory consultation requirements

The duty to consult about potential redundancies with relevant recognised trade unions or elected employee representatives, where redundancies of a certain size are involved, is set out in s.188 of the Trade Union and Labour Relations (Consolidation) Act 1992 (TULR (C) A).

Employers must consult the recognised trade union/professional associations about employees likely to be affected by the proposed dismissals or by measures taken in connection with those proposed dismissals.

The information given to the trade unions/professional associations must be in writing and provide:

- the reason for the proposals;
- the numbers and descriptions of employees whom it is proposed to dismiss as redundant;
- the total number of employees of that description employed at the establishment;
- the proposed method for selecting employees for redundancy;
- the proposed method of carrying out the dismissal including the period over which the dismissals are to take effect;
- the proposed method of calculating the amount of any redundancy payments.

The statutory timetable for consultation should be regarded as a minimum, and is as follows:

- where it is proposed to dismiss as redundant between 20 and up to 99 employees at one establishment, consultation must begin at least 30 days before the first notice of dismissal is issued;
- where it is proposed to dismiss as redundant 100 or more employees at one establishment, consultation must begin at least 45 days before the first notice of dismissal is issued.

Where it is proposed to dismiss as redundant between 1 and up to 20 posts, there is no statutory time-scale. The School will, however, consult for 30 days before any formal notice of dismissal is issued, taking care to ensure that the majority of the consultation period takes place within term time, wherever possible.

<Insert school name here> will also need to notify the Secretary of State at the Department of Trade and Industry on form HR1 of proposed redundancies involving 20 or more employees at any one establishment in a 45 day period, before any notice of dismissal is issued. A copy of the form should also be given to the recognised Trade Unions.