



**Truro and Penwith
Academy Trust**

Redundancy Procedure Policy

Review Summary

Approved By:	Trust Board
Approval Date:	October 2018
Last Review Date:	October 2018
Next Review Date:	October 2021

REDUNDANCY PROCEDURE

WHOLE SCHOOL REDUNDANCY PROCEDURE.....	4
1 PREAMBLE.....	4
2 PURPOSE.....	5
3 SCOPE.....	5
4 POLICY STATEMENT.....	5
5 PROCEDURE.....	5
6 FINANCIAL MATTERS.....	10
APPENDIX 1.....	12
TRURO & PENWITH ACADEMY TRUST POLICY ON REDUNDANCY CRITERIA.....	12
APPENDIX 2.....	13
FLOWCHART OF REDUNDANCY PROCEDURE.....	13
APPENDIX 3.....	16
LETTER OPENING STAFF CONSULTATION.....	16
WITH REGARD TO POTENTIAL REDUNDANCY.....	16
APPENDIX 4.....	17
LETTER CONFIRMING ACCEPTANCE OF REQUEST FOR VOLUNTARY REDUNDANCY.....	17
APPENDIX 5.....	18
MODEL REDUNDANCY SELECTION CRITERIA.....	18
APPENDIX 6.....	20
LETTER NOTIFYING PROVISIONAL SELECTION FOR COMPULSORY REDUNDANCY.....	20
APPENDIX 7.....	21
LETTER CONFIRMING SELECTION FOR COMPULSORY REDUNDANCY.....	21
APPENDIX 8.....	22
STATUTORY REDUNDANCY PAYMENTS.....	22

APPENDIX 9	23
COMPENSATION UNDER THE EMPLOYMENT RIGHTS ACT 1996	23
APPENDIX 10	25
PROCEDURE TO BE ADOPTED AT REDUNDANCY APPEAL HEARINGS HEARD BY THE STAFF DISMISSAL APPEALS COMMITTEE OF THE LOCAL GOVERNING BODY.....	25

WHOLE SCHOOL REDUNDANCY PROCEDURE

1 PREAMBLE

1.1 This Model Whole School Redundancy Procedure has been approved by the Truro and Penwith Academy Trust (TPAT) Board and is to be used by all Trust schools from time to time. For the purposes of this Procedure, references to 'the School' shall mean a particular Trust school which has proposed to make redundancies at any given time. This policy does not form part of any employee's contract of employment and we may amend it at any time.

1.2 'School days' refers to days on which the school is open to pupils.

1.3 The Employment Rights Act 1996 states that a redundancy arises when employees are dismissed in the following circumstances:

- i Where the employer has ceased or intends to cease to carry on the business for the purposes of which the employee was employed;
- ii Where the employer has ceased, or intends to cease, to carry on the business in the place where the employee was so employed;
- iii Where the requirements of the business for employees to carry out work of a particular kind have ceased or diminished or are expected to cease or diminish;
- iv Where the requirements of the business for employees to carry out work of a particular kind in the place where they were so employed have ceased, or diminished or are expected to cease or diminish.

It is quite possible for the requirements for one kind of employee to be increasing at the same time as those for another are decreasing. If the latter are dismissed for this reason, it will be redundancy.

TPAT's Policy on redundancy criteria applies and is found in Appendix 1.

1.4 The School recognises its obligation to inform and consult with staff and realises the benefits of consulting with recognised employee representatives with regard to potential redundancies where this is appropriate (due to the numbers involved, and in any event where there are 20 or more proposed redundancies at the School). In this respect the school will commence meaningful consultations at the earliest opportunity by providing appropriate information to the relevant parties.

1.5 The procedure will be applied in a non-discriminatory way disregarding factors relating to sex, race, marital status, sexual orientation, gender orientation, age, disability, whether they are in full or part-time employment or responsibility for children or dependents.

1.6 This procedure will be made known to every member of staff and will be contained within the school's recognised handbook of policies and procedures.

1.7 This procedure acknowledges the legal responsibilities of Headteachers and Governing Bodies in relation to the management of potential redundancy situations, as well as promoting best practice in staff management.

1.8 This procedure should be read in conjunction with the appropriate section of the Academies Financial

Handbook to ensure compliance with regard to any payments made under this procedure.

2 PURPOSE

- 2.1 Whilst the Trust recognises that it has a responsibility to safeguard wherever possible the job security and prospects of its employees, it must have a procedure which enables it to cope with changed needs and priorities.
- 2.2 This procedure is intended to establish a process which provides for the fair and consistent treatment of staff in the event of a redundancy situation arising.
- 2.3 It sets out the responsibilities of the School in a redundancy situation.

3 SCOPE

- 3.1 This procedure applies to all staff employed at the School.

4 POLICY STATEMENT

- 4.1 This procedure establishes the means by which the School should manage potential redundancy situations. In general the School will wish to manage its resources in a manner designed to alleviate any risk of compulsory redundancy through effective forward planning. However, where circumstances are such that a redundancy situation is unavoidable, wherever possible compulsory redundancies will be avoided and the School will implement relevant, appropriate and practicable measures to try and minimise the impact on all staff.
- 4.2 Staff (and employee representatives where this is appropriate, and in any event where there are 20 or more proposed redundancies at the School) will be consulted when there is a potential redundancy situation and will be provided with relevant information. This procedure provides the right for any member of staff potentially redundant to make representations to the appropriate committee of governors and ultimately to make an appeal to the Staff Dismissal Appeals Committee.
- 4.3 The School accepts that any decision taken under this procedure may involve some sensitive matters and it is critical that the School demonstrates appropriate confidentiality in the management of the proceedings without compromising the requirement for full and open consultation. Matters dealt with under this procedure should be discussed formally at the recognised meetings.
- 4.4 Any employee who is facing potential redundancy has the right to be accompanied at all stages of this procedure by a workplace colleague or trade union representative.

5 PROCEDURE

It is acknowledged that the agreed procedure and sequence of events relating to the completion of a redundancy exercise is long and complex. Headteachers and Local Governing Bodies may wish to refer to the flowchart of the redundancy process which is provided in Appendix 2.

5.1 Avoiding Compulsory Redundancy

When facing potential redundancies the Local Governing Body will implement relevant, appropriate and practical measures to try to minimise the impact on staff which may include:-

- i achieving a reduction in the workforce through staff turnover and restrictions in recruitment;
- ii restricting the use of agency services, casual staff, external consultants and volunteers where this work could be undertaken by existing school employees;

- iii reducing overtime;
- iv reducing working hours of staff employed on variable hours contracts as an alternative to redundancy;
- v attempting to redeploy those who are at risk of being made redundant to another TPAT school, subject to the agreement of that school.
- vi retrain employees where employment opportunities elsewhere within the school can be foreseen where practical;
- vii explore the opportunities for voluntary reductions to hours from employees.

In accordance with the Fixed Term Employees' (Prevention of Less Favourable Treatment) Regulations 2002, the employment of staff on fixed term contracts should not be terminated to avoid the redundancy of an employee on a permanent contract of employment. Such actions may amount to discrimination on the basis of the status of the contract. The termination of employment of staff working under fixed term contracts should relate to the agreed purpose of the fixed term contract (e.g.: return of substantive job holder from sickness absence/maternity leave where an employee's fixed term contract is to provide cover for sickness absence/maternity leave).

5.2 Identification of possible need for a redundancy

The Local Governing Body, in consultation with the board of TPAT, is responsible for setting the staffing complement of the school and will decide when a redundancy might be necessary.

In general terms, redundancy situations in schools tend to fall into one of the following two categories:-

- i. reduction in funding
- ii. diminished need for the requirement to carry out work of a particular field.

When consulting with staff it will be helpful to provide detailed financial information in all potential redundancy situations. Where the redundancy relates to a diminished need to carry out work, it will also be helpful to show a clear rationale for the proposals e.g. reference to the development plan, Ofsted action plan, examination results etc.

The proposed redundancy(ies) must be approved by TPAT to ensure compliance with the Academies Financial Handbook before the procedure may be progressed beyond this stage.

5.3 Local Governing Body's ratification of decision to make a redundancy

Once the possible need for a redundancy has been identified the proposal must be endorsed by the Local Governing Body. It will be necessary to have a minimum of two thirds of the Local Governing Body present in making this decision. Staff Governors are allowed to be present as the principle, not the detail, of declaring a redundancy situation should be discussed.

The purpose of the meeting is to fully inform the Local Governing Body of the circumstances which necessitate a decrease in the school's staffing establishment. The information to be shared with the Local Governing Body at this meeting will include:-

- i detailed information of the circumstances relating to the proposal which may include budget forecasts, current and predicted pupil on roll data, proposed changes to the structure of the School;
- ii the number of redundancies and job type/s proposed;
- iii the proposed effective date of the redundancy(ies);

- iv election of a Staff Selection Committee;
- v election of a Staff Selection Appeals Committee.

At the meeting, the Local Governing Body will need to pass a resolution that the school needs to make one or more members of staff redundant. The proposed number of redundancies and job types (where applicable) should also be determined.

5.4 Consultation with staff

At the earliest opportunity a meeting should be held with all staff that may be affected by the proposals. At this meeting staff should be informed:-

- i that a potential redundancy situation exists;
- ii the reasons for this situation;
- iii that volunteers for redundancy are being sought;
- iv that governors/trustees would welcome suggestions regarding alternative measures to avoid compulsory redundancy;
- v redundancy compensation arrangements and how confidential estimates may be obtained; vi timescales.

It will be necessary to write to staff following the meeting to confirm the main points of the meeting and to invite volunteers for redundancy. A copy of the suggested letter is provided in Appendix 4.

5.5 Voluntary Redundancies

The School should seek volunteers for redundancy at the earliest opportunity. This can be undertaken as part of the initial staff consultation exercise.

Employees who may be interested in considering voluntary redundancy will be able to request a confidential redundancy financial estimate from TPAT HR.

Employees must have 2+ years' service to be entitled to a redundancy payment. The amount of the payment is calculated by reference to the period of continuous service (which may include local authority service in accordance with the Redundancy Payments (Continuity of Employment in Local Government) (Modification) Order 1999 (as amended)). Service which has been the subject of a previous redundancy payment will not count for this purpose. The maximum service that may be counted is 20 years. The statutory redundancy chart is shown at Appendix 9.

Should an employee wish to take voluntary redundancy, the request should be confirmed in writing to the school through the Headteacher.

It may be appropriate for the Staff Selection Committee to meet to consider employees' requests for voluntary redundancy. Any decisions for accepting volunteers for redundancy should be based on objective criteria, with due regard to the future needs of the school. Once a request for voluntary redundancy has been approved by the school, this should be confirmed to the employee(s) in writing (see suggested letter in Appendix 5). The School may be required to disclose the criteria used for accepting volunteer(s) for redundancy and the reasons for not selecting a volunteer.

The Local Governing Body retains the right to refuse a request for voluntary redundancy in favour of a compulsory redundancy where such a request would not present a workable option for the School. There is no right to appeal against not being selected for voluntary redundancy.

5.6 Determination of the redundancy selection criteria

Where there is a choice between employees for potential selection for redundancy, case law requires the selection to be fair and objective. Subjective decisions, without objective evidence, have been found to be unfair by Employment Tribunals. In addition, selection decisions taken by only one person are also likely to be deemed unfair.

Once a redundancy resolution has been made by the Local Governing Body, the Staff Selection Committee will need to meet to identify the redundancy selection criteria. The Staff Selection Committee should comprise not less than three members of the Local Governing Body and should not include Staff Governors. Whilst the Headteacher shall not be a member of the Staff Selection Committee, he/she would normally attend the meeting to advise the Committee but would have no voting powers.

As a starting point, it is recommended that the school prepare a “curriculum plan” and conduct, or update, a staff skills audit, in order to produce a clear statement of what the school needs to continue to successfully deliver the curriculum.

It is worth noting that Employment Tribunals look favourably on selection procedures based on a points system that is fair and non-discriminatory.

5.7 Consultation with employees (and employee representatives where appropriate under 4.2)

The purpose of the consultation meeting will be to discuss the following:

- i that a potential redundancy situation exists;
- ii the reasons for this situation;
- iii the anticipated numbers of staff to be made redundant;
- iv the anticipated areas of work from which staff will be affected;
- v the proposed selection criteria;
- vi that volunteers for redundancy are being sought and, where appropriate, the numbers of voluntary and compulsory redundancies anticipated;
- vii that governors would welcome suggestions regarding alternative measures to avoid compulsory redundancy.

The Headteacher and/or Chair of Governors is required to attend the consultation meeting to present the case and answer questions.

5.8 Application of the redundancy selection criteria

Following confirmation of the redundancy selection criteria and consultation, the Staff Dismissal Committee of Governors will meet to apply the agreed selection criteria to provisionally identify the redundant employee(s). In doing so, the Governors will look at relevant information available to them in order to make this decision.

Once the decision is made, the Chair of the Staff Dismissal Committee will make the necessary arrangements to inform the employee(s) provisionally selected of this decision. The Chair of the Committee will write to the employee(s) provisionally selected for compulsory redundancy to notify them of the proposal to terminate their employment on the grounds of redundancy and to invite the employee(s) to attend a meeting with the Staff Dismissal Committee of Governors in respect of the proposed dismissal. A draft letter confirming this provisional decision is provided in

Appendix 7. The employee(s) should be given a minimum of 5 school days' notice of the meeting and should be informed of their right to be accompanied by their trade union representative at the meeting.

The purpose of this meeting is to discuss the reasons for the employee(s) dismissal and to provide an opportunity for the employee(s) to ask questions, raise concerns and make representations against the proposal.

Following the meeting, the Staff Dismissal Committee will make a decision as to whether to confirm the proposal or review the application of the redundancy selection criteria. The outcome of the meeting shall be confirmed to the employee(s) in writing within 5 school days of the meeting of the Staff Dismissal Committee. A draft letter confirming the decision following the meeting is provided in Appendix 8 where the decision is to confirm the proposed compulsory redundancy.

In the event of the Staff Dismissal Committee deciding to confirm the proposed selection for compulsory redundancy, the employee(s) has the right to appeal against their selection for redundancy by writing to the Staff Dismissal Committee (through the Headteacher) setting out their concerns within 15 school days of being notified by the Staff Dismissal Committee of their selection for compulsory redundancy. The matter will be referred to the Staff Dismissal Appeals Committee.

5.9 Appeals against redundancy

Staff appeals against selection for redundancy should be heard by the Staff Dismissal Appeals Committee of Governors. The Committee should comprise not less than three members of the Local Governing Body (unless this is not reasonably practicable in which case the Committee may comprise of two members of the Local Governing Body e.g.: where there are vacancies on the Local Governing Body), who have not served on the original Staff Dismissal Committee. The Headteacher of the school shall not be a member of the Staff Dismissal Appeals Committee, but may be required to attend the meeting and answer questions put by the Committee.

The Staff Dismissal Appeals Committee will consider any appeal made by the employee(s) and/or their representative(s). These representations may be made orally and/or in writing and the employee(s) and their representative(s) have the right to choose whether or not to attend the meeting.

Normally a member of the Staff Dismissal Committee will be invited to attend this meeting to explain how the Staff Dismissal Committee reached its decision in selecting the employee(s) for redundancy. The Headteacher may also be required to attend to answer questions.

The Staff Dismissal Appeals Committee must consider the information presented to it at the meeting and decide whether to uphold the decision of the Staff Dismissal Committee or to overturn it. The decision of the Staff Dismissal Appeals Committee will be confirmed in writing to the employee(s) within 5 school days.

If the outcome is to uphold the decision of the Staff Dismissal Committee, ERT will issue notice to the employee confirming the termination of employment on the grounds of redundancy. If the decision is overturned, the redundancy selection will be referred back to the Staff Dismissal Committee in order for the selection criteria to be reapplied.

See Appendix 14 for the procedure to be followed at an Appeals hearing.

5.10 Dismissal

Once the Staff Selection Committee has confirmed the selection of the employee(s) for redundancy in accordance with the agreed criteria, and the appeals process, where instigated, has resolved to uphold this decision, the School will write to the employee(s) to issue the appropriate notice of termination of employment.

5.11 Support

Governors should give consideration to any support which may be necessary given the circumstances. This may include counselling, pre-retirement courses and assistance in seeking alternative employment.

5.12 Redeployment

If, after a member of staff has been given notice of redundancy, a vacancy in the School has arisen for any reason, that member of staff shall be entitled to express an interest in the vacancy and the School shall consider whether the vacancy may be suitable for the member of staff.

There shall be no obligation on the School to offer the vacancy to the member of staff that has been selected for redundancy, unless the vacancy amounts to suitable alternative employment within the meaning of the Employment Rights Act 1996.

Factors to consider when offering alternative work includes pay, status, location, working environment and hours of work.

The offer must be made for the job to start either immediately after the end of the old job or after an interval of not more than four weeks (otherwise the individual's employment will be deemed to have ended on the grounds of redundancy).

If alternative work is available in the School, employees will be given details to enable them to decide whether to accept or not. Employees who refuse unreasonably an offer of suitable alternative work may lose any entitlement to redundancy pay. Unreasonable refusal may arise when the difference between the new and old jobs is not considered significant or where the employee expresses no interest in either investigating or trying out alternatives.

Any offer of alternative work will be made in writing. It will show how the new employment differs from the old and will be made before the employment under the previous contract ends.

An offer of alternative work will be subject to a trial period of four weeks. An employee, who is offered alternative work and who is under notice of redundancy, has a statutory right to a trial period of four weeks which begins when the previous contract has ended.

If during the trial period the employee decides the alternative work is not suitable and the School is satisfied that the decision is a reasonable one, entitlement to a redundancy payment will not be lost.

Reasonable time off with pay will be allowed to enable employees to look for another post or to arrange training. Employees under notice of redundancy, who qualify for a statutory redundancy payment, have a statutory entitlement to reasonable time off with pay to look for another job or to arrange training. This will be allowed before the notice period expires.

5.13 Notification to Department for Work & Pensions

TPAT, as the employer is required by law to notify the Department for Work and Pensions of the details of staff redundancies where it is proposed that 20 or more employees should be made redundant.

6 FINANCIAL MATTERS

6.1 Funding for redundancy costs

In such circumstances where it is determined that a redundancy is necessary in order for the school to meet its budget, the Headteacher and Local Governing Body are advised to seek further financial advice from the Business Manager and/or TPAT Accountant for the school.

6.2 Redundancy payments

Teachers - Subject to eligibility (employees must have 2+ years' service), all teachers are entitled to the redundancy payment payable as detailed in the Employment Rights Act 1996 using the teachers actual salary to calculate the persons weekly pay for the formula. If the Governors of the specific school decide to enhance the level of payment they must declare this to their staff as an addendum to this policy, any costs subsequently incurred will be the responsibility of that school to meet.

Support staff - Support staff will continue to be entitled to Statutory Redundancy as detailed in the ERA 1996 using actual weekly salary.

Support staff in the Local Government Pension Scheme (LGPS) over the age of 60, subject to eligibility (more than 3 months pensionable service) may be entitled to an immediate pension and lump sum payable by the LGPS;

Support staff who were already members of the LGPS prior to 1 April 2008 are currently able to access their pension benefits from the age of 50 onwards in cases of redundancy. However, the minimum age to receive pension benefits for this group of staff increases to age 55 from 1 April 2010.

Those support staff who became members of the LGPS on or after 1 April 2008 cannot access their pension benefits until the age of 60.

TRURO & PENWITH ACADEMY TRUST POLICY ON REDUNDANCY CRITERIA

In coming to a decision as to whether a post is redundant or not, the CEO of TPAT will need to be satisfied that:-

1 The following statutory redundancy criteria are met:-

Definition

An employee who is dismissed will have been dismissed for redundancy if the dismissal is attributable wholly or mainly to the fact that:

- (a) The employer has ceased, or intends to cease:
 - (i) to carry on the business for the purposes of which the employee was employed by him: or
 - (ii) to carry on the business in the place where the employee was so employed; or
- (b) The requirements of the business for employees:
 - (i) to carry out work of a particular kind; or
 - (ii) to carry out work of a particular kind in the place where the employee was employed;

have ceased or diminished, or are expected to cease or diminish (s 139 (1) and (2) ERA 1996 formerly s 81 (2) EP(C)A 1978).

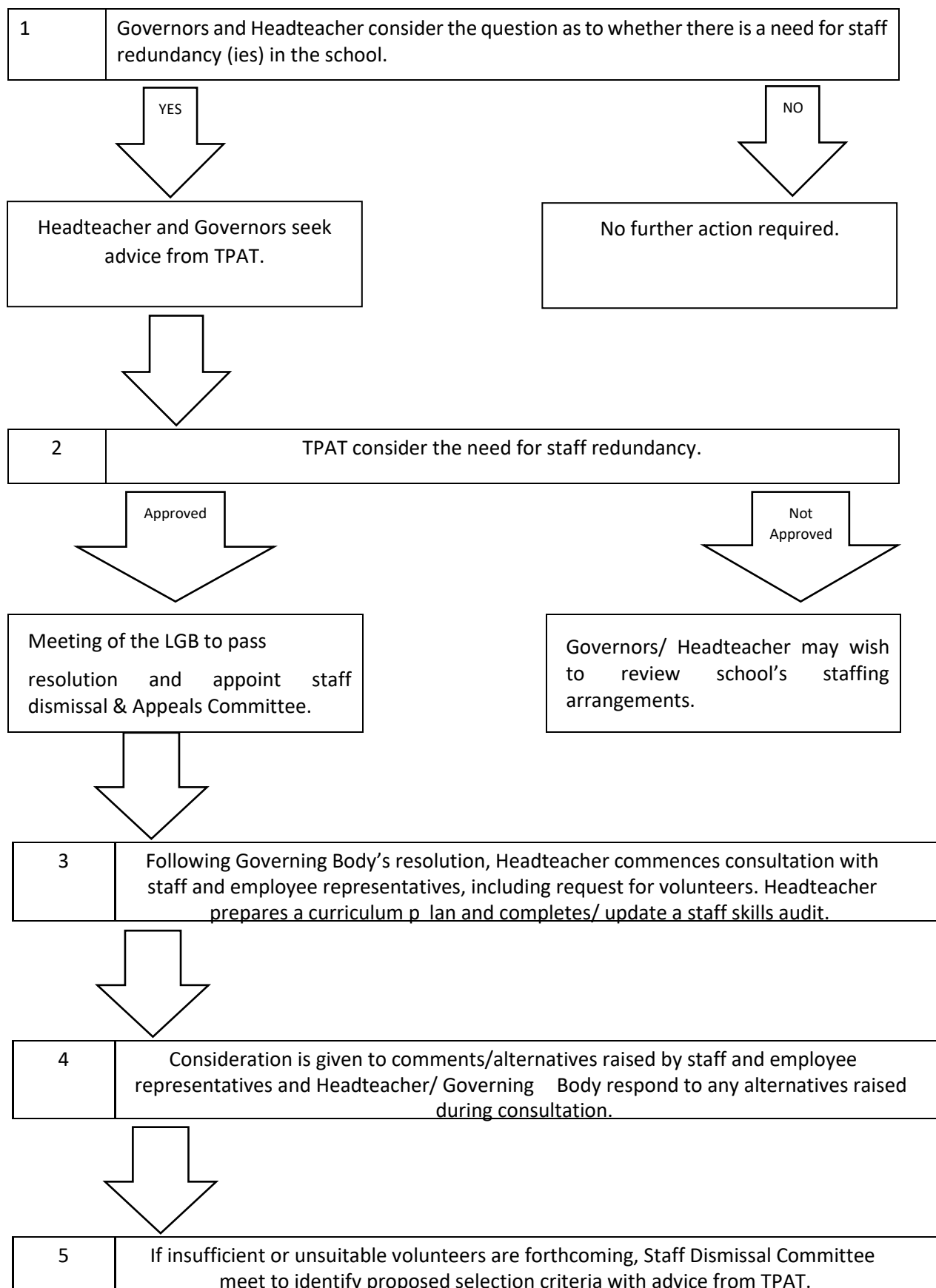
“Cease” means cease either permanently or temporarily and from whatsoever cause, and “diminish” has a corresponding meaning (s 139 (6) ERA 1996).

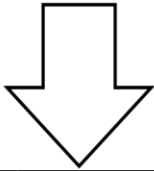
“Business” for these purposes includes a trade or profession, and any activity carried on by a body, whether corporate or unincorporated (s 235 (1) ERA 1996 formerly s 153 (1) EP(C)A 1978).

2 A redundancy situation will arise where the School’s financial budget necessitates a reduction in costs which can only be achieved through a reduction in staffing, and it is not practicable to avoid redundancies:

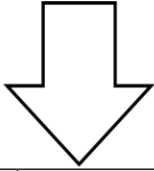
- by terminating the employment of agency staff or temporary staff; or
- by relying on foreseeable staff turnover to achieve the required reductions; or
- by redeployment to other areas of the curriculum, with appropriate support in those cases where redundancies are attributable to a diminished need to employ teachers or teaching staff in particular areas of work.

3 The requirements of the Trust’s Financial Handbook will be strictly adhered to.

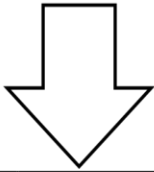
FLOWCHART OF REDUNDANCY PROCEDURE



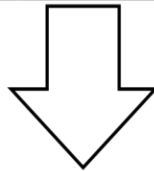
6	If necessary a consultation meeting with employee representatives may be arranged to include details of the reasons for redundancy, proposed numbers and proposed selection criteria.
---	---



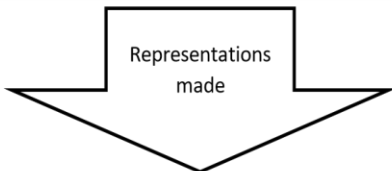
7	Following consultation LGB meet to agree criteria (any employee representative's comments reviewed by Personnel Committee).
---	---



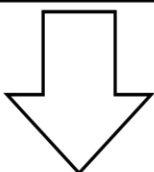
8	Staff Dismissal Committee meet to apply selection criteria and identify redundant employees, where the desired staff establishment is not achieved through volunteers.
---	--



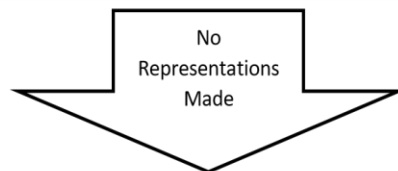
9	Letters despatched to staff provisionally selected for redundancy, including confirmation of right to make representations against provisional selection for compulsory redundancy.
---	---



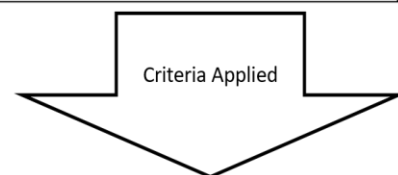
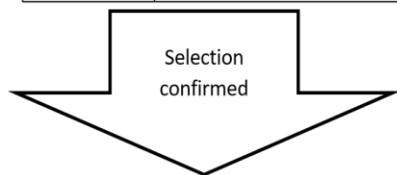
Staff dismissal committee meet to consider representations.

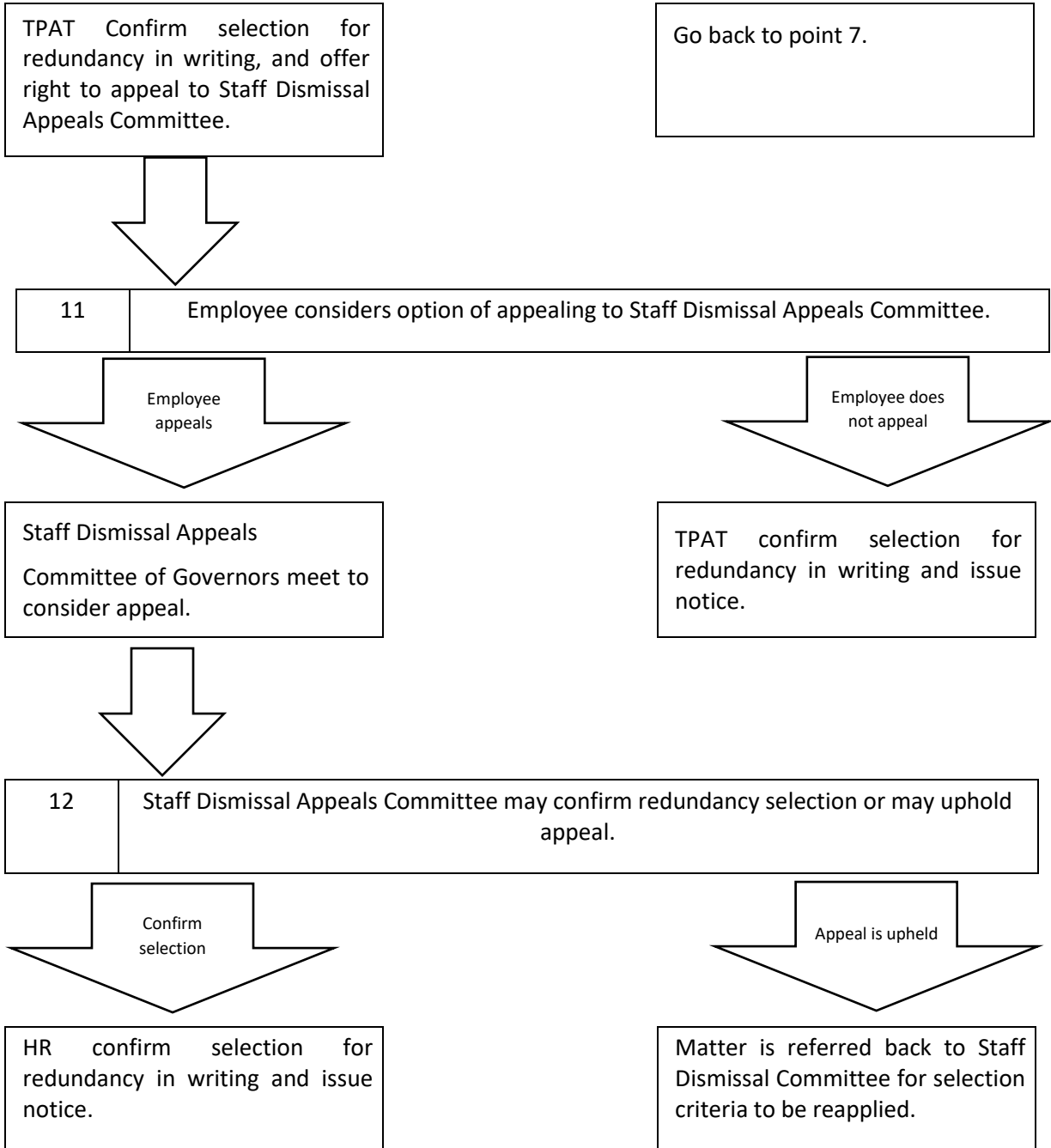


10	Following Staff Dismissal committee's consideration of representations, the Committee may confirm the selection or re-apply selection criteria.
----	---



TPAT confirm selection for redundancy in writing and issue notice.
--





**LETTER OPENING STAFF CONSULTATION
WITH REGARD TO POTENTIAL REDUNDANCY**

PRIVATE & CONFIDENTIAL

Dear

Redundancy Consultation

The Local Governing Body has recently undertaken a review of the school's indicative financial position for the forthcoming year. Subject to confirmation of this budget, it is anticipated that we will need to make a financial saving of approximately £xxxxx this year.

The Governors are currently considering a number of strategies in respect of achieving this saving, including the option of staff redundancies. On this basis, Governors have decided to open consultation with regard to the potential need for redundancies. Every effort will be made to avoid compulsory redundancies in the event of this option being pursued.

I must emphasise that this is only a proposal at this stage and is subject to considering any comments or proposals you and/or your employee representative might make. As such, I invite you to make any comments orally and/or in writing to me.

In order to ascertain the potential savings that may be made, I am also writing to ask if any member of staff is prepared to consider any of the following options:-

- reduction in hours of work;
- part time or job share work;
- volunteer for redundancy

Any expressions of interest of this nature may be made without obligation and will be considered on an individual basis although no guarantees can be made at this point in time.

If you are interested in the possibility of volunteering for redundancy you may request an

“estimate of benefits” confidentially by contacting the TPAT HR team before making the decision as to whether you would wish to formally request consideration for voluntary redundancy.

Should you be interested in pursuing any of these options or if you would like to discuss this matter, please do not hesitate to contact me.

Yours sincerely

Headteacher or Chair of Governors

Copy of this letter to: Chair of Governors

LETTER CONFIRMING ACCEPTANCE OF REQUEST FOR VOLUNTARY REDUNDANCY

PRIVATE & CONFIDENTIAL

Dear

Acceptance of Request for Voluntary Redundancy

Thank you for your letter confirming your wish to volunteer for redundancy.

Following a meeting of the Staff Selection Committee on *[insert date]*, I am pleased to advise that your offer has been provisionally accepted, unless anything were to happen in the meantime to render the redundancy process unnecessary. Assuming this is not the case, we will release a dismissal on the grounds of redundancy letter to you on or around *[insert date]* confirming your cessation of employment on *[insert date]*.

If any such changes were to occur prior to the issue of the above letter I will contact you to discuss this. In the meantime, if you have any queries regarding this matter, please do not hesitate to contact me.

Kind Regards

Headteacher/Chair of Governors

Copies to: Chair Local Governing Body

MODEL REDUNDANCY SELECTION CRITERIA

It is acknowledged that decisions relating to selection of staff for redundancy should be based on fair, objective and non-discriminatory criteria.

It is recognised that selection criteria will vary from school to school as consideration will need to be given to the operational needs of individual schools. However, the model criteria outlined below represents a basis for determining an objective and non-discriminatory criteria.

Request for Volunteers:

- 1 In all circumstances, Governors should seek volunteers from staff within the school. Governors will endeavour to meet the required decrease in staff through voluntary redundancies.
- 2 Where the number of volunteers within the school exceeds the requirement for redundancies, the Governors will select volunteers on the basis of the criteria outlined below so as to ensure the needs of the school continue to be best met.
- 3 In exceptional circumstances, the Governors reserve the right not to approve a request for voluntary redundancy in favour of a compulsory redundancy where selection of the volunteer would lead to the school being unable to deliver the curriculum.

Basis for selection for compulsory redundancy:

- 1 If acceptable volunteers are not forthcoming, Governors may apply the following criteria to determine the selection of staff for redundancy.
- 2 Where there is a recognised requirement to retain certain posts in relation to the necessary staffing structure of the school or delivery of the curriculum (e.g.: Headteacher, Deputy or Assistant Headteacher(s) in some cases), Governors may consider the exclusion of job holders in such positions. In these circumstances, the Governors are required to provide written justification of the exclusion of any members of staff from the application of the selection criteria.
- 3 Governors must cross reference the curriculum plan produced by the Headteacher with the selection criteria; in doing so the needs of the school will be uppermost in the process. Governors should also refer to the staff skills audit in order to be fully aware of the skills held by staff.
- 4 In the application, staff may be assessed against each point of the criteria which governors have weighted by awarding points to reflect the relative importance of each factor. All staff (with the exception of those identified for exclusion from the selection criteria as outlined above) should be assessed against the criteria and a total point score awarded.
- 5 Those members of staff with the lowest point score are selected for redundancy.

An example of selection criteria is as follows; weightings may be applied to the points awarded to reflect the relative importance of each criterion:-

	Criteria	Point Score
A	Experience in the last 5 years (or currently undertaking) in teaching the core curriculum across foundation stage	points
B	Experience in the last 5 years (or currently undertaking) in teaching the core curriculum across KS1	points
C	Experience in the last 5 years (or currently undertaking) in teaching the core curriculum across KS2	points
D	Experience in the last 5 years (or currently undertaking) of whole school management contribution	points
E	Experience in the last 5 years (or currently undertaking) in the management of end of Key Stage Assessment	points
F	Experience in the last 5 years (or currently undertaking) in co-ordinating and managing SEN provision	points
G	Experience in the last 5 years (or currently undertaking) in curriculum management – subject co-ordination/responsibility - points will be allocated in the following way to a maximum of five points:- English Mathematics Science ICT History Geography Design Technology Music PE Art RE	points points points points point point point point point point point point
H	Recent experience in the delivery of non-core subjects	points

Tie-Breaker:

In the event of more than one teacher achieving the same score in the application of the above criteria, the decision may be concluded by using any of the following tie break examples:

- cost of the employees (how much will be saved by the school)
- absence rates (excluding any absences relating to a disability or maternity)
- the scores of A, B, C, D above (or similar combinations of the existing criteria)
- last in first out

LETTER NOTIFYING PROVISIONAL SELECTION FOR COMPULSORY REDUNDANCY

PRIVATE & CONFIDENTIAL

Dear

Notification of Provisional Selection for Redundancy

Further to my letter of (*insert date*), a meeting of the Staff Selection Committee was held on (*insert date*) to select a member(s) of staff for redundancy. The governors of the Committee in attendance at this meeting were (*insert names*).

Therefore, it is with regret that I am writing to inform you that you have been provisionally selected for redundancy. The selection criteria adopted by the Committee which led to your selection for redundancy is:-

(insert details of agreed redundancy selection criteria, for example: 1 volunteers for redundancy have been sought in the first instance; 2 redundancy selection made on the basis of (provide details of selection criteria) or attach as additional document)

You have the right to make representations against this decision. I would therefore like to invite you to attend a meeting with the Staff Selection Committee. The purpose of this meeting is to discuss the reasons for dismissal and to provide an opportunity for you to ask questions, raise concerns and make representations against the proposal. You have the right to be accompanied by your trade union representative or a work place colleague at the meeting.

Please inform me within 5 school days of the receipt of this letter whether or not you wish to make representations against this decision. These may be made orally, in writing or through a trade union representative. A provisional date for the meeting of the Staff Selection Committee has been arranged for (*insert date*). If you decide to make representations I should be grateful if you would advise me who will be acting as your representative. Following this meeting a decision will be made to either confirm your selection for redundancy or withdraw the decision and re-apply the selection criteria. If the decision to select you for redundancy is confirmed, you will have the right to appeal to the Staff Selection Appeals Committee.

I am very sorry that it has been necessary to make this decision and on behalf of the Governors I would like to say that your contribution to the activities of the school to date has been greatly appreciated.

Yours sincerely

Chair of Staff Selection Committee

Copies to: Chair of Local Governing Body

LETTER CONFIRMING SELECTION FOR COMPULSORY REDUNDANCY**PRIVATE & CONFIDENTIAL**

Dear

Confirmation of Selection for Redundancy

Thank you for attending the meeting of the Staff Selection Committee this afternoon and making your representations with the support of your representative. OR I write further to my letter dated (*insert date*) and having received notification from you that you have chosen not to make representations to the Staff Selection Committee who provisionally selected you for redundancy.

if representations made use this paragraph (delete) A second meeting of the Staff Selection Committee took place on *insert date* at which further consideration was given to your provisional selection for redundancy in light of your representations made at this meeting. Having carefully considered the points raised, I regret to inform you that the governors have decided to confirm their decision of selecting you for redundancy with effect from (*insert date*).

OR if representations not made use this paragraph (delete) A second meeting of the Staff Selection Committee took place on *insert date* at which further consideration was given to your provisional selection for redundancy. I regret to inform you that the governors have decided to confirm their decision of selecting you for redundancy with effect from (*insert date*).

You have the right to appeal against this decision within 15 school days of receipt of this letter. Please inform me whether or not you wish to exercise your right to appeal. Should you wish to do so, I would like to invite you to attend a meeting with the Staff Selection Appeals Committee. You have the right to be accompanied by your trade union representative or work place colleague at the meeting. Your appeal may be made orally, in writing or through a trade union representative. A provisional date for this meeting has been arranged for *insert date*.

In accordance with the School redundancy procedure, if your appeal is not upheld or you choose not to appeal, the Governors will issue you with notice of termination of employment on the grounds of redundancy.

Yours sincerely

Chair of Staff Selection Committee

Copies to: Chair of Local Governing Body

STATUTORY REDUNDANCY PAYMENTS

In accordance with s 162 of the Employment Rights Act 1996, an employee with two years' continuous service who is dismissed by reason of redundancy is entitled to compensation by way of a statutory redundancy payment.

For local government employees, and others covered by the Modification Order, continuous service for the purposes of Part XIV of the Employment Rights Act is continuous service with the current employing authority/body, other local authorities, and others covered by the Modification Order.

Redundancy payments are calculated on the basis of an individual's actual weekly pay at the date of dismissal.

In accordance with the statutory limits redundancy payments are calculated as follows:-

- service under the age of 18 does not count, nor does that over the normal retirement age;
- for each year of service between the ages of 18 and 21 the employee receives half a week's pay;
- for each year of service between the ages of 22 and 40 the employee receives one week's pay;
- for each year of service between the ages of 41 and 64, the employee receives one and a half weeks' pay.

There are reductions to be made in the last year of service before retirement for men and women aged between 64 and 65, whereby the redundancy entitlement is reduced by 1/12th for each completed month they have been in employment after their 64th birthday. This means, in effect, that if the person is made redundant very close to their normal retirement age, the amount of compensation they receive will be minimal.

The maximum service which can be taken into account is 20 years, and the greatest amount of redundancy pay which is payable is 30 weeks. Service is counted back from the date of redundancy.

Employees will be subjected to a tax deduction if the redundancy payment exceeds £30,000.

COMPENSATION UNDER THE EMPLOYMENT RIGHTS ACT 1996

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

46	3	4½	6	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½
47	3	4½	6	7½	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
48	3	4½	6	7½	9	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	23½
49	3	4½	6	7½	9	10½	12	13	14	15	16	17	18	19	20	21	22	23	24
50	3	4½	6	7½	9	10½	12	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	23½	24½
51	3	4½	6	7½	9	10½	12	13½	15	16	17	18	19	20	21	22	23	24	25
52	3	4½	6	7½	9	10½	12	13½	15	16½	17½	18½	19½	20½	21½	22½	23½	24½	25½
53	3	4½	6	7½	9	10½	12	13½	15	16½	18	19	20	21	22	23	24	25	26
54	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	20½	21½	22½	23½	24½	25½	26½
55	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22	23	24	25	26	27
56	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	23½	24½	25½	26½	27½
57	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25	26	27	28
58	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	26½	27½	28½
59	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28	29
60	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28½	29½
61* [2]	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28½	30

18* [1] - It is possible that an individual could start to build up continuous service before age 16, but this is likely to be rare, and therefore we have started Table 2 from age 18.

61* [2] – The same figures should be used when calculating the redundancy payment for a person aged 61 and above.

**PROCEDURE TO BE ADOPTED AT REDUNDANCY APPEAL HEARINGS HEARD
BY THE STAFF DISMISSAL APPEALS COMMITTEE OF THE LOCAL GOVERNING BODY**

- 1 The aggrieved employee (or his/her representative) shall put forward the complaint.
- 2 The Chair of the Staff Dismissal Committee /Headteacher shall have the opportunity to ask questions of the aggrieved employee (or his/her representative) and any witnesses called in support.
- 3 The Committee of the Local Governing Body may ask questions of the aggrieved employee (or his/her representative) and witnesses.

Witnesses called by the aggrieved employee shall withdraw after having given evidence.

- 4 The Chair of the Staff Dismissal Committee /Headteacher shall respond, giving the reason for not upholding the staff representations at an earlier stage in the procedure.
- 5 The aggrieved employee (or his/her representative) shall have the opportunity to ask questions of the Chair of the Staff Dismissal Committee / Headteacher and witnesses called in support.
- 6 The Committee of the Local Governing Body may ask questions of the line manager/investigating officer and witnesses.

Witnesses called by the Chair of the Staff Dismissal Committee/ Headteacher shall withdraw.

- 7 The aggrieved employee (or his/her representative) shall have the opportunity to sum up the case, if desired.
- 8 The Chair of the Staff Dismissal Committee /Headteacher shall sum up his/her views on the matter, if desired.

The aggrieved employee, representative and Chair of the Staff Dismissal Committee /Headteacher shall withdraw.

- 9 The Committee of the Local Governing Body and adviser shall deliberate in private, only recalling the Chair of the Staff Dismissal Committee /Headteacher and the aggrieved employee to clear points of uncertainty on evidence already given. If recall is necessary both parties shall return, even if only one party is concerned with the point giving rise to doubt.
- 10 The Committee of the Local Governing Body may announce their decision at the hearing, but will confirm their decision in writing within five school days (one calendar week) of the hearing.

G:\REDUNDANCY\REDUNDANCY PROCEDURE FOR SCHOOLS 2014.DOC