



St Crispin's School Policy

POLICY AND PROCEDURE FOR HANDLING STAFF REDUNDANCIES

Version Number	Date Created	Changes or reason for Update	Date Approved
V1	11/2010	First Issue	Draft
V2	18/3/13	Edited to refer to WBC for standard annexes. Changes to para1.5, 1.11,	21/5/13
V3	11/3/15		14/7/2015

Next Review of this Policy is due March 2017

Note for Staff and Governors: this document is derived from the standard WBC policy; annexes (eg model letters) can be found on the WBC website:

<http://wsh.wokingham.gov.uk/leadership/policies/redundancy-policy/>



POLICY AND PROCEDURE FOR HANDLING STAFF REDUNDANCIES IN SCHOOLS

1. INTRODUCTION

- 1.1 The governing body is responsible for determining the size and nature of the staffing establishment at a school. The personnel needs of a school will vary from time to time and governing bodies have a responsibility for managing this process so as to minimise any adverse effects either through shortages or surpluses of staff. It is recognised that schools regularly make adjustments as a result of slight fluctuations in pupil numbers or as a result of choice of subjects. Sometimes the resulting staffing implications are easily resolved and it may not always be necessary to apply the full procedures outlined here, although the principles of communication and consultation will apply. Your personnel provider will be able to advise on when the full procedure needs to be applied.
- 1.2 The overall needs of the school are paramount when reorganisation or other circumstances necessitate the reduction in the number of people employed at the school. The governing body will however aim to avoid the redundancy of any individual, whether voluntary or compulsory.
- 1.3 Under the Employment Rights Act 1996 the definition of redundancy is when an employee will be dismissed by reason of redundancy if the dismissal is “attributable wholly or mainly to”:
- a) “The fact that the employer has ceased, or intends to cease the business for the purposes of which the employee is or was employed, or has ceased, or intends to cease, to carry on that business in the place where the employee is or was so employed”. For example, the closure of a school.
 - b) “The fact that the requirements of that business for the employees to carry out the work of a particular kind in the place where he/she is or was so employed, have ceased or diminished or are expected to cease or diminish”. For example, the restructuring of a department resulting in the reduction in the number of staff needed to provide the service.
- 1.4 This policy and procedure will apply to all staff, (teaching and support), at risk of redundancy regardless of length of service or type of contract. It should be noted however that redundancy payments will only apply to those employees who have more than 2 years’ continuous service at the date of termination. This service may be



as a result of a number of consecutive fixed term contracts or may result from an employee's earlier, unbroken service with an associated employer.

Where fixed term contracts are due to end at the same time as redundancies are anticipated to take effect, the employees on the fixed term contracts should be treated in exactly the same way as permanent employees. That is they should be offered the same support and consultation and be subject to the same selection criteria. They should also be allowed the same opportunity to appeal a decision to end their contract. The only exception will be where an employee has been given a fixed term contract pending a review of staffing needs and that employee has less than 12 months continuity of employment.

1.5 This policy is not intended to be contractually binding on the LA and may be revised by the LA following consultations with trade unions/staff representatives. Therefore any redundancy action by the school will begin with a check of the latest policies and guidance.

1.6 Early identification of the potential need to reduce staffing numbers is essential and can be achieved through forward planning. Projections of future pupil numbers, curriculum needs and financial resources will assist the head teacher and governing body in this task. Likewise, projections of staff losses through retirement, promotion and resignations will give some indication of the potential mismatch between present and future resources.

It will be important to consider the pool from which redundancies may be needed. For example restructuring may reduce the need for administrative staff and the pool may therefore be all the current administration staff. Or the school may need to reduce the numbers of teachers in a particular department or generally across the whole school. Each situation will need to be considered separately.

1.7 Where a reduction in staffing is required, this policy sets out the LA's recommended procedures to be followed, to ensure the fair treatment of individuals affected by such a situation.

1.8 The head teacher should seek detailed advice from their personnel provider as soon as a potential need to reduce numbers is identified and engage their support throughout this process. The LA representative (who will normally be the schools personnel consultant) will liaise with personnel providers and also assist the head teacher and governing body in the operation of these procedures.



- 1.9 The fair application of these procedures is demanding and will take a significant period of time to complete. An example of a timetable which it would be appropriate to follow if the time scales set out in this procedure are followed is included at Annex 1. This deals with a termination for the commencement of an academic year and is included for illustrative purposes.
- 1.10 Individual members of staff can also seek guidance from the LA about their personal circumstances. All staff at risk of redundancy will be given the opportunity to discuss their own concerns at one to one meetings with a representative from the school's personnel provider or the schools personnel consultant. Employees are entitled to bring their union representative or a colleague to any one-to-one meetings.
- 1.11 Dismissals, including terminations as a result of redundancy, will normally be delegated to the head teacher by the governing body. The head teacher will determine who will be involved in assisting with the communication, consultation and selection processes. The head teacher will usually select governors rather than members of the school's leadership and management team to sit on a redundancy panel. The panel should not be too large; a workable number is unlikely to be more than three. The head teacher may ask the personnel provider also to attend. The head teacher would chair this panel.
- 1.12 There will be a need to establish an appeals committee of at least three governors who have not been involved in any previous action or decision connected with the dismissals. Existing committees of the governing body may be used for this purpose and in deciding appropriate membership governing bodies are reminded that teacher governors are full members of the governing body.
- 1.13 Further information about the dismissal of staff is contained in the School Staffing (England) Regulations 2009.

2. **STAGE 1 - Consultation**

2.1 Consultation with the LA

Where a governing body contemplates that a reduction in staff is necessary and delegates the handling of the process to the head teacher, the head teacher should inform the LA in writing of the situation specifying the numbers involved, the reasons for the reduction and the timescale for effecting the changes. If the reduction relates to teaching staff, information about the curriculum review which has been undertaken to assess future staff needs should also be provided. Individuals should not be identified at this stage. Where redundancies are unavoidable as a result of budgetary pressures,



the LA will review the circumstances with the governing body. The LA will only pay redundancy compensation where it has been agreed with the governing body at this stage. Proposed redundancies that may result from internal staff reorganisation, but are not essential for budgetary reasons, will not normally be funded by the LA.

The head teacher should also speak to their personnel provider and arrange for a meeting to take place so that the provider can offer informed advice at the outset of the process.

2.2 Consultation with Trade Unions

Employers must consult with recognised trade unions or elected employee representatives about employees likely to be affected by redundancy or possible redundancy or methods used in connection with proposed redundancies.

- Where 100 or more employees are to be made redundant over a period of up to 90 days, consultation will begin at least 90 days before the first notice of dismissal due to redundancy is given
- Where between 20 to 99 employees are to be made redundant over a period of up to 90 days, consultation will begin at least 30 days before the first notice of dismissal due to redundancy is given
- Where less than 20 employees are to be made redundant the consultation period will begin at least 30 days before the first notice of dismissal, whenever practicable

Where 20 or more staff are proposed to be made redundant there is a statutory requirement to inform the government – the school's personnel provider will be able to advise further.

The LA strongly advises schools to use the existing industrial relations machinery which is based on trade union representatives for this purpose. Openness in managing the process of staff reductions and the involvement of recognised trade unions may avoid potential difficulties at a later stage. These guidelines have been tested in the employment tribunal and if followed ensure that any dismissal will be fair.

- 2.3 Following consultation with the LA and normally not later than 2 weeks after notification under 2.1 above, similar information will be supplied to the secretaries of the trade unions recognised by Wokingham Borough Council.

2.4 For the purposes of consultation, the head teacher should disclose in writing to the trade unions:



- i) the reasons for the redundancy
- ii) the numbers and descriptions of roles potentially affected
- iii) the total number of employees of any such description employed at the school
- iv) the proposed method of selecting the employees who may be at risk of redundancy; and
- v) the proposed method of carrying out the dismissals including the period over which the dismissals are to take effect
- vi) the method of calculating redundancy payments

2.5 Consultation with Staff

A meeting will be convened by the head teacher of all the staff to directly inform them of the situation (trade union representatives should be invited to attend this meeting). The LA representative is also entitled to be present. This initial meeting is critical to the successful implementation of any staffing changes.

2.6 The meeting should take place at the earliest opportunity and, wherever possible, at least one term in advance of the date upon which any reductions are due to be effected. A letter should be issued in advance of the meeting to all staff within the employee group concerned, setting out the issues to be addressed at the meeting.

2.7 The purpose of the meeting is to inform the staff of the staffing changes, which need to take place and to enable a full exploration to take place of ways to:
avoid the dismissals;
reduce the numbers of employees to be dismissed: and
mitigate the consequences of the dismissals

Such consideration shall include:

- i) natural turnover
- ii) termination of temporary appointments
- iii) voluntary early retirement and or redundancy
- iv) voluntary transfer of staff to other suitable work within the school, with consideration being given to retraining where appropriate.
- v) voluntary transfer of staff to a post elsewhere within the Authority, with consideration being given to retraining where appropriate.
- vi) the availability of salary protection from the LA to aid the transfer of staff to other schools

2.8 One-to-one meetings will be offered to all affected staff in addition to group consultation.



2.9 Voluntary early retirement and or redundancy will only be considered where there is a real likelihood of volunteers being accepted.

Decisions on whether to accept volunteers will be made by the head teacher and panel. It is recommended that advice be sought from the personnel provider and the schools personnel consultant before decisions are made.

3. STAGE 2 - Voluntary Consideration

3.1 Details of individuals willing to consider redeployment to another post or volunteering for early retirement or redundancy will be supplied in writing to the LA's representative to enable estimates of benefit to be supplied to the head teacher for discussion with the individuals. An expression of interest in early retirement or redundancy does not commit either the individual, the school or the LA to agreeing to this course of action.

3.2 The head teacher will supply in writing to the LA details of individuals willing to consider alternative employment. The LA will explore fully all the possibilities that are available including the provision of retraining and the nomination of staff for posts in other schools. It should be noted however that the LA cannot direct another school to accept a redeployed worker. The LA will ensure that the redeployment opportunities are identified across the Borough and made known to employees at risk of redundancy. A register of potentially redundant employees will be held centrally by the LA. Support and training will be offered to potentially redundant employees in CV writing and interview skills.

3.3 All staff who are notified of the termination of their employment must be issued with a redeployment form by the school. The form should be completed and returned to the LA so that the staff can be matched with suitable vacancies.

3.4 Volunteers for alternative employment, early retirement or redundancy do not render themselves more liable than other members of staff for selection under the compulsory procedures set under stage 3.

4. STAGE 3 - Compulsory Decisions

4.1 If the reductions cannot be effected by the means outlined under stage 1 and stage 2 it will be necessary for the head teacher to apply compulsory redundancy procedures to implement the changes.



- 4.2 The head teacher working with the redundancy panel will need to finalise criteria by which it is proposed to select staff for redundancy. A meeting with the trade unions should be arranged to consult upon the selection criteria and other arrangements for managing the redundancies by compulsory means. Reasonable notice must be given of the proposed meetings with the trade unions. The consultations must be conducted with a view to agreement being reached; all parties will need to be aware of the importance of avoiding delays. Any issues raised by the trade unions must be considered and if it is decided not to accept the suggestions, reasons must be given.
- 4.3 When dealing with a redundancy situation it is essential to ensure that all staff who are on long term sick leave or maternity leave are consulted and kept informed. It is automatically unfair to select a woman for redundancy on the grounds of her pregnancy.
- 4.4 The LA must also be consulted over the criteria which the governing body proposes to adopt.
Selection criteria must be fair and objective and should not discriminate against staff on the grounds of gender, race, colour, marital status, national or ethnic origin, nationality, disability, sexuality, age, religion, status or number of hours worked. The list below sets out examples of criteria which have been used in other circumstances. These are not mutually exclusive and with the exception of curriculum needs are not in priority order.
- i) curriculum needs of the school
 - ii) management and organisational needs of the school
 - iii) qualifications
 - iv) experience
 - v) future skills requirement
 - vi) attendance record
 - vii) disciplinary record
- 4.5 At the conclusion of the trade union and employee consultations, the head teacher should apply the criteria decided upon to select for dismissal on redundancy grounds the staff the school no longer requires.
- 4.6 Individual members of staff who are identified as being potentially redundant as a result of the application of the criteria and are, therefore, likely to be dismissed on grounds of redundancy should receive written communication of this and be given the opportunity to meet with the head teacher and any other governors or managers who have been assisting the head teacher (the panel) to make representation, before any dismissal decision is taken. Representations should be made, in writing, within 5 working days of being notified of potential redundancy. The employee is entitled to be



accompanied at this meeting by a trade union representative, employee representative or work colleague.

- 4.7 The LA's representative is also entitled to attend this meeting.
- 4.8 Following the meeting, if it is determined that the dismissal should go ahead, the head teacher will notify the LA in writing of the staff who have been selected for redundancy. Where appropriate the LA will ensure that notice of termination of employment is given in accordance with the contract of employment or the statutory rights of the employee concerned whichever is the longer period. The notice requirements under the terms and conditions of employment for teaching staff should be taken into account by the school in determining the timetable for consideration of these issues.
- 4.9 If an employee on notice of redundancy and before the date of termination is offered employment with another authority (covered by the Modification Order) he or she will lose the entitlement to a redundancy payment. This only applies where the offer is made before the end of the old contract and the employment starts within four weeks of the date of redundancy.

Every effort will be made to seek suitable alternative employment for individuals who have been selected for redundancy. The actions already commenced, paragraph 3.2 will continue throughout the notice period. Where suitable alternative employment is identified and the employee refuses to accept the post, the right to a redundancy payment may be lost. Employees who are redeployed will be subject to a four week trial period where the new contract differs in any way from the old contract e.g terms and conditions. If the alternative employment is found to be unsuitable following the trial, redundancy will take place as before the trial period.

Where a potentially redundant teacher is redeployed to another teaching post within Wokingham Borough, he/she will be entitled to have his/her salary protected in accordance with the School Teachers Pay and Conditions Document. The LA or the school will fund salary protection in accordance with the principles in paragraph 2.1

Where a potentially redundant member of the support staff is redeployed to another post within Wokingham Borough he/she will be entitled to have his/her salary protected as follows:



12 months at 100% of the difference between the employee's old and new salary, with no increments or pay awards, followed by 6 months at 50% of the difference between the employees old and new salary, again with no increments or pay awards.

At the end of this 18 month period the employee will receive the new salary and be placed at the maximum point on this grade.

Salary protection will normally only apply where the employee is selected to a role one grade lower. The LA or the school will fund salary protection in accordance with the principles set out in paragraph 2.1. Receiving schools will be expected to pay any redeployed member of support staff at the top of the lower salary scale.

Teachers and support staff redeployed to a post further from home than the redundant post are entitled to be reimbursed any additional travel expenses incurred for a period of four years from the date of transfer. The extra expense must be at least £3 per week.

- 4.10 An individual who has been selected for redundancy will have the right of appeal to an appeals committee of the governing body on the grounds that the selection criteria have not been correctly applied. There is no right of appeal against the need to reduce staff numbers or the criteria themselves. Appeals must be submitted in writing within 10 working days of the receipt of the termination letter. At the Appeal hearing the employee is entitled to be accompanied by a trade union representative, employee representative, work colleague or some other person of his/her choice.
- 4.11 Any appeal against selection must be submitted in writing to the clerk to the governors after being notified by the head teacher of his/her selection for redundancy. The appeals committee will hear the appeal within 14 calendar days of receiving notice of an appeal. It is anticipated that most appeals will be heard during the notice period and if the appeal is upheld, notice would be withdrawn. Where the appeal takes place after the end of the notice period, the employee will be re-instated if the appeal is upheld.
- 4.12 The LA representative is entitled to attend any meeting of the Appeals Committee.
- 4.13 The need to act promptly and fairly is an important aspect of handling staff reductions. No public announcements should be made of any redundancies until employees and their trade unions have been notified.