



# The Village Federation of Carsington & Hopton and Kirk Ireton Primary Schools



## **REDUNDANCY POLICY AND PROCEDURE**

### **Scope**

This policy applies to all employees of the School. It does not apply to other staff working at the school who are employed directly by Derbyshire County Council or other partner organisations.

### **1. STATEMENT OF INTENT**

- 1.1 It is the policy of this School through careful planning to ensure as far as possible security of employment for its employees. There may, however, be changes in local circumstances, organisational requirements and technological developments which may affect staffing needs. Governors will examine all budget headings and identify a clear rationale for deciding on specific categories of employees. It is one aim of the school in consultation with Trade Unions and Professional Associations to maintain and enhance the efficiency of the school in order to safeguard the current and future employment of the school's employees.
- 1.2 The School in consultation with the Trade Unions and Professional Associations will seek to find ways of avoiding, reducing the numbers and mitigating the consequences of redundancies. This will include provision of sufficient time and effort in finding alternative employment for any employees and through co-operation with the Authority in its attempts to redeploy staff. Where compulsory redundancy is inevitable the school will handle the redundancy in the most fair, reasonable, consistent and sympathetic manner possible.
- 1.3 The Governing Body will direct the Headteacher to inform all employees about potential redundancies at the earliest opportunity and also to explain strategies available to effect any staffing reductions. The Headteacher will also keep staff informed as circumstances change and develop.

### **2. CONSULTATION**

- 2.1 The Governing Body is committed to consulting with relevant Trade Unions' and Professional Associations' as soon as practicable and keeping representatives fully informed about staffing requirements and any possible need for redundancies. The aim is to safeguard the interest of employees while meeting the prime objective of maintaining effective delivery of education to pupils. Consultation will include consideration of ways of awarding redundancies reducing them to a minimum and/or mitigating the consequences of dismissals.
- 2.2 The Governing Body will, at the outset, advise the LA of the staffing requirements of the school and will continue to inform and consult the LA throughout the procedure.

2.3 The consultation with relevant Trade Unions and Professional Associations will begin as soon as possible and in any case will not be less than the period required by legislation, that is at least 30 days where 20 or more redundancies are being considered at the school. Where less than 20 or more redundancies are being considered the Governing Body will endeavour to adopt this timescale as good practice where practicable.

### 3. **MEASURES TO AVOID OR TO MINIMISE REDUNDANCY**

3.1 The Governing Body will consider ways in which it is able to avoid, or reduce the number of redundancies within the constraints of its budget and within the requirements of the curriculum and its obligations to pupils.

3.2 Such approaches would include:

- workforce planning
- natural wastage/planning
- balancing the budget over more than one year
- restricting the recruitment of permanent employees
- reducing the use of temporary contracts
- reduction of overtime
- filling vacancies from among existing employees where practicable
- co-operate as far as practicable in the training, retraining or redeployment of employees for different work
- reducing hours where contracts allow and following appropriate consultation
- consideration of early retirements with actuarially reduced benefits or efficient exercise
- seeking volunteers for voluntary redundancy

3.3 The Governing Body is aware of its responsibilities to offer suitable alternative employment, if available, to employees whose employment is potentially at risk and this procedure will form an important part in exercising this obligation.

3.4 The Governing Body will seek to work with the Authority to assist in redeploying employees identified as surplus for whatever reason and will reciprocate by giving fair consideration to employees offered or nominated to them for redeployment by the Authority or by other schools.

### 4. **SELECTION PROCESS**

4.1 The Governing Body is committed to the use of a fair consistent and non-discriminatory selection procedure.

4.2 The Governing Body will consider the possibilities of virement, voluntary early retirement with actuarially reduced benefits, voluntary redundancy, job-share, non-renewal of temporary contracts where appropriate and voluntary reduction in hours before the question of redundancy is explored and will continue to do so throughout the process.

4.3 At any stage throughout the process an employee is entitled to consult and be represented by a Trade Union, or Professional Association, colleague or friend.

- 4.4 The Governing Body will seek the advice of the Strategic Director, Children and Younger Adults' representative throughout the process.
- 4.5 The Governing Body will consult with relevant Trade Unions and Professional Associations on all potential options, procedure, and selection criteria, recognising that different or changing circumstances may result in the adoption of different strategies.

The Governing Body will identify strategies within its allocated budget to ensure that it is able to meet the National, and the School's, curriculum requirements and the agreed Post Ofsted or School Improvement Plan.

- 4.6 Subject to the constraints of the requirements of the Post Ofsted or School Improvement Plan and the school's curriculum statement all other things being equal the criteria set out in this policy will be applied.

## 5. **PROCEDURE**

### 5.1 **Consultation**

- 5.1.1 The Governing Body recognises its duty to consult both informally and formally at the earliest opportunity with the County Representatives of the recognised Trade Unions and Professional Associations.
- 5.1.2 The Headteacher will inform the LA at the earliest opportunity of the need for staffing reduction, including redeployment, and will keep the LA fully informed throughout in order that the Strategic Director, Children and Younger Adults or representative may exercise the right to be represented at any meeting when dismissal is considered.
- 5.1.3 The Strategic Director, Children and Younger Adults or representative will be asked to advise the Governing Body to ensure that it adheres to the legal requirements for redundancy consultation.
- 5.1.4 Formal consultation does not start until the Governing Body provide a Section 188 Notice (and NR1, if applicable) in writing to County representatives of **all** the recognised Trade Unions and Professional Associations which will include:
- the reasons for the proposals;
  - current and projected budget information;
  - the number and descriptions of employees it is proposing to dismiss as redundant;
  - the rationale for choosing the categories of employees;
  - the total number of employees of any such description employed at the school;
  - the way in which employees will be selected for redundancy;
  - how the dismissals are to be carried out, including procedure, selection criteria and a timetable for the procedure over which the dismissals are to take effect; and
  - the formula for determining redundancy payments;
  - arrangements for reasonable time off with pay to seek alternative work or to make arrangements for training;
  - current and proposed structure charts;

- Equality Impact Assessment to examine the implications of the proposals.

Consultation will cover the above issues and also ways of

- Awarding dismissals
- Reducing the number of employees to be dismissed
- Mitigating the effects of dismissals.

5.1.5 The Headteacher will alert employees to the situation at the earliest opportunity and explain the available strategies to effect the necessary reductions including providing them with access to a copy of the Section 188 Notice. This will normally be done through a staff meeting.

5.1.6 The Governing Body will:-

- i) consider any representations made by the Trade Unions and Professional Associations
- ii) reply to the representations in writing and if rejected give detailed reasons for rejection.

Consultation will take place with the Trade Union(s) appropriate to the employees affected, whether or not any of the employees are Trade Union members. "Employees affected" means employees who are at risk of redundancy and those affected by measures associated with the redundancies eg employees taking on re-allocation work.

Employees on maternity/adoption leave, long term sickness absence, secondment and career breaks will also be formally consulted and appropriate arrangements put in place, eg inviting them to meetings, sending information to home addresses, visiting employees at home or communicating through appropriate representatives.

These requirements also apply when it is proposed to terminate contracts and offer re-engagement in order to implement changes in terms and conditions on which it has not been possible to reach agreement.

The number of informed individual and collective meetings throughout the formal consultation process should be appropriate to the scale and weight of change proposed to ensure that employees and School based Trade Unions are given sufficient opportunities to consider the proposals, ask questions and suggest alternative options. Headteachers should keep a record of dates, time of meetings, details of attendees and notes of the meetings.

The County Secretary (or representative) of Professional Association and Trade Unions should be invited to formal consultation meetings and employees are entitled to be represented by a Trade Union representative or a work colleague at individual meetings.

**Form HR1**

Proposed redundancies of 20 or more employees at one establishment in a 90 day period must be notified to the DTI on Form HR1. A copy of the HR1 should also be given to Regional Trade Union officials or other employee representatives who were consulted, and also be copied to the Local TU branch as good practice.

### **Individual Consultation**

Individuals will also be consulted about impending redundancies at the earliest opportunity; be kept informed as fully as possible, and consulted on ways of avoiding redundancy, selection methods and possible alternative work.

Any employee(s) directly affected, for example if their job is proposed to be deleted, must be advised individually **before** any collective meeting.

- 5.1.7 The Governing Body will, as required by law, notify the Strategic Director, Children and Younger Adults of any teaching vacancy and the associated job specification. The Strategic Director, Children and Younger Adults or representative will have access to such information in identifying any potentially suitable appointments against which to nominate employees for consideration by other Governing Bodies.

### **5.2 Voluntary Redundancy**

- 5.2.0 After discussions with all employees, the Headteacher will proceed to more detailed discussions with the employees likely to be affected. All the possibilities of securing reductions will be examined, including early retirement with actuarially reduced benefits, voluntary redundancy, job share and applications for reduction in hours. The implications of any such offer will be clearly explained to individuals.

- 5.2.1 The Governing Body will co-operate with the Authority in operating a Countywide redeployment procedure.

### **5.3 Selection Procedure**

- 5.3.1 If, after these consultations, insufficient employees wish to volunteer for redundancy or redeployment the Headteacher will report the position to the Governing Body and the Strategic Director, Children and Younger Adults or representative. The Governing Body will delegate its First Committee, consisting of three of its members, to apply its agreed redundancy criteria, identify redundant posts and postholders and hear any written and/or oral representations which will be invited from individuals. The First Committee will be advised by the Headteacher and the Strategic Director, Children and Younger Adults or representative.

This Committee will also be delegated responsibility for considering any voluntary option which may be formally requested after the consultation meeting.

- 5.3.2 The First Committee will meet to identify redundant posts and postholders.

- 5.3.3 The First Committee will, by the next working day, notify in writing the employees identified and the relevant Trade Unions and Professional Associations of their

intention to make their post redundant and the right of the employees to make written and/or oral representation to the First Committee.

The employee(s) will receive at least 5 working days' notice of the meeting and will be informed in writing of the place, date, time and purpose.

- 5.3.4 The First Committee will consider any written and/or oral representations before reaching a decision and will inform in writing all employees concerned and relevant Trade Unions and Professional Associations of their decision by the next working day and, where applicable, the right of appeal.
- 5.3.5 In the event of an appeal against the decision of the First Committee, this must be made in writing to the Clerk of the Governing Body or nominee setting out the grounds of the appeal within 10 working days of the Committee's decision. This appeal will be heard by an appeal committee consisting of the Governing Body, excluding all members of the First Committee and all other Governors involved in the decision or who have declared an interest which might influence the outcome. The Appeal Committee should have more than 3 members. If the Governors identify that there will be insufficient governors available to provide 3 for the First Committee and at least the same number, preferably more for the Appeal Committee then it is possible to elect 2 Governors for the First Committee. This should only be applied in exceptional cases when the number of eligible Governors is severely constrained by issues like declarations of interest or illness.
- 5.3.6 The meeting will be called within 5 working days of receipt of the formal appeal notice, or by mutual agreement as soon as practicable thereafter. The employee will be informed in writing of the place, date, time and purpose of the meeting.
- 5.3.7 The employee will be entitled to attend the Appeal Committee with a Trade Union or Professional Association representative or friend who may present the appeal on behalf of the employee.
- 5.3.8 The Strategic Director, Children and Younger Adults or representative shall be entitled to attend the meeting for the purpose of offering advice to the Appeal Committee (see appendix 5).
- 5.3.9 The Appeal Committee may uphold the appeal or confirm the original decision.
- 5.3.10 An appeal decision by the Appeal Committee will be final.
- 5.3.11 The Appeal Committee will determine the appeal and inform the individual employee, relevant Trade Unions and Professional Associations and LA in writing of its decision by the next working day.

#### **5.4 Notification of Redundancy**

- 5.4.1 The Governing Body will inform the LA in writing of its decision, the reason for the decision, and the date of its implementation.
- 5.4.2 The LA is under a duty, where appropriate, to issue a notice of dismissal within 14 days of being notified by the school of the decision.

- 5.4.3 The Strategic Director, Children and Younger Adults or representative will be asked to make arrangements for individual employees to discuss possible vacancies and measures that are available mitigate the consequences of redundancy.

## REDUNDANCY CRITERIA FOR TEACHERS

### 1. Overriding Considerations

The overriding considerations in the selection procedure are:-

- a) The curriculum, pastoral and management needs of the school in respect of meeting the demands of the National Curriculum and the School Improvement Plan.
- b) In order to meet the above and its statutory requirements, **The Village Federation** has determined the following to be essential posts within its existing staffing structure:-

In addition to the Head, the governors consider the posts of **Senior Teacher** as essential for the management of the school.

***[This protection will normally be used to protect posts on the leadership spine and TLRs within the school's staffing structure. Schools may want to confirm this protection to headteacher and deputy and are advised to discuss the implications of this choice with CAYA HR Advice and Guidance Service.]***

***The Governors will consider whether the reductions in the school's staffing should be identified mainly within the provision of subject teaching or whether there is over capacity in posts of responsibility – either in number or salary weightings.***

***If this is the case the redundancy process may be linked to a staffing structure review.***

***NQTs should not be considered for potential redundancy if the date on which it would take effect would prevent them completing their induction year].***

### 2. Criteria

The governors will consider the following criteria in order to adjust staffing levels.

#### Fixed Term/Temporary Contracts

All fixed term contracts of less than four years' continuous duration, which have a termination date before the day on which any proposed redundancies will take place, should be confirmed as terminating on the end date of the contract, unless required to meet curriculum delivery.

***(Schools will need to check on employee's contract history, as if the fixed term contract was a renewal of a previous fixed term contract, then the period of 4 years may have been exceeded.***

***In all cases it is very important to consult with HR as employees' circumstances and employment history can be complex so determining their rights may require expert analysis).***

## **PRIMARY SECTOR**

The Governing Body will identify a Curriculum, Management and Pastoral Model which determines the number of teachers required to satisfy Key Stage 1 class size requirements, the needs of the Foundation Stage and the needs of the Key Stage 2 curriculum as identified in the Curriculum and Pastoral Model. The governors will then compare the number of teachers required to deliver this curriculum with the number of teachers in each Key Stage.

**Governors will decide which of the following alternatives best suit the organisation of this school.**

**Either:**

**Where teachers regularly change year groups/Key Stages**

- the criteria to determine whether a teacher can teach within a particular Key Stage will be determined by an experience criteria which is having taught in that Key Stage for at least 0.5 of their week for 3 out of the previous 5 years (or pro rata for teachers with less than 5 years service at the school or who are part-time).

If the above fails to establish a pool, the proportions stated above will be reduced until it identifies one or more teachers.

**Or:**

**Where teachers traditionally stay with the same year group/Key Stage**

- the criteria to determine whether a teacher can teach within a particular Key Stage will be determined by an experience criteria which is having taught that Key Stage in the current year.

- (i) When the number of teachers available within a particular Key Stage is less than or equal to the number of teachers required to teach that Key Stage then these teachers will be required as essential to the delivery of the curriculum and removed from the pool of consideration for compulsory redundancy.
- (ii) Where the number of available teachers is greater than the number of teachers required in a particular Key Stage, then these teachers will be potentially at risk and will form the pool of teachers from whom a selection will be made for compulsory redundancy.

### **Model Selection Criteria**

- 1. Teachers who do not have Qualified Teacher Status will be selected.**
- 2. Teachers within the pool identified at risk of compulsory redundancy will be awarded points as follows:**
  - (a) [1] point for each year of service, up to 5 years, in the maintained sector.**
  - (b) [1] point for each Primary Key Stage they [Foundation, KS1 and KS2] taught in the last 5 years.**  
**(‘Teaching’ is defined as taking responsibility for lesson preparation, assessment, recording, contribution to reporting – not as supervision,**

of classes where the children's learning and progression is determined by other colleague(s)).

- (c) [ ] point(s) for formal role in the professional development of other staff (one or more) – (eg coaching or mentoring – in a formalised arrangement including agreed purpose, format and to be evaluated for effectiveness against clear development outcomes).
- (d) [ ] point(s) for specific training/preparation for leading a SIP priority in the coming year. (This might include being part way through an improvement initiative, being trained as the school lead for a strategy, or other investment in the staff member in order that they may implement the key development work).
- (e) [ ] point(s) for the delivery of a discrete area of expertise, which is integral to the educational experience offered by the school and not possessed by all teachers.
- (f) [ ] point(s) for successful SIP project/initiative leadership in last 3 years (will need clear evidence of lead role, successful outcomes as measured by the established criteria).

[Items in square brackets, in particular, will be determined by the Governing Body in relation to the school's context.]

The member of staff with the lowest number of points will be initially identified for redundancy.

#### Applying the Criteria

Following selection of an individual, consideration will then be given to the impact of this decision on the curriculum. If an individual is selected and the consequence of his/her selection is that an area of the curriculum would not be able to be delivered, governors would then move to the next person using the criteria identified above.

#### Tie breaker

#### **EITHER**

If this is not sufficient to enable the Governors to reach a decision, then last in, first out, will apply which will be interpreted as the total cumulative teaching service at the school.

#### **OR**

If this is not sufficient to enable the governors to reach a decision, then last in, first out, will apply which will be interpreted as the total cumulative teaching service with Derbyshire Local Authority.

## REDUNDANCY CRITERIA – SUPPORT STAFF

### 3. Overriding Considerations

The Governors will first consider whether the need to identify staffing reductions should be linked to a review of the staffing structure.

The overriding considerations in the selection procedure are:-

- a) The curriculum, pastoral and management and administrative needs of the school in respect of meeting its statutory responsibilities including the School Improvement Plan.
- b) In order to meet the above and its statutory requirements, **The Village Federation** has determined the following to be essential posts within its existing staffing structure:-
  - **Teaching Assistant posts where the contract is linked to a statemented child.**

### 4. Criteria

The governors will consider the following criteria in order to adjust staffing levels.

#### 4.1 Fixed Term/Temporary Contracts

**All fixed term contracts of less than four years' continuous duration, which have a termination date before the day on which any proposed redundancies will take place, should be confirmed as terminating on the end date of the contract, unless required to meet curriculum delivery. (Schools will need to check employee's contract history, as if the fixed term contract, was a renewal of a previous fixed term contract then the period of 4 years may have been exceeded).**

**In all cases it is very important to consult with HR as employees' circumstances and employment history can be complex so determining their rights may require expert analysis).**

#### Model Selection Criteria

Governors will identify a staffing structure that determines the number of support staff/hours required for the school to meet the requirements of the national curriculum, the School Improvement Plan, the effective management of the school and/or to meet health and safety requirements.

- i. When the number of **staff/hours** available in a particular **post/scale/level** is less than or equal to the **numbers/hours** required by the new structure, then these staff will be required as essential to the delivery of the **curriculum/school improvement plan/effective management/meeting health and safety requirements** of the school and removed from the pool of consideration for compulsory redundancy.

- ii. Where the number of available **staff/hours** in a particular **post/level/scale** is greater than the **number/hours** required by the new structure then these staff will be potentially at risk and will form the pool from whom a selection will be made for compulsory redundancy.

### **Selection Criteria**

In selection of an individual from the available pool to be identified for compulsory redundancy, governors will award points as follows:

- i. **[1] point for each year of service up to 5 years. Service is defined as continuous service in that type of role within the maintained sector (for teaching assistants service as an education care officer will also be used). Only service on a contract of employment will be considered.**
- ii. **[ ] point(s) for a recognised essential qualification for a particular post/establishment.**
- iii. **[ ] point(s) for a formal role in the training/development of other staff (one or more). This will be a defined role, with agreed purpose and method of implementation – that is monitored/overseen/agreed by a senior staff member.**
- iv. **[ ] point(s) for a delivery of a discreet skill/area of expertise which is key to the organisation and is not possessed by all staff in the department/team (schools will need to specify).**
- v. **[ ] point(s) – for school, or role specific, criterion.**
- vi. **[ ] point(s) for attending job related training, in the last 2 years. If there is a tie after the selection criteria have been applied a further criterion will be applied:-  
[ ] point(s) for experience of fulfilling a different role in a school – or other setting providing a service for children.**

[Items in square brackets, in particular, will be determined by the Governing Body in relation to the school's context.]

The employee with the least points will be selected.

**There is a further generic tie breaker detailed below.**

### **Applying the Criteria**

Following selection of an individual, consideration will then be given to the impact of this decision on the curriculum and school management. If an individual is selected and the consequence of his/her selection is that an area of the curriculum and school management would not be able to be delivered, governors would then move to the next person using the criteria identified above.

Tie breaker

**EITHER**

If this is not sufficient to enable the Governors to reach a decision, then last in, first out, will apply which will be interpreted as the total cumulative service on a contract of employment (in whatever role) at the school.

**OR**

If this is not sufficient to enable the governors to reach a decision, then last in, first out, will apply which will be interpreted as the total cumulative service on a contract of employment (in whatever role) with Derbyshire Local Authority.

## REDUNDANCY CRITERIA

### STAFF PROFILE - PRIMARY

The information you provide on this form will be used to determine the teaching staffing reduction within \_\_\_\_\_ School this year. It is, therefore, essential that this form is completed accurately and in full. Failure to return a completed form will mean that the Headteacher will complete one on your behalf. All information provided will be checked and validated by the Headteacher and the teacher. The LA may be asked for advice.

The form relates directly to the Criteria agreed by the Governing Body. Employees who accrue the least number of points as defined in the criteria will be identified as potentially surplus to the school's requirements.

This form must be submitted to the Headteacher by:

**[Time]** \_\_\_\_\_ am/pm on **[Date]** \_\_\_\_\_

Name: \_\_\_\_\_ Post: \_\_\_\_\_

#### **Criteria**

Is your contract Permanent / Fixed Term / Temporary? \_\_\_\_\_

Do you hold qualified teacher status? Yes/No

Please indicate areas covered by initial teacher training

Key Stage 1/Key Stage 2/Foundation

#### **Service in maintained sector**

Only service on a teaching contract of employment of one term or more will be considered as contributing to the cumulative service.

LA	School	From	To	Total Service in years & terms	Agreed by HT	Agreed by LA*
<b>Total</b>	<b>Service</b>					

Please indicate areas taught over the last 5 years

	20010/11	2009/10	2008/9	2007/8	2006/7	Agreed by HT	Agreed by LA*
Key Stage							

Fte**							
Key Stage Fte**							
Key Stage Fte**							

\*\*If employment is in more than one key stage please indicate clearly full-time equivalent for each stage.

**Or**

Please indicate areas taught during the current academic year

	20010/11	HT	LA*
Key Stage Fte**			
Key Stage Fte**			
Key Stage Fte**			

**Formalised Role in Professional Development of Other Staff Member(s)**

Please provide information confirming any formal CPD role you have undertaken with staff within the last 5 years.

Category of Receiving Staff	Dates	Purpose

**Specific Training/Preparation for Leadership/responsibility for SIP Priority**

SIP Priority	Role	Preparation/Work Already Undertaken

**Delivery of Discreet area of Expertise**

Area of Expertise	Role in Delivery	Years/Dates Delivery

**Leadership of SIP Priority**

SIP Priority	Role in Leadership	Successful Outcome (S)

**School Specific**

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Signed: \_\_\_\_\_ Teacher

Signed: \_\_\_\_\_ Headteacher

Signed: \_\_\_\_\_ LA\*

\* Only where the LA has been requested to give advice when there is a difference of opinion that cannot be resolved by the Headteacher and the teacher.

[NAME OF SCHOOL]

## REDUNDANCY CRITERIA

**STAFF PROFILE – NON TEACHING**

The information you provide on this form will be used to determine the staffing reduction within \_\_\_\_\_ School this year. It is, therefore, essential that this form is completed accurately and in full. Failure to return a completed form will mean that the Headteacher will complete one on your behalf. All information provided will be checked and validated by the Headteacher and the employee. The LA may be asked for advice.

The form relates directly to the Criteria agreed by the Governing Body. Employees with the least service as defined in the criteria will be identified as potentially surplus to the school's requirements.

This form must be submitted to the Headteacher by:

**[Time]:** \_\_\_\_\_ am/pm on **[Date]** \_\_\_\_\_

Name: \_\_\_\_\_ Post: \_\_\_\_\_

**Criteria**

Present Post(s)**	Scale/Level	Hours	Permanent/Fixed Term/Temporary	HT	LA*

\*\* If you have more than one post in the pool of staff from whom a selection will be made for compulsory redundancy please use a separate line for each post.

Do not include other posts held – which are not subject to compulsory redundancy procedure.

**Essential Qualifications**

Qualifications	Awarding Body	Date

Previous continuous service in maintained sector

Only service on a contract of employment will be considered as contributing to the continuous service.

Local Authority	Role	School	From	To	Total Service in years and weeks	HT	LA*

**Formalised Coaching/Mentoring Role**

Please provide information confirming any formal CPD role you have undertaken with staff within the last 5 years, to

Category of Receiving Staff	Dates	Purpose

**School Specific**

(to be added by the School – depending on the criteria – or removed).

**Training/CPD**

Training Attended	Dates/Duration	Where Applied

Agreed by Headteacher \_\_\_\_\_

Agreed by Local Authority \_\_\_\_\_

Signed: \_\_\_\_\_ Teacher

Signed: \_\_\_\_\_ Headteacher

Signed: \_\_\_\_\_ LA\*

\* Only where the LA has been requested to give advice when there is a difference of opinion that cannot be resolved by the Headteacher and the teacher.

**LEGISLATIVE TIMETABLE FOR REDUNDANCY PROCEDURE**

		Possible Timescale	
		Working Days	Cumulative Working Days
1	Review Budget Plan	1	1
2	Informal Consultation with Staff and Trade Unions. Discuss voluntary release (VER/VR etc)	1	2
3	Governing Body agree budget, selection criteria, delegate authority to the Staffing Committee to undertake Selection Process, Authorise issue of Section 188 Notice.	5	7
4	Formal consultation with staff, Section 188 Notice issued to Trade Union.	1*	8
5	Complete initial discussions with staff, Personnel Officer and TU's	24*	32
6	Governors' meet to discuss consultation issues. Selection Committee identifies individual(s).	5*	37
7	Individual(s) notified and advised of rights of Representation.	1	38
8	Selection Committee hears and considers Representation.	5	43
9	Individual(s) notified of Decision and right of Appeal.	1	44
10	Last date to receive Appeal.	10	54
11	Agreed Panel hears Appeal.	5	59
12	Individual notified of outcome of Appeal. Last date to notify LA – Dismissal.	1	60
13	Last date for LA to issue Notice	10	70
14	Date of Dismissal.	60	130

\* Minimum of 30 working days when 20 - 99 redundancies are being considered at an establishment.

## **NOTES**

1. For the purpose of this procedure “working days” shall mean Monday to Friday excluding bank holidays and the time begins with the day of receipt but does not include the day of the hearing.
2. Notice periods are subject to length, and conditions, of service. For non-teaching employees notice would not necessarily coincide with the “end of term” dates applicable to teachers.
3. Governing Bodies should begin the procedure at the earliest opportunity to enable the maximum time for resolution.
4. The Strategic Director, Children and Younger Adults or representative will provide advice and guidance where appropriate and the will provide suggested latest dates for each stage in the redundancy procedure each year. These will be “suggested” as by negotiation and mutual agreement with employees, Trade Unions, Professional Associations and the LA it may be possible to vary dates for some actions.
5. It is important that Governing Bodies clearly identify, in the appropriate year’s diary, the specific latest dates for each action which must be met to comply with the requirements of legislation bearing in mind weekends and statutory holidays.
6. In specifying key dates it will also be necessary to manage particular problem periods such as school holiday dates, with reference to the potential availability difficulties of governors and individual employees.
7. Each of these aspects may mean procedures need to start early in the term prior to that in which any redundancy will take effect.

### Appeals Procedure

1. Chair of the Appeals Committee introduces everyone and confirms that it is an appeal hearing.
2. Employee/representative present their appeal.
3. The Appeals Committee ask questions of the employee/representative.
4. The Head/Chair of Selection Committee ask questions of the employee/representative.
5. The Head/Chair of Selection Committee presents their case.
6. The Appeals Committee ask questions of the Head/Chair of Selection Committee.
7. The employee/representative ask questions of the Head/Chair of Selection Committee.
8. The employee(s)/representative(s) sums up their case.
9. The Head/Chair of Selection Committee sums up his/her case.
10. The employee/representative/Head/Chair of Selection Committee all withdraw.

## **Provisions made in Conjunction with Derbyshire County Council**

### **Suitable Alternative Employment**

The School has a statutory duty in redundancy situations to consider whether suitable alternative employment exists, and if it does, offer such employment subject to a 4 week trial period.

If the employer determines that the role is not a suitable alternative, the employee reverts to being made redundant.

Availability of redeployment will depend on vacancies available, the transferability of employees' skills and the Business needs of the School.

This provision extends to posts available where DCC is the direct employer.

### **Support Measures**

It is recognised that the possibility of facing redundancy can be an extremely stressful time for employees and managers have a responsibility to provide appropriate support and advice.

### **Employee Assistance**

Employees potentially affected by redundancy or organisational change will be advised how to contact the Employee Welfare Service which can provide counselling support.

### **Time Off to Arrange Training or Seek Alternative Employment**

Employees under notice of redundancy have a statutory entitlement to a reasonable amount of paid time off to look for another job or arrange training. Employees will be granted reasonable time off work with pay during his/her notice period to look for new employment or to make arrangements for training for future employment. This will include time off to attend job interviews, visit an employment agency or job centre in connection with new employment.

### **Other Support Measures include**

- Notification of vacancies
- Application and interview support and guidance
- Careers counselling
- Priority and guaranteed interview status for posts where DCC is the employer (only where the employee works at a Community or Voluntary Controlled School – The Governing Body is the employer in Aided and Foundation Schools).
- Time off for interviews
- Counselling (through the Welfare Service)

Managers and employees should consider and discuss what training and development opportunities are available and appropriate. Managers should endeavour to meet reasonable training and development requests from these employees. Other schools

are requested to give priority consideration to “at risk” staff from schools within the authority and most Governing Bodies are happy to do so – but this is voluntary.

See Appendix 7 for the Support Matrix agreed provisions.

## **Responsibilities**

### **Governing Bodies/DCC Chief Officers**

Chief Officers and Headteachers ( on behalf of the Governing Body) have primary responsibility for redeployment and will ensure that there are effective redeployment arrangements in place within their establishment, and must liaise with CAYA HR for advice where employees are at risk of redundancy.

Headteachers will liaise with the CAYA HR as necessary to seek suitable redeployment opportunities across the Council.

The Council may implement a Vacancy Control Process to enable vacancies to be held:

- Where there is a possibility that an employee requiring redeployment could meet the essential criteria for the vacancy.
- Where, following a priority or guaranteed interview, an employee who could meet the essential criteria has not been appointed to the job, pending resolution of the situation.

### **Employees**

Employees have a shared responsibility with the Authority and School in seeking redeployment and should adopt a reasonable and flexible approach when considering alternative jobs.

Employees must ensure that they inform the potential recruiting manager that they are subject to redeployment by indicating this clearly on the application form.

### **Priority Consideration**

Where DCC employees who are eligible for redeployment under this policy meet the essential criteria for a vacancy, they must be given priority consideration in advance of other applicants for posts in their own school or where DCC is the sole employer. The priority status will be for jobs on the same grade or below (provided there are no essential/ statutory qualification requirements).

Where there is more than one employee eligible for redeployment into a job, consideration should be given to the individual circumstances of each case, in particular the extent to which the employee is at risk of redundancy, or requirements under the Disability Discrimination Act. Further advice should be sought from HR.

When considering applicants who have priority consideration for a vacancy, the recruiting manager must consider:

- Reasonable training and development to enable the employee to carry out the job effectively

- An appropriate trial period (not less than 4 weeks) to determine suitability.

All schools are requested to give particular consideration to the employment of “at risk” staff from other schools, for relevant vacancies but this is not a statutory requirement of the schools.

Officers from CAYA HR can assist with the introduction of employees to headteachers where potential posts is available.

### **Pay Protection**

The Council’s policy on Pay Protection can be seen at Appendix 8. This provides protection for an employee’s basic pay where it is reduced as a result of:

- organisational restructuring
- redeployment where there is a risk of individual redundancy or on ill health grounds.
- the introduction of a revised pay and grading system

This will not apply in all cases of redeployment for example, it may not be appropriate in cases of capability or discipline.

Other terms and conditions of employment which are not remuneration will be those of the new job.

Priority consideration arrangements will not apply to jobs which constitute promotion.

Employees who unreasonably refuse an offer of suitable employment may, depending upon consideration of individual circumstances, lose any entitlement to redundancy pay and pay protection.

There are statutory regulations governing for the safeguarding of teachers’ salaries – where they lose TLR or leadership payments.

\*a) \_\_\_\_\_ School has adopted the Council’s policy on pay protection \_\_\_\_\_ for support staff.

**Or**

\*b) \_\_\_\_\_ School has not adopted the Council’s policy or pay protection for support staff. The School’s Policy is attached as Appendix \_\_\_\_\_.

\* delete as applicable

(Schools who adopt their own policy will need to negotiate with the Unions at County level).

**Measures to Support Employees who are Potentially Displaced or on Pay Protection – Provisions available in co-operation with DCC**

Potentially displaced (at risk of redundancy within pool)	Basic Pay Protection
Application and interview support and guidance (not necessarily application form completion and interview skills training).	
Notification of vacancies (email / hard copy) on Internal Vacancy publication electronically or in hard copy for those without DNet access.	
<p><b><u>For DCC Posts</u></b></p> <p><b>Priority</b> interview for jobs on same grade or below (provided no essential/ statutory qualification requirement).</p> <p>Guaranteed interview for jobs involving a promotion where essential criteria met and individual able to fulfil job role with reasonable training / support.</p>	<p><b>Guaranteed</b> interview for jobs on same grade or below (provided no essential/ statutory qualification requirement) AND no displaced employees eligible for priority interview, for the period of protection. The vacancy must also represent a realistic career opportunity.</p>
(to be requested from other Governing Bodies)	
Reasonable time off for interviews, internal for all and external also for those at potential risk of redundancy.	
Consider for internal assignments /secondments for example, instead of using agency staff.	
Utilise against overtime, additional hours, relief work requirement for a temporary holding period pending redeployment and based on consideration of individual circumstances.	

<b>Potentially displaced (at risk of redundancy within pool)</b>	<b>Basic Pay Protection</b>
Training and development to support career move identified through School's Performance Management, Management Supervision/Employee Development and Review Process	
Offer tasters/shadowing and trial periods	
Mentoring offered	
Drop in sessions for career counselling where capacity exists to provide.	
Refusal of a suitable alternative offer of redeployment may result in the withdrawal of these provisions and loss of redundancy pay, depending upon consideration of individual circumstances.	

## **Basic Pay Protection Policy**

### **Introduction**

This policy aims to support successful organisational change by providing for employees' basic pay to be protected where it is reduced as a result of:

- introduction of a revised pay and grading system
- organisational restructuring
- redeployment where there is a risk of individual redundancy or on ill health grounds.

The policy complements the Council's guidelines on organisational change and replaces the Council's previous Protection of Earnings Policy.

The council recognises the need to ensure that any pay protection arrangements do not perpetuate inequalities in pay. This policy is based on existing equal pay legislation and the recognised need to achieve full pay equality. The cost of protecting employees' basic pay will be met by the employing department and pay protection costs must be taken into account when the business case for change is made.

The policy is operational from 1 April 2010.

### **Who is covered by the policy?**

The policy applies to all Council employees except teachers. It is recommended to those schools where the governing body carries out the function of the employer.

Where an employee within the applicable employee groups has previously been receiving indefinite pay protection, this policy will supersede that arrangement.

Employees will receive written notification of pay protection arrangements applicable to them and the support available.

### **What pay is protected?**

The pay protected will be the substantive pay rate which is the basic pay for the job as defined in the pay and grading structure.

Pay protection will be for a maximum three year period from the date of change of pay.

The following components of pay are protected:

- basic salary/hourly rate
- basic contract hours (including contracted overtime)

Any sick pay, holiday pay, maternity or adoption pay will reflect the level of protected basic pay.

All protected pay is pensionable.

The following previous and existing components of pay are not protected:

- additional hours worked over the minimum contractual guarantee
- all pay-related allowances e.g. standby, sleeping in, letting fees, shift allowances (removed on implementation of Single Status)
- all pay-related enhancements e.g. overtime, unsocial hours, bank holiday working
- all non-pay-related allowances e.g. car allowances, subsistence allowances, telephone allowances, annual leave
- adjustments to the hourly rate resulting from the standardisation of the working week e.g. 37 hours and number of working weeks per year
- market supplements and acting up and honoraria payments.

### **Pay protection:**

- will not apply where employees voluntarily move to another job
- will not apply where the reduction in pay is as a result of a reduction in hours
- will be adjusted where employees voluntarily reduce their hours
- will not increase to cover additional hours.

### **What happens during the protection period?**

During the protection period:

- there will be no annual incremental progression on the protected grade
- pay awards will not be applied until the substantive grade is equal to or greater than the protected salary.

Protection may end or be reduced within the three year period where:

- the employee is successful in securing another post
- the new substantive grade catches up with the protected basic salary.

Employees subject to pay protection will be given support by their line manager under the personal development review process and by HR.

Where significant losses occur this may include:

- application and interview training and support;
- priority interview status as appropriate to the vacancy concerned - this will not apply where the targeted post constitutes promotion
- skills and development training
- work experience tasters
- trial periods.

Employees have a shared responsibility in seeking redeployment and must adopt a reasonable and flexible approach when considering alternative posts.

If an employee refuses an offer of reasonable alternative employment during the protection period, this may result in the withdrawal of protection

### **What happens at the end of the three year period?**

At the end of the three year period, pay will be adjusted to the top point of the substantive grade. There is no right of appeal at the end of protection.

### **What is the effect on pension benefits?**

Benefits in the Local Government Pension Scheme (the Scheme) are calculated on a member's "final pay" and period of membership in the Scheme. "Final pay" is the pensionable pay in:

- either the year ending on the day an employee stops being an active member or,
- if it would produce a higher figure, either of the two years immediately before that.

In certain circumstances it is possible to protect pension benefits where there has been a reduction in pensionable pay within 10 years of retirement.

The calculation is made by taking the highest three consecutive years pensionable pay (ending 31 March) within the last 10 years of Scheme membership, and dividing this by three. The figure is increased in line with the Retail Price Index (RPI).

Where a Scheme member does not benefit from the above protection, they can opt out of the Scheme to preserve their benefits on higher pay and rejoin from the next pay period. Anyone considering opting out of the Scheme should read the factsheet, "Reductions in Pensionable Pay" before making their decision.

There is more information including examples of how final pay is calculated in the factsheet, "Reductions in Pensionable Pay". This is available on the pensions section on the Council's website at [www.derbyshire.gov.uk/working\\_for\\_us/pensions](http://www.derbyshire.gov.uk/working_for_us/pensions). Alternatively, a copy can be obtained from Call Derbyshire on 08 456 058 058.