

Alderman Pounder Infant and Nursery School

Reduction in Staffing Guidance

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REDUCTIONS IN STAFFING FOR SCHOOL STAFF

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REDUCTIONS IN STAFFING FOR SCHOOL STAFF

INTRODUCTION

The Local Authority (LA) has sought to maintain appropriate numbers of staff, both teaching and support staff, within its schools to provide the best possible education for the pupils of Nottinghamshire. Employees are the Authority's greatest resource and the key element in the delivery of effective education to pupils.

This guidance has been written to reflect the School Staffing (England) Regulations 2009, the Education (Modification) of Enactments Relating to Employment) Order 2003, sections 35 and 36 of the Education Act 2002, The Fixed Term Employees (Prevention of less Favourable Treatment) Regulations 2002 and other legislation relevant to the employment of staff in schools.

The School Staffing (England) Regulations 2009 requires the Governing Body of each school to establish dismissal procedures for all school employees and delegates to head teachers and Governing Bodies the power to decide all dismissal matters themselves. As this is a delicate area of industrial relations, Governing Bodies are advised to take account of existing good practices by LAs, guidance and statutory requirements and ACAS procedures.

Governing Bodies of schools with delegated budgets and academies are responsible for determining the staffing complement of the school for both teaching and support staff. The LA recognises that there will be occasions when it will be necessary for Governing Bodies to consider a reduction in staffing levels resulting from changes in the number of pupils or budgetary considerations. This guidance provides advice on the legal framework and practicalities of staff reductions so that when such situations arise the procedures adopted will:

- a) meet the legal requirements;
- b) recognise the rights of the individuals concerned;
- c) continue to maintain good industrial relations within our schools.

This procedure has been agreed with the recognised trade unions through the Joint Consultative and Negotiating Panel process. Due to the complexities of this area of employment and education law, Governing Bodies are strongly advised to adopt the attached procedures without amendment and seek advice on individual cases from the HR Team. Should, exceptionally, a Governing Body seek to amend this document or adopt an alternative procedure they will need to undertake formal consultation collectively with all of the secretaries of the recognised trade unions and confirm any amendments with the LA. Governing Bodies are strongly recommended to seek advice from the HR Team in these circumstances.

It is recognised that academy trusts, free schools voluntary aided or foundation schools may choose to adopt these procedures or alternatively adopt procedures recommended by their Trust, Governing Body or Diocesan Authority. Where other procedures are proposed it is the responsibility of the Governing Body / Trust to undertake the appropriate negotiations with the secretaries of the recognised trade unions.

Article 6 of the Education (Modification of Enactments Relating to Employment) Order 2003 provides for a Governing Body to be the respondent in relation to any application to an employment tribunal arising from a dismissal on the grounds of redundancy. In law, the LA is the employer for community and voluntary controlled schools whereas the Governing Body is the employer in voluntary aided and foundation schools. The LA will be primarily responsible for the payment of any compensation order by an employment tribunal in respect of a finding relating to a dismissal on the grounds of redundancy. However, where it is reasonable to do so, the Local Authority is empowered to deduct such compensation from the school's budget. It is unlikely that the LA would wish to adopt such a course of action provided that the Governing Body has sought and followed advice and not acted contrary to statute or in some other way failed to observe their agreed procedures. Schools are expected to keep the LA fully informed at each stage of the process to enable the LA to comment on any area of concern.

For academy schools, the Trust will be the respondent in any application to an Employment Tribunal and will be responsible for any compensation payment arising out of a decision to dismiss an employee on the grounds of redundancy

SCOPE

The purpose of the staffing reductions procedures is to provide a means by which schools can make reductions in their staffing establishment. The procedures are therefore intended to support the management of staffing reductions in all schools irrespective of their governance arrangements whether they are a community, voluntary aided, foundation, trust or academy school.

Redundancy is not a vehicle for dismissing employees who are perceived by a Governing Body not to be performing satisfactorily. A separate procedure exists within the Disciplinary Procedures to manage the performance of staff and this is detailed on Wired / HR Guidance (Schools) / Disciplinary Procedures for School Staff – Part B The Performance of Staff.

PRINCIPLES

Where a Governing Body or its committee determines that the full time equivalent number of staff within a school should be reduced, there are a number of legal principles which must be observed, some by the County Council as employer, others by the Governing Body or Trust exercising their powers.

The most important principles are:

- a) the selection of staff whose employment at the school is to terminate must have been fair and objective;
- b) the recognised trade unions must have been properly involved;
- c) every endeavour must be made to avoid the redundancy, including every effort to find suitable alternative employment;
- d) the member of staff must be given reasonable time off work with full pay to seek alternative employment.

Any reduction in the staffing establishment of a school is a potential redundancy situation. There is, of course, a significant difference in industrial relations terms between an individual who may volunteer for redeployment and a compulsory redundancy. However, the procedure set out in this document must be followed whichever situation applies.

Under the Employment Rights Act 1996, redundancy arises when an employee is dismissed in the following circumstances where such 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; or
 - ii) to carry on the business in the place where the employee was so employed;
- b) the requirements of the business for employees:
 - i) to carry out work of a particular kind has ceased or diminished; or
 - ii) to carry out work of a particular kind has ceased or diminished in the place where the employee was employed.

Where an employee is made redundant they may be entitled to a redundancy payment which is based primarily on salary, age and length of service (in local government this will be continuous service with current and previous employers which may include other specified organisations as covered by the Redundancy Modifications Order). The calculation of amount is based on statutory requirements and also local conditions of service which have a bearing on both amount paid and the effects on pension entitlement. Since, in normal circumstances, such costs do not fall on the delegated budget, it is not proposed to provide a detailed explanation in this document. The benefits will be provided on an individual basis as a part of the support from the HR Team.

In general terms, an employee who is dismissed on the grounds of redundancy is entitled to a redundancy payment provided that he or she works under a contract of employment and has completed two years continuous employment (excluding any

period before the employee's 18th birthday). This includes fixed term contracts extending beyond two years without breaks in service. In law such breaks do not include school holiday periods i.e. where a contract ceased at the end of one term and a new one was issued at the commencement of the following term. The main factor in the entitlement to such a payment is whether an employee has been dismissed on the grounds of redundancy. Where an employee accepts, from an employer covered by the Redundancy Modifications Order, an offer of suitable alternative employment then no redundancy payment is made. Where such an offer is unreasonably declined, the employee in doing so may also be waiving their rights to a redundancy payment. Where an employee volunteers to be considered for redeployment, this does not mean that they lose their right to a redundancy payment. In such situations the LA will expect all individuals to participate fully in the redeployment process.

Currently the law states that all employees who have accrued more than 1 year's continuous service have the right not to be unfairly dismissed and they should be offered the opportunity of attending a hearing with Governors. From the 6th April 2012 the law will increase the qualifying period for unfair dismissal to 2 years continuous service.

The conditions leading to the Authority supporting redundancy are as follows:

- a) that a genuine redundancy situation exists resulting in a reduction in the staffing establishment of the school;
- b) that the staffing establishment of the school will not be increased within the next two years;
- c) where the individual selected has been awarded premature retirement benefits and/or a redundancy payment the school must confirm, other than in exceptional circumstances agreed with the LA, that they do not intend to re-employ the individual in any capacity. [See Appendix 10 "Declaration of Redundancy"](#).

Should it become evident that a genuine redundancy does not exist, for example where a post is reinstated before the two years have elapsed, or where the member of staff is re-employed at the same school, any cost of redundancy should be charged to the school budget.

ROLES AND RESPONSIBILITIES

At the outset, it will be important to establish who will undertake the necessary roles and responsibilities in line with this procedure.

- **Governing Body**

In addition to fixing the staffing complement of the school, the Governing Body will have the overall responsibility for managing the process. The fairness of dismissals resulting from staffing reductions can be challenged in an Employment Tribunal. Failure to follow the schools own procedure could in itself lead to a claim for unfair

dismissal against the Governing Body even if there are potentially good grounds for dismissal. Where Governing Bodies have followed the procedures in this document and have sought and followed the advice provided by the HR Team, then the LA will arrange for access to advice from HR and Legal Services.

DfE guidance emphasises that Governing Bodies should delegate staffing responsibilities to the head teacher other than in exceptional circumstances. Sections 35 and 36 of the Education Act 2002 and the School Staffing (England) Regulations 2009 give Governing Bodies the right to delegate initial staff dismissal decisions (with the exception of head teacher dismissals) to the head teacher. Governing Bodies may also delegate such decisions to an individual governor or group of governors, acting with or without the head teacher. However, in light of good HR practice and employment law the LA would strongly recommend that dismissal decisions should be taken by more than one person

In practical terms, the head teacher should continue to be responsible for managing staffing reductions in school and lead the process in most situations. In some cases it would be difficult to delegate this responsibility to another member of the leadership team due to potential conflict of interest however, there will be cases where it will be possible for another member of the leadership team to lead the process, for example, where the identified reduction is in a particular faculty or department in a secondary school or where the reduction is in support staff. Governing Bodies must decide therefore who will lead the process of managing the staffing reductions process and also who should have delegated responsibility for taking decisions on recommendations for redundancy. Governors need to determine whether or not the delegated responsibility should be given to a panel of 2 governors and the head teacher or 3 members of a committee of the Governing Body.

The Governing Body may nominate one or two governors to advise and support the lead person throughout the process and this should be a matter of discussion with the lead person. However, any governor involved with the lead person at that stage will not be eligible to be a member of the panel considering either the redundancy hearing or appeal.

It is essential that any governors who are involved in any part of managing staffing reductions have an understanding of the need for confidentiality and impartiality and are not led into any discussions with parents, pupils, staff or others which may prejudice a decision or default the process. It is important that at each stage governors are aware of their role and responsibilities in ensuring that the procedures laid down in this document are followed precisely.

- **Lead Person**

The lead person can be either the Head Teacher or other member of the Leadership Team. The lead person will be responsible for managing the staffing reductions process and presenting the findings to a redundancy panel. The arrangements for dealing with this will need to be considered in line with the nature of the reductions and within the framework of the staffing regulations and the principle of natural justice. It is not, therefore, possible for the head teacher to be the

lead person as well as the person responsible as part of a redundancy panel for making a redundancy decision to dismiss.

For community, voluntary aided, and foundation schools where the LA HR Team is not the selected HR advisory service for the school, the lead person must ensure that the LA HR Team is kept informed at each stage of the process and be given the opportunity to comment particularly where the actions of the school may be contrary to employment law or other relevant legislation.

- **The Local Authority (LA)**

Although Governing Bodies are given the power to determine the staffing complement of the school and decide who shall be employed there, the LA remains the employer in law (except in foundation, academy, free and VA schools). This means that for a maintained community school, the contract of employment is between the individual and Nottinghamshire County Council.

This, coupled with the strategic responsibility for the delivery and monitoring of education within Nottinghamshire, which the LA retains, requires that Governing Bodies and the LA work in partnership in handling the process of staff reductions. To assist Governing Bodies and individual members of staff affected and subject to the LA being the school's HR provider, the LA will be able to offer:

- a) advice on the determination of the staffing complement through advice on school management planning and finance;
- b) practical assistance in the complex procedures surrounding staff reductions.

The HR Team will be proactive in supporting the process of redeployment between schools. It must be borne in mind that whilst some Governing Bodies may need to reduce the establishment of a school, there is, and increasingly will be, a shortage of teaching staff. Consequently, the LA will seek to retain qualified and experienced staff by placing them in vacancies within the service. To do so, however, the LA requires the support and commitment of all head teachers and Governing Bodies in taking a positive approach to such redeployment in using their powers to appoint staff in schools.

In the process outlined in this document, the LA will consider the use of voluntary redeployment as a means of reducing staffing establishments. Where employees volunteer for redundancy selection, the redeployment process will begin immediately. Where an individual fails to engage in this process or unreasonably fails to consider opportunities for continued employment, this will significantly affect any termination payments including redundancy and / or pension payments made by the Local Authority.

Normally the costs of staffing reductions will be met by the LA and not from the school's delegated budget unless the school is an academy or free school. The LA will therefore continue to monitor staffing establishments via the payroll and adverts to ensure that schools are not re-engaging employees who they have made redundant and to monitor any increases in staffing over the following two year

period. Where it becomes evident that schools have replaced redundant posts the LA will seek recompense for any termination costs incurred.

Appendix 1

THE PROCEDURE

Before beginning the procedure, head teachers should contact their HR officer to:

- confirm that they have discussed the budget deficit with the Schools Finance Consultant and agreed the need to make a reduction in staffing;
- discuss and agree the need to make a reduction after consideration of the alternatives, including vacancies;
- discuss and agree a timescale for the school to work to so that the reduction is managed within the required timescale and to ensure that appropriate HR support can be provided;
- arrange to attend one of the drop-in sessions to discuss with your Schools HR Officer the procedures for your school and the required paperwork in more detail;
- alert staff to budget deficit / drop in pupil numbers;
- draft Appendix 2 Notification.

The Staffing Complement

The Finance and General Purposes Committee, or equivalent committee, must meet and fix the staffing complement of the school for both teachers and support staff, agree the draft Appendix 2 Notification and delegate the management of the process to the lead person. In doing this the governors should ask the lead person (head teacher or another member of the leadership team) to manage the process and at a relevant date later in the process make recommendations to the Governing Body so that nomination(s) for redundancy can be considered by a panel of head teacher and two governors or a panel of three governors.

As soon as the staffing compliment has been set the lead person should consult with the chair of governors to determine the availability of governors for both the initial hearing and appeal panel. The Governing Body may nominate one or two governors to advise and support the lead person throughout the process. However, any governor involved in supporting the lead person will not be eligible to be a member of the panel considering either the initial hearing or the appeal.

It is most important that individual members of staff are not identified for redundancy until the period of consultation with the recognised trade unions has been completed.

Staff Consultation

All staff should be consulted and notified at a staff meeting as early as possible of a budget problem which may require a reduction in staff. Absent staff, including staff on secondment or maternity leave, etc, should be informed as soon as practically possible and given an opportunity to be provided with further information. The first approach should be to consider whether or not it is possible to achieve the required reduction through not filling a vacant post or the non renewal of a fixed term contract, where such contracts have been made in accordance with the local agreement on the use of fixed term contracts ([see Wired / HR Guidance \(Schools\) / Fixed Term Contracts for School Staff](#)). If there is any doubt on this matter it is strongly recommended that the contracts should be checked and advice is obtained from the HR Team. Having firstly considered this, if it is not possible to achieve the reduction in this way, there should be a full exploration of the alternatives to redundancy including:

- staff turnover and the future staffing needs of the school;
- transfer the employee to other suitable work where there is a vacancy within the school, with appropriate re-training. This may be full time or part-time but this must be on an agreed basis. *(Note: Other than where the redundancy is occasioned by a school closure or reorganisation of schools initiated by the LA, any decision on protection of salary, allowances, and the responsibility for the payment of protection is normally a matter for the Governing Body);*
- voluntary job sharing arrangements, voluntary reduced hours or part time working;
- where an individual volunteers for redeployment, there will be a clear expectation that they fully engage with the redeployment process. Where an individual fails to engage in this process or unreasonably fails to consider opportunities for continued employment, this will significantly affect any termination payments including redundancy and / or pension payments made by the LA.
- **Fixed term contracts and supply staff**

The issue of fixed term contracts always generates a considerable volume of enquiries from schools and guidance has been issued to schools on the appropriate use of fixed term contracts. It may be appropriate to achieve the required reduction through the termination of a fixed term contract. However, schools will need to ensure that the contracts for staff are clear about the reason for being fixed term are in line with the guidelines and that they are not a series of end on contracts over a prolonged period. Individuals employed long term on a supply basis may also qualify for redundancy if their work ceases. Where an employee has been employed on a fixed term contract or supply basis continually for a period of 2 or more years they may be entitled to a redundancy payment. A period of one week constitutes a break in service. Periods of school closure do not count as a break in service. The Fixed Term Employees (Prevention of less Favourable Treatment) Regulations 2002, limits the use of fixed term contracts to ensure that fixed term contract holders are not treated less favourably than permanent employees.

The termination of fixed term contracts issued to cover illness, secondment or maternity are not a reduction in staffing establishment levels but such staff who have 1 or more years' service do however, have the right to a personal hearing with governors and notice of the termination of their contract.

In other situations where the non-renewal of a fixed term contract leads to a reduction in the establishment of the school, this will lead to a redundancy situation. If this is the case it is important that this procedure is followed in the same way as it would apply to permanent members of staff, both full and part-time.

If, however a person has been employed on a fixed term contract(s) for no particular reason or have had end on fixed term contracts for a number of years they are likely to be part of the wider selection process along with other permanent staff.

This area can be complex so if you are unsure about the status of your fixed term staff you must carefully check the dates and the reason for their contract(s) and seek advice from the HR Team.

- **Volunteers for redeployment**

Where no such fixed term contracts exist the next stage will be to explore the possibility of achieving the reduction on a voluntary basis. It may be possible to avoid a compulsory redundancy if there are staff prepared to volunteer for redeployment, to work job-share or part time, so long as this meets the curriculum and organisational needs of the school. Expression of interest does not guarantee commitment on either side. Should the situation change, eg if a vacancy arises due to natural wastage during the reductions procedure then the individual needs to be aware that the reduction could be withdrawn up to the point of the date of termination of the employment.

Any member of staff who volunteers for redeployment will be expected to engage proactively in the redeployment process and will be supported to find alternative work by staff within the HR Team. Should there be more volunteers than are needed to achieve the required reduction then there will be the necessity to select the appropriate number from these volunteers based on the curriculum, organisational needs and the priorities of the school.

- **Compulsory redundancy**

If the reduction cannot be achieved through natural wastage, the termination of a fixed term contract, voluntary redeployment, voluntary job share or part time working arrangements or, if having examined the requirements of the curriculum/organisational needs of the school, the offer of a voluntary solution does not meet with the needs of the school the reduction may have to be made on a compulsory basis. The drawing up of criteria in itself is not enough to guarantee fair and reasonable selection. The criteria must satisfy the test of objectivity and the selection will still be unfair if they are carelessly or mistakenly applied.

The overriding principles at this stage must be to ensure that:

- having identified the area(s)/subject(s) where reductions are to be made, the selection process must include the appropriate 'pool of staff'
- objective criteria are applied fairly and consistently in an independent way by means of comparative analysis to ensure that employees are not unfairly selected
- the agreed procedure has been followed.

Notification of Proposed Redundancies (Appendix 2)

As soon as the Finance and General Purposes Committee, or equivalent committee, has met and staff within the school have been informed of their decisions the lead person should issue the completed 'Notification of Proposed Redundancies' ([Appendix 2](#)). The pool of staff in post(s) identified for reduction on the Appendix 2 should be informed prior to its issue.

The contents of this notification and timelines should be discussed with all staff at a staff meeting before it is sent and a copy placed on the appropriate communication mechanism within the school, so that it is accessible to all members of staff usually the staff notice board and staff web page where appropriate. Any staff who are absent from school on secondment, sick or on maternity leave etc will need to be kept informed and a copy of the notification sent to them. This document is a formal notification to the trade unions and staff within the school of the proposed redundancies and the receipt of the notification by the trade unions (same working day if sent by email or fax, following working day if sent by 1st class post) begins the 10 working days period of consultation with the recognised trade unions and staff. Detailed advice on the completion of the Notification ([see Appendix 2](#)) is given in the supporting document ([Appendix 2a](#)).

The 10 working days consultation period does not include school holiday periods (for teaching staff and school support staff who work term time only). However, where school support staff are contracted to work all year round, school holiday periods excluding bank holidays will count as part of the 10 working days. The procedure aims to reduce the number of meetings required by recommending that schools supply information to the recognised trade unions at the time of declaring the proposed redundancies.

Please note that all school holiday periods (especially Easter) could affect the timescale required to manage a reduction and therefore it is recommended that this notification is sent the day after the appropriate committee has set the staffing complement of the school. The lead person must suggest appropriate date(s) and time(s) to meet with the recognised trade unions giving between 5 and 7 working days notice of the meeting. To ensure that consultation is meaningfully completed within the 10 working days the lead person should ensure their own availability during this period and make every effort to respond immediately to contact from the recognised trade unions and ensure the required information is sent.

The suggested timelines for staffing reductions will be sent to schools from the HR Team annually at the end of the autumn or beginning of the spring term.

The lead person must complete in full **all** sections of the notification to give a complete picture of the current staffing and the area(s) for reduction, setting out a proposed schedule of dates for the consultation meeting, hearing and the appeal as agreed with the governors and designated support from within the HR Team. This is also an extremely busy time for trade union officials and setting a timetable out at this point will help to ensure that meetings are booked in diaries so that the process runs as smoothly as possible for all involved. If known at this stage, indicate if the reduction is to be achieved on a voluntary redeployment basis or through the non-renewal of fixed term contract(s).

This notification is important for a number of reasons:

- it meets legal requirements in notifying the recognised trade unions of the situation at your school by providing important information about the proposed redundancies to which they are entitled;
- it alerts the HR Team to the situation at the school and ensures that support can be provided to help your school manage the process if required;
- it provides a means by which the LA can monitor the whole County picture and ensures that support is targeted where it is most needed;
- it provides the necessary financial documentation to enable the LA finance consultant to support the school with budget decisions.

In all cases of redundancy there is a significant amount of additional information which you are required to supply in writing to the trade unions and which they are legally entitled to request. In order to avoid a delay in the period of consultation, you should also provide the following additional information to the trade unions:

- a copy of the school's budget plan entry form for the current financial year set alongside the provisional budget entries for the new financial year (totals only);
- a copy of the full staffing establishment including vacancies;
- details of the standard selection criteria.

It is recommended that all schools should adopt the standard selection criteria ([Appendix 4](#)) which should be applied in all cases of redundancy and should be copied and attached to the Appendix 2 Notification to the Trade Unions.

As indicated earlier in the document you should discuss the draft Appendix 2 Notification with your HR Officer before the F&GP meeting and before issuing the Notification to the trade unions.

Having completed all sections and to avoid any delays in the process the Lead Person must send the Notification and the attachments by first class post, email or fax to:

- the Secretaries of **all** the recognised trade unions as detailed in [Appendix 3](#), irrespective of whether or not the planned reduction will affect teaching or support staff;
- the HR Team who will discuss the proposed reductions and budget information with the Schools Finance Consultant. Details of contact points and email addresses will be issued to schools on an annual basis;
- a copy of this document should be placed appropriately in the school where all staff may have access to refer to it, usually, the staff room and on the staff website. Make sure that any staff who are absent from school are alerted to the proposals and ensure that they also receive a copy of the Notification.

Consultation with the Recognised Trade Unions

The lead person should initiate consultation with the recognised trade unions as early as practicable and as fully as possible. The purpose of consultation is for all concerned to share the problem and explore the options to avoid, if possible, a compulsory redundancy.

Following receipt of the notification and supporting information, as part of the consultation process, it may be necessary for the lead person to meet with one or more of the recognised trade unions to discuss the proposed reductions more fully. You should arrange to meet with all of the trade unions together. Depending on the complexity of the proposed reductions, you may wish to be supported by an officer from the HR Team. A failure to reach agreement on a mutually convenient time and date within this proposed time period will mean that the consultation period will have to be extended.

If the school is confident that the reduction(s) can be made through voluntary solutions, the trade unions may indicate that there is no need for a meeting. It is likely, but not essential however, that the trade union(s) will want a meeting where there is a possibility of a compulsory redundancy. Completion of the details in [Appendix 2](#) will provide sufficient information for the trade unions to determine whether or not a meeting is required. It is most important, therefore, that you supply complete details as it may be possible with the agreement of the recognised trade unions, to avoid unnecessary meetings taking place.

As part of the procedure the recognised trade union(s) have agreed to contact you formally within 5 working days of the date of your notification with a view to confirming with you whether or not a meeting is necessary. If a meeting is required the intention will be to meet on one of your proposed dates wherever possible and to conclude discussions within the 10 working days. If the recognised trade unions formally notify the lead person that no meeting is required then it should be possible to agree that the consultation has finished. If the trade unions have made no contact with the lead person within 10 working days, it will be assumed that the school has

their agreement that the period of consultation has finished and that the school can move onto the next stage.

It is important to re-iterate that if there are any significant developments during the period of consultation that affect the number of proposed reductions or the area(s)/subject(s) of the reduction and this has not previously been the subject of discussion with staff or the recognised trade unions then you should notify, re-consult as necessary and seek clarification over whether or not further meetings are required with staff or recognised trade unions before identifying staff.

Consultation Meetings with the Recognised Trade Unions and Staff

There is a legal requirement to consult staff and the recognised trade unions on ways of:

- avoiding the dismissals;
- reducing the number of employees to be dismissed;
- mitigating the effects of dismissals.

Under the law, meaningful consultation with the recognised trade unions must take place irrespective of whether or not the members of staff at risk of redundancy are members of a trade union.

Consultation should be undertaken by the school with a view to reaching agreement with the recognised trade unions on these issues. This duty applies even when the employees to be made redundant are volunteers for redeployment. For meaningful consultation to take place the decision to dismiss must not have already been made. Failure to comply with the consultation requirements could lead to a claim for compensation, known as a protective award.

If a meeting with the recognised trade unions takes place the lead person must arrange for this to be recorded detailing the discussion points and agreed outcomes / actions. A copy of the notes should be sent to the trade unions and shared with staff. Template agenda ([Appendix 17](#))

Formal consultation on the Appendix 2 Notification

The Appendix 2 Notification covers the statutory duty to disclose in writing to the recognised trade unions the following information concerning proposals for redundancies so that they can play a constructive part in the consultation process:

- the reasons for the proposals;
- the numbers and descriptions of employees it is proposed to dismiss as redundant;

- the total number of employees of any such description employed at the establishment in question;
- the way in which employees will be selected for redundancy;
- how the dismissals are to be carried out, taking account of any agreed procedure, including the period over which the dismissals are to take effect;
- the method of calculating the amount of redundancy payments (other than statutory redundancy pay) to be made to those who are dismissed.

The information setting out the budget/reasons for the proposed reductions will already have been sent to the trade unions with the Appendix 2. This meeting provides an opportunity to talk this through. Where an employer fails in any way to comply with the requirements to consult about proposed redundancies, a complaint may be made to an Employment Tribunal.

The selection process

Where it is likely that there will be a need for a skills audit to be undertaken, the process to be followed should be discussed and a copy of the skills audit to be used should be available at the consultation meeting for discussion and agreement with the trade unions

- All parties re-confirm the timescales, critical dates of the process and hearing / appeal dates so they are in diaries.

The remit of the recognised trade unions will be to explore with you further the areas where you intend to make a reduction and to explore the means by which any redundancies may be avoided. A matter of discussion may also be the impact on class sizes resulting from any proposed redundancies and the method of applying the skills audit process.

Providing it is possible to satisfy the information requirements set out above it will be possible to agree with the trade unions at any stage during the 10 working day period that the consultation is concluded. The trade unions may ask for further clarification of issues at a meeting and/or further information. If this cannot be provided at that particular time, it can be sent on to the representative concerned or dealt with by telephone. If, however, the recognised trade unions request a further meeting, this should be acceded to, where reasonable within the 10-day period. If not, the consultation period will be extended.

It is recommended that the lead person keeps a record of any contact with the recognised trade unions and keeps a note of the outcomes or issues raised.

In fairness to the staff concerned (who may be seeking re-deployment) and to the trade unions (who may be dealing with a significant number of reductions) every effort should be made to communicate effectively, provide the necessary information and conclude the discussions as early as possible in line with the above procedure. In any event, particularly when dealing with teaching staff, these discussions must be

concluded in sufficient time to allow the hearing and appeal procedures to be completed to enable the contractual and statutory notice for teacher and school support staff terminations to be given.

Having concluded the consultation with the recognised trade unions and staff it will then be necessary to apply the selection criteria and identify staff.

- **Consultation meeting with staff**

Consultation should also take place with employees as well as the recognised trade unions at this early stage and throughout the process. Case law has shown that dismissals have been found to be unfair where a trade union has been consulted but not the individual. It is therefore essential that individuals who are at risk of redundancy are also consulted, in a constructive way, to explore alternatives to redundancy and consider how, if possible, redundancy can be avoided.

Pool of Staff

The pool of staff will initially include all employees in a particular occupational group, i.e. teachers or support staff so that account is taken of employees who have experience and expertise across curriculum and other areas in application of the selection criteria and any voluntary solutions considered. The pool should include those absent through illness, on leave of absence, maternity or secondment etc. Details of how the pool was determined will need to be presented to the hearing and appeal panel's.

Following the above consideration the pool can then be reduced as follows:

- teaching – secondary school - by department/faculty
- teaching – primary school – normally all teaching posts, unless there is a clear organisational and curriculum need to limit the pool.
- support staff – should be limited, wherever possible, to the job profile, supported by a clear organisational and curriculum need

It is possible to identify a pool where all posts of a particular kind are being deleted from the structure this could apply where there is one or more posts.

If the requirement is to reduce the size of the management team it will be necessary to demonstrate that all managerial posts have been included in the pool for selection. The management team is not always easily defined and the head teacher should contact the HR team for assistance in determining the pool of staff affected.

In a primary school, if the area of reduction has been identified as the nursery, it will be necessary to ensure that the selection has included all staff within the school in the same occupational group i.e. all teachers or all teaching assistants and that the 'pool' for selection includes all staff and not only those who work in the nursery. Similarly, all staff in a department/faculty within a secondary school should be included in the pool.

The redundancy procedure is not applicable in all areas of a reorganisation within a school. For example where governing bodies have agreed to reduce management responsibilities but not the number of employees, this must be achieved through a consultation/re-structuring exercise rather than the redundancy process. This may result in pay protection with any consequent costs falling to the schools budget for a time limited period.

Selection

Having established the need for a redundancy and having explored the means by which a redundancy may be avoided the next stage is to apply the standard selection criteria and to be specific about how the individual(s) affected will be identified. This is the most complex and difficult part of the process and should not be started until after the consultation period has ended. It is recommended that the lead person will continue to seek the support of their HR Officer to complete this exercise.

In all cases of redundancy the overriding requirement must be the curriculum/organisational needs of the school. The standard selection criteria which should be applied hierarchically are as follows:

- (a) the termination of fixed term contract holders appointed within the agreed guidelines on the use of fixed term contracts;
- (b) the requirements of the curriculum and organisational needs of the school;
- (c) You should also explore the possibility of staff who may wish to volunteer to work on a job-share or to reduce their hours to work on a part-time basis, or requests for voluntary redeployment in an effort to avoid the need to make a compulsory redundancy;
- (d) qualifications, experience, skills, flexibility of staff to teach/work in other subjects/areas in the school, measured in relation to the curriculum/organisational needs of the school.

Attendance record and conduct must not be considered as part of the selection criteria. It continues to be acceptable, however, to consider the relative efficiency and flexibility of employees when deciding which should be recommended for redundancy but this factor should not be used in isolation.

In applying the above criteria, care must be taken to ensure against claims of unfair dismissal and that the selection process avoids the following which are illegal:

- discrimination on the grounds of sex, marital status, disability, ethnic origin, sexual orientation, religion or belief, age and length of service;
- criteria which are not fair or objective; too imprecise or subjective;
- discrimination on the grounds of membership or non-membership of a Trade Union or membership of any particular Trade Union.

The recommended selection criteria are standard across all schools in the County and should the selection criteria be altered you must discuss with your HR officer and provide details with the Appendix 2 Notification. Individual schools will need to apply the standard criteria to their own situation and in the case of a compulsory redundancy or the non-renewal of a fixed term contract there must always be clear documentation as to how the criteria have been applied and the results. The criteria should always be used together and experience indicates that, in the main, the use of the criteria relating to the curriculum, and experience are inter-related and that it is unusual for the application of these early criteria not to identify the member(s) of the staff at risk. It is especially important to ensure that the balance of skills, knowledge and experience within the remaining workforce meets the future needs of the school.

Skills Audit

The lead person should undertake a skills audit to determine the qualifications, experience, knowledge, skills and flexibility of staff to teach/work in other subject(s)/area(s). These skills should be considered in relation to the current and future curriculum/organisational needs of the school and the priorities for the school. It is recommended that a meeting is held with staff so that the purpose of the skills audit and the criteria can be explained. This process should be management led but individuals should be asked to complete personal details. It is most important that any information used to make a selection for redundancy is checked with individuals on a confidential basis for accuracy to ensure a fair selection is made.

It is important to ensure that criteria can be applied flexibly for different situations. 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.

Objective criteria which are capable of being applied in an independent way should be used when determining which employees are selected for redundancy. A model format has been provided, however this should be adapted to meet the individual needs of the school and to ensure that the priorities for the school are addressed. The amended format should be discussed with the trade unions at the consultation meeting.

The School Development/Improvement Plan and post Ofsted action plan are valid sources of evidence for establishing the current and future needs of the school and should be used to inform the establishment of criteria to be used in the skills audit.

The list below sets out areas in which selection criteria can be established. (These are not mutually exclusive and are not in priority order)

- i) curriculum needs of the school;
- ii) management and organisational needs of the school;
- ii) qualifications are only to be used to distinguish between two candidates who are equal in all respects unless it is a school priority to only employ qualified staff;

- iv) experience and knowledge;
- v) current and future skills requirement.

It is very important that the process for completing skills audits is undertaken fairly and consistently to ensure that the selection of employees for redundancy is objective.

The Head Teacher/lead person should issue individual staff with a skills audit form and ask them to complete it as fully as possible. Staff will be given five working days to do this. During this period, the lead person should offer all staff an opportunity to meet individually to ensure there has been no misunderstanding of the requirements and to enable the member of staff to raise any concerns they might have.

When the skills audits have been returned, the lead person should transfer the information from the skills audits to the composite skills matrix which will show all the required criteria. **The information must be transferred accurately and should not be summarised.** However, if you have been provided with a large amount of information which makes transferring it difficult, you can take out those skills, experiences etc which all staff can demonstrate equally and this may help to make it more manageable. These areas should be listed at the bottom and clearly marked as common to all affected staff and should be reiterated in your statement of case. Where the skills audits are still too lengthy a copy of each audit, anonymised apart from the selected individual, must be circulated with the paperwork for the hearing.

From the completed skills matrix the employee recommended for redundancy should be identified. Once the lead person has identified individuals there should be a meeting with each member of staff individually to explain the reason for the selection privately with them. This should be done as quickly and sensitively as possible and at an appropriate time within the school day preferably towards the end of the day.

The lead person will need to be able to demonstrate at the hearing, that a skills audit has been undertaken and exactly how the selection criteria have been applied in a fair and transparent way. This will include providing anonymous details of the audit undertaken either using the composite skills matrix ([Appendix 15 & 16](#)) or by the use of the completed skills audits in the paper work circulated in preparation for the hearing/appeal.

Personal Hearing and Appeal

Any member of staff who is the subject of a recommendation for termination of contract has a right within The School Staffing (England) Regulations 2009 to a personal hearing. The dates for both the initial hearing and the appeal hearing should have been previously arranged so that the recognised trade unions are aware and a HR officer can attend if necessary.

Having discussed the matter privately with individuals it is necessary, at this point to notify the individual(s) formally of the recommendation and their right to attend the meeting and to be represented by their trade union or a person of their choice

([Appendix 5](#)). The date of the redundancy hearing should be confirmed verbally to the individual as soon as possible. A period of 10 working days' notice in writing should be given and the individual(s) need to be afforded the opportunity to provide any documentation alongside any being presented by the lead person, including a copy of a non personalised skills audits / (composite skills matrix) where one has been undertaken and the statement of case ([Appendix 18](#))

The individual(s) are entitled to a copy of any documents being presented by the lead person pertinent to their own particular case at the same time as the documents are being circulated to the panel i.e. at least 10 working days before the hearing. The lead person is entitled to receive in advance of the meeting a copy of any documents being presented by the individual(s). In addition to the individual's documentation, a copy of all of the documentation to be considered at the hearing should be sent within 10 working days notice to:

- a) the panel of governors who will consider the recommendation;
- b) the support officer in the HR Team.

It should be noted that the Employment Relations Act 1999 provides for the hearing to be adjourned and reconvened if the employee's chosen representative or companion is unavailable. To avoid unnecessary delays, therefore the date of the hearing should always be set in consultation with the Governors panel, the individual, the employee's trade union and the HR Team. This is to ensure not only that the employee's TU representative is available but that an appropriate HR officer is also available to attend and advise the panel on any procedural aspects or matters of employment law, the law requires that a further date should be set within five working days of the original date

The recommended procedure for this meeting is attached as [Appendix 5a](#). It is important that the school make arrangements for this meeting to be minuted. In planning the meeting careful thought should be given to the timing and duration. The time required will vary considerably depending on the nature and the number of the proposed reductions. It is important that the individual(s) and governors are aware of the length of time they may be expected to be in attendance. Consideration should be given to the suitability of the accommodation provided for both the hearing and the waiting parties.

The individual(s) should receive written confirmation of the outcome, the next day, wherever possible. The letter should also advise the individual of their right of appeal which must be received within 10 days from the date of the hearing ([Appendix 6](#)). If the employee has been represented by a member of their trade union at the initial hearing then a copy of the letter should be sent to their trade union for information.

In order for the contract of employment to be terminated, details of the staff to be dismissed on the grounds of redundancy should be notified to the HR Team immediately following the hearing. A two part standard letter of notification is attached as [Appendix 9 part 1 & 2](#). The HR Team will issue a letter of termination of contract to the individual within 10 working days of receiving the notification, as required by the School Staffing (England) Regulations 2009. A copy of this letter will

be sent to the lead person. (In the case of foundation and academy schools the Appendix 9 is still required however the school will terminate the contract of employment)

If there is an appeal then the 3 members of the Appeal Panel of the Governing Body hearing the appeal will adopt exactly the same procedure as the original committee hearing ([Appendix 7](#)). The outcome should be confirmed in writing to the individual(s) affected the following day. ([Appendix 8](#)). If the employee has been represented by a member of their trade union, a copy of this letter should also be sent to their trade union for information. Should the member of staff choose to exercise their right of appeal and the appeal is upheld the contract of employment will be reinstated.

Redeployment

Every effort will be made by the school and the HR Team following the hearing and during the notice period to redeploy the individual(s) affected into a suitable alternative post. Where an employee volunteers for redeployment the process will begin as soon as they volunteer.

In view of the recruitment difficulties currently being experienced by schools, the LA will seek to redeploy any employee whose post has been identified as being redundant whether this is compulsory or as a result of voluntary redeployment. To avoid the need to make redundancies employees are expected to actively engage in the process of redeployment. This process will commence as soon as it becomes apparent that a reduction is necessary and will be co-ordinated by the HR Team who will arrange a meeting with individuals, if appropriate.

Governors also have a duty to mitigate the consequences of a compulsory redundancy and every effort should be made during the notice period to redeploy the individual(s) affected into a suitable alternative post in the school. In practice, this will mean keeping the situation under constant review and maintaining contact with the individual(s) concerned to support and advise of any new developments during the notice period.

Governors should also consider the impact of any reduction in staff and in particular, the effects on class size and the working conditions of other staff within the school.

The individual(s) selected for dismissal on the grounds of redundancy has a right to time off to seek other employment and permission should be granted to attend interviews, redeployment meetings, job centres, etc, within working hours as necessary.

Termination of Employment

Should it not be possible to redeploy the individual(s) the notice provisions within the termination letter will be those relevant to and set out in the contract of employment.

It is important to bear in mind the deadlines required within the process to ensure that the timescale does not overrun particularly in the case of teaching staff. Teachers are under two months notice, and in the summer term three months,

terminating at the end of a school term. Where a Teacher has been continuously employed for more than eight years they will be entitled to additional notice, as specified in the Employment Rights Act 1996.

These notice provisions can be summarised as follows:-

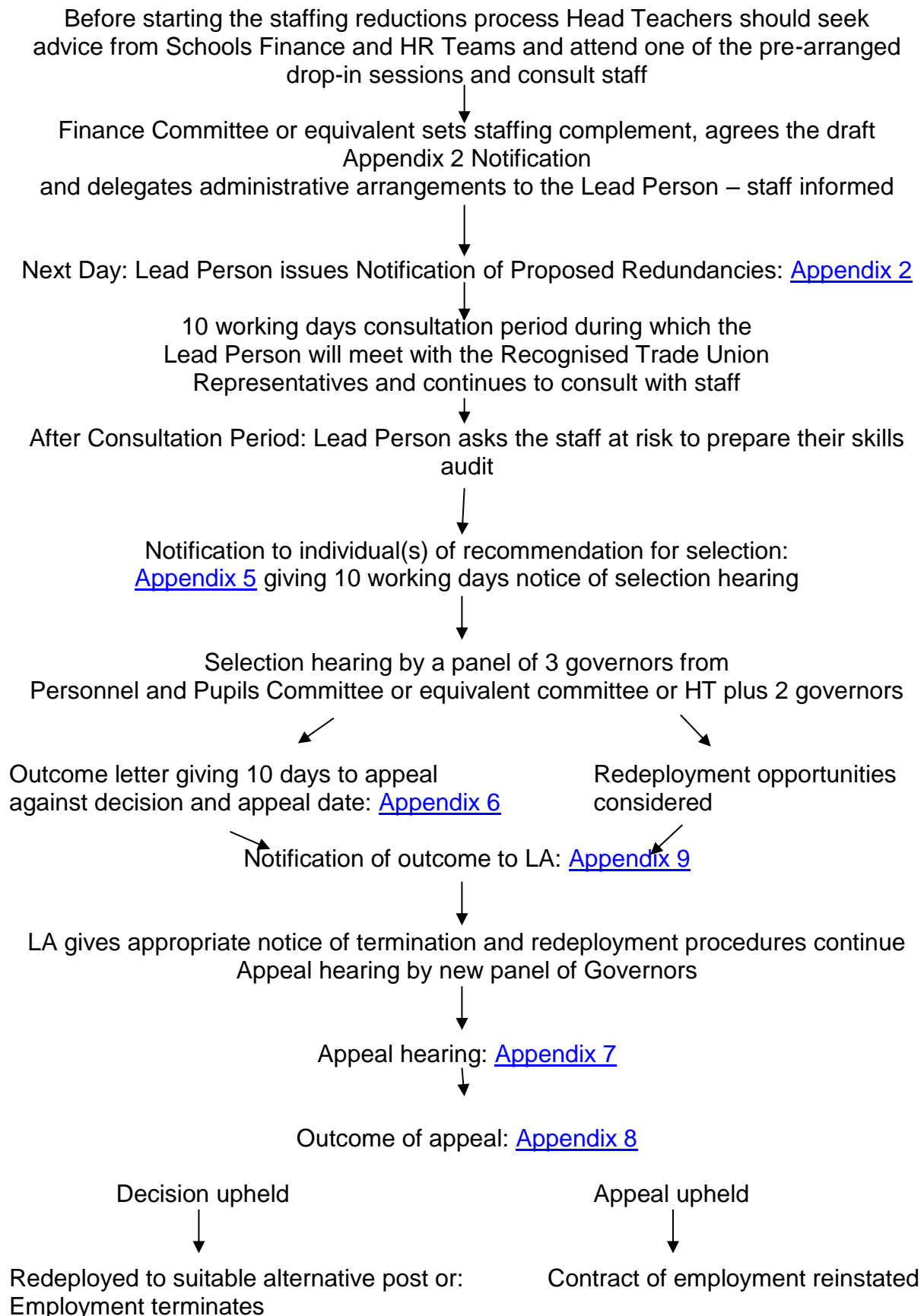
Reduction to be achieved at:		
31st August	31st December	30th April
Termination letter to be issued by the LA by:		
31st May at the latest	*31 st October at the latest	*28 th February at the latest

* In the Autumn and Spring term the notice period must be increased by one week for each year of continuous service over 8 years up to a maximum of 12 years i.e. up to an extra 4 weeks notice.

Support staff will be entitled to a minimum of 4 weeks notice regardless of their length of service. For each year of service exceeding 4 years they will be entitled to another weeks notice up to a maximum of 12 weeks. Support staff who work all year round should have taken their proportionate annual leave entitlement up to the end of their notice period before their contract terminates.

APPENDIX 1a: MANAGING STAFFING REDUCTIONS

Guide to Timelines



APPENDIX 2: NOTIFICATION OF PROPOSED REDUCTIONS IN STAFFING

HR Office use only
 Date Received HR
 Date Logged HR
 Agreed Finance Consultant

School Name:
 Address:

Telephone number:
 Email address:
 Date issued:

PRIVATE & CONFIDENTIAL

To be faxed or emailed to:

- The Secretaries of All Recognised Trade Unions ([see Appendix 3](#))
- HR Officer (HR Team)
- A copy of this document must also be placed appropriately in school where all staff have access (usually staff room/staff web-page).

The Finance and General Purposes Committee of the above school met on and having examined the budget have agreed that it is necessary to implement staffing reductions. Governors decided that based on the delegated budget and the numbers and needs of pupils of the school there is a need to reduce the staffing complement as detailed below.

In accordance with the agreed consultation procedure employees in the school have been informed and I supply below information on which I wish to consult with the recognised trade unions involved.

The Budget

In the financial year 201*/201* it is anticipated that there will be a budget shortfall of £..... and/or a reduction in pupil numbers ofThe estimated budget projection for 201*/1* is £.....shortfall/surplus.

Teaching Staff Complement including Head Teacher and Senior Leadership Team

Current teaching complement _____ FTE
 Proposed teaching complement _____ FTE
 Proposed reduction in teaching complement _____ FTE

(FTE is Full Time Equivalent)

Details of proposed teacher reductions (include as required)

I have discussed the situation with the staff in the school and **indicated** below the proposed areas where the reductions will take place:

Area(s)/subject(s) to be reduced	Current FTE	Proposed FTE	Reduction FTE	Additional information

Details of all teacher fixed term contracts – Please refer to the guidance on Wired/HR Guidance (Schools) Community/Fixed Term Contracts for School Staff

Subject/Area	Reason for ftc	Dates for current and concurrent contracts	Reason for the non-renewal	FTE reduction
		To		
		To		
		To		
		To		

School support staff FTE staffing complement and reduction

Category of post (add or delete as appropriate)	Current FTE	Proposed FTE	Reduction FTE	Additional Information
Administrative				
Teaching Assistants				
Site Management				
Technicians				
MDSA				
Total FTE reduction				

Details of all school support staff fixed term contracts - Please refer to the guidance on Wired/HR Guidance (Schools) Community/Fixed Term Contracts for School Staff

Category of post	Reason for ftc	Dates for current and concurrent contracts	Reason for the non-renewal	FTE reduction
		To		
		To		
		To		
		To		
		To		

Other information included

(Please tick)

- a copy of the current year’s Budget Plan and provisional budget plans for 201*/1* and 201*/1*
- a copy of the selection criteria, where this varies from the model agreed format, which will be discussed with you at the consultation meeting.
- a copy of the school’s staffing structure/staff complement
- A copy of

Consultation

I understand that on receipt of this information Trade Union representatives may wish to meet with me to discuss these proposals and possible ways of avoiding or reducing the need for any dismissals on the grounds of redundancy. I am available on the following dates and times for such a meeting.

Suggested dates	Suggested times

Please contact me within the next 5 working days on the above telephone number to confirm your attendance or to arrange another time convenient to you. If I have not heard from you by (date) I will assume that no meeting is required and that you agree that it is in order for me to proceed to the next stage of the process to identify and inform the nominated individual(s) without further consultation with your Trade Union, unless one of your members is selected.

Following the consultation period, the procedure for carrying out the following stages of the process will conform to the requirements of the School Staffing (England) Regulations 2009.

Naturally both the Governors of the school and I regret the need for this course of action and I would assure you that during the consultation period I will do all that is possible to minimise the effects on staff, consistent with the needs of the school.

Although there is no statutory period of consultation defined for situations where fewer than twenty employees are at risk, I intend to allow 10 days for such consultations from tomorrow (if faxed or e-mailed).

Timetable

In recognition of the timescales required by the agreed procedure I am writing to give you advance notice of the important dates of this procedure, and they are as follows:

Procedure	Date	Time
Date of Hearing:		
Date of Appeal:		

Documentation will be issued 10 days before the date of these meetings.

Yours sincerely

(Head Teacher/Lead Person) (delete as appropriate)

APPENDIX 2A: GUIDANCE FOR HEAD TEACHERS ON COMPLETION OF THE 'CONFIDENTIAL NOTIFICATION OF PROPOSED REDUNDANCIES'

Introduction

The purpose of these guidance notes is to assist head teachers with the completion of [Appendix 2](#). The issuing of the Notification commences a period of 10 working days. With the full support of the recognised Trade Unions it is also intended to reduce the number of meetings during the consultation period. A crucial part in this is the provision of the information contained within [Appendix 2](#) and for this reason **it is most important that all sections of the form are completed in full and that the budget deficit is discussed and agreed with the Schools Finance Team.**

If at any stage during the consultation process there is any significant change in this information affecting the area(s)/subject(s)/number(s) of the proposed redundancies you should notify and re-consult as necessary with the relevant trade union representatives. Where there is an increase in numbers a new Appendix 2 will be required. If you need further help or guidance please contact the HR team.

This form should be completed in full and sent first class, email or fax as soon as the F&GP Committee have met and determined the staffing complement for the school to:

1. The Secretaries of **all recognised Trade Unions** (see Appendix 3 for full list);
2. The HR Team;
3. A copy should be placed appropriately in school where all staff can access it.

Complete all details

School name
Address
Telephone number
Email address

Notification of Proposed Redundancies

The Finance and General Purposes Committee/ equivalent Committee of (name of school) met on (date) and having examined the budget (or other reason) have agreed that it is necessary to implement a staffing reduction. In accordance with the consultation procedure agreed with the recognised trade unions, staff in the school have been informed and as part of the agreed procedure for handling staffing reductions in schools I have supplied below the following information on which I would wish to consult with your trade union and the other recognised trade unions involved.

Please complete details of your school name, the date on which the relevant committee met and the reason for the staffing reductions. Inform all staff within the school of this committee decision and that the administrative arrangements have been delegated to the head teacher.

The budget

Indicate the overall anticipated budget shortfall you are expecting in 201*/1* and also 201*/1*, so that the trade unions have an overview of the budgetary problem at your school.

Teachers - Teaching Staff Complement

All numbers should be stated as a full time equivalent posts (FTE)

1. The current teaching staff complement in the school, including myself and the Senior Management Team is *(for example)* 42.5 FTE.
2. Based on the delegated budget and the numbers and needs of the pupils of the school, the Committee has fixed the teaching staff complement, including myself, at: *(for example)* 40.0 FTE.
3. Therefore, there is a need to reduce overall by the following number of teachers: *(for example)* 2.5 FTE.

This section gives an overview of the effect of the proposed redundancies on the numbers of teachers currently employed at your school.

Teachers - details of the proposed redundancies

Having discussed the contents of this notification with the staff at your school, the purpose of this section is to provide more details of the FTE reduction(s) identified above and to provide the trade unions with an indication at this early stage as to how the reductions are to be achieved. You will need to attach a copy of your staffing structure to identify where the reductions are to be made.

COLUMN				
(i)	(ii)	(iii)	(iv)	(v)
Area(s)/subjects where reductions are to be made (if known)	Current FTE	Proposed FTE	Reduction FTE	Additional information - e.g. non-renewal fixed term contract, natural wastage, voluntary contractual reduction in hours, volunteer for redeployment or compulsory redundancy
<i>HISTORY</i>	<i>3.5</i>	<i>2.5</i>	<i>1</i>	
<i>SNR MANAGEMENT</i>	<i>4</i>	<i>3</i>	<i>1</i>	
Total FTE reduction (vi)	<i>7.5</i>	<i>5.5</i>	<i>2</i>	

Primary/Special

There is no need to complete column (i) for Primary and Special schools. If at this stage the area for the reduction is unknown you should indicate this on the form using a separate line for each reduction.

Current FTE - indicate the number of teachers in the school.

Proposed FTE - indicate the number of teachers required in the school.

Reduction FTE - specify the FTE reduction in teachers required in the school.

In the final column indicate (if known at this stage) whether the reduction will be voluntary, compulsory or achieved by the non renewal of a fixed term contract. It is important to stress that the final column does not expect head teachers to have determined how the reduction will be achieved at this stage. If it is unknown at this stage then delete both options.

Complete the line 'Total FTE reduction'.

Secondary

At this stage, the F&GP Committee or the equivalent committee, should have identified the areas i.e. management and/or subject(s) where the redundancies are planned.

In the first column you should specify the area(s) using separate lines as appropriate for each reduction planned.

Current FTE - indicate the number of teachers working in this area/subject.

Proposed FTE - indicate the number of teachers required.

Reduction FTE - specify the FTE reduction in teachers required.

In the final column indicate (if known at this stage) whether the reduction will be voluntary, compulsory or achieved by the non-renewal of a fixed term contract. It is important to stress that the final column does not expect head teachers to have determined how the reduction will be achieved at this stage. If it is unknown at this stage then delete both options, as in the second example given for senior management.

Complete the line 'Total FTE reduction'.

Teachers - fixed term contracts

If you have indicated that any reduction is planned to be achieved through the non-renewal of a fixed term contract(s) then you should ensure that the contracts have been issued in line with the agreed guidance on the use of ftc's and you must complete this section giving all the contract details. You will be aware that the non-renewal of a fixed term contract is potentially a redundancy situation and could lead to a claim of unfair dismissal against the Governing Body. It is essential, therefore, that head teachers seek appropriate advice.

COLUMN				
(i)	(ii)	(iii)	(iv)	(v)
Subject/Area	Reason for the fixed term contract(s) *	Dates (from and to) for current and concurrent contracts at the school	Reason for the non-renewal of the contract(s)	FTE reduction
		To		
		To		
		To		
		To		
		To		

* A fixed term contract must clearly state the reason for its fixed term nature and should only be used in the following situations:

- i) to cover the long term absence of an employee;
- ii) pending the known appointment of a permanent employee to a vacant post;
- iii) to cover short-term vacancies arising from or pending the implementation of a school re-organisation;
- iv) to cover a vacant post where there is firm evidence, supported by a formal notification of a potential staffing reduction (Appendix 2) that a school will need to reduce the number of staff in a particular subject, or work area, or place of education, within the next 12 months. Contract must not exceed 1 year;
- v) to cover specific time-limited school based initiatives and should normally be for a maximum of 1 year.

Please see Wired/HR Guidance (Schools) Community/Fixed Term Contracts for School Staff.

In the first column you should indicate the subject/area of the reduction to link the details of the proposed reduction detailed above.

For each fixed term contract at risk you should complete in column (ii) the reason why each post is filled on a fixed term contract basis. The reason for this detail is to determine whether or not the individual has employment rights, and whether the employee should be treated as having permanent employee status.

In column (iii) give the dates relating to the current and any concurrent fixed term contracts of the postholder.

In column (iv) give the reason for the non-renewal of the current and other concurrent fixed term contract(s).

The FTE reduction for each fixed term contract to link in with the details above.

Support staff complement

As with the notification of the teacher redundancies it is important that the information you supply regarding the school support staffing redundancies is similarly clear and comprehensive.

COLUMN				
(i)	(ii)	(iii)	(iv)	(v)
Category of staff/post/area (use a separate line for each category of staff)	Current FTE	Proposed FTE	Reduction FTE	Additional information - e.g. non-renewal fixed term contract, natural wastage, voluntary contractual reduction in hours, volunteer for redeployment or compulsory redundancy
Admin Technicians, Teaching Assistants, Site Management, etc				
Caretaker	1	1	-	
MDSA	4	3	1	
Secretary/Admin	5	4.5	0.5	
Teaching Assistant	1	1	-	

Total FTE reduction	11	9.5	1.5	

In column (i) you should provide a full breakdown of the school support staffing structure. Please list, using separate lines, including all categories of staff, even where no reduction is planned.

Current FTE - indicate the numbers of staff in each category/area.

Proposed FTE - indicate the proposed number of staff required in each category/area.

Reduction FTE - specify the FTE reduction of each category of staff proposed.

In the final column indicate (if known at this stage) whether the reduction will be made on a voluntary basis or by the non-renewal of a fixed term contract. It is important to stress that if this is unknown at this stage then this should be made clear on the form by deleting the appropriate options. The final column does not expect head teachers to have determined how the reduction will be achieved.

Complete the line 'Total FTE reduction'.

It is most important that you include in this section the full support staffing complement so that it is clear to the trade unions which categories of staff are affected and which categories are unaffected by the proposed redundancies. It is recommended that you use a separate line for each post/category of staff as shown in the example given.

School support staff - fixed term contracts

If you have indicated that any reduction is planned to be achieved through the non-renewal of a fixed term contract(s) then you should ensure that the contracts have been issued in line with the agreed guidance on the use of ftc's and you must complete this section giving all the contract details. You will be aware that the non-renewal of a fixed term contract is potentially a redundancy situation and could lead to a claim of unfair dismissal against the Governing Body. It is essential, therefore, that head teachers seek appropriate advice.

COLUMN				
(i)	(ii)	(iii)	(iv)	(v)
Category of staff/post/area e.g. Caretaker/Nursery Nurse	* Reason for the fixed term contract(s)	Dates (from and to) for current and concurrent contracts at the school	Reason for the non- renewal of the contract(s)	FTE reduction
		To		
		To		
		To		
		To		
		To		

In column (i) you should indicate the category of staff/area of the reduction to link the details given above.

* A fixed term contract must clearly state the reason for its fixed term nature and should only be used in the following situations:

- vi) to cover the long term absence of an employee;
- vii) pending the known appointment of a permanent employee to a vacant post;
- viii) to cover short-term vacancies arising from or pending the implementation of a school re-organisation;
- ix) to cover a vacant post where there is firm evidence, supported by a formal notification of a potential staffing reduction (Appendix 2) that a school will need to reduce the number of staff in a particular subject, or work area, or place of education, within the next 12 months. Contract must not exceed 1 year; ;
- x) to cover specific time-limited school based initiatives initiatives and should normally be for a maximum of 1 year.

Please see Wired / HR Guidance (Schools) Community / Fixed Term Contracts for School Staff.

For each fixed term contract at risk you should complete:

the reason why the post is filled by a fixed term contract;

the dates relating to the current and any concurrent fixed term contracts of the postholder at your school;

the reason for the non-renewal of the current and other concurrent contract(s) at your school;

the FTE reduction in each case.

Other information

If you have indicated that the reduction(s) will be achieved on a voluntary contractual hours reduction basis then you are **not required** to send any other information with this notification.

However, if there is doubt that the reduction can be made on a voluntary basis i.e. likely to be compulsory; likely to be voluntary redeployment; likely to be through non-renewal of fixed term contract but not yet determined, you should send the following information to the Trade Unions and the HR Team, with this notification, which they are legally entitled to request as part of the consultation process:

- (a) a copy of the current year's Budget Plan;

Please include a year end projection for the current financial year along with projected budgets for 201*/1* and 201*/1*. This will standardise the information that schools send to Trade Unions regarding the budget situation in their school. The provision of this information is intended, with the full co-operation of the recognised Trade Unions to avoid unnecessary meetings taking place where the budget position is clear;

- (b) details of the Governors' agreed selection criteria;

The selection criteria which all schools should adopt are standard and should be applied in all cases of redundancy. For your convenience these have been reproduced as [Appendix 4](#) which copied can be attached to the form. These are as follows:

- the termination of fixed term contract holders appointed within the guidelines on the use of fixed term contracts;
- the requirements of the curriculum of the school/organisational needs of the school;
- An exploration with staff of the possibility of a voluntary reduction in hours to work on a job share or part-time basis, if this will avoid the need to make a compulsory redundancy;
- qualifications, experience, skills, flexibility of staff to teach/work in other subjects/areas in the school measured, in relation to the curriculum/ organisational needs of the school.

There is no need at this stage to be any more specific about the selection criteria nor how they are to be applied. This will be determined as the head teacher applies the criteria and will be explained at the hearing/appeal. It is strongly recommended that you adopt the standard selection criteria, if this is not the case you should discuss this with your designated officer from the HR Team and must provide clear written details to the trade unions of the selection criteria used.

Timetable

Please provide the Trade Unions with a schedule of dates as agreed with the governors and with your designated officer from the HR Team. In arranging both the initial hearing date and the appeal hearing date please ensure that you liaise with your designated officer from the HR Team or else the school could be left without support.

Procedure	Date	Time
Date of Hearing giving 10 days notice	<i>e.g.:</i> <i>17 April</i>	<i>e.g.</i> <i>2pm</i>
Date of Appeal giving 10 days notice	<i>e.g.</i> <i>15 May</i>	<i>e.g.</i> <i>2pm</i>

The benefit of past experience has shown the value of planning the entire process at the earliest possible opportunity. Head teachers will need to co-ordinate their diaries along with those of the governors to ensure that meetings occur within the required timescales. This is an extremely busy time for trade union officials and for staff from within the HR team and setting out a timetable at this stage will help to ensure that the process runs as smoothly as possible for all concerned.

In planning the meeting careful thought should be given to the timing and duration. The time required will vary considerably depending on the nature and the number of the proposed reductions. It will be necessary for account to be taken of the time needed for both the head teacher and the individual employee (or their representative) to present their respective case, time for governors' questions and at the final stage of the meeting time, for the governors to consider the evidence presented to them and make their decision.

Consultation

I wish to consult with you in particular about possible ways of avoiding any dismissals on the grounds of redundancy, of reducing the number of such dismissals (where more than one is envisaged) and/or of mitigating the consequences of any dismissals on individual staff in any way if I can. I will be seeking to reach an agreement with you, if at all possible, given the situation facing the school.

I understand that on receipt of this information the recognised trade unions may wish to meet with me to discuss this matter further. I am available to meet with you on the following dates and times:

<i>Suggested dates</i>	<i>Suggested times</i>
<i>e.g. 10 March</i>	<i>9.30</i>
<i>e.g. 11 March</i>	<i>9.30</i>

As part of the consultation process you may be required to meet with one or more of the recognised trade unions to discuss the reductions more fully. At the point of sending this notification I strongly recommend that head teachers lead the process by suggesting an appropriate date and time to meet giving between 5 to 7 days notice to the trade unions in case a meeting is required.

Please ensure that this form is sent without delay and on the same date indicated in Section 1 of the form. It begins the process of consultation which is intended to last 10 working days.

To save time we recommend that the form be faxed or e-mailed to the trade unions detailed in [Appendix 3](#).

APPENDIX 3: NOTIFICATION OF PROPOSED REDUCTIONS IN STAFFING (APPENDIX 2) TO BE SENT TO:

Secretaries of the Recognised Trade Unions: Teaching and School Support Staff

ATL

Mr I Jowett
Squirrels Leap
275 Bostocks Lane
Sandiacre
Nottingham
NG10 5ND

Tel: ATL line: (0115) 849 6286
Fax: School
(Beeston Fields Primary)(0115) 844 0101
Email: ijowett@notts.atl.org.uk

NAHT

Mr M Follen
Lowe's Wong Anglican/Methodist Junior
Queen Street
Southwell
Nottinghamshire
NG25 0AA

School Tel: (636) 813432
Email: head@loweswong-jun.notts.sch.uk

Also email the appendix 2 to Brian Samuels:
brianpat68@aol.com

NUT

Mr I Wels/Mr L Conway
NUT Division Secretaries
571A Mansfield Rd
Sherwood
Nottingham NG5 2JN

Office Tel: (0115) 9626162
Office Fax: (0115) 9625427
Email: i.wels@ntlworld.com
Email: liam.conway@nottsnut.co.uk

UNISON

Hazel Allister
47 Loughborough Road
West Bridgford
Nottingham NG2 7LA

Tel: (0115) 9810405
Fax: (0115) 9815697
Email: hazel.allister@nottsgov.uk

NASUWT

Mr A Archer/Mrs S Valentine
The Joint Secretaries
NASUWT
Notts Federation
Colliers Way
Nottingham
NG8 6AT

NASUWT Office: Tel: (0115) 976 7185
Fax: (0115) 976 7187
Email: fed-n800@nasuwt.net

ASCL

Mr D Cokeham
26 Tollerton Lane
Tollerton
Nottingham
NG12 4FQ

Home Tel: (0115) 937 6950
Email: davidcokeham@yahoo.co.uk

GMB

Mr T Nosokhere
542 Woodborough Road
Nottingham NG3 5FJ

Tel: (0115) 9607171
Fax: (0115) 9601100
Email: tyehimba.nosakhere@gmb.org.uk

APPENDIX 4: SELECTION CRITERIA FOR REDUNDANCY

- a) The termination of fixed term contract holders appointed within the guidelines on the use of fixed term contracts.
- b) The requirements of the curriculum and organisational needs of the school.
- c) Applications for voluntary redeployment from staff in identified areas in which reductions are to be made. You should also explore the possibility of staff who may wish to volunteer to work on a job-share or to reduce their hours to work on a part-time basis, in an effort to avoid the need to make a compulsory redundancy.
- d) Qualifications, experience, skills, flexibility of staff to teach/work in other subjects/areas in the school, measured in relation to the curriculum/organisational needs of the school.

APPENDIX 5: INVITE TO PERSONAL HEARING

Private & Confidential

*

Date

Dear (**name**)

REDUCTIONS IN STAFFING - (NAME**) SCHOOL**

As you are aware, the school is required to make a saving in budget. I refer to the discussion with yourself and your Trade Union over the proposed redundancies at this school and following consultation with staff and the recognised trade unions it has been necessary to reduce the staffing complement for the school.

Further to your selection I am writing to confirm the details of the redundancy hearing with a panel of 3 governors (give names) from this school which has been arranged for (**time**) on (**date**) at (**venue**) to consider recommendations to reduce the staffing establishment of the school. The governors will be advised by (name) HR officer.

Based on the selection criteria being recommended: (amend as necessary)

- a) the termination of fixed term contract holders appointed within the guidelines on the use of fixed term contracts.
- b) the requirements of the curriculum and organisational needs of the school;
- c) applications for voluntary redeployment from staff in identified areas in which reductions are to be made. (*You should also explore the possibility of staff who may wish to volunteer to work on a job-share or to reduce their hours to work on a part-time basis, in an effort to avoid the need to make a compulsory redundancy;*)
- d) qualifications, experience, skills, knowledge, flexibility of staff to teach/work in the school in other subjects/areas in the school in relation to the curriculum/organisational needs of the school.

I regret that I must recommend to the Panel the termination of your employment on the grounds of redundancy.

In accordance with the School Staffing (England) Regulations 2009, you have a right to attend the above meeting and to be represented by your Trade Union or a person of your own choice. I attach copies of the documentation which I shall be submitting to the Panel (give details), You have the right to present evidence to support your case, if it is your intention to submit evidence you must let me have this by (**date**) so

that I can circulate copies prior to the meeting. Otherwise any documents you wish to rely on may not be considered.

I should be grateful if you could confirm with me that you will be attending the meeting on the date and time given and the name of your representative or, alternatively whether someone else will be attending on your behalf. I will assume you will be attending the meeting unless I hear from you to the contrary. You should be aware that the meeting is likely to proceed in your absence unless you provide appropriate notice and explanation of your non attendance.

A copy of this letter along with the relevant documentation has been sent for to:

1. Your trade union.
2. The HR Team at County Hall.
3. The three Governors involved in the hearing.

Note: that ends the formal side of the letter - you may wish to add some personal comments or tell the individual you will be writing to them separately if that is your intention.

As you are aware from the consultation with yourself and your trade union a date for an appeal has been set for **(date)** should this be required.

Yours sincerely

(Head Teacher)

APPENDIX 5A: PERSONAL HEARING/APPEAL - ORDER OF EVENTS

Order of Events

1. Head Teacher presents - the case.
2. Questions from employee and/or employee representative.
3. Questions from the panel.
4. Employee (or representative) presents their case.
5. Questions from Head Teacher.
6. Questions from the Panel.
7. Head Teacher sums up.
8. Employee (or representative) sums up.
9. Both parties withdraw.
10. Panel decision.
11. All parties reconvene. Decision given.
12. Individual informed of right of appeal within 10 working days. Later confirmed in writing by Head Teacher.
13. Redeployment

APPEAL

The procedure will be the same but must be with 3 different Governors and there is no further right of appeal.

APPENDIX 6: OUTCOME OF PERSONAL HEARING

Private & Confidential

Date

*

Dear *(name)*

REDUCTIONS IN STAFFING - *(NAME)* SCHOOL

As you are aware, the school is required to make a saving in budget. Following consultation with staff and the recognised Trade Unions it has been necessary to reduce the staffing complement for the school. Further to the redundancy hearing with the Panel of governors held on **(date)** which you *attended and were represented by (name) your trade union representative / chose not to attend / (name) attended on your behalf* to consider the reductions in staffing at this school. I regret that, following a full consideration of the evidence submitted, the Panel decided at that meeting to delete your post from the establishment to meet the necessary reductions / The Panel did not agree to the recommendation to delete your post and therefore your contract of employment with the school will not be terminated. The matter has been referred back to myself as lead person.

You have the right of appeal against this decision and should you wish to exercise this right you must notify me, in writing, within 10 working days of the hearing stating briefly the grounds of your appeal and I will arrange for the appeal to be heard. A date for the appeal has been provisionally set for **(date)** at **(time)**. You may be accompanied at this appeal by a representative of your Trade Union or a person of your own choosing. I would be grateful if you could confirm with me by **(date)** whether or not you wish to appeal. The paperwork for the appeal will be the same as that submitted for the hearing by both parties. If you would like to present additional information to the appeal panel please let me have this by no later than date (5 days before the hearing) so it can be circulated to the panel. If you, or your representative, would like a further copy of the paperwork please contact me.

Naturally I am very sorry about the need for this course of action. However, both myself and the Authority will do all we can to support you to secure suitable alternative employment. An officer from the HR Team will be make contact with you to discuss your situation and the process of redeployment.

(For community and VA schools) I have notified the HR Team accordingly and the LA will write to you formally giving notice of the termination of your employment. (In the case of foundation, free and academy schools the termination letter will be issued by the school)

A copy of this letter has been sent for information to:

1. Your Trade Union (if represented).
2. The HR Team at County Hall.

(Note: that ends the formal side of the letter - you may wish to add some personal comments or tell the individual that you will be writing to them separately if that is your intention.)

Yours sincerely

(Head Teacher)

APPENDIX 7: INVITE TO APPEAL HEARING

Private & Confidential

*

Date

Dear **(name)**

REDUCTIONS IN STAFFING - **(NAME)** SCHOOL

Further to the redundancy hearing held on **(date)** and to my letter dated **(date of Appendix 5)** informing you of the Governors' decision. I understand from your letter **(dated)** that you wish to appeal against the decision to *dismiss you from your post as (post title) on the grounds of redundancy or terminate your fixed term contract.*

In my letter of **(date of Appendix 6)**, I confirmed with you the date and time of the appeal hearing. For your information the meeting will be with myself and an Appeals panel (names) of the Governing Body and will take place **(location)** on **(date)** at **(time)**.

In accordance with the School Staffing (England) Regulations 2009 you have the right to attend the above meeting and to be represented by your Trade Union, or person your choice. *The paperwork presented by the school for the appeal will be the same as that submitted for the hearing / I enclose a copy of the paperwork and a copy of your paperwork submitted previously.*

Based on the selection criteria below, I regret that I must recommend to the Panel the termination of your employment on the grounds of *redundancy /non renewal of your fixed term contract.*

- a) The termination of fixed term contract holders appointed within the guidelines on the use of fixed term contracts;
- b) The requirements of the curriculum and organisational needs of the school;
- c) Applications for voluntary redeployment from staff in identified areas in which reductions are to be made. You should also explore the possibility of staff who may wish to volunteer to work on a job-share or to reduce their hours to work on a part-time basis, in an effort to avoid the need to make a compulsory redundancy;
- d) Qualifications, experience, skills, flexibility of staff to teach/work in the school in other subjects/areas in the school, in relation to the curriculum/organisational needs of the school.

I should be grateful if you would confirm with me **(by date/time)** that you are able to attend the meeting on the date and time given and the name of your representative or, alternatively whether someone else will be attending on your behalf. I will

assume you will be attending the meeting unless I hear from you to the contrary. You should be aware that the meeting is likely to proceed in your absence unless you provide appropriate notice and explanation of your non attendance.

A copy of this letter together with the relevant documentation has been sent to:

1. Your trade union representative.
2. The HR Team at County Hall.
3. The 3 Governors involved in the Appeal Hearing

Yours sincerely

(Head Teacher)

APPENDIX 8: OUTCOME OF APPEAL

Private & Confidential

*

Dear *(name)*

REDUCTIONS IN STAFFING - *(NAME)* SCHOOL

I refer to the meeting of the appeal panel of the Governing Body on *(date)*.

I confirm the decision of the Panel not to uphold your appeal and to proceed with the termination of your contract on the grounds of *redundancy / non renewal of your fixed term contract*.

Or

I confirm the decision of the Panel to uphold your appeal and your contract of employment will now be reinstated.

(Note: this ends the formal part of the letter - you may wish to add some personal comments or to tell the individual that you will be writing to them separately if that is your intention.)

Copies to:

1. HR Team along with the Appendix 9 (Part 1&2) and Appendix 10.
2. Individual's trade union (if represented).

Yours sincerely

(Head Teacher)

APPENDIX 9 (PART 1): SUMMARY SHEET

**FIRST CLASS
CONFIDENTIAL**

(Name) HR Team
County Hall
West Bridgford
Nottingham NG2 7QP

School Staffing Reductions 201* Summary Sheet Appendix 9
Please complete the following details

School name:

Committee	Div	Cost

I am attaching details of the staffing reductions for the above school. I would be grateful if you would take the necessary steps to terminate the contracts of employment for the staff listed below within 14 days, as required the School Staffing (England) Regulations 2009. For foundation, free and academy schools this form must be completed and sent with a copy of the termination letter.

<i>Office Use</i>	TEACHERS	
	Forename	Surname
	SUPPORT STAFF	
	Forename	Surname

Head Teacher (Name) (Signature)

Date

APPENDIX 9 (PART 2): SUMMARY SHEET

FIRST CLASS CONFIDENTIAL

(Name) HR Team
County Hall
West Bridgford
Nottingham NG2 7QP

School Staffing Reductions 201* - Individual details for each member of staff redundancy

Please complete the following details

School name: Area:

As required by the School Staffing (England) Regulations) 2009, I am notifying you of the following reduction in the establishment of the above school. For foundation, free and academy schools this form must be completed and sent with a copy of the termination letter.

<i>Office use</i>	EMPLOYEE DETAILS
	Mr/Mrs/Miss/Ms Forename Surname
	Date of birth
	NI Number
	Home address
	<i>Please ensure that your records are correct and that the home address is current.</i>
	POST DETAILS
	Post title
	Is post *all year round/term time only? (*delete as appropriate)
	Subject(s) <i>(Teachers only)</i>
	End of fixed term contract? Yes/No
	If the reason for the termination of the contract is the non-renewal of a fixed term contract, please give below the reason for the non-renewal of the contract:
	Date of hearing/appeal
	Last day of service

APPENDIX 10: DECLARATION OF REDUNDANCY

This form should be completed by the school for each case of redundancy. Completed forms should be returned to HR Team, County Hall, West Bridgford, Nottingham NG2 7QP

Name: **Date of Birth:**

School: **DfES Number:**

Proposed termination date:

1. I confirm that this redundancy will result in a reduction in the staffing establishment of the school, which is expected to be sustained for a period of at least two years.

2. The Governing Body of the School understands that the Authority will monitor the situation in the school. Where a post is reinstated within the two-year period or there is no genuine redundancy situation the cost of the redundancy will be borne by the school budget.

3. The Governing Body confirms that it does not intend to re-employ the member of staff in any capacity, either on a full-time, part-time, permanent or temporary basis on the termination of this contract.

Signed: **Date:**
Chair of Governors

Signed: **Date:**
Head Teacher

(Date Received by LA:)

REDUNDANCY CHECKLIST

Redundancy Checklist	Date Completed
<p>1. If there is any possibility of a staffing reduction you should discuss the budget with your finance consultant at the earliest opportunity.</p> <p>The staffing complement of the school and the procedure for managing the potential reductions should be discussed with your HR officer.</p> <p>Discussion with HR officer should include:</p> <ul style="list-style-type: none"> a) need to alert staff to budget deficit; b) discuss / agree reason for reduction; c) attend drop in session to agree draft Appendix 2 and other relevant documentation, agree outline timescale and discuss the proposals you are taking to F&GP. <p>HR will verify the budget information and confirm the need to make reductions in staffing with the schools finance consultant</p>	
<p>2. Finance and General Purposes Committee, or equivalent committee, should meet as early as possible to:</p> <ul style="list-style-type: none"> a) determine the staffing complement of the school for teaching and support staff; b) agree the draft Appendix 2 Notification c) delegate the management of the administrative process to the Lead Person i.e. the Head Teacher or other senior leader (and supporting governor if appropriate). 	
<p>3. The Head Teacher should consult with the chair of Governors to determine the availability of Governors for the redundancy and appeal hearings. Minimum of 3 Governors needed for each. Before fixing dates with members of the Governing Body, as part of the schedule, consult with contact officer in the HR Team to ensure support is available.</p>	

4. Consult with staff:
- Identify the pool of staff affected.
- a) the pool should be told as a group as soon as possible and before the rest of the school;
 - b) inform all staff in the school of the situation and begin the process of consultation with them;
 - a) explain the reasons and the areas for the reductions.

Include staff who are absent from school for any reason

5. Consult with recognised trade unions:
- a) begin the 10 working day consultation period with recognised trade unions through immediate issue of the notification of proposed redundancies ([Appendix 2](#));
 - b) discuss contents with staff and place a copy in the school staffroom on the notice-board and on the staff website;
 - c) fax or e-mail completed notification and attachments to all recognised Trade Unions ([Appendix 3](#));
 - d) trade unions should contact you formally within 5 working days to confirm whether or not a meeting is necessary;
 - e) discuss the situation with the trade unions and meet with them if necessary. If, at any stage, before individuals are identified, there is any change to the information provided to the trade unions that may affect the selection process, you should notify and re-consult as necessary with the relevant trade union representatives. If a compulsory redundancy is likely, continue with the process of analysis of staff.
 - f) formally agree to end the consultation period with] the trade unions
6. If a compulsory redundancy is likely you should begin the process of drafting a skills audit.

7. Selection of staff:
- a) where an appointment has been made in accordance with the guidance on the use of fixed term contracts consider whether the reduction can be achieved through non-renewal of such contracts. It is strongly recommended that advice is obtained from the HR Team;
 - b) if it is not possible to achieve the reduction in this way or through not filling a vacant post, natural wastage, any member of staff considering voluntary contractual reduction in hours, job share or volunteer for redeployment should contact you at the earliest opportunity;
 - c) if a compulsory redundancy is likely you should begin the process applying the selection criteria ([Appendix 4](#)) using the skills audit to include the appropriate "pool of staff" i.e. all staff within the occupational group at risk of redundancy.

Meet and discuss with staff individually.
Confirm details are accurate with individuals and provide opportunity to contribute;

- d) do not identify individual(s) until consultations with staff and trade unions are complete.
8. Throughout the process continue the exploration of alternatives to redundancy including staff turnover; voluntary transfer of employees to other suitable work in the school; voluntary job share or voluntary part-time working as a means of avoiding redundancy; voluntary redeployment, voluntary contractual reduction in hours.
9. Complete the process of identification of staff through application of the selection criteria, and skills audit. Support for redeployment can start now if the individual requests it or they are a volunteer. Head teacher's must ensure where an individual volunteers for redeployment that they understand that there will be a clear expectation that they fully engage with the process and where they fail to engage in this process or unreasonably fail to consider opportunities for continued employment, this could significantly affect any termination payments including redundancy and / or pension payments made by the Local Authority.

10.
 - a) discuss and agree arrangements with HR support;
 - b) notify individual(s) affected of recommendations and their rights to a personal hearing with the governors. 10 days notice of hearing to individual(s) along with copies of the relevant documentation ([Appendix 5](#));
 - c) advise governors of their role and make sure they have all the paperwork for the hearing;
 - d) ensure the individual confirmed attendance;
 - e) arrange note taker.

11. Hearing before a Panel of 3 governors from Pupils and Personnel Committee, or equivalent ([see Appendix 5a](#)) for order of events.

12. Notification to the individual(s) of the decision of the Panel and notification of their right of appeal within 10 working days ([Appendix 6](#)).

13. Formal notification to the LA HR Team to terminate the contract of employment ([Appendix 9, Part 1 and Part 2 and Appendix 10 declaration of redundancy](#)).

14. LA issues letter terminating employment. (For foundation, free and academy schools the school will be responsible for issuing the termination letter)

15. Support for redeployment given and continues up to termination date.

16. Notice period

17. 10 days notice of the appeal hearing ([Appendix 7](#)).

18. Facility for appeal against dismissal to Finance and General Purposes Committee, or equivalent committee ([see Appendix 5a](#)) for order of events

19. Notification to individual(s) affected of the decision of the Appeals Committee ([Appendix 8](#)).

20. Employment with LA ends if redeployment is unsuccessful / or contract of employment reinstated if appeal upheld

APPENDIX 12 : EXAMPLE INDIVIDUAL SKILLS AUDIT – TEACHING ASSISTANT

Template Model

This is sample skills audit to be used FOR TEACHING ASSISTANTS. This is a guide only. Please do not simply follow this. A school's skills audit needs to be amended to meet the specific needs of the individual school. This document should be discussed and agreed wherever possible at the Trade Union consultation meeting.

Guidance

*The Skills Audit below will be used by myself, (**name**), as **Head Teacher / Lead Person**, to identify staff as part of the staffing reductions process. In presenting the information to a Governors' panel, I will use this as documentary background information. The information that you submit is therefore very important and should be accurate and will be used by me and any Governor Hearing Panel and Appeal Panel to guide and inform the process of matching individual experiences, knowledge, skills and qualifications to those required within the **Department/Area** and by the school as a whole in relation to the curriculum, organisational and management needs of the school. The context for school priorities, e.g., (**give details**), is set within the School Development /Improvement Plan and the post Ofsted development plan. All Skills audits/matrix will be presented to the governors at the hearing / appeal and will be anonymous apart from the individual selected.*

*Please read each section carefully before completing the audit to determine which section best provides for each of the responses which you wish to make. Please note that you should make reference to recent and relevant experience only (**i.e. from the last four years**). If during this period if you have been absent from school for 6 months or more you may include experiences outside of this period otherwise all information provided that does not meet this criteria will be discounted. Also note that it may be necessary to ask for evidence to support any of the statements that you make in your audit, so please have it available upon request. The school requires (**post title**) who can be flexible and wide-ranging in what they are prepared to **teach/work in other subjects/work in other areas in the school**, and I ask you to bear this in mind when you fill out the audit.*

The purpose of the Skills Audit is to ensure that the school retains the balance of skills, knowledge and experience within the school and is able to meet its current and future needs. The only evidence I will use in making my selection is that you have provided on the skills audit I am not able to use my personal knowledge of you to supplement or inform my decision.

*A copy of your completed audit needs to be emailed to **(name(s))**. If you think you might have a problem with this then you must speak to either * or myself to discuss alternative arrangements by the end of **(day) (date) 201***. If you wish to discuss anything related to the audit I have arranged for **(name)** to be available on **(date)** please contact **(name)** to arrange an appointment or to speak to them. **The deadline for returns is (day) (date) at (time)**. **Skills audits returned after this deadline may not be considered**. You should retain a copy of the audit for your personal records.*

In some cases guidance notes have been included next to specific questions under the example column.

*In completing the skills audit, please fill in the example box only. It may not be necessary for you to fill in all boxes, e.g. if you only teach in the **sixth form/KS1**, questions relating to **KS3 and KS4/KS2** may not apply to you or if you have only taught at the school in the last four years, questions relating to experience at other schools will not be relevant. If this is the case, please leave those boxes blank. **Please do not delete any questions/rows**. You may use as many words as you wish, although please try to be as succinct as possible.*

*For the purpose of the skills audit, each question/priority will be scored out of * and then this will be multiplied by the weighting quoted.*

Name
Head Teacher / Lead Person

Name

**Qualifications - Teaching Assistant
- Other**

Learning area :

	Key Stage ____	Key Stage ____	Other	Weighting	Score
1.What experience do you have of working as a teaching assistant in classes at each key stage in this school?					
Dates from :					
To :					
2.What experience do you have of working as a teaching assistant at each key stage at previous / other schools?					
Dates from :					
To :					
3. As a TA what specialist skills , knowledge or experience do you have and how has this been applied across the key stages?					
Dates from:					
To:					
4. Please indicate your experience of supporting learning in ICT skills across the key stages					
Dates from:					
To:					
5. At this school how have you supported teaching and learning across the key stages					
<u>From</u>					
<u>To</u>					

e.g. achievements of students you have taught; contributions to school developments and their outcomes.

- 6. At previous schools how have you supported teaching and learning across the key stages**
From To

e.g. achievements of students you have taught; contributions to whole school developments and their outcomes.

- 7. At this school what experience / expertise do you have in delivering learning / support to pupils with learning needs at each key stage.**

Dates from: To

- 8. At previous schools what experience / expertise do you have in delivering learning / support to pupils with learning needs at each key stage.**
From To

- 9. What contributions have you made to the School Improvement Plan? Please state area of focus and outcomes**

Dates From : To :

10. What contribution do you make to the management and organizational needs of the school

From : To :

11. Please set out school based / key stage based initiatives you have led with outcomes

Dates from: To:

12. Please state school based / departmental based initiatives you have supported with outcomes

School based

Dates from : To :

Key stage based

Dates from : To :

13. Training Courses attended and how has this knowledge / skill been applied in the work setting

Dates from : To:

14. Current responsibilities within School (includingcurriculum)

From To

**15. Responsibilities at previous Schools
(including management and
curriculum)**

From To

**16. School based / key stage based
professional development activities
you have led / with outcome**

School based

Date from: To:

Key stage

Dates from : To :

**17. School based / Departmental based
professional development activities
you have supported / with outcome**

School based

Date from: To:

Key stage based

Dates from: To:

**18. Specialist skills, experience or
knowledge and how this has been
used (with dates) or may be used in
future.**

Dates from : To :

APPENDIX 13 : EXAMPLE INDIVIDUAL SKILLS AUDIT – TEACHER PRIMARY

Template Model

This is sample skills audit to be used at primary level. This is a guide only. Please do not simply follow this. A school's skills audit needs to be amended to meet the specific needs of the individual school. This document should be discussed and agreed wherever possible at the Trade Union consultation meeting.

Guidance

*The Skills Audit below will be used by myself, (**name**), as **Head Teacher / Lead Person**, to identify staff as part of the staffing reductions process. In presenting the information to a Governors' panel, I will use this as documentary background information. The information that you submit is therefore very important and should be accurate and will be used by me and any Governor Hearing Panel and Appeal Panel to guide and inform the process of matching individual experiences, knowledge, skills and qualifications to those required within the **Department/Area** and by the school as a whole in relation to the curriculum, organisational and management needs of the school. The context for school priorities, e.g., (**give details**), is set within the School Development /Improvement Plan and the post Ofsted development plan. All Skills audits/matrix will be presented to the governors at the hearing / appeal and will be anonymous apart from the individual selected.*

*Please read each section carefully before completing the audit to determine which section best provides for each of the responses which you wish to make. Please note that you should make reference to recent and relevant experience only (**i.e. from the last four years**). If during this period if you have been absent from school for 6 months or more you may include experiences outside of this period otherwise all information provided that does not meet this criteria will be discounted. Also note that it may be necessary to ask for evidence to support any of the statements that you make in your audit, so please have it available upon request. The school requires (post title) who can be flexible and wide-ranging in what they are prepared to **teach/work in other subjects/work in other areas in the school**, and I ask you to bear this in mind when you fill out the audit.*

The purpose of the Skills Audit is to ensure that the school retains the balance of skills, knowledge and experience within the school and is able to meet its current and future needs. The only evidence I will use in making my selection is that you have provided on the skills audit I am not able to use my personal knowledge of you to supplement or inform my decision.

*A copy of your completed audit needs to be emailed to (name(s)). If you think you might have a problem with this then you must speak to either * or myself to discuss alternative arrangements by the end of (day) (date) 201*. If you wish to discuss anything related to the audit I have arranged for (name) to be available on (date) please contact (name) to arrange an appointment or to speak to them. **The deadline for returns is (day) (date) at (time). Skills audits returned after this deadline may not be considered.** You should retain a copy of the audit for your personal records.*

In some cases guidance notes have been included next to specific questions under the example column.

*In completing the skills audit, please fill in the example box only. It may not be necessary for you to fill in all boxes, e.g. if you only teach in **the Foundation/KS1**, questions relating to **KS2** may not apply to you or if you have only taught at the school in the last four years, questions relating to experience at other schools will not be relevant. If this is the case, please leave those boxes blank. **Please do not delete any questions/rows.** You may use as many words as you wish, although please try to be as succinct as possible.*

*For the purpose of the skills audit, each question/priority will be scored out of * and then this will be multiplied by the weighting quoted.*

Name
Head Teacher / Lead Person

Name

**Qualifications - Teaching
- Other**

Learning area :

	Foundation	Key Stage 1	Key Stage 2	Weighting	Score
1 Current responsibilities within School (including management and curriculum) <u>From</u> <u>To</u>					
2 Responsibilities at previous Schools (including management and curriculum) <u>From</u> <u>To</u>					
3. What experience do you have of teaching classes at each key stage in this school? <u>From</u> <u>To</u>					
4 What classes have you taught at each key stage at previous / other schools? <u>From</u> <u>To</u>					
5 What specialist subjects / areas of the curriculum are you able and willing to teach either through qualification or proven experience?					

6. Please indicate any training you would require in order to be able to teach the additional subjects listed above (Q5)

**7 Current School:
Contributions and achievements in relation to key stage classes taught
From To**

e.g. achievements of students you have taught; contributions to school developments and their outcomes.

**8 At previous schools:
Contributions and achievements in relation to key stage classes taught
School From To**

e.g. achievements of students you have taught; contributions to whole school developments and their outcomes.

**9. At this school what experience / expertise do you have in delivering learning / support to pupils with learning needs at each key stage.
From To**

10 At previous schools what experience / expertise do you have in delivering learning / support to pupils with learning needs at each key stage.

From To

11. What contributions have you made to the School Improvement Plan? Please state area of focus and outcomes

From To

12. What contribution do you make to the current and previous management and organizational needs of the school

From To

13. Please set out school based / key stage based initiatives you have led with outcomes

From To

14. Please state school based / departmental based initiatives you have supported with outcomes

School based

From To

Key stage based

From To

15. Training Courses attended

From To

16. School based / key stage based professional development activities you have led / with outcome

School based

From To

Key stage

From To

17. School based / Departmental based professional development activities you have supported / with outcome

School based

From To

Key stage based

From To

18. Specialist skills, experience or knowledge and how this has been used (with dates) or may be used in future.

From To

APPENDIX 14 : EXAMPLE INDIVIDUAL SKILLS AUDIT – TEACHER SECONDARY

Template Model

This is sample skills audit to be used at secondary level. This is a guide only. Please do not simply follow this. A school's skills audit needs to be amended to meet the specific needs of the individual school This document should be discussed and agreed wherever possible at the Trade Union consultation meeting.

Guidance

*The Skills Audit below will be used by myself, (**name**), as **Head Teacher / Lead Person**, to identify staff as part of the staffing reductions process. In presenting the information to a Governors' panel, I will use this as documentary background information. The information that you submit is therefore very important and should be accurate and will be used by me and any Governor Hearing Panel and Appeal Panel to guide and inform the process of matching individual experiences, knowledge, skills and qualifications to those required within the **Department/Area** and by the school as a whole in relation to the curriculum, organisational and management needs of the school. The context for school priorities, e.g., (**give details**), is set within the School Development /Improvement Plan and the post Ofsted development plan. All Skills audits/matrix will be presented to the governors at the hearing / appeal and will be anonymous apart from the individual selected.*

*Please read each section carefully before completing the audit to determine which section best provides for each of the responses which you wish to make. Please note that you should make reference to recent and relevant experience only (**i.e. from the last four years**). If during this period if you have been absent from school for 6 months or more you may include experiences outside of this period otherwise all information provided that does not meet this criteria will be discounted. Also note that it may be necessary to ask for evidence to support any of the statements that you make in your audit, so please have it available upon request. The school requires (post title) who can be flexible and wide-ranging in what they are prepared to **teach/work in other subjects/work in other areas in the school**, and I ask you to bear this in mind when you fill out the audit.*

The purpose of the Skills Audit is to ensure that the school retains the balance of skills, knowledge and experience within the school and is able to meet its current and future needs. The only evidence I will use in making my selection is that you have provided on the skills audit I am not able to use my personal knowledge of you to supplement or inform my decision.

*A copy of your completed audit needs to be emailed to (name(s)). If you think you might have a problem with this then you must speak to either * or myself to discuss alternative arrangements by the end of (day) (date) 201*. If you wish to discuss anything related to the audit I have arranged for (name) to be available on (date) please contact (name) to arrange an appointment or to speak to them. **The deadline for returns is (day) (date) at (time). Skills audits returned after this deadline may not be considered.** You should retain a copy of the audit for your personal records.*

In some cases guidance notes have been included next to specific questions under the example column.

*In completing the skills audit, please fill in the example box only. It may not be necessary for you to fill in all boxes, e.g. if you only teach in the **sixth form/KS4**, questions relating to **KS3** may not apply to you or if you have only taught at the school in the last four years, questions relating to experience at other schools will not be relevant. If this is the case, please leave those boxes blank. **Please do not delete any questions/rows.** You may use as many words as you wish, although please try to be as succinct as possible.*

*For the purpose of the skills audit, each question/priority will be scored out of * and then this will be multiplied by the weighting quoted.*

Name
Head Teacher / Lead Person

Name	Qualifications - Teaching - Other			Weighting	Score
	Key Stage 3	Key Stage 4	Post 16		
Learning area : 1 Current responsibilities (including management and curriculum) <u>From</u> <u>To</u>					
2 Previous responsibilities (including management and curriculum) <u>From</u> <u>To</u>					
3 Previous responsibilities at other schools (including management and curriculum) <u>From</u> <u>To</u>					
4 What subjects have you taught? <u>From</u> <u>To</u>					
5 What other subjects are you able and willing to teach either through qualification or proven experience? Refer only to experience from the last 4 years.					
6. Please indicate any training you would require in order to be able to teach the additional subjects listed above (Q5)					
7 Contributions and achievements in relation to your subject specialisms <u>From</u> <u>To</u>					

e.g. achievements of students you have taught; contributions to department developments and their outcomes.

- 8 At previous schools:
Contributions and achievements in relation to your subject specialisms**
School From To

e.g. achievements of students you have taught; contributions to department developments and their outcomes.

- 9. What experience / expertise do you have in delivering courses / support to pupils with learning needs at each key stage.**
From To

- 10 Other contributions and Achievements.**
From To

e.g. supporting students outside the classroom; support for extra-curricular activities; responsibilities undertaken on behalf of the school and their outcomes.

- 11. At previous schools:
Other contributions and Achievements.**
From To

e.g. supporting students outside the classroom; support for extra-curricular activities; responsibilities undertaken on behalf of the school and their outcomes.

- 12. What contributions have you made to the School Improvement Plan? Please state area of focus and outcomes**
From To

13. What contributions have you made to your Department Improvement Plan? Please state area of focus with outcomes
From To

14. Contribution to the current and future management and organizational needs of the school
From To

15. Please set out school based / departmental based initiatives you led with outcomes
From To

16. Please state school based / departmental based initiatives you have supported with outcomes
From To

Weighting :

17. Training Courses attended
From To

18. School based / Departmental based professional development activities you have led / with outcome
From To

19. School based / Departmental based professional development activities you have supported / with outcome
From To

20. Specialist skills, experience or knowledge and how this has been used (with dates) or may be used in future.
From To

APPENDIX 15: SUMMARY SKILLS MATRIX TEMPLATE - TEACHING ASSISTANTS

Skills Matrix School..... Date..... Post.....

Person 1 Person 2 Person 3 Person 4

1. What experience do you have of working as a teaching assistant in classes at each key stage in this school?

From To

Weighting :

2. What experience do you have of working as a teaching assistant at each key stage at previous / other schools?

From To

Weighting :

3. As a TA what specialist skills , knowledge or experience do you have and how has this been applied across the key stages?

From To

Weighting :

4. Please indicate your experience of supporting learning in ICT skills across the key stages

From To

Weighting :

Skills Matrix

School..... Date..... Post.....

Person 1

Person 2

Person 3

Person 4

5. At this school how have you supported teaching and learning across the key stages
From To

e.g. achievements of students you have taught; contributions to school developments and their outcomes.

Weighting :

6. At previous schools how have you supported teaching and learning across the key stages
From To

e.g. achievements of students you have taught; contributions to whole school developments and their outcomes.

Weighting :

7. At this school what experience / expertise do you have in delivering learning / support to pupils with learning needs at each key stage.
From To

Weighting :

Skills Matrix

School..... Date..... Post.....

Person 1

Person 2

Person 3

Person 4

8. At previous schools what experience / expertise do you have in delivering learning / support to pupils with learning needs at each key stage.

From To

Weighting :

9. What contributions have you made to the School Improvement Plan? Please state area of focus and outcomes

From To

Weighting :

10. What contribution do you make to the management and organizational needs of the school

From To

Weighting :

11. Please set out school based / key stage based initiatives you have led with outcomes

From To

Weighting :

Skills Matrix

School..... Date..... Post.....

Person 1

Person 2

Person 3

Person 4

12. Please state school based / departmental based initiatives you have supported with outcomes

School based

From To

Key stage based

From To

Weighting :

13. Training Courses attended and how has this knowledge / skill been applied in the work setting

From To

Weighting :

14. Current responsibilities within School (includingcurriculum)

From To

Weighting :

15. Responsibilities at previous Schools (including management and curriculum)

From To

Weighting :

Skills Matrix

School..... Date..... Post.....

Person 1

Person 2

Person 3

Person 4

16. School based / key stage based professional development activities you have led / with outcome

School based

From To

Key stage

From To

Weighting :

APPENDIX 16a: Example SKILLS MATRIX – TEACHERS SECONDARY

Skills Matrix School..... Date..... Post.....

Person 1 Person 2 Person 3 Person 4

Qualifications

**1 Current responsibilities
(including management and
curriculum)**

From To

Weighting :

**2 Previous responsibilities
(including management and
curriculum)**

From To

Weighting :

**3 Previous responsibilities at
other schools (including
management and
curriculum)**

From To

Weighting :

**4 What subjects have you
taught?**

From To

Weighting :

**5 What other subjects are you
able and willing to teach
either through qualification
or proven experience?**

Refer only to experience from the last 4 years.

Weighting :

6. Please indicate any training you would require in order to be able to teach the additional subjects listed above (Q5)

Weighting :

7 Contributions and achievements in relation to your subject specialisms

From To

e.g. achievements of students you have taught; contributions to department developments and their outcomes.

Weighting :

8 At previous schools: Contributions and achievements in relation to your subject specialisms

School From To

e.g. achievements of students you have taught; contributions to department developments and their outcomes.

Weighting :

9.What experience / expertise do you have in delivering courses / support to pupils with learning needs at each key stage.

From To

Weighting :

10 Other contributions and

Achievements.

From To

e.g. supporting students outside the classroom; support for extra-curricular activities; responsibilities undertaken on behalf of the school and their outcomes.

Weighting :

**11. At previous schools:
Other contributions and
Achievements.**

From To

e.g. supporting students outside the classroom; support for extra-curricular activities; responsibilities undertaken on behalf of the school and their outcomes.

Weighting :

12. What contributions have you made to the School Improvement Plan? Please state area of focus and outcomes

From To

Weighting :

14. What contributions have you made to your Department Improvement Plan at? Please state area of focus with outcomes

From To

Weighting :

14. Contribution to the current and future management and organizational needs of the school

From To

Weighting :

15. Please set out school based / departmental based initiatives you led with outcomes

From To

Weighting :

16. Please state school based / departmental based initiatives you have supported with outcomes

From To

Weighting :

17. Training Courses attended

From To

Weighting :

18. School based / Departmental based professional development activities you have led / with outcome

From To

Weighting :

19. School based / Departmental based professional development activities you have supported / with outcome

From To

Weighting :

20. Specialist skills, experience or knowledge and how this has been used (with dates) or may be used in future.

From To

Weighting :

APPENDIX 16b: Example SKILLS MATRIX – TEACHERS PRIMARY

Skills Matrix School..... Date..... Post.....

Person 1 Person 2 Person 3 Person 4

Qualifications

- 1 **Current responsibilities within School (including management and curriculum)**
From To

- 2 **Responsibilities at previous Schools (including management and curriculum)**
From To

- 3. **What experience do you have of teaching classes at each key stage in this school?**
From To

- 4 **What classes have you taught at each key stage at previous / other schools?**
From To

- 5 **What specialist subjects / areas of the curriculum are you able and willing to teach either through qualification or proven experience?**

- 6. **Please indicate any training you would require in order to be able to**

teach the additional subjects listed above (Q5)

- 7 **Current School:**
Contributions and achievements in relation to key stage classes taught
From To

e.g. achievements of students you have taught; contributions to school developments and their outcomes.

- 8 **At previous schools:**
Contributions and achievements in relation to key stage classes taught
School
From To

e.g. achievements of students you have taught; contributions to whole school developments and their outcomes.

9. **At this school what experience / expertise do you have in delivering learning / support to pupils with learning needs at each key stage.**
From To

- 10 **At previous schools what experience / expertise do you have in delivering learning / support to pupils with learning needs at each key stage.**
From To

11. **What contributions have you made to the School Improvement Plan? Please state area of focus and outcomes**

From To

12. What contribution
do you make to the current and
previous management and
organizational needs of the school

From To

13. Please set out school based / key
stage based initiatives you have led
with outcomes

From To

14. Please state school based /
departmental based initiatives you
have supported with outcomes

School based

From To

Key stage based

From To

15. Training Courses attended

From To

16. School based / key stage based
professional development activities
you have led / with outcome

School based

Date from: To:

Key stage

Dates from : To :

17. School based / Departmental
based professional development
activities you have supported / with
outcome

School based

Date from: To:
Key stage based
Dates from ; To:

18. Specialist skills, experience or knowledge and how this has been used (with dates) or may be used in future.

Dates from :
To :

Appendix 17

Agenda for consultation with the recognised trade unions – Section 188 Meetings

GUIDANCE FOR HEAD TEACHERS

Introduction - This formal consultation meeting between the school and the recognised trade unions is a legal requirement and an important part of managing the redundancy process.

Purpose -

1. The purpose of the meeting is to consult on ways to avoid the dismissals through redundancy if at all possible; to reduce the number of employees to be dismissed and to mitigate the impact of dismissal on individuals.
2. The Reductions in Staffing procedures gives guidance and sets out the legal basis for these meetings. Below is a summary to be used as a prompt for Head teachers at the meetings.
3. Head Teachers should arrange for discussion points / resultant actions consequent upon the meetings with staff and the trade unions to be recorded.

Prior to the Meeting :

1. Fixed term contracts - Set out the basis of all fixed term contracts and consult your HR contact to determine that whether these contracts can be terminated to protect permanent staff / or whether any fixed term contract post holders should be considered in the “pool” alongside permanent staff.
2. Timetable and hearings – discuss the key dates for the rest of the process with your HR contact and if needed reconfirm hearing and appeal dates so they are in diaries ready for agreement at the meeting.

The agenda – There should be an open dialogue with staff and Trade Unions on the content of the Appendix 2 Notification connected with the proposals to reduce staffing and every effort should be made to seek agreement with the trade unions on these issues.

- 1) Explain the process undertaken so far and ask if Trade Union colleagues have any questions /agenda items regarding the process
- 2) Discuss and explain where necessary, the Information provided within the Appendix 2 Notification and the attachments.
- 3) Explain the basis / reason for the reductions and where necessary go through the budget and the reasons for the reduction. Provide additional information e.g. pupil number forecasts.
- 4) Explain the reasons for the curriculum area reductions / why reductions are proposed in particular occupational groups and seek their understanding. Discuss and agree the pool of staff affected.

- 5) Discuss the application of the standard selection criteria and how these will be applied including :
 - a) Vacancies – how these can / cannot be used to manage the reduction
 - b) Fixed term contracts – Provide details and explain the reasons for staff employed on fixed term contracts. Where these have been issued in accordance with the agreed guidance explain how these will be used to manage the required reduction if possible.
 - c) The remaining selection criteria will then be applied in line with the curriculum and organisational needs of the school. Explain what you done so far to avoid a compulsory redundancy eg to seek volunteers to reduce their hours / work part time / work job share. Requests to be considered for voluntary redeployment. Explain that any volunteers to reduce hours / to be redeployed who express an interest at this stage are not identifying themselves / nor committing the school to accept them. Explain that as HT you will very carefully consider all such requests with a view to avoiding a compulsory redundancy if possible.
 - (d) Qualifications / knowledge / experience / skills / flexibility to work in other curriculum areas – discuss as part of the skills audit.
- 6) Timeline - Discuss the proposed timeline and ensure that dates for hearings / appeals are in Trade Union Officers diaries to ensure that future meetings can go ahead if necessary at the time planned. If there are problems re set dates at this point.
- 7) Compulsory selection – if it is likely that the reduction will be achieved through a compulsory process discuss and agree the proposed skills audit using the draft templates. The skills audit should be customised to be relevant to your school. Seek Trade Union comments/views and seek to agree the format at this meeting. In managing the selection process you will need to be assured that remaining staff are willing and able to undertake remaining work.
- 8) Check future meeting dates and agree consultation is complete – answer any final questions

EXAMPLE STATEMENT OF CASE

**(NB: Need to ensure a minuting clerk is available for the hearing
 Allow, on average, 2 hours for a compulsory hearing
 Separate hearing for each member of staff selected)**

EXAMPLE STATEMENT OF CASE

STATEMENT OF CASE FOR THE REDUNDANCY HEARING FOR (NAME)/ (JOB TITLE)

(NAME) SCHOOL

(DATE)

By (Name of head teacher)

Introduction

The Governing Body's Finance and General Purposes Committee met on (**DATE**) to consider the schools **201*/201*** budget and set the staffing complement of the school accordingly with effect from (**DATE**). Consideration of the new budget along with predictions of expenditure and **201* /201*** underspend showed a predicted shortfall of **£***. Taking this into account along with the other influencing factors of (***the fall in pupil numbers and organisational changes within the school – amend as appropriate and give details reasons and other factors***), the F&GP Committee set a staffing complement involving a reduction of *** FTE teachers and / or , *FTE Support Staff - Teaching Assistants.**

The F&GP Committee delegated the responsibility to manage the staffing reductions to myself as lead person and I was supported by (*name, governor*)

(*if appropriate, enclose copy of the budget as Appendix X*)

The Process

I met with staff informally on (date) to advise them of the budget difficulties and to explore voluntary ways of avoiding compulsory redundancies. (*detail any specific issues or concerns raised*)

Once I had received confirmation from the Schools Finance Team of the budget deficit I advised the whole staff at a meeting on (date) of the need to make staffing reductions. I then met with the group of staff where the reduction was required (*teachers or support staff*). I again asked for volunteers for redeployment, reduced hours (part-time), job share, shared reduction in hours, voluntary redeployment.

The Notification of Proposed Redundancies – Appendix 2 teaching and school support staff was sent out / emailed to all representative unions and to the HR Team, County Hall on (**DATE**). Two copies were posted in the staffroom / on the staff website on the same date.

Union Consultation

I was contacted by representatives of the (*name of representatives & union(s)*) during the consultation period of 10 days and met with them on *. (*give details of the meeting / attach action points from the meeting with RTU's? As Appendix X*)

Staff Consultation

A meeting was called with teaching staff on (**DATE**). I outlined details of the budget and pupil numbers for the following year. The teaching compliment as set by the Governing Bodies Finance and General Purposes Committee was declared. Information was given on the selection process, the criteria to be used and timelines involved. Volunteers for reduced working patterns and redeployment were asked for.

Staff with fixed term contracts / As there were no staff employed on fixed term contracts all permanent staff in the identified pool (**delete as appropriate**) were given copies of the skills audit and school priorities document to be used should a voluntary solution not be found during the consultation period. I explained that I would talk to them about the completion of the skills audit after the consultation period had finished.

Or

There was only one person on a fixed term contract / in the identified pool (**delete as appropriate**) so there was no need to issue and complete a skills audit.

Or

As all staff on fixed term contracts / in the identified pool (**delete as appropriate**) were to be selected there was no need to issue and complete a skills audit

Within the consultation period (**NAME / an/* individual(s)**) came forward formally offering **herself / himself / themselves** as a volunteer for redeployment (**give details**). / or Within the consultation period no volunteers came forward.

Selection

The standard selection criteria were applied by the Head Teacher.

As there was one person on a fixed term contract / in the identified pool (**delete as appropriate**) this person was selected.

Or

All staff on fixed term contracts / in the pool (**delete as appropriate**) were identified and therefore selected.

Or

As there was a volunteer within the identified pool this person was selected.

Or

There were no members of * staff on fixed term contracts.

Priorities for the school with respect to curriculum and organisational needs are:

- b) An adequate number of suitably qualified/experienced staff to teach within each phase of the school according to future pupil numbers
- c) Adequately qualified/experienced staff to co-ordinate each curriculum area within the school

Given full details of how the pool was determined and what posts were included.

Following the consultation period I met with the pool of staff and explained the process for the completion of the skills audit and the need to match their skills against the school priorities document. I asked staff to complete the skills audit within * days. During this time I offered / * name was offered (**delete as appropriate**) to meet with each member of staff individually.

The contents of the skills audits were then transferred in full by me (**with the assistance of ***) to a composite skills matrix. This was then considered in the context of the priorities for the school and the assessment led to the following conclusions:

-
-
-

Giving full details of how the decision was reached including an objective demonstration using detailed individual information on why the employee has been selected using the skills matrix and scoring.

Appendix X: Budget information / staffing structure / etc where appropriate. (**evidence for need of reduction**)

Appendix X: Notes of consultation meeting(s)

Appendix X: Skills matrix and or skills audits

Appendix X: summary of scoring

Recommendation

Having considered all of the above, it is my recommendation that NAME's fixed term contract not be renewed with effect from DATE and support for redeployment will begin immediately

Or

Having considered all of the above, it is my recommendation that NAME is given notice of the termination of employment from (DATE] / at the end of their notice period and support for redeployment will begin immediately

NB: for support staff this date should be agreed with your HR officer taking into account the employee's length of service where in doubt do not state a date.