

SECTION 3 – REDUNDANCY PROCEDURES

Status of Policy

- This policy was reviewed and updated in January 2010.
- It replaces the previous Guidelines on Human Resource Planning which was dated December 2008.
- Changes cannot be made to this document without the approval of the Senior Business Partner for Learning, Culture and Children's Services

If you have any queries about the application of this policy / procedure, please contact your designated HR Advisor.

Scope

This policy applies to all teaching and support staff in schools. For non delegated directorate services, please refer to the relevant corporate HR policies.

This policy and procedure should be applied in accordance with the aims of the Council's Equalities Policy Statement.

Date policy Agreed

Date

Human Resources

Teachers Panel.....

Finance.....

Legal Services.....

National and local conditions
(CONTACT – LT/MB/JS)

Redundancy Procedures Contents

- 1 Introduction
- 2 Definition
- 3 Avoiding redundancy situations – options
- 4 Fixed term contracts
- 5 Roles and Responsibilities
- 6 Consultation
- 7 Information to be provided
- 8 Undertaking consultation
- 9 Determining the pool of potentially redundant employees
- 10 Voluntary redundancies
- 11 Compulsory redundancies
- 12 Bumped redundancies
- 13 Notice to employees
- 14 Alternatives to redundancy
- 15 Time off to look for work or training
- 16 Hearings and Appeals

Appendices

- 1 Draft Trade Union informal information letter
- 2 Draft invite to consultation meeting letter to staff
- 3 Draft Section 188 letter to Trade Union
- 4 Example Selection Criteria
- 5 Redundancies – critical path

Annexes

- 1 Voluntary options available – information for employees
- 2 Formal notification of redundancies to the Local Authority
- 3 Model order of proceedings for an appeal hearing

REDUNDANCY PROCEDURE

PROCEDURE

Redundancy avoidance measures operating



Provide information and commence **Consultation** (at least 28 days before first dismissal)



Hold individual meetings



Amend proposals and/or communicate outcome of consultation



Determine pool and seek **volunteers**



Hold meetings to inform volunteers if their request has been accepted or not



Undertake selection for compulsory redundancy, hold meetings to inform employees of the results and issue notice



Consider **bumped** redundancies



Appeals (can be during notice period)



Links to other processes



Redeployment

1.0 Introduction

- 1.1 The Local Authority considers that staff are the most important resource within any school.
- 1.2 Schools should anticipate the need for any changes in their staffing by careful forward planning. This process should be supported by relevant Local Authority Officers. Schools can change; number of pupils, skills required and therefore changes in personnel may be necessary. Forward planning can also mean that changes in staffing can more likely be achieved by voluntary means/natural turnover.
- 1.3 Schools have a duty to continuously review staffing needs and costs to ensure delivery of best value for its pupils.
- 1.4 By working together, Local Authority Officers, Headteachers, Governing Bodies, staff and their representatives, can mitigate the worst effects of redundancy situations.
- 1.5 Every effort will be made to avoid job losses. This can be done in a number of ways. However, failing this redundancies, including compulsory redundancies, cannot be ruled out although the latter will only be implemented where no other reasonable option exists.

2.0 Definition

- 2.1 Redundancy occurs where an employer needs, owing to genuine business reasons, to reduce their workforce or to move their place of work. In order for a redundancy to apply, a job (or jobs) must have disappeared, or be about to disappear.
- 2.2 The definition of a redundancy (as contained in the relevant legislation) is where a dismissal is attributable wholly or mainly to:
 - (a) The fact that their employer has ceased or intends to cease:
 - (i) to carry on the business for the purposes of which the employee was employed by it, or
 - (ii) to carry on that business in the place where the employee was so employed, or
 - (b) The fact that the requirements of that business:
 - (i) for employees to carry out work, of a particular kind, or
 - (ii) for employees to carry out work of a particular kind in the place where they are so employed have ceased or diminished or are expected to cease or diminish.

3.0 Avoiding redundancy situations

- 3.1 After a staffing review has taken place and it is found that the required staffing levels are lower than existing staffing levels, a potential redundancy situation may be avoided by implementing a number of measures. This can involve any number of the following:

Measure	Description
Natural wastage	Posts not being filled once an employee leaves.
Freezing of vacancies	Unfilled posts left unfilled or abolished.
Reducing overtime and additional hours	Employees work their contractual hours, or as close to their contractual hours as the service will permit, in order to retain as many employees as possible.
Voluntary change in working pattern	Employees agreeing to reduce their working hours enter into a job share arrangement, undertake an unpaid career break or sabbatical or other forms of flexible working.
Voluntary early retirement	Employees seek to retire earlier than their contractual retirement age, in accordance with established Council policy and Teachers' Pensions.
Voluntary transfer	Employees seek to voluntarily transfer to another school on their existing grade. Headteachers and Governors will be asked to give priority to those staff that are potentially redundant.

- 3.2 Should the above measures not sufficiently reduce staffing levels, a redundancy situation will apply.

4.0 Fixed term contracts

- 4.1 The ending of a fixed term contract is by law considered to be a dismissal, even when the contract expires on the date notified in the contract. In the majority of cases the circumstances will meet the definition of a redundancy described above and the dismissal will therefore be for reasons of redundancy. The school is legally obliged to undertake the same process for employees whose fixed term contracts are expiring as other employees in a redundancy situation. Such employees may be entitled to a redundancy payment.
- 4.2 The financial penalties associated with a failure to undertake statutory consultation, seek alternatives to redundancy, follow a fair procedure etc. are the same for employees employed on fixed term contracts as other employees. It is therefore essential that these employees are

treated the same as other employees in a potential redundancy situation. In most cases this will be straightforward as the date of the expiry of the fixed term contract will be known some time in advance of the event, allowing adequate time for the proper process to be planned and undertaken. For further guidance in relation to employees employed on fixed term contracts, contact your relevant HR Advisor.

5.0 Roles and Responsibilities

- 5.1 As soon as it is anticipated that there may be a need to make reductions in staffing, for example when savings are needed to deal with budgetary problems, it is recommended that the redundancy procedures should be started. It is necessary to ensure that any savings are made within the appropriate budget cycle and the notice periods required for staff are observed. It is advised that commencement of these procedures will normally be either in the Autumn term or the beginning of the Spring term at the latest. The sooner action is commenced, the better. If, circumstances change so that redundancies are no longer needed, any action already taken, can always be retracted. By starting early, budget monitoring can also take place in respect of any potential costs which may be incurred by the Council as a result of redundancy.
- 5.2 In accordance with the School Staffing Regulations 2003, there is an expectation that the Headteacher rather than the Governing Body will be responsible for initial dismissal decisions of staff in the school. The role of the Governors will be focused upon hearing any appeal against dismissal decisions taken by the Headteacher.
- 5.3 It is recognised that certain circumstances may dictate that such responsibility should not be transferred to the Headteacher.
- 5.4 It is important for the Governing Body, following discussions with the Headteacher, to determine who will be involved in the decision making at each stage of the procedures.

6.0 Consultation

- 6.1 In addition to the consultation requirements that apply to all types of change, there are specific statutory obligations to consult when it may result in the redundancy of an employee or employees.
- 6.2 When considering situations that may result in the deletion of a post and the consequent redundancy of an employee, Headteachers should commence consultation with employees and their trade union representatives. This consultation must be:
- in good time and;
 - with a view to reaching agreement.
- 6.3 By law consultation must take place in what is termed 'good time' i.e.:
- at least 30 days in advance of the first dismissal if at least 20 but fewer than 100 staff;
 - at least 90 days in advance of the first dismissal if 100 or more employees are to be dismissed.
- 6.4 The Headteacher must begin consultation when they are contemplating changes that may result in a redundancy or a number of redundancies. In practice this means undertaking consultation during the development of proposals and prior to decisions being taken. Consultation after decisions have been taken is not in good time, nor is it meaningful.
- 6.5 The consultation must be undertaken with a view to reaching agreement with the representatives and must cover ways and means of avoiding redundancies or reducing the number of employees affected and mitigating consequences. In order to enable employees and their representatives to make constructive proposals they must be provided with all relevant information in good time to consider it and respond.
- 6.6 Where there are fewer potential redundancies planned than 20 staff, it is expected that schools engage in what they can demonstrate is a reasonable period of consultation. It is recommended that in this situation a minimum of 30 days consultation takes place (term time only for teaching staff).
- 6.7 Key to these timescales is the reference to 'at least'. The above timescales and numbers are therefore absolute minimums and consultation must be undertaken at the earliest opportunity and regardless of the numbers involved.
- 6.8 It is important to allow sufficient time to allow the consultation to be full and meaningful and for the consultation process to be completed **prior** to making decisions on the issuing of notices of redundancy. Notice of dismissal for redundancy can only be given after the conclusion of the

consultation and not during it. If notice is issued prior to the conclusion of the consultation, the consultation would be compromised.

- 6.9 To ensure that adequate time is allowed for full and proper consultation a consultation plan and timetable should be developed. During the development of such a plan it is advisable to work back from the date of implementation with each stage being identified and time provisions made. Consultation often takes longer than anticipated so it is also advisable to build in to the timetable some additional time in case of slippage.
- 6.10 Consultation is not just the provision of information; it involves inviting views, suggestions and ideas and giving serious consideration to these before making a decision.

7.0 Information to be provided

- 7.1 The Trade Union and Labour Relations (Consolidation) Act 1992 (TULR(C)A) requires that the school provides certain information in writing to the appropriate representatives in good time.
- 7.2 Where the school is proposing to make employees redundant the following information must be provided to the representatives of those employees:
- the reasons for the proposed redundancies;
 - the number and descriptions of employees which it is proposed to dismiss as redundant;
 - the total number of employees of this description employed at the school;
 - the proposed method of selection for redundancy;
 - the proposed method of carrying out the redundancy programme, with due regard for the redundancy procedure, and including the time scale over which dismissals will take place;
 - the method of calculation for any non-statutory redundancy payment.
- 7.3 Information must be provided in writing and a copy of the proposals should be provided to each representative, either personally or by post.

8.0 Undertaking Consultation

- 8.1 Consultation will have already taken place on the proposal that creates the redundancy situation and this consultation goes some way towards discharging the statutory consultation requirements that arise in a redundancy situation. However, this consultation in itself is not enough and further consultation is required on the redundancy situation.

- 8.2 Managers must consult both representatives and individuals genuinely and in good faith. Consultation must include consultation on ways of:
- avoiding the dismissals;
 - reducing the numbers of employees to be dismissed;
 - mitigating the consequences of the dismissals.
- 8.3 The consultation must be undertaken with a view to reaching agreement.
- 8.4 On a practical level, it is advisable to have as many meetings as necessary with representatives.
- 8.5 All employees in the redundancy pool (refer to section 9) must be given the opportunity of individual meetings to put forward any views on alternatives to redundancy. In order to comply with the legislation surrounding unfair dismissal, each employee must receive a written invitation to the meeting (refer to Appendix 2). The invitation letter must give adequate information on the situation and be sent sufficiently in advance of the meeting in order that the employee can consider their response before the meeting. Whilst giving adequate notice of meetings will avoid delays, should employees need more time to consider the proposals and formulate a response, meetings should be postponed for a reasonable period in order to allow this to happen.
- 8.6 Consultation is not only critical to the success of any change exercise but in the case of changes involving a redundancy it is a legal obligation. If it is found that the school has not complied with the statutory requirement to consult with employees, as detailed above, an Employment Tribunal can make a protective award against the school for non-compliance with the legislation. The award could be a maximum of 90 days pay.
- 8.7 The Trade Union and Labour Relations (Consolidation) Act 1992 (TULR(C)A) requires that whenever an employer proposes to dismiss as redundant more than twenty employees (excluding employees who ordinarily work outside Great Britain) at one establishment, then the employer must notify the Secretary of State for Trade and Industry (DTI). This is done by notifying the DTI. If the school is potentially going to dismiss as redundant this number of employees, please contact the relevant HR Advisor for advice.

9.0 Determining the pool of potentially redundant employees

- 9.1 It is paramount that when faced with the task of selecting which employee(s) should be considered for redundancy, a fair procedure is carried out. Selection for redundancy based on certain specified reasons, for example, gender, ethnicity, age etc will be automatically unfair. Whether a dismissal is fair or unfair depends on whether in the circumstances the school acted reasonably or unreasonably in the

selection of the employee(s). Following these procedures should enable Headteachers to demonstrate that they have acted reasonably.

- 9.2 When deciding which employees may be considered for selection for redundancy, the Headteacher must first establish the 'pool' from which the selection is to be made.
- 9.3 The redundancy pool is all those employees who work in the area that meets the definition of a redundancy situation as set out at the beginning of this document. This means the employees who are in the pool are those employees who undertake the work that is diminishing or that requires fewer employees to do it.
- 9.4 Each situation should be carefully considered, in consultation with the relevant HR Advisor and with the employees and their representatives, to ensure that the correct pool of employees is identified.

10.0 Voluntary redundancies

- 10.1 Where measures to avoid a potential redundancy situation have been unsuccessful the school may consider voluntary redundancies from within the pool as defined above.
- 10.2 When deciding which employees may be considered for voluntary redundancy, the Headteacher must first establish the 'pool' from which expressions of interest in being made redundant will be sought. Requests for voluntary redundancy from volunteers outside of the pool will not be considered at this stage, rather they will be considered later in the process when 'bumping' is an option (refer to section 12).
- 10.3 In order to determine which employees may wish to volunteer to be made redundant, all employees within the pool will be asked, in writing, if they are interested in being made redundant. At this stage employees who express an interest are not making a commitment to volunteer, rather they are simply stating that they may wish to volunteer.
- 10.4 All employees who express an interest in being made redundant can, on request be provided with a written estimate of their severance package.
- 10.5 If more volunteers come forward than required then a selection process will be undertaken. The recommended are contained in Appendix 4.
- 10.6 When applying the selection criteria, it must be possible to demonstrate that they were applied objectively, showing that a selected candidate has been compared fairly with all those others in the pool.
- 10.7 The selection criteria are applied in a non-discriminatory manner. Particular attention should be given to criteria relating to absence and

the disregard of absences due to a disability that falls under the definition provided by the Disability Discrimination Act 1995 and absences due to pregnancy.

- 10.8 There is a statutory obligation to hold a hearing and allow the employee the right of appeal for all dismissals including dismissals for reason of redundancy, even where the employee has volunteered to be made redundant. In such circumstances all employees who have expressed an interest in volunteering to be made redundant should be invited to a meeting to be advised whether their application for voluntary redundancy has been accepted or not. This meeting cannot take place until confirmation from the Local Authority that this has been agreed as a genuine redundancy and that the Local Authority can support the redundancy. The outcome of this meeting will be confirmed in writing. In the cases where the application has been accepted, this meeting will meet the statutory criteria of a 'hearing' and the outcome letter will remind the employee of their right of appeal against the dismissal (refer to section 16).
- 10.9 The Local Authority reserves the right not to accept any volunteer for redundancy if there is a genuine business reason to retain the employee, or there are more volunteers than required.
- 10.10 It should be made clear that there is not an automatic agreement that the voluntary redundancy will be accepted. It is important to note that if prior to the second week of the required notice period the school's need for redundancy changes e.g. through a routine resignation, any agreement may be retracted. After the second week of the notice period, any voluntary redundancy which has been agreed, will be honoured.

11.0 Compulsory Redundancies

- 11.1 Whilst it is hoped to mitigate the redundancies and to enact voluntary redundancies where possible, it is recognised that there may be occasions where insufficient volunteers can be found. There also may be occasions where the volunteers are unsuitable.(as stated in 10.9 above). In such circumstances the school may consider compulsory redundancies.
- 11.2 The pool from which the redundancies will be selected is the same pool as defined during the seeking of volunteers. The selection criteria recommended to be used is contained in Appendix 4.
- 11.3 Once the selection criteria have been applied, all employees in the redundancy pool will be invited to an individual meeting with the Headteacher. Prior to the meeting the employee will be provided with a copy of their score and how the score was determined in accordance with the selection criteria and reminded of their right to be accompanied by a Trade Union Representative or work colleague. At

the meeting the employee's score will be discussed and the employee or their representative will have the opportunity to make any relevant representations. At the end of the meeting (after any necessary adjournment) the employee will be advised of the outcome of the selection process. This meeting will meet the statutory criteria of a 'hearing' and the outcome of this meeting will be confirmed in writing. In the cases of employees who have been selected to be dismissed for reasons of redundancy, the letter will remind the employee of their right to appeal against the decision.

12.0 Bumped Redundancies

12.1 On some occasions it may be advantageous for a school to accept a proposal from an employee that they be made redundant to create a redeployment opportunity for an employee who would otherwise be potentially compulsory redundant. The employee who is 'bumped' out in favour of the employee whose job is disappearing will nevertheless be dismissed for redundancy, even though their job is not changing.

12.2 The acceptance of such proposals is entirely at the discretion of the Local Authority and consideration will be given to requests in accordance with the requirement to maintain a balance of skills in the school and to ensure that excessive cost is not incurred. It is essential that advice is sought from the relevant HR Advisor, if this option is being considered.

12.3 The pool from which volunteers for bumped redundancy will be sought will be those employees who are undertaking a role elsewhere in the school. For further additional information in relation to bumped redundancies, refer to Annex 1.

13.0 Notice to employees

13.0 The correct period of notice to which an employee is entitled is either the period of notice which the employee is entitled to receive under their contract of employment or the statutory minimum, whichever is the longer.

Staff group	Notice period (contractual)
Teaching staff (2mths notice for dismissal at end of Autumn & Spring term – 3 mths notice for dismissal at end of Summer term)	No later than 31 st October for 31 st December No later than last day of February for 30 th April No later than 31 st May for 31 st August
Support staff	Stated in individual contracts (not bound by term dates) or the statutory minimum, whichever is the longer.

- 13.1 It is important to note that some teachers may be entitled to twelve weeks statutory notice even though contractual notice is less than this. This is an issue for December and April dismissals and Headteachers are asked to check this with their relevant HR Advisor.
- 13.2 For Support staff the statutory notice period for an individual who is entitled to a redundancy payment is at least one week for each year of continuous employment, subject to the statutory maximum of twelve weeks' notice.
- 13.3 Support staff may be entitled by their individual contracts to a longer period of notice than described above and individual contracts must be checked to determine the correct notice period for each individual being made redundant. It is also important to remember that notice is effective when it is received by the employee, and not when given by the school.
- 13.4 Good practice indicates that if an employee under notice of redundancy wishes to leave early, they should normally be allowed to do so without penalty. However, there may be exceptional cases where it is essential for the continuation of the business for the employee to work up to the end of their notice period. In such circumstances the Headteacher should explain to the employee that this is the case and the school will not agree to them leaving before the notice expires. If the employee still leaves then this is counted as a resignation and no entitlement to a redundancy payment exists.

14.0 Alternatives to redundancy

- 14.1 The school has a legal obligation to consider whether employees likely to be affected by redundancy can be offered suitable alternative work.

An alternative job means a job given to the employee within the school, and not one which they have to apply for.

15.0 Time off to look for work or training

- 15.1 Employees under notice of dismissal by reason of redundancy have the legal right to take reasonable time off during their working hours before the end of their notice to look for work or to make arrangements for training for another job. What is reasonable will depend on the circumstances of each case and each request for time off should be viewed on its merits taking into account the needs of the school, the amount of time previously granted, the amount of notice given and the specific reason for the request.
- 15.2 Good practice indicates that Headteachers should balance the needs of the business with the needs of the employee to seek work or arrange training, and should take into account such factors as the length of the employee's notice period and the state of the labour market in the area in which the employee is seeking employment.

16.0 Appeals

- 16.1 Employees who are dismissed for reasons of redundancy, including those who have volunteered to be made redundant, have the right of appeal against their dismissal. Appeals will be heard by an Appeals Committee of the Governing Body of no less than three governors. . Consideration of whether or not staff governors are on any Appeals Committee will need to be made. Should there be any conflict of interest, it is advisable that they are not included.
- 16.2 Employees will be advised of their right to appeal when they are issued with formal notice of redundancy. Such employees will be given 10 working days from the date of the letter giving them notice, to submit an appeal. Efforts will be made during the employee's notice period to find alternative employment but it is recognised that this process will not always be successful.
- 16.3 If there is not enough time to hold an appeal hearing before a dismissal notice needs to be issued by the Local Authority to meet the correct notice requirements, then a letter confirming the decision should be sent to the Local Authority so that the formal dismissal notice letter can be issued. In such circumstance, it is now possible for an appeal hearing to take place within the notice period rather than prior to it. However, it is strongly advised that schools start the process early in order to avoid such a situation and allow, where possible, for appeals before dismissal notices are issued.
- 16.4 The decision will be confirmed in writing to the employee and to the Local Authority. If the employee is successful at appeal, and has already been served with notice of dismissal, they will be reinstated.

- 16.5 If the redundancy is confirmed, then the Local Authority will, if necessary, issue a dismissal notice within 14 days of the school's notification of the dismissal and reasons for it.

Appendix 1

Draft Trade Union informal information letter

TO LOCAL REPRESENTATIVES OF ALL THE RECOGNISED TRADE UNION ASSOCIATIONS AT THE CITY OF YORK COUNCIL:

Dear *(insert name)*

I thought it would be helpful to write to you now in order to make you aware of our budgetary projections for the next financial year, and to alert you to the fact that savings in staffing costs may be necessary.

A recent internal audit showed an anticipated shortfall in resources of around £*(insert amount)* which will almost certainly have an effect on our staffing establishment figure for 2008/2009.

The Governors and School Representatives of the Recognised Teachers' Unions and other staff unions have been briefed about the situation. In addition, I have been in contact with the Local Authority Officers who may be able to assist us during this difficult period.

It is hoped to avoid the need for any compulsory redundancies, and that the range of voluntary options on offer will help us overcome the current problem.

If you feel that it would be useful to meet with me during this preliminary stage, then do please contact me.

Yours sincerely

(insert name)
Headteacher

Appendix 2

Draft invite to consultation meeting letter to staff of (insert school name)

Dear *(insert name)*

As you will now know, the school has to make savings to its budget for the year *(insert relevant dates)*, and one of the ways we could do this is by reducing our staffing costs.

A recent internal audit showed an anticipated shortfall in resources of around £*(insert amount)* which will almost certainly have an effect on our staffing establishment figure for 2008/2009.

There are a number of voluntary ways in which this could be achieved:

- 1 Through normal resignation
- 2 Through normal age retirement
- 3 Through voluntary redundancy
- 4 Through voluntary reduction in hours of working
- 5 Through job share arrangements
- 6 Through voluntary transfer
- 7 Through 'bumped' redundancy

It is important to note, however, that if the school is unable to make the staffing reductions as necessary through the above voluntary methods, then the school will have to move to a compulsory redundancy situation.

If you would like to have a consultation meeting with me to discuss the current situation, then please let me know by *(insert date)*, and a meeting will be arranged. If you would like the opportunity to have an informal and confidential discussion with the school's HR Advisor about your situation and the options available, then please ring *(insert name of school's HR Advisor and their contact number)*.

You may also wish to inform your local Trade Union Representative.

Anyone who wishes to be considered for any of the above voluntary options should let me know in writing by *(insert date)*.

Yours sincerely

(insert name)
Headteacher

Appendix 3

Draft letter to recognised Trade Union Associations (Section 188)

Dear *(insert name)*

***(Insert school name)* – Reduction in the staffing establishment**

I am writing to you formally on behalf of the Governing Body in accordance with Section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992 to inform you that with effect from *(insert date)* the Governing Body may require the Local Authority to dismiss as redundant *(insert number)* members of the teaching and/or non-teaching staff from the establishment of this school.

Under the terms of Section 188 of the Act, I set out the required information in the following paragraphs:

- 1 The reason(s) for the proposal stems from *(insert reason i.e. reduction in pupil numbers – leads to a need for less teachers and/or /non-teaching staff in the department/school)*.
- 2 Details of the staff who may be affected are *(insert number of staff and from what staffing group affected)*.
- 3 The number and type of staff of this description in this establishment is attached to this letter *(this should contain all posts, including grades and hours in the specific department/school)*.
- 4 The selection criteria to be used will be based on consideration of volunteers or, failing that, an objective criteria such as area of responsibility, qualifications, and experience, attendance record, assessment of work performance under the capability procedures and the pastoral and curricular needs of the school. These criteria are not placed in any specific order.
- 5 Alternative posts within the school are being investigated and the school has also requested that the Local Authority seek to find alternative employment. The proposed method of carrying out the dismissal will have regard to the employee's period of notice and the statutory period of consultation. The proposed dismissal may take effect from *(insert date)*.

Please contact me if you have any comment or representations concerning this proposal.

Yours sincerely

Appendix 4

SAMPLE POINTS SCORING MATRIX FOR SELECTION OF REDUNDANCY

SCHOOL:

SELECTION COMMITTEE (names)

DATE COMPLETED:

SELECTION CRITERIA	EMPLOYEE 1	EMPLOYEE 2	EMPLOYEE 3	EMPLOYEE 4	EMPLOYEE 5	EMPLOYEE 6	EMPLOYEE 7
QUALIFICATIONS Relevant teaching qualifications Specialisms							
EXPERIENCE Recent and relevant teaching experience (inc age groups supported)							
RESPONSIBILITY							
SICKNESS ABSENCE FREQUENCY/AMOUNT Amount of sickness absence in previous 12 months							
CONDUCT							
INCAPABILITY							
OTHER RELEVANT INFORMATION							

Appendix 5

REDUNDANCIES – CRITICAL PATH

DATE	ACTION
	Governing Body identify the need to make savings or alter staffing structure and appoint a committee to investigate and report back.
	<p>Governing Body formally agree that staff reductions may be necessary, consider;</p> <ul style="list-style-type: none"> • The budget deficit / reason for redundancies. • The timetable for reduction • Savings which could be achieved without redundancies • Notification to staff of the financial situation • Delegation of the process to Staff Dismissals Committee
	<p>Dismissals Committee meets to consider situation;</p> <ul style="list-style-type: none"> • Discuss timetable for reduction. • Discuss reductions that could be achieved without redundancies. • Discuss whether staff reductions can be achieved • Liaise with HR, Finance, EDS etc as appropriate
	<p>BEGIN CONSULTATION PROCESS Alert staff (usually at a staff meeting) that redundancies are possible and that volunteers are being sought on the basis of;</p> <ul style="list-style-type: none"> • Voluntary redundancies • Voluntary redeployment. • Voluntary hours reduction. <p>As early as possible issue Section 188 letter to all recognised Union Representatives (see footnote).</p> <p>Consider what information needs to be communicated</p>

	to parents.
	<p>Dismissal Committee meet after appropriate consultation;</p> <ul style="list-style-type: none"> • consider any volunteers • consider any representations made during consultation process • set and apply selection criteria
	<p>Where, after appropriate consultation, compulsory redundancy is the only option, select posts to be nominated as redundant, and notify staff of their right to attend a meeting which meets the statutory requirement of a 'hearing'.</p>
	<p>REDUNDANCY HEARING Hold a meeting to hear representations from staff and their representative, if accompanied;</p> <ul style="list-style-type: none"> • Listen to representation • Consider advice of representative of LA (usually HR advisor) • Make a decision and advise staff of the outcome • As early as possible seek to re-deploy staff, where appropriate
	<p>GIVE NOTICE Governors notify LA of determination, and LA issues notice to employee within 14 days of notification Teaching staff letter giving notice must be received no later than 31 May for 31 August.</p> <p>Support staff - 1 week for each completed year of service, to a maximum of 12 weeks</p>
	<p>Allow 10 working days notice of any appeals to be made by staff.</p>
	<p>APPEALS COMMITTEE Hold meeting to hear any representations against decisions of staffing committee;</p>

	<ul style="list-style-type: none">• Make a decision• Advise staff of the outcome
--	---

CONSULTATION

The Authority has a formal agreement with its recognised Trade Union Representatives that consultation will take place, wherever possible, at least 28 days before the first dismissal.

Annex 1

Voluntary options available: Information for employees

1.0 Voluntary change in working pattern

- 1.1 A member of staff can agree to reduce their working hours, enter into a job share arrangement, undertake an unpaid career break or sabbatical or other forms of flexible working. Any requests from staff would need to be considered and agreed by the Headteacher and Governing Body, in consultation with the Local Authority.

2.0 Voluntary early retirement

- 2.1 A member of staff can seek to retire earlier than their contractual retirement age, in accordance with the established Council policy and in line with Teachers' Pensions regulations. Further information in relation to the options available can be provided by the relevant school's HR Advisor.

3.0 Voluntary transfer

- 3.1 The Local Authority will work closely with the individual members of staff concerned to offer support and assistance in seeking suitable alternative employment.
- 3.2 The relevant HR Advisor will liaise with any school that may have a suitable vacancy. Headteachers and Governors will be asked to give priority to those employees who are potentially redundant, and wherever possible these members of staff should be considered prior to the vacancy being advertised. Headteachers would be expected to seriously consider any potential suitable matches put forward by Human Resources, to ensure that relevant legal requirements on the employer are satisfied.
- 3.3 When a school wishes to consider a potential redeployee, the individual should be allowed, during school hours and with reimbursement of expenses from their existing school, to visit that school to discuss the post that is a potential suitable match with the Headteacher.
- 3.4 For staff who are redeployed into a vacancy it will be on their existing grade. However, in the event of a member of teaching staff accepting a post on a lower grade, salary safeguarding will be at the discretion of the Governing Body or the Local Authority. Non-teaching staff will be granted salary protection and it is recommended that this be in accordance with the Pay Protection scheme operating for other City of York Council employees.

- 3.5 Whilst receiving salary safeguarding/pay protection, employees can be expected to undertake responsibilities commensurate with their protected grade, qualifications and experience.
- 3.6 Employees successfully redeployed are legally entitled to a four week trial period giving the employee and the school a chance to decide whether or not the post is a suitable match without necessarily losing the right to a redundancy payment. The four week trial period can be extended for re-training purposes only by agreement.

4.0 Voluntary Redundancy

- 4.1. Staff can request that they be considered for voluntary redundancy, and if agreement is given, will be eligible for a redundancy payment and access to their pension (if they meet the requirement stated below). There is no automatic agreement that voluntary redundancy requests will be agreed. It will be for the Headteacher to determine in consultation and agreement with the Local Authority, taking into account the impact of the loss of the post to the educational establishment.
- 4.2 Should reductions in staffing occur by other means, for example, through normal resignation in the school prior to two weeks into the required notice period, any agreement to voluntary redundancy may have to be retracted.
- 4.3 If eligible, a redundancy payment and access to unabated pension will be as follows:
- Employees aged under 55 years of age will be entitled to a redundancy payment of up to 30 weeks actual pay based on a maximum of 20 years service.
 - Employees aged 55 years and over will be entitled to a redundancy payment of up to 30 weeks actual pay based on a maximum of 20 years service , plus immediate access to pension and lump sum benefits, with no added years.
 - Redundancy payments will be based on all aggregated service with the City of York Council (or equivalent employers) rather than just continuous service i.e. a break in service will be ignored when calculating service for redundancy pay.

5.0 Bumped Redundancies

- 5.1 In order to determine which employees may wish to volunteer to be bumped, the jobs which the employee could undertake will first be identified.
- 5.2 All employees undertaking jobs identified through the above process will be identified and asked, in writing, if they are interested in being made redundant. At this stage employees who express an interest are not making a commitment to volunteer, rather they are simply stating that they may wish to volunteer.
- 5.3 The Headteacher and relevant HR Advisor will consider the expressions of interest and decide whether the proposal will be accepted, taking into account the financial criteria in place are met.
- 5.4 All employees who express an interest in being bumped and who meet the school's criteria, will be provided with a written estimate of their severance package and asked to confirm their wish to be considered as a volunteer for bumped redundancy within seven days of the date of the letter.
- 5.5 If there are more volunteers for bumping than required then a selection process will be undertaken. The selection criteria recommended to be used in all cases are contained in Appendix A. The criteria will be applied by the Headteacher and the relevant HR Advisor.
- 5.6 As with volunteers for redundancy there is a statutory obligation to hold a hearing and allow the employee the right of appeal against their dismissal, even where the employee is a volunteer for bumped redundancy. In such circumstances all employees who have expressed an interest in being bumped should be invited to a meeting with the Headteacher to be advised whether or not their application has been accepted. The outcome of this meeting will be followed up in writing. In the cases where the application has been accepted, this meeting will meet the statutory criteria of a 'hearing' and the outcome letter will remind the employee of their right of appeal against the dismissal (refer to section 16 for further information).
- 5.7 The Local Authority reserves the right not to accept any volunteer for a bumped redundancy if there is a genuine business reason to retain the employee. Volunteers for bumping will only be accepted upon the submission and agreement of a full business case to the Senior HR Business Partner and the Local Authority. In order that expectations of the volunteers for bumping are appropriately managed, the agreement of the Senior HR Business Partner and the Local Authority must be obtained **prior** to the employee being advised of the outcome.

- 5.8 If a bumped redundancy is to take place it is important to get the timing right in order to avoid the possibility of paying two redundancy payments for one redundancy; one for the bumped employee and one for the other employee who may leave during the trial period and still claim a redundancy.
- 5.9 In these circumstances the school should delay making the 'bumped' employee redundant until the retained employee's trial period has expired and the redeployment has been determined to have been successful. Should the trial period not be successful, the 'bumped' employee will continue in their post and the potentially redundant employee will again become 'at risk'.

Annex 2**Notification of staff reductions involving redundancy/retirement payments**

Dear *(insert name of HR Advisor)*

Following receipt of the school's budget for *(insert relevant dates)*, I write to notify you of potential staff reductions at the school that will result in the voluntary and/or compulsory redundancy of staff.

The decision to meet redundancy and retirement costs rests with the Local Authority. The Local Authority is therefore asked to approve the proposed staff reductions. This is on the understanding that should circumstances change regarding the budget, any potential redundancy will be reconsidered in consultation with the Local Authority.

Number of potential redundancies:

<i>Voluntary redundancies</i>	<i>Compulsory redundancies</i>
<i>Comments:</i>	<i>Comments:</i>

Name of Headteacher: _____

Signature: _____

Date: _____

Please return this form to: *(insert name of relevant HR Advisor)*, HR Advisor, Mill House, North Street, York YO1 6JD.

Annex 3

Model order of proceedings for an appeal hearing

Set below is the recommended 'running order' for appeal hearings:

- 1.0 Headteacher/chair of meeting asks those present to introduce themselves and confirms everyone is aware of how the hearing will be conducted.
- 2.0 The Headteacher/Senior Manager state their case.
- 3.0 The employee or his/her representative may ask questions of management.
- 4.0 The employee or his/her representative state their case.
- 5.0 The Headteacher/Senior Manager may ask questions of the employee or his/her representative.
- 6.0 The Headteacher/panel may ask questions of the employee or his/her representative.
- 7.0 The Headteacher/Senior Manager briefly sums up the case, introducing no new evidence.
- 8.0 The employee or representative is asked to briefly sum up the case, introducing no new evidence.
- 9.0 Both parties withdraw whilst the panel deliberates. .

Note: Either party may request a brief adjournment at any time during the hearing; it should be the decision of the Chair of the panel as to whether or not such an adjournment is granted.