



Wessex

Learning Trust

We Learn Together!

Staff Redundancy and Redeployment Policy

Date approved by Trust Board: October 2019
Review Date: September 2022

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Wessex Learning Trust

Redundancy and Redeployment Policy

This policy will be reviewed by the Board of Trustees every three years or earlier if legislation requires it. The last review of this policy included a consultation with staff and trade union representatives. Any review will also be made in consultation with staff and trade union representatives.

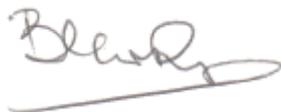
A handwritten signature in black ink that reads "Gavin Ball". The signature is written in a cursive style with a large, looped initial 'G'.

Signature:

Name: Mr Gavin Ball

Position: Chief Executive

Date: 14 October 2019

A handwritten signature in black ink that reads "Brian Kirkup". The signature is written in a cursive style with a long, horizontal flourish at the end.

Signature:

Name: Mr Brian Kirkup

Position: Chair of the Board

Date: 14 October 2019

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1. Introduction

1.1 These procedures apply to all staff employed within the Wessex Learning Trust (WLT).

1.2 The Redundancy Procedure (see paragraph 5 below) takes due account of ACAS guidance relating to redundancy processes and arrangements for dismissal set out in the School Staffing (England) Regulations 2009.

1.3 This policy has been based on the Redundancy and Redeployment Policy and Procedure (Academies and Non-Maintained Schools issued by SSE (Somerset County Council) published in August 2016. Changes to the policy represent differences in names and terminology and recognises that Board of Trustees of the Trust are the accountable body.

2. Statement of Intent

2.1 The WLT aims to achieve staff stability wherever practicable and to avoid compulsory redundancies. However, it is recognised that there will be occasions e.g. a significant reduction in pupil numbers or unexpected cuts in funding, when this is not possible. Redundancy, whether compulsory or voluntary, incurs significant costs and has considerable personal and professional impacts for the person being made redundant; redundancy must, therefore, be considered as an outcome of last resort when all other potential outcomes have been fully explored.

2.2 The purpose of the Redundancy Procedure is to ensure that an agreed consultative process is established to secure the best possible outcome in the full knowledge that this will not always be possible for all parties. When a post is declared surplus to requirement by the Board of Trustees, the redundancy selection must be fair in terms of the process and reasons for redundancy. The necessary consultations must be undertaken, where possible to identify alternatives to redundancy, offer alternative suitable employment to an 'at risk' employee and allow the employee reasonable time off to look for another position. Redeployment options must always be fully explored within the Trust.

3. Causes of Redundancies

3.1 Changes in staffing levels/composition may be considered by Headteachers/Local Governing Bodies and ultimately the Trust:

- a. to achieve economies to meet financial targets;
- b. to achieve defined goals by the re-allocation of resources;
- c. to meet the curricular needs of the Academy/Trust and its students/pupils.

3.2 Where such staffing changes result in a reduction or the elimination of the requirement for work of an employee or a group of employees undertaking the same or similar functions, then a redundancy situation exists in an Academy.

3.3 In addition, where the changes proposed result in the requirement for work of an employee or group of employees changing to such an extent that the employee or employees

concerned are found not to possess the necessary skills or abilities to continue in that role, a redundancy situation also exists.

4. Avoidance of Redundancies

4.1 The Trust, Local Governing Bodies and Headteachers will:

- a. Plan ahead and consider the numbers and skills of the workforce they will require in the future;
- b. Consider the appropriate balance between permanent, fixed-term and temporary¹ staffing options in order to ensure the most efficient and effective use of staffing resources and sufficient flexibility to minimise the likelihood of redundancy;
- c. Proactively review vacancies when they arise, to assess whether vacancies provide an opportunity to achieve staffing reductions, without the need to make redundancies;
- d. Consider possible transfer or redeployment within the Academy and/or Trust of existing staff as the first stage of the recruitment process when it is necessary to fill a specific post at a time when overall staffing reductions appear possible.

4.2 Where proposed strategies may result in staffing changes as outlined in paragraph 3, the Headteacher/Local Governing Body/Trustees must, before formally invoking the redundancy procedure, consider all other options that are available to avoid redundancy. These could include but are not limited to:

- a. Restrictions on recruitment, e.g., freezing vacant posts or appointing new employees on fixed-term contracts.
- b. Reduction of overtime/additional hours.
- c. Retraining existing employees to enable transfer to other suitable employment within the Academy/School.
- d. Staff Redeployment within the Academy/School.

5. Redundancy Procedure (Including Procedural Meetings)

5.1 The Redundancy Procedure follows a timetable. The **minimum** duration of the process is 41 school days. This includes the appeal stage but excludes the notice period required under contract or by statute.

*NB: Stage One – 12 school days
Stage Two – 6 school days
Stage Three – 6 school days
Stage Four (Appeal) – 17 school days*

¹ Guidance on the use of temporary and fixed term contracts is in Section 6 of Volume 1 of Guidance for Schools

*Subject to the time available before notice of redundancy has to be given under contract or statute (if longer), the minimum periods for Stage One to Three may be increased at the Trustee's discretion. The maximum for Stage Four is 27 school days unless both parties agree to a longer period. **Stage Four can be carried out during the notice period.***

5.2 When the Headteacher/Local Governing Body/Trustees consider that reductions in staffing levels or changes in the staffing composition may be required (see paragraph 3 above), a meeting, extraordinary if necessary, of the Board of Trustees should be convened and a report presented outlining the issues.

5.3 The Trustees in consultation with the relevant Headteacher will decide the timetable to be followed, taking account of the dates fixed for the Initial Dismissal and Appeals Meetings (see Appendix A for model timetable).

5.4 Based on the evidence presented by the Head Teacher, the Trustees must consider whether to invoke the redundancy procedure. If the procedure is invoked, the following decisions need to be made and minuted:

- a. Confirm that the Board of Trustees has adopted this Procedure being clear of the redundancy compensation applicable.
- b. Decide whether the initial decision to dismiss on grounds of redundancy will be taken by the Headteacher, a Governor or a Trustee, or a Dismissal Committee.
- c. Determine the staff group(s) from within which the redundancies will be made, including any post(s) within this group(s) which is to be excluded for consideration for redundancy.

*NB. The staff group selected could be one or more of the following: teaching, administrative and clerical, classroom support, technical, caretaking, cleaning, lunchtime supervision and crossing patrols. Within a selected staff group some posts may be excluded but the Board of Trustees should be circumspect in doing so. At this stage, the Board of Trustees must **not** consider the respective merits of individuals but instead focus on the continuing need for a particular post in the staff structure.*

- d. Determine the estimated size of the reduction in each staff group expressed in terms of salary cost, full-time equivalent posts and/or weekly hours.
- e. Confirm the selection criteria to be used, having regard to the following guidance.

NB: The selection of the pool of employees at risk of redundancy should be based on the Academy/School's leadership and management, organisational, curriculum, pastoral and financial needs. The Headteacher will need to look at the staffing structure and decide those posts that are still required and those posts which might be deleted from the staffing structure. These posts and postholders are at risk of redundancy and form the redundancy pool.

The following criteria should be applied to the selection of individual staff from the redundancy pool:

- *Consideration will first be given to termination of fixed-term contracts that have been used in anticipation of the need for staffing reductions and under which employment has been for a period of less than 2 years.*

Note: Fixed-term contract employees with continuous service of more than 2 years will have acquired additional statutory employment protection rights and should (unless their contract comes to an end for the reason it was originally established as fixed term) be subject to the following selection criteria.

- *Selection must be justified through a full and proper analysis of qualifications, skills, performance, contribution and expertise and potential savings from the redundancy pool. This analysis should be undertaken in the light of an assessment of which employees in the pool are best able to make a continuing contribution to the School as set out in the School Development Plan and the Staffing Structure.*

In considering the above, the Headteacher needs to draw up a profile for each of the posts in the pool which are to be retained. The Headteacher should then identify those employees who best match the profile of the posts in terms of qualifications, skills, performance, contribution and expertise in the context of the School Development Plan and the Staffing Structure - see example of profiles for teaching and support staff for teachers in Appendices D and E together with a Selection Profile (see Appendix F). Appendices D & E can be issued to staff for them to complete so they have opportunity to contribute to information on which the Head Teacher will base their selection decisions.

- *Having applied the above criterion and assessed that “all other things are equal” the principle of 'last in, first out' (LIFO) will be applied as a criterion of last resort – (LIFO).*

For the purpose of the criterion, LIFO applies to continuous service in the Trust. If this is equal, then LIO would then apply to length of service within the Local Government or other recognised body.

Note: Care should be exercised in application of this criterion since it may indirectly discriminate on the basis of age or gender.

- f. Determine the date for the Initial Dismissal Meeting.
- g. Arrange the membership of an Appeals Committee (if there is not a standing Appeals Committee) and set a date for the Appeals Hearing.

NB: The Appeals Committee will hear any appeals against selection(s) for redundancy made by the Headteacher/Dismissal Committee. When deciding the membership of the Dismissal or Appeals Committees, the following points should be borne in mind.

- *Usually a minimum of three Trustees must be selected for the committee who have not previously been involved in the process.*
- *Trustees selected must not have any direct or indirect financial interest in the outcome (this will be relevant to Trustees who may be closely related to members of staff at the Academy/School).*

- *The Dismissal or Appeals Committee should include either the Chair or the Vice Chair of the Board of Trustees.*

Wherever possible, meetings should be held during the day rather than in the evening because staff should not be expected to attend meetings outside their normal working hours.

- h. Agree arrangements for staff obtaining individual information related to financial compensation.

6. First Stage

6.1 This stage needs to last for a period of at least **12 school days** starting from the date of the working day immediately following the meeting of the full Board of Trustees meeting at which the procedure was invoked.

6.2 No later than **2 school days** following the full Board of Trustees meeting, the Headteacher should meet the staff group(s) to be affected by staffing reductions to commence consultations. The Headteacher should also inform the Trust/Academy professional association/trade union representatives about the decisions taken at the Board of Trustees meeting.

NB: Throughout the Procedure there should be consultations with the recognised professional associations and trade unions. The law requires employers to consult recognised trade unions about proposed redundancies before individual redundancies are announced. The purpose of these consultations is to ensure that trades unions are aware of the reasons supporting the proposed redundancies, the procedure and the selection criteria, with a view to reaching agreement on these aspects. The consultations also provide an opportunity to discuss whether there are alternatives to redundancy that will have the effect of reducing the numbers involved or mitigating the effect of the redundancies. There is a legal duty on the Headteacher to consider and reply to any representations from trades unions and to give reasons for rejecting representations before proceeding further.

6.3 Inform all employees in **unaffected staff groups** that the Redundancy Procedure has been put into effect in the staff group(s) selected.

6.4 During the remainder of the First Stage the Headteacher will:

- a. Within **1 school day** of the staff meeting (see para 6.1 above) send to all staff in the group(s) affected the confirmatory standard letter (see Appendix B together with the timetable for the process);

NB: If any staff in the group(s) affected are absent, the letter should be sent to their home address and, if considered appropriate, delivered by hand by the Headteacher or another senior member of staff.

- b. Meet with those members of staff who wish to have an individual consultation to enable them to give their views about the redundancy situation from a professional and/or personal perspective, discuss voluntary alternatives such as redeployment within the school, reduction in hours, job-sharing or voluntary redundancy or premature retirement, and any other

suggestions or ideas they may have to avoid the need for staffing reductions or answer any questions the individual may wish to ask;

NB: The content of any discussions should be recorded by the Headteacher and will, if considered appropriate by the Headteacher, be included in the report for the Initial Dismissal Meeting. At the meeting, the member of staff may be accompanied or represented by a professional association/trade union representative or a work colleague.

c. Begin to draft the report to be considered at the Initial Dismissal Meeting. The draft report will be issued to all staff in the redundancy pool; individual post holders should not be identified in the report at this stage;

NB: The structure of the report and the information required is set out in Appendix C.

d. Provide the information presented at the Board of Trustees meeting to any school representatives of the recognised professional associations/trade unions;

e. Consult, as necessary, on the content of the report and the financial viability of approving volunteers for redundancy or premature retirement with the Chief Executive, key Trustees, the Chair of Governors and senior members of the Academy staff.

f. Within **2 school days** of the Board of Trustee's meeting inform, in writing, the County Secretaries of the recognised professional associations/trade unions that the Redundancy Procedure has been invoked and the other decisions taken by the Board of Trustees. A copy of the staff letter will be provided to them;

7. Second Stage

7.1 On completion of the First Stage of the procedure, the Second Stage will begin. Where the timeframe permits, it is advised that time is allowed between the deadline for volunteers and the publishing of the draft report (**3 days**) to enable the Headteacher to consider any voluntary requests and how this may or may not achieve the required level of savings and whether compulsory redundancies are required. It will need to be for a minimum period of **6 school days** during which, the Headteacher will:

- a. Finalise the draft report for the Initial Dismissal Meeting;
- b. send the draft report to the County Secretaries of the recognised professional associations/trade unions and invite them to comment on the Report, to the Headteacher, within **5 school days**.
- c. Issue the draft report to **all staff** in the group(s) being considered for redundancy and invite comments within **5 school days** and where appropriate issue individual profiles for staff to complete;
- d. For those staff selected for the redundancy pool, ask them to comment on the professional/personal details about them contained in the report; and

NB: The circulation of information (facts or opinion) about individual members of staff which are considered sensitive and confidential in nature should not be circulated to other members of staff in the Redundancy Pool.

e. On request, the Headteacher should meet with members of staff individually to receive and discuss their views. Members of staff may be accompanied/represented by a professional association/trade union representative or work colleague. A note of the discussion should be retained.

8. Third Stage

8.1 At the end of the Second Stage, the Third Stage will begin. It will need to be for a minimum period of **6 school days** during which the Headteacher will:

- a. Finalise the Report for the Initial Staff Dismissal Meeting, taking account of the consultations that have taken place and any further information received during the Second Stage including individual profiles;
- b. Issue the final Report to those members of staff in the Redundancy Pool identified for compulsory or voluntary redundancy together with a covering letter (see Appendix G) and, if there is to be a Staff Dismissal Committee meeting, also send the Report to the Committee members;
- c. Send a copy of the report to the County Secretaries of the recognised professional associations/trade unions (the school's HRO can do this on behalf of the school on request);
- d. Receive any written submissions from staff in the Redundancy Pool and forward copies to Staff Dismissal Committee's members; and
- e. Advise remaining staff they are no longer at risk.

8.2 The Initial Dismissal Meeting takes place at the end of the third stage. The process to be followed is set out in Appendix H.

8.3 Following the Initial Dismissal Meeting, the Headteacher should:

- a. Within **1 school day** of the meeting, orally notify the decision taken at the meeting to those employees in the redundancy pool and those who had requested one of the voluntary options;
- b. Within **2 school days** of the meeting, issue a letter to all members of staff selected for compulsory redundancy, with a copy to their union, or accepted for one of the voluntary options (see Appendix I); and
- c. Within **5 school days** of the meeting, the draft notes of each of the meetings should be sent to the relevant staff selected for compulsory redundancy and to those whose request for one of the voluntary options have been refused. Amendments will be considered and final notes produced prior to any Appeals Hearing.

NB: Any information in the notes about individual members of staff which are considered to be sensitive and confidential in nature should not be circulated to other members of staff in the Redundancy Pool.

9. Fourth Stage

9.1 In the event of an appeal being lodged, the Headteacher will inform the Appeals Committee and arrange a meeting to take place no earlier than **5 school days** and no later than **15 school days** after the date the appeal is received. The date of the appeal may be later than **15 school days** if both parties agree.

9.2 The Appeals Hearing performs the function of the grievance procedure and employees will not be able to raise a complaint under the Trust's grievance procedure following a conclusion of a redundancy appeal.

9.3 Employees may be represented by a recognised trade union or colleague at any formal stage of this procedure. The employee is responsible for making these arrangements and for providing their representative with all paperwork they wish to be considered at the hearing. The member of staff should inform the Clerk who their chosen companion is and provide a copy of all documents in good time before the hearing.

9.4 The Appeal Committee's decision and the minutes of the hearing will be notified, in writing, to all parties within **5 school days**.

REDUNDANCY PROCEDURE - TIMETABLE

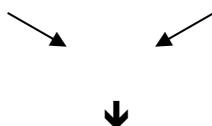
This timetable indicates the number of working days within which each part of the Redundancy Procedure must be completed if redundancies of teaching staff or support staff are to be affected properly. The process must be completed by the deadline for giving the minimum notice under contract or statute (this ranges from 1 to 12 weeks dependent on the employee’s length of continuous service) whichever is the longer. In the Summer Term (for redundancy wef 31 August) this would be 31 May for teaching staff and 8 June for those support staff who have the maximum 12 weeks’ notice under statute.

It should be noted that the Redundancy Procedure may be halted at any time when the financial / staffing situation changes. e.g. when a member of staff resigns from a post during the consultation period.

NB: Wherever practicable the process should commence as early as possible subject to appropriate and clear information being available, for example firm budget figures.

Having considered all possible options to achieve the required organisational changes, the Board of Trustees decide that staff redundancies may be needed. (Paragraph 4)

As soon as practicable



FIRST STAGE

- At Board of Trustees meeting
- consider the report from the Headteacher / Local Governing Body.
 - adopt current redundancy procedure and invoke procedure.
 - delegate power of dismissal to the Headteacher otherwise establish Governors Staff Dismissal Committee.
 - determine staff groups to be considered for redundancy
 - determine the anticipated scale of reductions needed
 - decide the selection criteria
 - establish Appeals Committee and date of the Initial Dismissal and Appeals meetings. (Paragraph 5.3)



Maximum 2 school days

Headteacher informs school-based staff representatives, union/associations representing staff groups affected.

Headteacher meets with staff groups affected

- informs and explains Governing Body/ Board of Director's decision
- asks for volunteers
- issues model letter – Appendix B

(Paragraph 6.1)

Headteacher uses initial report presented to governors to prepare draft report for the Dismissal Meeting, advice and guidance is available from the Schools HR Adviser (Paragraph 6.4)



Minimum 10 school days

SECOND STAGE

Deadline for volunteers

All staff within the redundancy pool are given the Headteacher's draft report for the Initial Dismissal Meeting for information and comment

Copy of draft report sent to unions. (Paragraph 7.1)



Minimum 5 school days

Staff and unions' comments on draft report received by Headteacher (Paragraph 7.1)



Minimum 1 school day

THIRD STAGE

Having considered all options to avoid redundancies where they are still potentially required Headteacher's final report sent to staff in Redundancy Pool identified for Compulsory Redundancy or Voluntary Redundancy only along with invite letter to initial dismissal meeting and invite written submissions from staff. A copy is also sent to unions/associations affected. (Paragraph 8.1(c).



Minimum 3 school days

Written submissions from staff received by Headteacher (Paragraph 8.1(d).



Minimum 3 school days

Initial Dismissal meeting

Allowing a minimum of 30 minutes for each person identified for Compulsory Redundancy or Voluntary Redundancy (Paragraph 8.12)



Maximum 2 school days

Staff informed orally of decision by Headteacher (within 1 school day)
Letter confirming decision sent by Headteacher (within 2 school days).



Maximum 10 school days

FOURTH STAGE

Deadline for Appeals (Paragraph 9.1)



Minimum 5 school days and maximum of 15 school days unless both parties agree to a longer period.

Governor Staff Dismissal Appeals Hearing



Maximum 1 school day

Staff informed orally of decision by Headteacher



Maximum 4 school days

Letter confirming decision sent by Chair of Appeals Committee. If appeal not upheld, termination of employment confirmed.

Standard Letter to Follow-up Staff Meeting - (see Paragraph 6.4)

Dear Colleague

I am writing to inform all staff in the () staff group about the meeting held today, the purpose of which was to inform you that the Board of Trustees has decided to implement its procedure for dealing with redundancies, to explain the reasons for that decision and to seek volunteers in order to avoid compulsory redundancies. It is the priority of the Trust and school, to identify redeployment opportunities within the Trust/school for staff at risk of redundancy.

The reasons for needing to reduce staffing in the () staff group are as follows:

-
-
-
-

The following posts from within the staff group should be excluded from consideration (). The reasons for their exclusion are that ().

The Governors would wish to effect staff reductions no later than (). The Initial Dismissal Meeting, at which decisions will be made regarding selection for redundancy, will be conducted by myself (or the Governors Dismissal Meeting), will be held on ().

The Redundancy Procedure follows the model provided by the Local Authority (LA) which has been the subject of detailed consultation with all the recognised trades unions and professional associations. It is contained on the school's website and a copy will be placed in the staff room.

It is a fundamental aim of this procedure that compulsory redundancies should be avoided wherever possible and that redundancy, whether compulsory or voluntary, is a last resort and will only be implemented when all alternatives have been fully considered and found to be inconsistent with the ongoing needs of the School. I am asking all staff, therefore, to consider whether they would be prepared to volunteer for one of the following options:

1. Voluntary redeployment to a suitable vacant post within the School if possible.
2. A job share arrangement with a colleague.
3. A reduction in working hours.
4. Voluntary redundancy.
5. Voluntary premature retirement in the interests of the efficiency of the service.

1. **Voluntary redeployment** - staff would either need the appropriate skills for a role or reasonably be expected to be able to acquire these skills in a reasonable time frame.
2. **Job share** - any such arrangement would be subject to a job share agreement as agreed by the Governing Body/Trustees.

3. **Reduction in Hours** - it may be possible to achieve all or part of the savings by some staff agreeing to reduce their hours of work. If you are willing to consider this option please indicate, in writing, what level of reduction you would be prepared to consider. By doing this you will not be committing yourself to anything at this stage.
4. **Voluntary redundancy** - this option is available to all staff with 2 years' or more continuous service with the Academy, a local council or related employer, at the date of redundancy for whom a redundancy compensation payment would be made.
5. **Voluntary premature retirement** - this option is available only to staff aged 55 or over subject to a minimum amount of pensionable employment at the date the redundancy is required (teachers need at least 2 years and support staff need at least 3 months).

In accordance with the Redundancy Procedure you now have 10 school days from the date of this letter to decide whether you wish to apply as a volunteer for one of the above options, and or highlight other alternative options that may reduce the need for redundancies. If you decide to volunteer, please let me know in writing within the timescale (applications submitted after this deadline will still be considered at the Initial Dismissal Meeting). The suitability of any volunteer will be considered by myself and there can be no guarantee that volunteers will be accepted. If your request is refused, I will give you the reasons.

I will be available to see you, together with your union representative or work colleague if you wish, throughout the period the Redundancy Procedure is in operation in order to answer any questions you may have or to provide additional information.

The School has informed the representatives of the recognised trades unions and professional associations. These are – ASCL, ATL, NASUWT, NEU, Voice, NAHT, Unison, GMB, UNITE. I would advise you to contact your County union representative before making any decision to volunteer for one of the above options. If you are a member of a professional association or trade union other than one of these, please let me know so I can provide them with the same consultation rights.

A copy of the Trust's redundancy procedure is available in the staff room and on the school's website and includes information about the calculation of financial packages, including 'ready reckoners' for redundancy compensation payments and examples

If you wish to verify your financial position with regard to redundancy payments and/or pension benefits you should contact your Headteacher who will request an estimate from the payroll on your behalf. If you would like a redundancy/pension estimate, please do so as soon as possible to enable the figures to be processed.

Yours sincerely

Headteacher

Structure and Content of the Redundancy Report for the Initial Dismissal Meeting

The following headings should be used giving as much detail as is appropriate.

1. Introduction

- reasons for staffing reductions;
- scale of problem e.g. if budget led, details of the projected deficit;
- dates and decisions of Trust meetings / Governors meetings taken prior to full Board of Trustees meeting.

2. Board of Trustees decision

- redundancy procedure invoked;
- Headteacher or Governors Staff Dismissal Committee to decide redundancies;
- staff groups identified, including any posts excluded from consideration and why;
- size of savings needed in each group;
- selection criteria to be used;
- dates agreed for Initial Dismissal and Appeals meetings.

3. Consultations

- date when staff affected informed;
- letter issued to staff with deadline for voluntary options (append letter – Appendix B);
- informed professional associations/unions.

4. Possibilities for avoiding compulsory redundancies (group by group)

- non-renewal of fixed-term contracts;
- volunteers for voluntary redundancy;
- volunteers for premature retirement;
- volunteers for reductions in hours, including jobshares;
- natural wastage (e.g.) resignations;
- views on, and any proposals resulting from, these possibilities.

5. Compulsory redundancies (if still needed)

- state scale of reduction needed in the staff group;
- select “pool” by using criteria in paragraph 5.4(e). Individuals should only be named in the final report.

6. Redundancy selection within “pool”

- state criteria used for redundancy selection and explain how this criteria should be applied to achieve the required reduction in staff while, at the same time, enabling continuing operational needs to be met;

- summarise factual information about each member of staff – employment history, grade, current duties, qualifications, skills and expertise (include information provided by staff);
- analyse the operational effects of losing each member of staff, identifying how their duties, responsibilities and specialisms would be covered, who would cover and at what, if any, additional financial cost (use and attach Appendices E, F and G). Confirmation that the postholder, who will assume these responsibilities, has been informed and where appropriate has agreed to do so;
- preliminary proposals of identified posts.

Proforma for Personal Profile of Teaching Staff

Name of Teacher

Type of Contract (Permanent/Temporary/Full Time/Part Time).....

Length of continuous service at the Academy/Trust			
Relevant Qualifications		Salary Grade	
		Annual Salary (pro rata if p/t)	
Point on Teachers' Pay Spine		Leadership group	
Number and type of additional payment: TLR Recruitment & Retention Special Education		Leading Practitioner	
Teaching skills, contribution, performance and expertise			
Paid Responsibilities			
Total potential savings associated with this post			
Effect on the current provision and the development of the School if this teacher was to be made redundant			
Leadership and management			
Curricular			
Pastoral			
Other			

Proforma for Personal Profile of Support Staff
(LSAs/Midday Supervisors/Administration/Clerical/Site Staff)

Name of Support Staff

Type of Contract (Permanent/Temporary/Full Time/Part Time)

Length of continuous service at the Academy/Trust			
Relevant Qualifications		Salary Grade	
		Annual Salary (pro rata if p/t)	
Skills, performance, contribution and expertise			
Current Duties			
Additional contribution to the school within contractual requirements			
Total potential savings associated with this post			
Effect on the current provision and the development of the School if this member of support staff was to be made redundant. (Please leave blank if not appropriate).			
Supporting Pupils' Learning Activities			
Preparation of Materials and Equipment			
Management of staff			
Management of Physical Resources			
Financial Management			
Governors' Activities			
Administrative, Clerical, and Reception Services			
Supervision of Pupils			
Other			

Selection Profile

Essential Requirements of the post								
						Curriculum Expertise	Specific Quals	Pastoral Expertise
Employee 1								
Employee 2								
Employee 3								
Employee 4								
Employee 5								
Employee 6								

Note: The headings of this Selection Profile matrix should be completed by inserting the essential requirements of the post. Each employee should then be objectively assessed against those requirements.

Exemplar Letter to Invite all Employees in the Redundancy Pool to the Initial Dismissal Meeting

Dear

Redundancy Initial Dismissal Meeting

You are invited to attend the Dismissal meeting at *place* on *date* at *time*. The purpose of the meeting will be to allow me to consider fully (the possibility that since you are in the redundancy pool, your post as *name of post* could be declared redundant) or (your request for *redundancy/premature retirement/reduction in hours/redeployment*) with effect from *date*. The background to this proposal is set out in the attached report.

The meeting provides you with the opportunity to make any points that you consider appropriate prior to a decision being taken by myself. At this meeting, you have the right to be accompanied by a Professional Association/Trade Union representative or a work colleague.

Also present at the meeting will be: *List those who will attend*.

I should be grateful if you would let me know by XXX whether you will be attending the meeting. Whether or not you attend, you have the right to submit any points you wish to make, in writing, to me. This should be submitted no later than *date* (no later than 2 school days before the meeting).

You will already have had access to the School's Redundancy Procedure. If, however, you would like your own individual copy please do not hesitate to contact me.

Yours sincerely

Headteacher

School's Redundancy Procedure – Process to be Followed at the Initial Dismissal Meeting

1. Introduction

- 1.1 The purpose of the Initial Dismissal meeting is to decide:
- a. whether to terminate fixed term contracts as part of the overall staffing reductions;
 - b. the acceptability of staff who have applied for one of the voluntary options;
 - c. compulsory redundancies.
- 1.2 These decisions will be made by the Headteacher taking account of any written and oral representations made by staff and the unions.
- 1.3 The meeting will be chaired by the Headteacher. They may be advised by an HR Advisor.
- 1.4 The Headteacher will arrange for a note to be taken, normally by a member of the school's staff who is not part of the Redundancy Pool.

2. Process

- 2.1 The Meeting is convened and the Headteacher ensures that all employees in the pool have received all of the relevant papers and had the opportunity to consult throughout the process.
- 2.2 The purpose of the meeting within the overall redundancy procedure should be clarified along with the process to be followed during the course of the meeting.
- 2.3 The Headteacher should introduce all those present at the meeting and explain their role.
- 2.4 The Headteacher should then receive separately individual representations from those employees in the pool who wish to make them (see paragraph 3 below).
- 2.5 The Headteacher and their Adviser may, if necessary, seek clarification of certain points from the employee.
- 2.6 Having received all of the oral representations, the Headteacher and their Adviser will then move on to consider the Headteacher's report in detail alongside employees' written and/or oral representations.
- 2.7 The Headteacher, having reached a decision, will notify the decision to those staff affected in accordance with the Redundancy Procedure's requirements.

3. **Purpose of Written and/or Oral Presentation**

- 3.1 The content of the written submission and oral presentations are for the employee to decide. The intention is to enable the employee to support his/her request for one of the voluntary options or to challenge any proposal which may result in his/her dismissal. The challenge could be on procedural grounds and/or on the grounds that the reasons put forward to justify the proposal are in some way(s) flawed. For example, the use of selection criteria not included in the Procedure, unreasonable application of the selection criteria, a decision not based on fact or sound evidence/opinion and/or a decision not having taken account of relevant factors.
- 3.2 An oral presentation, or written representation, is optional and those employees in the redundancy pool who choose not to attend the meeting or make a written representation should not suffer any detriment as a result.
- 3.3 Oral presentations are made prior to any detailed consideration being given to the Headteacher's report. It will then be a matter of choice for the individual employee whether they wish to remain in the building until a decision has been reached or to leave.
- 3.4 It is important to realise that the oral presentation is not an interview. Points of clarification may be raised by the Headteacher and the Adviser. Care should be taken to avoid the employee making, or the Headteacher seeking, promises about what the employee will do if they were allowed to stay, i.e. if they were not to be selected for redundancy.

Exemplar Letter to Confirm Compulsory/Voluntary Redundancy/Premature Retirement Dismissal

Dear

Redundancy Dismissal Meeting

I am writing to confirm the outcome of the meeting held in *place* on *date* to consider my proposal(s) to (*declare a post in your staff group redundant/ to accept your request for voluntary redundancy/ premature retirement*) with effect from *date of termination*. Also present were (*name those present*). You were represented by (*name of representative*). I explained the circumstances leading to my proposals and the case for redundancy which were set out in the report sent to you with the invitation to the meeting.

You responded to the report and the proposals it contained by stating that (*include the key points made by the employee or his/her representative in support of their position*).

I have considered fully the points that you have made in the context of the requirements of the Academy/School (*Insert Management Response*),

My conclusion is that I believe it to be in the School's operational and financial interests to declare your post of (*post title redundant/ accept your request for voluntary redundancy/ premature retirement*) and, therefore, I have decided to terminate your employment as the postholder with effect from (*date of termination*).

In accordance with the School's Redundancy Procedure and your statutory rights, you do have the right to appeal against my decision (*only include for Compulsory Redundancy*). If you decide to appeal you should write to the Clerk to the Governors within 10 school days of receipt of this letter i.e. by (*date*). You should also state the reasons for your appeal. The appeal will be heard by a Governors Appeal Committee whose decision will be final. (** **only include this paragraph if post made compulsory redundant**)

I will endeavour to secure your redeployment to a suitable alternative post within the school.

May I conclude by saying how very sorry I am to have had to make this decision and to thank you for your services to the Academy. I wish you every success in the future.

Yours sincerely

Headteacher

The Staff Redeployment Programme (see Paragraph 4)

4. SALARY SAFEGUARDING

4.1 For Teaching Staff

a. Salary safeguarding (including pay increases and increments) will be in accordance with the Academy/School pay policy which is revised annually in consultation with staff. This safeguarding is subject to the employee not unreasonably refusing an alternative post within the school at a grade equivalent to his/her safeguarded salary level.

4.2 For Support Staff

a. Employees, in the event of redeployment to a post within the Academy/School graded lower than the previous post, receive salary safeguarding limited to one grade above the post to which they have been redeployed.

b. Salary safeguarding (including pay increases and increments) will be in accordance with the Academy/School pay policy which is revised annually in consultation with staff which will continue for a period of 3 years. This safeguarding is subject to the employee not unreasonably refusing an alternative post within the school at a grade equivalent to his/her safeguarded salary level.

Financial Compensation Packages

1. Redundancy Compensation Payments

1.1 To qualify for a statutory redundancy payment under the Employment Rights Act 1996 an employee must, at the date on which his/her employment is terminated, have continuous service with the Trust/Academy, (or continuous service with a recognised body, which includes other Academies, maintained schools or local government service) of two years or more. Such payments are based on the employee's age, length of continuous service and weekly rate of pay at the date on which notice of redundancy is given.

1.2 **Voluntary Redundancy** – The compensation payments for those who have expressed an interest in and accepted voluntary redundancy is calculated as follows: actual weekly salary multiplied by the number of weeks' entitlement under the statutory redundancy formula. There is a cap of 30 weeks' of normal weekly pay.

1.3 In line with the Trust's Pension Discretions Policy, employees who are paid a compensation payment above their statutory redundancy entitlement, and who are members of the Local Government Pension Scheme, are given the option of converting any compensation payment over and above the statutory redundancy entitlement into additional pension. The maximum additional pension that can be purchased will be that specified in the Pensions Regulations, which will be increased each April under Pensions Increase Orders.

Note: Employees considering this option are responsible for seeking guidance from Peninsula Pensions on how this affects their benefits.

1.4 **Compulsory Redundancy** – The compensation payments for those whose employment is terminated on the grounds of compulsory redundancy is up to the statutory maximum weekly pay, calculated as follows: actual weekly salary up to the statutory maximum weekly pay multiplied by the number of weeks' entitlement under the statutory redundancy formula. This is capped at 30 weeks of statutory weekly pay. Academies have the option of adopting, or not, the principle that the payment is subject to a minimum £1500 (pro rata for part-time employees).

1.5 In line with the Academy/School Pension Discretions Policy, where employees are paid compensation at the minimum of £1500 and where this is above their statutory redundancy entitlement, the employees, who are members of the Local Government Pension Scheme, are given the option of converting the compensation payment over and above the statutory redundancy entitlement into additional pension. The maximum additional pension that can be purchased will be that specified in the Pensions Regulations, which will be increased each April under Pensions Increase Orders.

Note: Employees considering this option are responsible for seeking guidance from Peninsula Pensions on how this affects their benefits.

1.6 A Ready Reckoner for redundancy compensation payments for school staff is attached to this appendix.

2. **Early Retirement on Grounds of Redundancy**

2.1 For a member of staff in the Teachers Pension Scheme to qualify for pension benefits, he/she needs to have reached the age 55 with at least 2 years pensionable employment at the date of redundancy. Alternatively, 5 years of pensionable employment as at the date of redundancy completed at any time is sufficient to qualify. In addition to pensionable employment, certain other types of service may count towards the qualifying period. In each of these scenarios the teacher must have obtained the Governing Body's approval for the payment of such benefits.

Hidden costs for early retirement in redundancy situations.

If a member of the LGPS aged 55 or over loses their job on the grounds of voluntary or compulsory redundancy or business efficiency, their unreduced benefits are payable immediately on termination of contract. This can result in a shortfall in the pension funding and this shortfall is also known as the hidden, capital or pension strain cost.

This is a pension liability cost which will fall to the school.

What is a strain cost and when will they occur?

Pension strain costs occur when there is a clear shortfall in the assumed level of funding needed to provide a particular pension benefit. This occurs when a member draws their benefits a lot earlier than expected.

For example, if normal retirement age is 65 and it is anticipated that a member will live until 90 years old the member will receive a pension for 25 years. If an employee retires at the age of 55 the pension will need to be paid for 35 years thus leaving a pension contribution shortfall of 10 years. The school will be expected to pay the strain cost associated with this shortfall.

How will the school pay for strain costs?

Strain costs are produced automatically by Peninsula Pensions when a redundancy estimate is requested for support staff over the age of 55. The employer will be notified of the amount of a strain cost and this will enable the school to make an informed decision as to whether the cost is affordable.

The strain cost will be charged to the school by the payroll provider and can be paid as a one-off lump sum or schools have the option of paying the amount over a period of 3 years, however, interest will be charged for this option. If paid over 3 years, the first payment is due in the April after the member has left.

For further information on strain costs from Peninsula Pensions please follow the link below;

<https://www.peninsulapensions.org.uk/wp-content/uploads/2017/02/What-is-a-Strain-cost.pdf>

2.2 For a member of staff in the Local Government Scheme to qualify automatically for pension benefits, he/she must have reached the age of 55 with at least 3 months' pensionable employment at the date of redundancy.

2.3 Examples of the financial packages available are provided later in this appendix.

3. **RE-EMPLOYMENT**

3.1 An employee's entitlement to a redundancy compensation payment is conditional on the employee not accepting an offer of new regular employment with another Academy, maintained school, local council or a related local government employer before the date of redundancy. However, this is only where the new employment starts within the four-week period immediately following the date of redundancy. An employee would disentitle themselves to the redundancy compensation payment if **all** of the following circumstances applied:

- a. the new employment is regular full or part time, i.e. not casual;
- b. the new employer is another Academy, local council or related local government employer;
- c. the offer of the new employment is made before the date of redundancy; and
- d. the employee starts work in the new post within four weeks following the date the redundancy took effect.

External spreadsheet for school staff.



Redundancy
Calculation Table.xls

EXAMPLES OF FINANCIAL PACKAGES FOR REDUNDANCY FOR SCHOOL STAFF

EXAMPLE 1 (Voluntary or Compulsory Redundancy) – weekly salary is less than statutory maximum of £525 (as at 1st April 2019)

A member of staff aged 42 with 12 years continuous service and earning £12,000 per annum at the date of redundancy. A redundancy compensation payment is payable equivalent to 12.5 weeks' salary (see table)

$£12,000^* \times \frac{7}{365} \times 12.5 \text{ weeks} = £2,877$ (free of deductions).

* for part-time staff, this figure is the actual gross earnings per annum.

EXAMPLE 2 (Voluntary Redundancy)

A member of staff aged 48, with 26 years continuous service (maximum of 20 years counted for this purpose) and earning £35,000 per annum at the date of redundancy. A redundancy compensation payment is payable equivalent to 23.5 weeks salary (see table)

$£35,000^* \times \frac{7}{365} \times 23.5 \text{ weeks} = £15,774$ (free of deductions).

* for part-time staff, this figure is the actual gross earnings per annum.

EXAMPLE 3 (Compulsory Redundancy)

The same member of staff aged 48 with 26 years' continuous service (maximum of 20 years counted for this purpose) with a full-time equivalent salary of £35,000 per annum who is made compulsorily redundant. There is a statutory weekly upper limit of £525 per week (as at 1st April 2019)

$£475.00 \times 23.5 \text{ weeks} = £10,575$ (free of deductions).

* for part-time staff, this figure is the actual gross earnings per annum.

Any redundancy payment under the amount of £30,000 will be free of deductions.