

Management of Change and Redundancy for Schools

Guidance Documents for Manager/ Head teacher and Governing Body

The following documents are for guidance only and may be amended by Human Resources from time-to-time. They do not form part of the Management of Change and Redundancy Policy, nor are they intended to be, incorporated into individuals' Contract of Employment.

- Guidance Note 1 - Consultation Framework
- Guidance Note 2 - Model Conduct of Redundancy Dismissal Meeting
- Guidance Note 3 - Model Conduct of the Appeal Meeting
- Guidance Note 4 - Pay Protection Arrangements
- Guidance Note 5 - Model meeting script for the Chair – Representations by individual nominated for Redundancy to the Staff Dismissal Committee
- Guidance Note 6 - Model letter – Individual 'at risk' letter.
- Guidance Note 7 - Model letter – Trade Unions 'at risk' letter
- Guidance Note 8 - Model Redundancy nomination letter
- Guidance Note 9 - Model letter – Outcome of representation against redundancy selection – redundancy served.
- Guidance Note 10 - Model letter – Outcome of representation against redundancy selection – redundancy notice yet to be served.
- Guidance Note 11 - Model meeting script for the Chair – Appeal

CONSULTATION FRAMEWORK

To ensure consultation on organisational change is as effective and productive as possible, it is essential that managers are in a position to address any issues or queries that arise following the communication of the proposals. Employees will obviously want to know why the changes are taking place and how the business/service will operate once the proposed changes have been implemented. Managers will therefore need to explain well in advance to employees, Teachers' Associations and Trade Unions the need and purpose for change. A consultation document should be produced and circulated well in advance to all staff and stakeholders, who will be given a genuine opportunity to respond in a reasonable timescale. This document should cover the following areas:

1. Structure
 2. Transition
 - 2.1.1 How the new model will be implemented.
 - 2.1.2 Projects to be undertaken, e.g.
 - analysis of timetable
 - stakeholder management
 - process mapping of changes.
 3. Staffing Analysis
 - 3.1.1 Current staffing, by grade.
 - 3.1.2 Proposed staffing, by grade.
 4. Timescales
 - 4.1.1 Develop model, new organisation structure, role outlines, process detail (dates).
 - 4.1.2 Proposals submitted to Governing Body for approval.
 - 4.1.3 Staff briefings.
 - 4.1.4 Consult with Teacher Associations and Trade Unions and employees.
 - 4.1.5 Staff preference and appointments process.
 - 4.1.6 Proposals, if amended following consultation, re-submitted to Governing Body for approval.
 5. Implementation Process
 - 5.1 Creating the candidate pool (ring fencing)
 - 5.2 Confirmation of incumbency
 - 5.3 Personal preference discussions
 - 5.4 Matched appointments
 - 5.5 Selection interviews
 - 5.6 Appointments/voluntary severance decisions
 - 5.7 Unplaced staff
 - 5.8 Residual vacancies
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Redundancy Dismissal Meetings

Model Conduct of the Dismissal Meeting

- a) The Chair of the Redundancy Committee will make the necessary introductions.
- b) The Head teacher or the Chair of the Redundancy Committee will present the case for its provisional nomination of the post for redundancy.
- c) The employee and/or their representative and members of the Redundancy Committee and any advisers to the panel may ask questions of the Head teacher and the Chair of the Redundancy Committee.
- d) The employee and/or their representative will make representations on the basis of their selection for redundancy. It is the application of the selection criteria which should be challenged and not the selection criteria themselves, as this has formed part of the consultation process.
- e) The Head teacher and the members of the Redundancy Committee and any advisers may ask questions of the employee and/or their representative.
- f) Both parties will be offered the opportunity to make a closing statement, but shall not introduce any new matter. The management side will be first to make any closing statement.
- g) The Head teacher, and the employee and their representative, should then withdraw from the meeting.
- h) The Redundancy Committee will then deliberate on the facts of the case, only recalling both parties, if appropriate, to clear any points of uncertainty. Before a decision is reached by the Committee, the advisers may be required to withdraw.
- i) The Committee will announce its decision to both parties personally (where practicably possible) and in writing within 5 working days of the decision.
- j) Should the Redundancy Committee's decision be to confirm its original decision, then the employee should be advised of their right of appeal. If the employee wishes to exercise their right of appeal they should be informed to do so in writing, setting out the full grounds for the appeal, within 5 working days. For Community Schools, the Chair of the Committee should request the Director of Children's Services (or their Representative) to issue a letter of dismissal. An example letter is shown at Appendix 11.
- k) Should the decision be that the employee is no longer to be selected for redundancy; advice should be sought from the school's HR Provider on an appropriate letter. If as a consequence another employee is selected for redundancy they need to be informed in writing and their selection meeting arranged.

APPEALS

Model Conduct of the Appeal

Arrangements for convening the Appeal Committee should be the same as those for the representation meeting. The Appeal meeting dates should already have been agreed as part of the timetable for the process.

The Appeal meeting should be conducted as follows:

- a) The Chair of the Redundancy Appeals Committee will make the necessary introductions.
- b) The Head teacher or the Chair of the Redundancy Committee will present the case for the nomination of the employee for Redundancy.
- c) The employee and/or their representative and members of the Appeal Committee and any advisers to the panel may ask questions of the Head teacher and the Chair of the Redundancy Committee.
- d) The employee and/or their representative will make representations on the basis of their selection for redundancy. It is the application of the selection criteria which should be challenged and not the selection criteria themselves, as this has formed part of the consultation process.
- e) The Head teacher and/or the Chair of the Redundancy Committee and members of the Appeal Committee and any advisers may ask questions of the employee and/or their representative.
- f) Both parties will be offered the opportunity to make a closing statement, but shall not introduce any new matter. The management side will be first to make any closing statement.
- g) The Head teacher and the Chair of the Redundancy Committee and the employee and their representative should then withdraw from the meeting.
- h) The Appeal Committee will then deliberate the facts of the case, only recalling both parties if appropriate to clear any points of uncertainty. Before a decision is reached by the Committee, the advisers may be required to withdraw.
- i) The Committee will announce its decision to both parties personally (where practicably possible) and subsequently in writing within 5 working days of the decision. An example of a dismissal appeal hearing outcome letter is shown within this guidance document
- j) Should the decision be that the employee is no longer to be selected for redundancy, advice should be sought from the schools HR provider on an appropriate letter. If, as a consequence another employee is selected for redundancy, they need to be informed in writing and their selection meeting arranged.

PAY PROTECTION ARRANGEMENTS (See latest STPCD to reflect any updates to below)

Teaching Staff – General Safeguarding Arrangements

General safeguarding applies to a Teacher who loses his/her post, but remains employed by the same authority as a result of:

- the closure of a school;
- a prescribed alteration to a school, or the re-organisation of a school, where the teacher's new post is at a different school; or a different pay scale, or,
- the closure or re-organisation of any other educational establishment or service.

The relevant body of the school or service in which the Teacher is taking up his/her post must determine the Teacher's salary and any safeguarding which applies in respect of each element of the Teacher's salary. The general safeguarding arrangements, to be applied in the relevant circumstances, are as follows:

- If the Teacher is paid on a point of lower value, then the 'first safeguarded sum' is the difference between the old and new points. This sum must be reduced by the value of any Teaching and Learning Responsibility payment(s) (TLR) or Special Educational Needs allowance (SEN) awarded at a later date.
- If the Teacher is awarded a TLR in the new post which is of lower value than a TLR which the Teacher was previously receiving, the 'second safeguarded sum' is the difference between that TLR and the new one; or, if no TLR is awarded, it is the value of the former TLR (if applicable). This sum must be reduced by the value of any new TLR awarded to the Teacher by the relevant body from time-to-time, or by the difference between the two TLRs, as appropriate, but is not reduced by cost of living increases applied to TLRs in payment.
- If the Teacher formerly in receipt of SEN2 is awarded SEN1, the 'third safeguarded sum' is the difference between SEN2 and SEN1. Alternatively, a Teacher in receipt of SEN1 or SEN2, who does not receive an SEN allowance in the new post, will receive the value of the relevant SEN allowance as the third safeguarded sum. This sum must be reduced by the value of any new SEN allowance awarded to the Teacher by the relevant body from time-to-time, but is not reduced by cost-of-living increases applied to SEN allowances in payment.
- Similar arrangements apply to the allowances awarded to unqualified Teachers (the 'fourth safeguarded sum').

Start Date for General Safeguarding

General safeguarding starts on the date the Teacher takes up his/her post in the new school.

Reasons for Payment of the Safeguarded Sum(s) to Cease

The earliest of the following:

- the third anniversary of the date on which the Teacher starts work in the new post;
- the Teacher takes up an excellent Teacher post, or moves to a different pay scale or pay spine (except in the case of a move from the main pay scale to the upper pay scale, where a Teacher transfers to the new AST pay spine, with effect from 1st September 2006, or where school re-structuring causes a member of the leadership group, an AST or an excellent Teacher to be moved to a different pay scale);
- the Teacher's move to a higher point on their pay scale or pay spine means an increase in salary equalling or exceeding the value of the safeguarded sum or sums;
- the Teacher leaves the school (except in cases where general safeguarding applies);
- where the Teacher is receiving more than a total of £500 per annum of safeguarding, if the Teacher unreasonably refuses to carry out any additional duties that the relevant body reasonably assigns to him/her for the duration of the safeguarding period.

Payment of Other Sums

Any other safeguarded sum(s) which the Teacher is already receiving continue, as they would have done had the Teacher not been moved to a new post. This means, for example, that a former management allowance, or part thereof, will continue for the remainder of the safeguarding period, subject to the usual rules on cessation. Generally safeguarded payments may run to a different timescale from other safeguarded sums, because of separate safeguarding start dates.

With regard to recruitment and retention incentives and benefits paid in the old post, these are safeguarded until the end of the original period of award, unless the Teacher accepts, before the end of that period, a different recruitment and retention incentive or benefit instead.

Taken from 'Guidance Notes on General, Safeguarding for Teachers', which can be found in the School Teachers' Pay and Conditions Document 2006'.

Non Teaching Staff – General Safeguarding Arrangements

Employees assimilated during a re-structuring exercise will, if necessary, be offered salary protection of 2 years from the implementation of the change. . Protection will be offered on the basis of freezing the employee's existing salary until the new post exceeds this, or the 2 years time limit, has expired. The 2 year pay protection is as a result of the implementation of Age legislation and replaces the service related protection previously outlined in the Fairness and Flexibility Policy. Salary freezing will mean that no performance salary increase or pay award will be payable until the salary protected is exceeded.

Employees who reject offers of a suitable appointment during an assimilation process cannot thereafter be guaranteed personal salary protection.

There is an expectation that employees afforded salary protection will make all reasonable efforts to seek further employment on grades equivalent to protected salary.

Model Meeting Script

Representations by individual nominated for Redundancy to the Staff
Dismissal Committee

1. Opening the Meeting:

Chairperson introduces the meeting and ensures/confirms:

- All parties are introduced
- If the individual is not represented/accompanied that they are reminded that they had the right to be accompanied/represented and are proceeding alone
- That all parties have the relevant documentation relating to the decision to nominate for redundancy
- That any person present and particularly the individual can request an adjournment at anytime.
- That the possible outcomes of the meeting are explained and the timetable/method of communication is understood.

2. Representations by Head Teacher and Individual

- Principal/Head teacher sets out case for nomination
- Principal/Head teacher may then be asked questions by
 - Committee Members
 - Employee and/or their representative
 - Representative from HR/Local Authority
- Nominated employee or his/her representative state case
- Employee may be questioned by
 - Committee members
 - Principal/Head teacher
 - Representative from HR/Local Authority
- Chairperson clarifies that all questions and information has been shared.

3. Concluding Statements

- Principal/Head teacher makes a concluding statement
- Nominated employee or representative makes a concluding statement

4. Adjournment

- All parties withdraw from the meeting whilst the committee adjourn to make their decision
- The HR/Local Authority representative may stay to advise the committee.

5. Communication of the Decision

The decision of the Governors Staffing Committee will be notified in writing to the employee together with the minutes of the meeting.

Private & Confidential
Name

Date

Dear ,

Re: Proposed reduction in headcount - CONSULTATION

I am writing further to the meeting held on **(date)** where you were informed that your current employment may be at risk. You were accompanied by **xxxxx**. The rationale behind this proposal was outlined to you during that **meeting (optional - and also to the Trade Union Staff Panel on (date)** A document giving the detail of this is available to yourself and in summary this relates to **(details of the proposal)**

I would invite you to request further consultation meetings as you need them during the consultation period, which will end on **xxxxxxx**

The purpose of this letter is to notify you that In accordance with Section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992 as amended by the Trade Union Reform and Employment Rights Act 1993, your post is 'at risk' of being made redundant on **xxxxxxx**.

In order to support you searching for suitable alternative employment I can confirm that your details will be placed on the first consideration register and you will be provided with a Login and password to give you access to the West Midlands Job pool and vacancies within Solihull prior to external advert..

A summary of the matters discussed on the meeting of **xxxxxxx** will be issued to you shortly and hopefully this will answer some questions you may have and provide clarification to you.

If you have any questions or concerns please do not hesitate to contact me.

Yours sincerely,

“At Risk” letter – Trade Unions”

Dear

Notification of Potential Redundancy

In accordance with Section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992 as amended by the Trade Union Reform and Employment Rights Act 1993, I advise you of the proposal to terminate the employment of employees atSchool/Academy on.....

(Note: - for collective redundancies i.e. 20 or more redundancies the Collective Redundancies and Transfer of Undertakings (Protection of Employment)(Amendment) Regulations 1999 (SI 1999 No 1925) will apply and also needs to be incorporated into the letter)

For the purposes of consultation, I provide the following information.

1. Reasons for Proposals

e.g. Falling school role of 40 anticipated

2. Number and description of employees whom it is proposed to dismiss as Redundant

xxx

3. Total Number of employees of such description employed by the employer at the establishment in question.

xxx

4. Proposed method of selecting employees who may be dismissed

Examples:

(a) By acceptable volunteers

(b) By measuring skills, knowledge and experience of employees against:- Curriculum needs and priorities as identified in School Improvement Plan, Managerial and organisational requirements

5. Proposed method of carrying out dismissals taking into account any agreed procedure including the period over which the dismissals are to take effect.

Examples:

- (a) *Accepted volunteers*
- (b) *By notice in accordance with contractual requirements*

6. Proposed method of calculating redundancy payments

e.g. On the basis of "actual weeks" pay

If there are any issues that you wish to discuss, or further information you require arising from these proposals, please do not hesitate to contact me. Your response should reach me by (date)

Yours sincerely

Redundancy Nomination Letter

Dear _____,

Nomination for Redundancy

You may be aware that the Governors Staffing Committee met on (date). The Committee included myself as Chair of the committee and:

* name

* name

I regret to inform you that the Committee determined that you be nominated to be declared redundant with effect from (date) The reasons for the decision are as follows:

e.g The broad criteria for selection were the curricular and pastoral needs of the school. These were determined by reference to the School Improvement Plan and identified that the priority areas for the delivery of the plan required the following skills and experience to be available within the school from (date)

The priority areas were (curricular/pastoral)

The specific selection criteria were

(NB the above will be the headings on the selection matrix if this was used)

In assessing these requirements against classroom skills, knowledge/experience and current responsibilities, it was felt appropriate to take into account the ability of each individual to contribute to the development of the curriculum.

In applying the criteria set out above, the Governors Staffing Committee determined that should be declared redundant.

You have the right to make representations to the Governors Staffing Committee against your selection. If you wish to do this, you should notify me in writing by *(at least five working days after receiving notification)*.

If you do request this, you have the right to be accompanied/represented by and a Trade Union representative or work colleague. The Committee will hear any such representations on *(date and time)* at the school.

The Governors regret the need to take this action which is, unfortunately, made necessary by:

(state the reasons as detailed in the “At Risk S188 letter” e.g. *falling rolls at school/changes in the curriculum needs*).

Yours Sincerely

Chair of the Staff Dismissal Committee.

Outcome of representations against selection for redundancy

Redundancy Served

(Areas highlighted in bold require information to be inserted/personalised)

Dear **Name**

The Governors Staffing Committee reconvened on **(date)** to consider your representations connected with the decision to nominate you for redundancy.

The Committee took into account the information, which you provided relating to your skills, knowledge and experience in **(areas of curriculum/contribution to specific subjects etc)**. Having considered this information we decided that these match the future needs of the school, as determined by the School Improvement Plan, less well than those offered by the other staff in the redundancy selection pool. (for Academies, Foundation and VA Schools) Regrettably, as a result of this you are now served notice of redundancy (subject to appeal as outlined later in this letter) to leave the School/Academy on **(date)** unless a suitable alternative position is found for you. (for Community Schools) Regrettably, as a result of this you are now nominated for redundancy and we shall inform the Local Authority who will write to you to confirm this decision and formally serve to with notice of redundancy. We are advised the details of a redundancy compensation payment are as outlined below. This will be confirmed by the Local Authority.

The Appendix attached identifies the priority areas matched against your skills/experience for your information.

*Your redundancy payment is **£xxxxxxx** calculated as follows:*

*Salary / 52.14 **(weeks pay)** x **(no. of weeks pay based on the Redundancy calculator)**. The calculation is based on your age **(age)** and length of service **(service years)**.*

The first £30,000 of a redundancy payment is currently exempt from tax but any balance is taxed at the basic rate, irrespective of personal tax codes. If you are a higher tax payer you will need to declare this on your self-assessment form to cover any additional tax liability.

You have the right to appeal against this decision to the Dismissal Appeals Committee of the Governing Body. If you decide to exercise this right, you should

notify the Clerk to the Governing Body me in writing within 10 working days after receiving this notification. Should you exercise your right to appeal, you have the right to be accompanied/represented at this Hearing by a Trade Union representative or work colleague. Any appeal will be heard at a meeting to be held on *(date and time)* at the school.

Please note that should you accept another job with an organisation that is covered by the Redundancy Modification Order and commence that job within four weeks of your leaving date with the School/Academy, you will be required to repay the redundancy payment. I should also point out that if you unreasonably refuse a suitable alternative post you may lose your right to the redundancy payment.

Efforts will continue to assist you in seeking another role and you will be based on the first consideration register upon receipt of an appropriate email address. Unless a role is obtained your last day of continuous service with Solihull Metropolitan Borough Council will be xxxxxxx.

Please arrange directly with the School, the return of any equipment, documents or possessions that are the property of the School.

Finally, I would like to take this opportunity to thank you for work you have undertaken within the school and wish you well for the future. (This paragraph should be personalised as appropriate by the author of the letter)

I would reiterate that this decision is not intended to reflect your performance as an individual but has been taken in accordance with the needs of the School as described to you during this process.

Yours sincerely

Chair of the Staff Dismissal Committee.

Outcome of representations against selection for redundancy

Redundancy Notice yet to be Served Later

(Areas highlighted in bold require information to be inserted/personalised)

Dear **Name**

The Governors Staffing Committee reconvened on **(date)** to consider your representations connected with the decision to nominate you for redundancy.

The Committee took into account the information, which you provided relating to your skills, knowledge and experience in **(areas of curriculum/contribution to specific subjects etc)**. Having considered this information we decided that these match the future needs of the school, as determined by the School Improvement Plan, less well than those offered by the other staff in the redundancy selection pool. Regrettably, as a result of this a determination was made that you should cease work at the school (subject to appeal as outlined later in this letter) with effect from (date) unless a suitable alternative position is found for you.

The Appendix attached identifies the priority areas matched against your skills/experience for your information.

You will be served notice of redundancy on **(date)** unless a suitable alternative role has been found for you. Efforts will continue to assist you in seeking another role and you will be based on the first consideration register upon receipt of an appropriate email address.

You have the right to appeal against this decision to the Dismissal Appeals Committee of the Governing Body. If you decide to exercise this right, you should notify the Clerk to the Governing Body, **and myself**, in writing within 10 working days after receiving this notification. Should you exercise your right to appeal, you have the right to be accompanied/represented at this Hearing by a Trade Union representative or work colleague. Any appeal will be heard at a meeting to be held on *(date and time)* at the school.

Please note that should you accept another job with an organisation that is covered by the Redundancy Modification Order and commence that job within four weeks of your leaving date with the School/Academy, you will be required to repay the redundancy payment. I should also point out that if you unreasonably refuse a suitable alternative post you may lose your right to the redundancy payment.

Unless a role is obtained your last day of continuous service with Solihull Metropolitan Borough Council will be xxxxxxx.

Please arrange directly with the School, the return of any equipment, documents or possessions that are the property of the School.

Finally, I would like to take this opportunity to thank you for work and wish you well for the future. (This paragraph should be personalised as appropriate by the author of the letter)

I would reiterate that this decision is not intended to reflect your performance as an individual but has been taken in accordance with the needs of the School as described to you during this process.

Yours sincerely

Chair of the Staff Dismissal Committee.

Guidance Note 11

Template Meeting Script (for the Chair) – Appeal against Redundancy Decision to Appeals Committee

1. Opening the Meeting:

Appeal Committee Chairperson introduces the meeting and ensures/confirms:

- All parties are introduced
- If the individual is not represented/accompanied that they are reminded that they had the right to be accompanied/represented and are proceeding alone
- That all parties have the relevant documentation relating to the decision to make redundant
- That any person present and particularly the individual can request an adjournment at anytime.
- That the possible outcomes of the meeting are explained and the timetable/method of communication is understood.

2. Representations by Chair of Staff Dismissal Committee and Individual

- Chair of Staff Dismissal Committee sets out case for nomination
- Chair of Staff Dismissal Committee may then be asked questions by
 - Appeal Committee Members
 - Employee and/or their representative
 - Representative from HR/Local Authority
- Individual who has been made redundant or his/her representative state their case for submitting the appeal
- Employee may be questioned by
 - Appeal Committee members
 - Chair of the Staff Dismissal Committee
 - Representative from HR/Local Authority
- Appeal Committee Chairperson clarifies that all questions and information has been shared.

3. Concluding Statements

- Chair of Staff Dismissal Committee makes a concluding statement
- Employee or representative makes a concluding statement

4. Adjournment

- All parties withdraw from the meeting whilst the committee adjourn to make their decision
- The HR/Local Authority representative may stay to advise the Appeal committee.

5. Communication of the Decision

The decision of the Appeal Committee will be notified in writing to the employee together with the minutes of the meeting.