

Management of Change and Redundancy Policy for Schools

This policy sets out the terms of agreement reached by those participating in the Council's Consultation and Negotiating Framework

Version	Date	Reason for change
2	July 2015	Minor revision to Section 8: Consistent approach with other policies.

Management of Change and Redundancy Policy for Schools

What does this procedure cover?

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1. Context

This procedure should be used when dealing with redundancies and organisational restructures, so as to ensure that any staff reductions/reorganisation are carried out fairly and equitably and within the parameters of UK employment law.

The Information and Consultation of Employees Regulations 2004 and case law requires employers to undertake fair consultation where redundancies/change processes are proposed for implementation. 'Fair consultation means (a) consultation when proposals are still at a formative stage; (b) adequate information on which to respond; (c) adequate time in which to respond; and (d) conscientious consideration by an Authority of any response to consultation would be adopted'.

2. Policy Statement

Solihull Schools face constant pressure to enhance levels of teaching and learning whilst also managing the effects of falling rolls and changes to the curriculum. This can only be achieved effectively where employees, who are affected by change, feel confident that their interests and concerns are being taken into account. The Management of Change and Redundancy policy, therefore, seeks to balance the needs of employees with the needs of the individual school to become more efficient.

The School's Governing Body is responsible for ensuring that employees are treated fairly, and with respect when matters of staffing reduction/reorganisation are taking place. This policy, therefore, seeks to outline a framework for the fair and consistent implementation of change within the organisation.

Through this Policy the Council (where it is the employer) will support affected staff to seek re-employment in a suitable alternative position in other schools or within the Council. Where this is not possible and as a last resort it may be required to terminate the contract of employment on the grounds of redundancy. In such situations, the first approach will be to seek volunteers for redundancy and other methods of mitigating against compulsory redundancy.

This policy is also applicable to Solihull Pupil Referral Units (PRUs).

Note: *This policy will also apply to employees on fixed/short term contracts who are in employment at the time of change or where their contract would be prematurely terminated as a result of the changes taking place. The policy does not apply to agency employees although the provisions of the Agency Workers Regulations 2010 should be borne in mind.*

3. Definition

Organisational change/redundancy may occur in many scenarios including the following:

- school closure – leaving all employees at risk;
- technical and/or process changes resulting in a requirement for either fewer people or a different grade/skill mix;
- restructures resulting in a requirement for either fewer people or a different grade/ skill mix;
- Federations / combinations (mergers);
- Financial constraints.

4. Purpose

The purpose of this procedure is to provide a framework for dealing with redundancy and/or organisational change processes that may affect staff terms and conditions and potentially result in redundancy. It is the Governing Body's aim to avoid redundancies if at all possible and this procedure is designed to support that aim.

5. Approval for Change

Governing Bodies will have approved first proposals to make redundancies/changes in the staffing levels, organisational structure and associated role requirements.

6. Responsibilities

School Staffing Regulations 2009

Where redundancies are required the School Staffing Regulations 2009 allow for initial dismissal decisions to be delegated to Head teachers. However, it also recommends that where Head teachers have a direct involvement in instigating proposals to dismiss, arrangements for delegating initial dismissal decisions will need to be considered on a "case by case" basis. Given that Head teachers will inevitably have direct involvement in implementing redundancy procedures, it would be the strong advice of the Council that dismissal on the grounds of redundancy should be undertaken by a Redundancy Committee. This should comprise a minimum of 3 Governors and the role of the Head teacher would then be to present the case and answer questions. The Appeal Committee should comprise a minimum of 3 Governors. The number of Governors on the Appeals Committee should not be less than those on the Redundancy Committee. No Governor may be a member of both committees. It is mandatory that staff governors are not members of either panel in order to ensure complete impartiality.

Standing committees with the appropriate terms of reference should be established in advance to ensure that there are no delays in proceedings. For an example of the recommended conduct for the dismissal and appeal meetings and the meeting

structure/script for the Chair of these hearings. please refer to the 'Manager's/Head teachers Guidance on the Management of Change and Redundancy Process'

All references in this policy to documents held within the Manager's/Head teachers Guidance document 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.

Role of the Staffing/Redundancy Committee

The School's Governing Body will first approve the aims, objectives, finance, and outcomes for organisational changes/redundancies in accordance with their powers and duties.

The Chair of the Redundancy Committee along with the Head teacher, supported by an appropriate officer from Human Resources will facilitate change by overseeing the planning, consultation and implementation of change in a transparent and positive way.

The role of the Redundancy Committee will be to:

- Acknowledge and discuss the proposals set out by the Head teacher.
- Notify the Director of Children's Services (or their Representative), relevant Trade Unions and Human Resources Providers at the earliest opportunity of potential redundancies.
- Provide written notice to the recognised trade unions regardless of the number of employees it is proposed to make redundant, highlighting the potential numbers and the types of role affected and by when this is proposed to take effect.
- Issue a Section 188 notice letter when it is proposed that 20 or more staff are affected.
- Determine appropriate selection criteria in consultation with recognised Trade Unions.
- Outline the skills matrix to be completed by employees, in consultation with recognised Trade Unions.
- Outline the redundancy timetable consultation with recognised Trade Unions.
- Consider proposals put forward during the consultation process and formally respond.
- At the end of the consultation, consider the information provided by the Head teacher on the staff skills and experience summary sheet and make the final decision on which post(s) are to be declared redundant based on the agreed criteria.
- Subsequently hear representations from the employee(s) whose posts(s) are selected for redundancy where the employee exercises their right to such a meeting.
- Notify employees, in writing, the outcome of the meeting and rights to appeal and redundancy compensatory figures if applicable.
- At appeal meetings the Chair of the Redundancy Committee will present the case

to the Appeal Committee. There may be instances where the Head teacher is required in addition to support the Chair.

- Notify the Director of Children's Services (or their Representative) requiring dismissal notices to be issued giving reasons (if no appeal and only for Community Schools).

Role of the Appeal Committee

The role of the Appeal Committee will be to:

- Hear any appeals from employees together with representations from the Head teacher and Chair of the Redundancy Committee.
- Notify the employee, in writing, the outcome of the Appeal.
- Notify the Director of Children's Services (or their Representative) of the decision and request that they issue dismissal notices, where applicable (only for Community Schools).

Role of the Head teacher

The role of the Head teacher will be to:

- Plan processes and ensure the Governing Body complies with procedure.
- Advise the selection panel and lead the communication/consultation with the Director of Children's Services (or their Representative), HR Providers, Trade Unions and employees.
- Advise the Redundancy Committee on selection criteria.
- Meet with employees to verify information submitted relating to experience and skills.
- Advise the redundancy committee when it meets to apply the criteria and identify employees for potential redundancy.
- Meet with employees to inform them of selection for redundancy.
- At the redundancy meeting the Head teacher will present a statement of case.
- At appeal meetings, the Head teacher or the Chair of the Redundancy Committee will present the case to the Appeal Committee.
- Ensure that employees, including those who may be absent from work e.g. on maternity/paternity leave or sickness, are consulted and kept informed.

Role of Human Resources

Human Resources (HR) will provide advice and guidance to the Governing Body, Head teacher in the implementation of redundancies/change. This could include:

- supporting the consultation process;
- supporting the development and implementation of selection arrangements;
- support for displaced employees – this will include the provision of outplacement services (e.g. guidance in completing an application, interview techniques);
- ensuring compliance with any statutory requirements, this may include (1) taking "due regard" in accordance with the Equality Act 2010 or (2) the issuing of an HR1 notice to the Department for Business Innovation and Skills where

20 or more posts are 'at risk' of redundancy. A copy must be provided to the relevant Trade Unions.

7. Planning to Avoid Redundancy

Forecasting and managing change is integral to successful medium and long-term planning. Change can occur for a variety of reasons, including:

- New curriculum requirements.
- Changes in legislation and policies.
- Falling pupil numbers.
- Reduced budgets.
- Statutory school reorganisation.
- Cessation of specific funding streams.

Governing Bodies need, as part of their overall planning process, should seek to avoid or minimise any potential employee surpluses as a consequence of such changes. There are a number of strategies which should be considered, these may include:

- Employee turnover (non replacement of leavers).
- Restricting recruitment i.e. temporary posts wherever possible, freezing posts
- Filling vacancies from amongst existing employees.
- Training or re-skilling.
- Secondment.
- Job share amongst existing employees.
- Voluntary reduction in hours.
- Voluntary early retirement.
- Voluntary redeployment.
- Voluntary redundancy.

In order to avoid compulsory redundancy, Voluntary Early Retirement (VER) or Voluntary Severance (VS) as voluntary strategies may be given consideration.

The first priority will always be to identify a suitable alternative post for an employee, therefore any expression of interest in VER or VS does not mean that it will be granted, each case will be assessed on its own merit.

Before any request for VER or VS is granted, the following factors may, depending on the circumstances, be taken into consideration:

- The need for the continued use of the skills and /or experience of the person making the application
- Whether any suitable alternative work is available in any other school or Local Authority workplace where the Council is the employer to which the displaced employee may be considered for.
- A cost/savings analysis being undertaken
- Whether the volunteer is already in receipt of an offer of employment from another

employer, covered by the Redundancy Payments Modification Order, to start within 28 days of the termination of their current employment

- Whether volunteers from posts not 'at risk' of redundancy could be considered subject to the 'at risk' employee being appointed into the volunteers position. This is known as 'bumping'.

8. Consultation

8.1 The first step in any redundancy/change programme is consultation, which should start as soon as practically possible once the need for redundancy/change has been identified. The purpose of consultation should be:

- to share information about the need for change and the draft proposals;
- to engage with employees and provide an opportunity for them to contribute to the change process by inviting and considering views, ideas and alternative proposals;
- to work in partnership with the recognised Trade Unions, who will also be encouraged to contribute to the development of the proposals;
- to ensure the consultation is sufficient so as to be meaningful, taking into account the nature of the proposals and levels of consultation involved.

Consultation should commence at the earliest possible opportunity, i.e. at the beginning of the process when the proposals for redundancy/change are genuine proposals and not decisions.

The consultation period will normally last for 30 days but may be a shorter period where it is considered appropriate. For example where there are low numbers of staff affected, or where agreement is reached. It is important that the Teachers' Associations, Trade Unions and employees are given the opportunity to influence proposals prior to any final decision being made.

All those directly affected by the proposals need to be consulted, i.e. employees within the affected area(s) and the recognised Teachers' Associations and Trade Unions. Please note head teachers must ensure that employees on a prolonged absence, e.g. maternity leave or long term sickness absence, receive the same level and quality of consultation as all other employees. However staff holding a fixed term contract that has reached their agreed termination date before the proposals are due to take effect will be excluded from the collective consultancy obligations.

Consultation should include details of the changes to the organisation structure, numbers and grades of posts, any system or process changes and, where jobs have changed considerably, copies of revised job descriptions. The Manager's/Head teacher's Guidance Document provides information on what is recommended for inclusion in the consultation document.

Following an initial consultation meeting with staff, a letter should go to the employee(s) informing them of their right to attend consultation meetings and outlining the key details of the consultation process, (refer to Manager's/Headteacher's Guidance Document)

8.2 Section 188 Notices

Where staffing reductions appear unavoidable, the Local Authority and the Governing Body have a duty under sections 188-198 of the Trade Union and Labour Relations (Consolidation) Act 1992, to consult with and issue formal notices to the recognised Trade Unions/ Associations about the potential redundancy situation as soon as the redundancies are contemplated; and to inform all employees. The Redundancy Committee will normally require the issue of Section 188 Notices when the potential redundancies are 20 or more employees, for which the following information will be provided:

- The reasons for the proposals to reduce staffing levels.
- The total number of employees, broken down into categories, employed at the school.
- The total number and description of employees whom it is proposed to dismiss by reason of redundancy.
- The proposed method of selection for redundancy.
- The proposed method of effecting the redundancies, including the period over which the dismissals will take effect i.e. the date of the first and last proposed redundancies.
- Details of the method of calculation of any redundancy payments other than those required by law.
- The date of the first consultation meeting.

Where less than 20 staff are affected, notice should be communicated to Trade Unions and the staff affected at the beginning of the consultation period regardless of the number of employees it is proposed to make redundant. However this does not need to be in the full format of a Section 188 notice providing the communication outlines the number and type of posts affected.

See Manager's/Head teachers Guidance for an example Section 188 notice letter. This should be issued to the relevant Trade Unions/Associations with a copy to the Director of Children's Services (only for Community Schools).

HRI Form

If the proposed changes could result in over 20 potential redundancies then a **HR1 Form** should be submitted to the Department of Business Innovation and Skills on the Regulatory Reform. This will be issued by Human Resources in liaison with the Director of Children's Services/ Governing Body and must be submitted at the same time as the Section 188 Notice letter detailed in 8.2.

Statutory Consultation Periods

In accordance with the Trade Union and Labour Relations (Consolidation) Act 1992, the following timescales should be followed:

- If there are **20 – 99** employees to be dismissed by reason of redundancy, the statutory consultation period is **30** days.
- If there are **100+** employees to be dismissed by reason of redundancy, the statutory consultation period is **45** days (with effect from 6 April 2013).

There is no set time period laid down where redundancies involve **less than 20** employees; however the period of consultation should be sufficient to be meaningful, taking into account the nature of the proposals and level of consultation involved.

Head teachers will need to ensure that any alternative suggestions made by the Trade Unions to avoid compulsory redundancies are given consideration; therefore, early and meaningful consultation is essential.

9. Employees who are Absent From Work

The Head teacher must ensure that employees who are absent from work are consulted and kept informed of any proposed changes. This can include employees on long-term ill health, work break, maternity/adoption leave or secondment.

This is particularly important for employees who are on maternity leave, as under maternity legislation it makes it automatically unlawful to select a woman for redundancy because she is on maternity leave. It is also unlawful, under the anti-discrimination legislation, to select a woman for redundancy on the grounds that she is pregnant. Further detail on the specific responsibilities surrounding redundancy and pregnant workers can be found in the Acas guide <http://www.acas.org.uk/media/pdf/r/f/Managing-redundancy-for-pregnant-employees-or-those-on-maternity-leave-accessible-version.pdf>

If alternative jobs are available for redundant employees, an employee on maternity leave who has been selected for redundancy must be offered a suitable vacancy before any other employee. If you don't do this, her dismissal may be automatically unfair. If you do offer a suitable alternative and the employee unreasonably turns it down, she loses her right to a redundancy payment.

If an employee taking Maternity Leave is placed 'at risk' of redundancy her notice period will be extended until the end of her maternity leave period. It should also be noted that, if it is not possible to redeploy her she may be required to repay the 12 weeks half-pay element of Occupational Maternity Pay. The maternity Leave period will be deemed to be the Maternity Leave period commencing as indicated on the MATB1 form completed by the employee prior to her Maternity Leave commencing.

Employees who are on long-term absence due to ill-health may well be disabled for the purposes of the Equality Act 2010 and should not be subjected to any detriment by reason of their disability.

Absent employees should be offered the same support and consultation and be subject to the same selection criteria. They should also be offered the same opportunity to make representations and to appeal against the decision to end their contract. Any reasonable adjustments to accommodate disabled employees must be made.

10. Keeping Records

Details of consultation meetings should be recorded and documented so that the school can clearly demonstrate that it has followed Policy and Procedure, and abided by statutory requirements. Minutes of meetings with Trade Unions/employees should be copied to relevant parties including employees.

11. Implementation

Once the proposals have been finalised and agreed, the redundancies/changes should be implemented in a timely manner. The Head teacher and/or Chair of Governors are required to produce and consult on a detailed project plan with timescales. Advice should be sought from HR as required.

12. School Closures

In this instance, all the employees in the affected school will be formally notified that they are 'at risk' of redundancy and, as such, the school has specific statutory responsibilities. These responsibilities should be discharged as soon as possible so that the statutory requirements on consultation can commence and appropriate action taken to avert compulsory redundancies.

12.1 School Combinations (Mergers)

In the instance where posts in the combined staffing structure are to be deleted then 12 (above) applies. Wherever possible a ring-fence will be adopted for managing the appointment of staff to the new combined/ Federated school. In practice this will mean placing a ring fence around employees at the two schools planned to combine and all appointments to the new school organisation structure being made from the pool of staff at the two schools.

Once the new organisation structure has been developed, together with job descriptions, a selection process will be used to assign staff to the posts in the new structure. This should be made as least onerous as possible and wherever possible staff confirmed in post where there is a direct match of numbers of posts, staff and relevant skills and experience.

12.2 Re-organisation and re-structuring

As soon as it becomes apparent that a proposed staffing re-organisation or re-structuring is likely to involve redundancies, the Head teacher must inform all representatives of the recognised Trades Unions at the earliest opportunity i.e. immediately proceeding consultation with staff on such proposals.

13. New Posts and Ring-Fencing Arrangements

Where, as a result of the agreed changes, posts have significantly changed in responsibility, it is usual practice for the old posts to be deleted from the establishment and new jobs created with revised job descriptions and person specifications. If they are completely new roles, all such posts will be subject to a job evaluation exercise. The opportunity should be taken to also review:

- A-typical increments.
- Teaching and Learning responsibility payments.
- Working patterns, including job share and flexible working
- Working practices.
- Safeguarding arrangements of salary as a result of any changes (as per current STPCD or Solihull contract pay protection arrangements – see guidance document).
- Any other allowances.

Posts should not be deleted, however, when there are only small changes to jobs (or working practices), which do not change the overall nature of the job, or can be covered within the general flexibility of the job description, i.e. the introduction of new technology into working practices, curriculum changes and changing systems, etc.

The appointment to all posts within the new structure will be initially subject to “assimilation” and ‘ring-fence’ arrangements, thereby confining applications to existing employees who are directly affected by the changes and, specifically, those whose jobs may be at risk. The policy allows for “80% compatible” posts to be offered to present incumbents, without competition.

For School Support Staff (Solihull), “80% compatible” posts will refer to the existing job evaluation (undertaken in accordance with the NJC Job Evaluation Scheme for Local Government) and should usually contain no more than *3 changes to job evaluation factors when comparing the old and the changed post .

* This is subject to JE conventions, factor weightings and factor linkages being observed.

For staff on Teaching contracts of employment, there is no equivalent job evaluation scheme that can be used to analytically assess job responsibilities and therefore “80% compatibility” will rely on a comparative assessment to determine whether there have only been minor modifications to the new role responsibilities and job function.

Compatibility can be assessed by producing a table that compares and identifies the current job responsibilities against the new proposed job responsibilities. This should compare each line in the respective job descriptions in terms of the percentage of match and then an overall percentage job of compatibility of the two

separate job responsibilities.

The Head teacher will provide a recommendation to a Committee comprising a minimum 3 Governors, supported by HR, which shall determine which post-holders are considered “80% compatible” with posts in the new structure. The Teaching Associations and Trade Unions and staff will be consulted regarding posts that are identified as being potentially “80% compatible”.

The assimilation process will not be possible where there are fewer posts available in a revised or new structure. In this situation, it will be necessary to agree an appropriate selection process. As this process could, potentially, constitute a redundancy selection exercise, advice and agreement **must** be sought from HR. The Teachers’ Associations, and Trade Unions should be formally consulted on any processes applied that could result in a redundancy arising from their application.

Once the assimilation to posts in the new structure has been dealt with, the remaining ‘ring-fenced’ employees should be invited to apply for all other remaining vacancies. All such applications should be submitted in a consistent format (i.e. by completing a standard application form which must include *inter alia* details of skills, experience, and qualifications) and should be assessed in accordance with the Recruitment and Selection Policy. After all permanent staff have been given the opportunity to secure suitable alternative employment through their respective ring-fences, then temporary staff should be given the opportunity to be considered for any unfilled vacancies although the provisions of the Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002 should be borne in mind if these contracts have not ceased before the time of the implementation of the process.

Employees who are not appointed within their own “ring-fence” will be supported to seek suitable alternative employment elsewhere within the establishment and also in other schools and within the Council. Where a displaced employee meets all the essential criteria of a person specification for an alternative role, they should be guaranteed to be considered through the selection processes for that role. Staff can also be invited to apply for new positions (which may entail a promotion) or for any unfilled vacancies elsewhere in the service area.

14. Redundancy Selection Criteria

There should be a range of selection criteria e.g.

- past performance;
- attendance (excluding maternity and disability related absence);
- conduct;
- occupational testing (aptitude and psychometric testing);
- written application and interview.
- skills, experience, and qualifications.

Please note the above is not an exhaustive list of examples.

Where selection criteria needs to be applied, the employer should refer to their HR

Advisor who will be able to assist in developing some examples that are used/adapted to the specific needs of the School.

Sickness absence, due to pregnancy and maternity or a long-term medical condition (that satisfies the definition of a disability under the Equality Act 2010), should **not** be used as a selection criterion. Whilst length of service has previously been considered an acceptable criterion for selection; under age discrimination legislation (the Equality Act 2010), criterion which relies on length of service as a sole, or main, selection criterion can be considered discriminatory and therefore unlawful. The application of LIFO (last in, first out) criterion is likely to lead to the youngest being selected and therefore constitutes indirect discrimination.

Advice from Human Resources should be sought to ensure that the choice of objective criteria for redundancy selection is justifiable. If the choice of criteria means that staff are selected for redundancy

- on the basis of their age, or,
- in a way that causes a disadvantage to a certain group of young or old employees.

then either of those criteria could constitute age discrimination, unless the choice can be objectively justified. Objective justification could be achieved by demonstrating that the criterion has been chosen to achieve a legitimate business aim and is a proportionate means of achieving that aim. An example of when this is possible could be in a Voluntary Redundancy situation where the cost of releasing a younger or shorter serving employee would be lower due to the current method of calculating redundancy payments.

The use of length of service as a selection criterion may also create a risk of other discrimination claims. The period of continuous employment is normally used to calculate length of service. However, to only take account of full-time service might be considered indirect sex discrimination and contravene the Part-Time Workers (Prevention of Less Favourable Treatment) Regulations 2000.

Although the criteria may be considered objective, the selection may be unfair if they are carelessly or mistakenly applied.

Selection criteria should be reasonably applied in the light of the circumstances of each individual. For example The Equality Act 2010 (when considering the protected characteristic associated with disability) makes it unlawful for the employer to treat a disabled person less favourably for a reason connected to their disability, without a justifiable reason. Employers are required to consider reasonable adjustments to working conditions, or the workplace, to accommodate a particular disability.

Following consultation on the criterion, those individuals who are “at risk” will be given 5 working days to self-score and provide a self assessment against the criterion. The Head teacher will perform their own scoring of the ‘at risk’ candidates and both sets of information will be anonymised and provided to the Redundancy Committee.

15. Meeting of the Redundancy Committee

The Committee meets to consider the scoring of the anonymised redundancy matrices previously provided by the Head teacher (including the employees scoring) and provisionally select employees. The Head teacher should arrange for detailed notes to be taken of the meeting to ensure records detailing the reasons for the decision are available for Redundancy Dismissal Meetings and Appeals. Members of the Committee should receive a copy of the selection criteria, profile forms and selection matrix. The Head teacher should ensure that other relevant information is available, e.g. job descriptions/person specifications. The professional judgement of the Head teacher should be taken into account by Governors when they evaluate the information given by employees set against the selection criteria. The selection criteria must not be altered during the selection process.

16. Informing Employees

The Head teacher and/or Chair of the Redundancy Committee should inform employees personally that they have been selected for potential redundancy. Employees should be strongly advised by the Head Teacher to contact their Trade Union Representative at this point, if they have not already done so.

There is no explicit statutory requirement to hold a dismissal meeting, or to provide for a right of appeal for an employee whose contract is to be terminated on the grounds of redundancy. However, there is a legal requirement upon the school to act as a reasonable employer. Consequently, any employee who considers that they have been unfairly selected for redundancy should have an opportunity to state their case. In the first instance, this shall be by making an oral representation at a Redundancy Dismissal Meeting with the Redundancy Committee of the Governing Body.

A formal letter will also be issued to the employee, giving at least 5 working days' notice, notifying them of their selection and inviting them to make representations, in person or in writing (at the election of the employee), to a Dismissal Meeting with the Redundancy Committee and, if required, an appeal meeting. The letter should: state the date, time and venue of the Dismissal Meeting; give the reasons for nomination for redundancy; remind the employee of their right to be accompanied by a Trade Union/ Association representative or colleague, and state that the representations may be in person and/or in writing. The employee will also be asked to confirm whether or not they will be attending. See Manager's/ Head teachers Guidance document for an example letter..

Regardless of whether or not an employee exercises their right to attend a Dismissal Meeting then a letter should be issued confirming their dismissal. See Manager's/Head teachers Guidance document for an example letter.

The Redundancy Committee is required to meet, irrespective of whether or not the employee attends, in order to make a resolution confirming the dismissal or rescinding it.

17. Representation to the Redundancy Committee

See Guidance Note 2 for an outline of the recommended conduct of the dismissal committee. Employees are entitled to attend a Dismissal Meeting with the Redundancy Committee before any dismissal is confirmed and then to attend an appeal meeting should they wish to challenge the decision of the Redundancy Committee.

As the dates for Redundancy Committee Dismissal and the Appeal Committee Meetings will have been pre-set as part of the consultation process, it is expected that employees and representatives will already have been informed and are expected to have noted this. However, if an employee's representative is unavailable and the employee or the representative proposes an alternative date and time, which is reasonable and within 5 working days of the scheduled Dismissal or Appeal Meeting, the original meeting must be postponed.

The Head teacher or Chair of the Redundancy Committee will prepare a Statement of Case, including the matrix for all the 'pool' that were considered for potential redundancy (***names should be omitted to preserve confidentiality***). The Statement of Case should include reasons for the redundancy, consultation process and an explanation of the selection criteria.

The Clerk to the Governing Body will ensure that documentation to be submitted to the Redundancy Committee Meeting is sent to all parties, including both the employee (only relating to themselves) and the employee's Trade Union Representative, at least 5 working days prior to the date of the meeting; the employee will be permitted to submit relevant documentation at the meeting itself, if necessary.

The panel may be advised, by a representative from the school's HR provider, whose role it will be to advise on points of law and procedure regarding the case.

18. Redeployment/Redundancy

The Council is committed to supporting affected staff to seek employment in a suitable alternative position in other schools or within the Council.

Any employee who is unplaced following the job change process, will remain in a potential redundancy situation. If this redundancy situation had not been highlighted at the outset of the "change" exercise, then additional consultation should commence immediately and approval from the Governing Body sought, as they are required to authorise a potential staff dismissal. In order to minimise the possibility of redundancy, the affected employee(s) should be placed on the Council's 'First

Consideration' list with a view to being redeployed into a suitable alternative post within the organisation.

Consideration must also be given to the possibility of voluntary redundancy. Staff who meet the essential requirements of a person specification for a vacancy within another school in the Borough, then staff who are deemed 'at risk of redundancy' will be guaranteed an interview.

If, after four weeks (not including any possible four-week trial) of the implementation of the change, it has not been possible to successfully re-deploy the employee(s), they should be given the appropriate contractual or statutory (whichever is the greater) period of notice with a view to terminating their contract of employment on grounds of redundancy. Where there are larger scale potential redundancies, and to ensure equal chances for redeployment, consideration should be given to issuing the same notice period to all i.e. the same as the employee with the longest notice period. During this notice period, the Head teacher, Manager and HR will hold regular reviews with the employee.

Note: *If a suitable offer is made and unreasonably refused by the employee, there may be no liability to make a redundancy payment. A suitable alternative job will take into account the scope of change in duties, pay, grade, location, hours of work etc. HR will provide guidance regarding positions that would constitute suitable alternative employment. If a post has been declined and there is a dispute whether this constitutes suitable alternative employment, an appeal hearing will be arranged for the employee to explain why the post does not fall into this category.*

19. Redundancy Pay

Once an employee has been given notice of redundancy, he/she may be entitled, under the Employment Rights Act 1996, to:

- A compensatory statutory redundancy payment, if no suitable alternative jobs have been refused.
- Full pay during their notice period (even if they would otherwise lose pay, e.g. sickness, maternity/paternity leave or accepting a lower paid job).
- Reasonable time off for job hunting.
- A minimum 4-week trial period in any alternative job accepted.

Redundancy Pay will be calculated by HR. This will be determined on the statutory ready reckoner to determine the number of weeks redundancy entitlement. For the purposes of a week pay, this will be based on one week's gross actual pay or the statutory maximum per week whichever be the greater.

20. Salary Protection

Staff who accept assimilation to a lower banded post during a restructuring exercise may be eligible for limited salary protection (refer to Manager's/Head teacher's Guidance document for detail of the current salary protection arrangements for teaching and non-teaching staff).

Protection will be offered on the basis of freezing the employee's existing level of earnings until the salary of the new substantive grade exceeds actual earnings (or the time limit specified for teaching or non-teaching staff has expired) - whichever is the shortest time period. Employees who reject offers of suitable appointment during an assimilation process cannot thereafter be guaranteed personal salary protection.

21. Appeals

21.1 In relation to staff served with a notice of redundancy

Employees wishing to appeal their notice of redundancy should outline their grounds for appeal against the decision to dismiss within 5 days of receiving the written notice of redundancy. This should be addressed to the Chair of Governors.

A Redundancy Appeals Committee, comprising 3 Governors shall be established. None of the Governors will have participated in the selection for redundancy. At least 5 working days' notice must be given of the time and place of the appeal hearing. The conduct of the meeting to be followed is shown in **Guidance Note 3**.

The decision of the Redundancy Appeals Committee shall either be confirmed verbally following an adjournment of the hearing or in writing following the hearing. In any event The Chair of the Redundancy Appeals Committee will write to the individual to confirm the outcome within 5 days of the hearing.

For Community Schools: The Director of Children's Services (or his/her representative) must be invited to attend the Appeal Hearing. If they do not attend they should be advised of the outcome so that formal notices of dismissal can be issued.

21.2 In relation to an organisational change matter affecting an employee (still in post)

Any employee who feels that this policy has not been applied properly in their case may raise the matter initially with their Head teacher. If, as a result, the matter is still not resolved to their satisfaction the individual should clearly outline their grounds for appeal so this complaint can be appropriately considered under the grievance procedure.

22. Notice Periods

The fair application of these procedures may take a variable amount of time to complete dependent upon the extent and complexity of the changes being made. Head teachers and Governing Bodies should consider this and ensure that the Statutory and Council-agreed notice periods and timescales are strictly adhered to.

