

PORTFIELD SCHOOL & SATELLITE CENTRES



POLICY DOCUMENT FOR REDUNDANCY AND REDEPLOYMENT



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Llywodraeth Cymru
Welsh Government



Welsh Network of Healthy School Schemes



Welsh Heritage
Schools Initiative



Menter Ysgolion y
Drefadaeth Gymreig



Portfield School adopts the LEA guidance on:-
Redundancy and Redeployment Policy

This policy will be reviewed biennially.

Signed (Chair of Governors)

Signed (Headteacher)

Date.....

Reviewed.....

Reviewed.....

Reviewed.....

<h2>Portfield School Mission Statement</h2>

Working together Learning together Achieving together

At Portfield School we strive to

- Create a happy, safe, supportive and stimulating learning environment
- Value everyone
- Develop everyone’s personal, social, emotional health and wellbeing
- Promote relevant academic and vocational skills
- Meet individual needs through an imaginative and flexible approach
- Enable all learners to achieve their full potential

UNCRC United Nations Convention on the Rights of the Child

- Portfield School places the values and principles of the UNCRC at the heart all policies and practices
- Portfield School is a Rights Respecting School

**Pembrokeshire County Council
Cyngor Sir Benfro**

Children and Schools Directorate

**REDUNDANCY AND
REDEPLOYMENT POLICY**

December 2015
Reviewed December 2017

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1. Policy - General Principles

Pembrokeshire County Council and the Governing Body are committed to maintaining as secure an employment environment as possible, and recognise the benefits of good employment practice in achieving effective organisational performance. The Local Authority in consultation with trade union representatives has produced this policy document.

All school Governing Bodies have delegated responsibility for the budget and therefore the staffing complement of the school under the School Standards and Framework Act 1998, Education Act 2002 and Staffing of Maintained Schools (Wales) Regulations 2006 (plus any amendments).

The 2002 Education Act (as amended) places a requirement on Governing Bodies operating under Schemes of Delegation to inform the Local Education Authority of staff who the Governing Body have decided shall cease to work there, for whatever reason, including redundancy. The Local Education Authority is required to bring to an end the employment of the member of staff concerned unless a suitable alternative vacancy is found. Governing Bodies should however recognise that members of staff are a valuable resource and that any reduction in their number should be made only as a last resort.

The following guidance is therefore recommended to Governors as a policy and procedure to adopt where the school needs to reduce staffing levels, with the strong recommendation that advice is sought from Senior Management for Children and Schools Directorate and the Human Resources Division at the earliest possible time and throughout the progression of a specific case. Where there is "good cause", for instance, where advice is not sought, or where advice is given but not followed, the Authority may charge to the school's budget any costs arising from claims of wrongful dismissal or unfair dismissal.

If the Governing Body chooses to adopt the policy and procedure, details should be issued to all staff so that they are fully aware of their rights and obligations. If Governing Bodies choose to adopt a different procedure, they are advised to consult the Authority on that procedure. The Authority has the right, where it has good cause, to charge any costs arising from the use of different procedures to the budget of the school concerned, as above. Governing Bodies will also have a legal duty to consult with trade unions if they intend adopting a different procedure.

The processes will also be applied to any teachers who are employed in establishments or situations where no Governing Body exists, for example, peripatetic teachers. The Management Body of Pupil Referral Services will be expected to assist the Authority in identification of staff that may be potentially redundant. The final identification will, however, be carried out by the Authority, who will normally act upon the advice of the Management Body.

The scheme must only be applied in genuine redundancy situations. Making a redundancy payment in a non-redundancy situation is unlawful. In establishing

cases of genuine redundancy, the Director for Children and Schools will operate within the terms of the Employment Rights Act, 1996.

“For the purposes of this Act an employee who is dismissed shall be taken to be dismissed by reason of redundancy if the dismissal is wholly or mainly attributable to:

(a) the fact that his/her employer has ceased or intends to cease –

(i) to carry on the business for the purposes of which the employee was employed, or

(ii) to carry on that business in the place where the employee was so employed, or

(b) the fact that the requirements of that business –

(i) for employees to carry out work of a particular kind, or

(ii) for employees to carry out work of a particular kind in the place where the employee was employed by the employer,

have ceased or diminished or are expected to cease or diminish.”

2. Role of the Council

The Authority’s strategic responsibilities for the education service include:-

- forward planning and sound financial management;
- setting the level of resources for Primary, Secondary and Special Education;
- determining the formula for the allocation of funds to schools through its scheme of local management;
- discharging its responsibilities as the employer of teachers and support staff in its schools.

The Authority, in discharging these functions, is committed to effective consultation with the unions and teacher associations and with Governing Bodies on the discharge of their responsibilities.

3. Funding Arrangements

The Authority will, in the discharge of its responsibilities for determining the level of financial resources for primary, secondary and special education and the allocation of those resources to individual schools through the funding formula, consult fully the unions and teacher associations on such decisions. It will review regularly with the recognised trade unions and all schools the operation of its financial and education policies in accordance with the joint objective of the

Authority, unions, teachers associations and schools of delivering a quality education service.

The resourcing of schools will be reviewed at the commencement of the planning for the forthcoming year's budget determination with particular regard to the maintenance of staffing levels. Where such joint review shows that schools could be obliged to consider reductions in staffing levels the Authority, in consultation with the unions and teacher associations, will consider ways of achieving this.

The Authority will consult with the LMS Review Group and Governing Bodies on any related matters which might constitute modification to the LMS Scheme.

4. Role of the Governing Body

Redundancy is a dismissal in law and it is necessary for the full Governing Body to consider any situations driven by the needs of their service and/or a drop in pupil numbers which may result in a need to review staffing levels.

A Staff Disciplinary and Dismissal Committee must be set up and should be given full plenary powers by the Governing Body to make nominations for redundancy.

If the Governing Body decide on declaring a redundancy situation as a last resort option, they are then responsible for consulting with staff and relevant Trade Unions as soon as possible. When the situation is driven by a drop in pupil numbers, which in turn affects the school budget, there is a rigid timeline to work within between the release of budgetary information and the deadline (last day in May) for issuing notice to terminate a teacher's contract by the end of the summer term. If this deadline is not met, a dismissal may not be able to be effective until the end of December, which would mean a further cost implication on the school between the September and December.

Governing Bodies must also ensure that there is an appropriate appeal mechanism against any decision taken to make staff redundant. If the final decision of the Staff Disciplinary and Dismissal Committee is that staff are to be made redundant, the staff concerned must then have a right of appeal to the Staff Disciplinary and Dismissal Appeals Committee.

Appropriate advice is available from Senior Management for Children and Schools and the HR Division and must be sought at the earliest possible indication of staff redundancies.

5. Arrangement of the Committees

Each Governing Body should ensure that their committees are set up and in place prior to this procedure starting and that those governors on the relevant committees are able to commit to the time required to complete the process, from

start to finish. Also, it is critical that each committee meeting is clerked - it will be the responsibility of the Chair of the committee to ensure minutes are taken.

The Staff Disciplinary and Dismissal Committee should consist of not less than three members of the Governing Body. These members cannot take part in any proceedings established to consider an appeal against that decision. When the full Governing Body nominates members for the Staff Disciplinary and Dismissal Committee, two further members should be nominated as reserve members wherever possible. Should these members not take part in the Staff Disciplinary and Dismissal Committee, they can then take part in any appeals process that may follow. The Head Teacher may act in an advisory capacity only to both committees.

Where there is the likelihood of potential conflict of interest of Governors e.g. Staff Governors, the Authority would advise that these Governors declare an interest and do not take part in either the Staff Disciplinary and Dismissal Committee or Disciplinary and Dismissal Appeals Committee where appropriate.

Governors involved in the Staff Disciplinary and Dismissal Committee's deliberation must not take part in the Disciplinary and Dismissal Appeals Committee. The Disciplinary and Dismissal Appeals Committee will be composed of an equal or greater number than that of the Staff Disciplinary and Dismissal Committee i.e. 3 or more.

Minutes should be provided to relevant parties following all Staff Disciplinary and Dismissal Committee meetings, including relevant Trade Unions. All relevant minutes must be provided to the relevant Trade Unions at least 5 working days prior to any Staff Disciplinary and Dismissal Appeal Committee taking place. (In the case of representation minutes, these should only be supplied to the specific employee/their representative who has represented and is appealing the decision).

6. Consultation

Under current Employment Law, the Governing Body/the Authority are required to consult meaningfully with employees/all recognised Trade Unions whose members may be affected by the proposed redundancy dismissals, or by measures taken in connection with them, as soon as the need to make posts redundant is identified. There are minimum periods of consultation notice laid down in law depending on the number of employees affected. The LEA will be responsible for informing the Secretary of State when appropriate.

The purpose of consultation is twofold. Firstly, to provide employees and their trade unions with sufficient information about the school's proposals so that they can play a useful and constructive part in the process of consultation, as soon as redundancies are identified and secondly, to provide an opportunity for employees and their trade union representatives to make a contribution to the process by inviting and considering their views, ideas and alternative suggestions.

The governing body must respond in writing to all formal representations.

Where possible, agreement will be sought with trade unions for dates of representation and appeal hearings.

Employers have a statutory duty under Section 188 of the Trade Union & Labour Relations (Consolidation) Act 1992 to provide the following information to employees affected and Trade Unions in writing at the earliest opportunity, within the initial letter:

- (i) Reasons for proposed redundancies.
- (ii) The numbers and descriptions of posts that are at risk.
- (iii) The total number of employees of that description employed at the school.
- (iv) The proposed method of selection for redundancy (at the first meeting of the Governing Body when the possible need to declare a redundancy is discussed, the Governing Body will decide on and circulate to all staff and trade unions, the proposed selection criteria for redundancy).
- (v) The proposed method of carrying out the dismissal, including the period over which the dismissal(s) are to take effect.
- (vi) The proposed method of calculating the amount of any redundancy payments (Refer to Appendix g).
- (vii) The following information **must** be provided to Trade Unions:
 - a. The initial staff letter including any additional documents distributed, e.g. skills audit.
 - b. List of staff currently employed at the School.
 - c. Proposed budget statement for the next academic year (including details of any enhancements to salaries).
 - d. School budget for preceding 3 years.
 - e. Current up to date budget statement.
 - f. Number of pupils currently on roll and projected number of pupils on roll for the next academic year.
 - g. Current staff structure and proposed staff structure for the next academic year (not including names of staff – just post details).
 - h. Current curriculum plan/audit and proposed curriculum plan/audit for the next academic year and/or School Development Plan.
 - i. Trade unions should be provided with any information that was used to inform the redundancy process.

(Refer to Appendix e for example of documentary information pack to be provided to trade unions by the Head Teacher).

7. Identification and Selection of staff for redundancy (with the exception of school closures/amalgamations/federations)

7.1 Consideration should be given to alternative means to avoid a redundancy situation, e.g. freezing of vacant posts; filling vacancies internally, voluntary reduction in hours of staff, termination of genuine fixed term contracts¹, job sharing, term time working, phased retirement and any other means by which to avoid a redundancy situation. (Please note – all fixed term employees should be considered “in the pool” unless the contract is for less than 24 months, linked to a named person or specific task etc, as above. Please seek advice from HR in any of these instances).

7.2 Where it is decided that a post at a school cannot be sustained, consideration should initially be given to resolving any over-staffing on a voluntary basis i.e. voluntary redundancy, voluntary reduction in hours, job share etc. The cost and specific post in question would obviously have a bearing on the probability of the option of voluntary redundancy proceeding. Volunteers should be given a reasonable period of time, with a minimum of one week, to present themselves. Please refer to appendix f, on voluntary redundancies. This could also involve expressions of interest in redeployment.

7.3 Should this not be possible, it will then be necessary for the Governing Body to proceed with nominations for compulsory redundancy.

7.4 It is advised that the identification of staff for redundancy is based on the overall needs of the school.

7.5 Evidence to support the needs of the school can be sourced from the following examples of supporting documents – MSP/monitoring school performance report; SSE/school self evaluation document; SDP/SIP/school improvement development plan; ESTYN Inspection reports and post inspection plans and related specific criteria. Please note that Secondary Schools especially must complete a curricular audit.

7.6 In respect of teaching reductions, the post of Head Teacher is exempt from the selection pool.

7.7 The next step is for the Governing Body to agree which selection criteria are to be used based on the needs of the school, subject to trade union consultation. Refer to appendices a to c.

7.8 The Head Teacher must verify the completed audit forms prior to anonymising the forms to ensure that this information is accurate and correct. Any inaccuracies should be discussed with the employee concerned prior to selection.

¹ The non-renewal of a fixed term contract still constitutes a dismissal in law and therefore a dismissal process needs to take place. Separate guidance can be sought from the HR Division on this matter.

7.9 Staff will be required to complete a staff skills audit (refer to appendix d) which will directly link in with the selection criteria based on the needs of the school. The Head teacher should discuss the skills audit form and request information from the staff explaining the reason why it is required and giving any reasonable assistance requested.

7.10 Staff should be selected from the pool (teaching and/or support staff pools) using the specific, agreed selection criteria. Minutes of the meeting should state on what basis/the reasons why the actual member of staff was selected for redundancy. Secondary schools should be able to produce and demonstrate the areas where there is a fall in demand from the production of a curricular audit and timetable.

7.11 The curricular audit should identify where there are fewer lessons required and used in conjunction with the staff skills audit, to apply the agreed selection criteria in order to nominate posts for redundancy. Such a demonstration is much more difficult to produce in the primary sector as demand is mainly based on pupil numbers which is the key driver to the calculation of the budget. It is essential to retain a balanced and coherent workforce which meets the needs of the establishment in curricular, pastoral, managerial and operational terms. All selection criteria must be applied in a reasonable, fair and objective manner.

7.12 Selection criteria and staff skills audit:

Please refer to Appendix a, b, c and d.

Appendix a is the primary selection criteria for teaching staff.

Appendix b is the secondary selection criteria for teaching staff.

Appendix c is the selection criteria for support staff.

Appendix d is the skills audit form.

All selection criteria have to be objective and not subjective in any way, applied fairly and consistently.

8. Procedure

A step-by-step process for dealing with any potential redundancies is given below. Please note standard letters are attached at Appendix f.

Step 1

- It is imperative that as soon as there are indications of the need to follow this process the Head Teacher should inform the HR Manager and discuss the process to follow, at the time of, or even before the schools receive their indicative budgets.
- Budget discussed by Governors in Finance Sub Committee.

Step 2

- Finance Sub Committee recommendation reported to full Governing Body. Depending on timescales, it may be necessary to convene an extraordinary meeting.
- Any changes to the budget throughout the process e.g. due to increase in funding, confirmation of reserve figure etc, the Head Teacher should update the Governing Body and HR on an ongoing basis during each meeting and in between meetings if necessary.
- At the Governing Body meeting the budget position must be agreed - it can be discussed in brief in an attempt to balance but this should have been done by the Finance Sub Committee. If this is still not possible, the need to make posts redundant should be considered, as a last resort.
- The Governing Body must ensure there is appropriate membership on the Staff Disciplinary and Dismissal and Staff Disciplinary and Dismissal Appeals Committees and agree the selection criteria to be applied in the case of compulsory redundancies which will then be subject to trade union consultation.
- Whilst looking for other staffing related options other than compulsory redundancy, the Head teacher should meet with all staff employed at the school to brief them on the current position and start the consultation process and a letter should be sent to staff confirming the current position and providing the relevant information, as described in Section 7, starting the consultation process. A copy of this letter should be provided to the HR Division in order for it to be forwarded to county trade union representatives.

Step 3

- During the consultation period, the Head Teacher (on behalf of the Governing Body) must meet with Trade Unions, providing as a minimum 5 working days' notice of each meeting, to discuss the current position, the points raised in section 7 and the need to make possible redundancies. These meetings may be held at individual schools or where possible and more "convenient", they could be held at a central location. Where possible, it is best practice for the Chair of the Governing Body to attend such meetings alongside the Head Teacher.
- The governing body must respond in writing to all formal representations (this could be in the form of email).
- If, following meaningful consultation, taking into account contributions from Trade Unions, the Staff Disciplinary and Dismissal Committee selects the staff to be nominated for redundancy. HR support will be provided.
- Following this, a letter should be sent to staff members selected to be made redundant, informing them of the reason (s) why and their right to make representations to the Staff Disciplinary and Dismissal Committee regarding their selection for redundancy. It should also inform them of their right of appeal.

- If an employee requests representation, their own skills audit and those of the other staff in the selection pool which were presented to the Staff Disciplinary and Dismissal Committee and minutes of the meeting should be made available to that employee.

Step 4

- The Staff Disciplinary and Dismissal Committee will meet to hear any representations. The employee concerned will be given a minimum of 10 working days' notice of this meeting.
- The employee must notify the Chair of Staff Disciplinary and Dismissal Committee of their intention, in writing, within 5 working days of receipt of the nomination letter.
- The Staff Disciplinary and Dismissal Committee should operate as follows where a request for a representation hearing has been lodged:
 - i. The various parties and their representatives (Head teacher and HR advisor and employee and representation) should be called in simultaneously before the Staff Disciplinary and Dismissal Committee.
 - ii. The Chair of the Staff Disciplinary and Dismissal Committee will outline the reasons for the original decision.
 - iii. The employee or their representative will have a right to question the Head Teacher and Chair of the committee.
 - iv. The employee or their representative will present their case.
 - v. The Head Teacher and the Disciplinary and Dismissal Committee will then be entitled to question the employee.
 - vi. All the parties, other than the Staff Disciplinary and Dismissal Committee, the HR advisor and the clerk to the governing body will withdraw while the Committee considers the matter. The role of the HR advisor is strictly 'advisory', he/she has not decision-making powers.
 - vii. The Disciplinary and Dismissal Committee may, if they wish, recall the parties to clarify any points, but must recall all parties.
 - viii. After a decision has been reached, the parties should be recalled and the Disciplinary and Dismissal Committee's decision announced. This will then be confirmed in writing at the earliest opportunity by the Chair who shall simultaneously copy it to the HR Division.

Step 5

- The employee will have a “right of appeal” against any selection for redundancy and this must be exercised in writing, addressed to the Chair of the Appeals Committee then sent to the Director for Children and Schools to be received within 5 working days of the date of the nomination letter. Notice to the employee of their redundancy selection and notice of an appeal date and time can run concurrently with one another, particularly when the process nears the end of May deadline. The appeal shall be heard prior to any notice being issued.
- The appeal must be heard by the Disciplinary and Dismissal Appeals Committee which will be composed of some of the members of the Governing Body not involved in the Staff Disciplinary and Dismissal Committee and will be composed of an equal or greater number than that of the Staff Disciplinary and Dismissal Committee.
- Any documentation should be exchanged by both parties, (including minutes of relevant meetings) and the employee/trade union no later than five working days before the date of the hearing.
- A member of the HR Division will advise the Disciplinary and Dismissal Appeals Committee and they are entitled to the same notice of the meeting as members of the Disciplinary and Dismissal Appeals Committee. Any and all advice provided by HR will be given in front of all parties and minuted.
- The Disciplinary and Dismissal Appeals Committee should operate as follows where an appeal has been lodged:
 - i. The various parties and their representatives (Chair of Staff Disciplinary and Dismissal Committee/Head teacher and HR advisor and employee and representation) should be called in simultaneously before the Disciplinary and Dismissal Appeals Committee.
 - ii. The Chair of the Staff Disciplinary and Dismissal Committee will outline the reasons for the original decision.
 - iii. The employee or their representative and the Disciplinary and Dismissal Appeals Committee will have a right to question the Head Teacher and Chair of original committee.
 - iv. The employee or their representative will present their case.
 - v. The Head Teacher and the Disciplinary and Dismissal Appeals Committee will then be entitled to question the employee.
 - vi. Both parties can then make any closing remarks.
 - vii. All the parties, other than the Disciplinary and Dismissal Appeals Committee, the HR advisor and the clerk to the governing body will withdraw while the Disciplinary and Dismissal Appeals Committee considers the matter.

- viii. The Disciplinary and Dismissal Appeals Committee may, if they wish, recall the parties to clarify any points, but must recall both parties.
- ix. After a decision has been reached, the parties should be recalled and the Disciplinary and Dismissal Appeals Committee's decision announced. This will then be confirmed in writing at the earliest opportunity by the Chair who shall simultaneously copy it to the HR Division.
- x. If the decision is to confirm dismissal, the Director for Children and Schools will formally terminate the employee's contract.

9. Identification and selection of staff in cases of school closure, amalgamations and federation arrangements

The temporary governing body will appoint to the post of Head Teacher. The Governing Body can choose to either ring fence the appointment to existing permanent Head Teachers of the closing schools OR go out to national advertisement²

The temporary governing body will then agree a staffing structure with Head Teacher following consultation with staff and trade unions at county level.

The temporary governing body will appoint to the post of Deputy Head Teacher (where applicable). The Governing Body can choose to either ring fence the appointment to existing permanent Deputy Head Teachers of the closing schools OR go out to national advertisement

For the appointment of all remaining posts, the process will be as follows:-

1 Slotting & Matching process

Where posts are judged to have not materially changed, the principles of slotting in and prior consideration will apply.

Hence where a post in the new structure matches, or it is determined that the gap in either the person specification or job description is minimal and can be bridged by a short term training need then slotting in will apply where there is only one candidate or equal numbers of candidates and posts.

2 Ring Fenced Selection

Where the post is judged to have not materially changed but there is more than one candidate then that group of staff will be ring-fenced for selection via interview. Bear in mind that an employee may be eligible to be ring fenced for more than one post and in which case they should be asked to identify their preferences in rank order.

² This principle also applies to the appointment of Deputy Head Teacher

3 Restricted Competition

Where a post is considered to be new or substantially changed attempts to fill it will be made in the first instance by restricting competition to staff affected by the changes.

Any employee who is displaced as a result of the above process, will be given the right of prior consideration for posts elsewhere in the Authority as a means of avoiding compulsory redundancy

10. Redeployment/Suitable Alternative Employment

Redeployment is a process which facilitates the continued employment of qualified, experienced and committed employees and capitalises on any investment in terms of support, development and training provided by governing bodies and the Council.

The success of redeployment is dependent upon all parties working in partnership in a collaborative fashion. Information sharing and clear communication channels are vital for all of the schools and employees under threat of redundancy to benefit from the process.

10.1 Principles

- All parties can expect to be treated fairly, equitably, with dignity and regard to their well being at all times;
- Redeployment will be actioned in the best interests of children and young people to ensure continuity and high standards of learning throughout periods of change;
- The Council is committed to working closely with schools and professional associations and trade unions to provide information, support and advice for employees;
- Every attempt will be made to avoid or mitigate against compulsory redundancies and all reasonable options will be considered prior to compulsory redundancy;
- Officers of the Council and governing bodies will work together to ensure good communication channels are in place for all parties involved;
- Current employment legislation and good practice will be taken into consideration throughout this process.
- If an employee is made redundant by Pembrokeshire County Council but is offered and accepts a post with another Local Authority or employer listed in the **Schedules to the Redundancy Payments (Continuity of Employment in Local Government, Modification Order 1999)** before the date the redundancy takes effect, and/or the new employment starts within 4 weeks of the date of the redundancy occurring, there is effectively no dismissal and no entitlement to a redundancy payment. In line with Annex B of the Conditions of Services for Schoolteachers in England and Wales.

- School staff who are under threat of redundancy will automatically be placed on the school redeployment list. Individuals will also be placed on the corporate redeployment list unless there is a clear indication that they do not wish to seek employment outside education. In respect of teachers redeployed to posts either on NJC or Soulbury terms and conditions, there will be no protection of teacher terms and conditions.

10.2 Roles and Responsibilities

HR Division

The role of HR with support from Children and Schools is to facilitate the redeployment process. Whilst the Council cannot directly place employees into school positions, the role of HR is:-

- pivotal in supporting each person under threat of redundancy,
- liaising with head teachers and governing bodies and
- undertaking the organisation, management and administration associated with redeployment.

Employees under threat of redundancy

Employees under threat of redundancy are expected to:-

- attend meetings as required;
- complete the relevant forms and questionnaire promptly when requested;
- give serious consideration to all job opportunities;
- actively seek employment through alternative routes;
- meet head teachers by arrangement to discuss vacancies and review suitability for posts;
- be prepared to undertake additional training;
- be aware that if he/she unreasonably refuses a suitable post it is likely to affect their entitlement to a redundancy payment.

The Governing Body and Head Teacher

Governing Bodies and Head Teachers are expected to:-

- fully engage with and commit to the process of redeployment;³
- inform HR of vacancies within their school as they arise;
- delegate to the head teacher the authority to interview an employee(s) to a vacant post prior to advertisement with final decision taken in consultation with the Chair of Governors;

³ In adopting this procedure, Governing Bodies commit to considering those on the school redeployment list, including an interview process where the individuals meet or are a close match to the person specification, PRIOR to placing an advertisement.

- give fair consideration to those employees under threat of redundancy who meet the essential job criteria;
- provide clear reasons in circumstances when an individual is not considered suitable;
- provide any employees under threat of redundancy within their own school with reasonable time off to attend for interviews;
- provide facilities for these employees to meet with their trade union representative/professional association as appropriate;
- provide references for each redeployee.

10.3 The Process

- HR will liaise with employees nominated for compulsory redundancy to request the completion of a generic application form which can be circulated to schools each time a suitable vacancy arises.
- Details of the person will be held on the redeployment list.
- Schools will forward details of vacancies to HR as and when they arise.
- HR to inform redeployees of the opportunity and contact the person specification and job profile to the redeployee – if any redeployee is not interested, reasons should be recorded.⁴
- HR to liaise between suitable redeployees and Head Teacher to agree a date for interview, thus avoiding the need for an advert in the first instance.
- If one or more potential redeployees are identified, the school carry out a rigorous selection procedure to ensure fairness and equality of treatment.
- If redeployee matches some but not all the essential criteria, head teachers are expected to consider whether, with reasonable training, the redeployee could do the job (see section on trial periods).
- If the head considers the redeployee may be suitable, he/she is expected to interview the person during which time the redeployee is expected to demonstrate their suitability for the post.
- The interview will be a two way process to allow the redeployee to find out more about the school and the head to assess suitability for the post.
- The interview will be structured against the person specification with opportunities for questions on both sides.

⁴ Individuals should be aware that where the employer deems a vacancy to be a reasonable alternative, they have a duty to participate in the selection process

- The head may involve another member of the management team or a governor depending on the extent to which the governors have delegated responsibility to the head.
- If no appointment made or where more than one redeployee is interviewed, written feedback and reasons for decision must be provided to the HR Division for inclusion in personnel file.
- The reasons for non-appointment need to be objective and based on the criteria in the person specification.
- If the redeployee refuses to accept an offer of appointment, their reasons must be sent in writing to HR within 5 working days of offer. It will not be sufficient to withhold acceptance of an offer in the hope that further opportunities will arise.

10.4 Guidance on trial periods

- A trial period is not compulsory; governing bodies may choose to confirm the appointment at the outset.
- A trial period of up to one term will enable the new employee and the head teacher to decide whether the potential appointment is suitable, particularly where the role is particularly complex or where the redeployee requires training to undertake the new role.
- The purpose of the trial period is to ensure that:
 - The employee has sufficient time to demonstrate their suitability for the role;
 - Development needs are identified and suitable training is provided;
 - Reasonable adjustments can be made where an employee has been redeployed with a disability;
 - The head teacher/manager has sufficient time to make a fair assessment.
- At the end of the trial period, the employee will either be:
 - Confirmed in the new post;
 - Placed back on the redeployment list if their notice period has not expired;
 - Have their employment terminated if the notice period has expired.

Should either the redeployee or the post prove unsuitable, the redeployee's right to a redundancy payment will not be affected.

- The availability of options for redeployees will depend, to some degree on the flexibility of the redeployee, in particular to the salary of the vacant post. Distance may also be a key consideration in some cases.

- Redeployees who are considered suitable for a post and are offered the appointment are expected to accept.
- In the event of redeployment to a lower grade, any national agreements will apply although it is expected that the school will utilise the employee's skills/experience/qualifications within the school for additional responsibilities commensurate with any safeguarded salary.
- It should be noted that any redeployee will not be entitled to a redundancy payment if it is considered that they have refused a formal offer of suitable alternative employment.
- If an employee is redeployed to a temporary post, they will remain on the redeployment list for the duration of the contract while a match to a more permanent/suitable post is found.

10. Unfair/Wrongful Dismissal

In the event of a redundant employee initiating proceedings for unfair dismissal or wrongful dismissal, the Governing Body's representative will have to appear at the resulting Employment Tribunal. This would also apply to claims of wrongful dismissal pursued through the Courts. Where the advice of the Director for Children and Schools or his representative has not been sought, or where that advice has not been followed, costs arising could be a charge on the establishment's budget. Governing Bodies are, therefore, advised to follow this procedure and seek advice from the Director for Children and Schools/HR Division at the earliest moment and thence throughout any case which might arise.

Appendix A – Primary Selection Criteria - Teacher

It is for the Governing Body to determine a suitable points scoring matrix with advice from HR. There will be a legal requirement to consult with trade unions prior to application.

Prior to the consideration of criteria for redundancy, the Governing Body would support any request by a member of staff for job share, reduction in hours, voluntary redundancy, early retirement and/or any other method to reduce possibility of compulsory redundancy if operationally and financially feasible. The decision on financial feasibility rests with the Redundancy Panel not Governing Bodies.

- a) In the event of there being no requests for voluntary redundancy or EVR, in line with priorities within the School Development Plan and based on analysis of staff audit according to needs of the school, a point scoring exercise will be undertaken taking into account qualifications, training and experience. This will ensure “best fit” of staff within new (reduced) staffing and curriculum plan. An example is provided below – this is intended for guidance purposes only and as stated above, it is the responsibility of the Governing Body to set the criteria and it will need to be consulted upon with trade unions.
- b) If, after consideration of the curriculum review and audit and application of the scoring matrix, there is more than one teacher who could equally be selected as being surplus to the requirements of the school, then the selection should be made on the length of recognised continuous service in the school with the person having the least service being selected. In the case of an amalgamation, the total service in the constituent schools should be taken. Should there be more than one member of staff with the same total length of recognised continuous service in the school, then the total length of recognised service with the Authority should be the deciding factor.

Criteria	Points allocation		Points given	Comments
Senior or Middle Management Responsibilities				
Deputy Head Teacher				Point allocation to be determined
Assistant Head Teacher				Point allocation to be determined
Teaching & Learning Responsibility Allowance				Point allocation to be determined
Qualifications				
Master in Education or other professional qualifications in education related to posts (Level 6 or above)	4			Score would be 4 or 0
Hold and other relevant professional qualification	1			Score would be 1 or 0
Core organisation (below are examples only. This would recognise SDP priorities and national priorities)	Experience (within 3 yrs)	Potential*		*Linked to qualifications, specialism, previous role outside 3 year period
	5 lead, 3 assist	3 lead, 1 assist		
Narrowing the gap				
English/Literacy				
Mathematics/Numeracy				
Science				
DCF/ICT				
Assessment/Moderation				
Tracking/Data Analysis				
Experience of teaching and development in curriculum areas that you can offer – for column 1: 5 points per area, additional 2 points per area – SDP, PIAP and support the school with developing Successful Futures (max 7):	5 others	3 others		
	Max 7 SDP/PIAP/SF	Max 5 SDP/PIAP/SF		
Other: (below are examples)				
1. E-fsm/n-fsm – narrowing the CSI gap				
4. DCF				
12. Language, literacy and communication				
13. Mathematics and numeracy				
14. Health and well-being				
15. Science and technology				
16. Humanities				
Total points				

Appendix B – Secondary Selection Criteria - Teacher

The essential objective in secondary schools is **curriculum match** – that is the delivery of the required curriculum to reasonably-sized groups of students by a staffing complement that is appropriately qualified and affordable.

Prior to convening a meeting of the Staff Disciplinary & Dismissal Committee to apply the selection criteria, the Head Teacher (in conjunction with the school's designated person for timetabling) **MUST** allocate staff to lessons in accordance with curriculum demand and taking into consideration the skills audits completed by staff.

If, after the detailed matching exercise above, there is surplus staffing in one or more subject areas the Staff Disciplinary & Dismissal Committee should apply the selection criteria to teaching staff within the selection pool.

The purpose of the matching exercise is to ensure that all reasonable steps have been taken to avoid having a surplus in any subject area by utilising the skills/experience listed on the skills audits. This should involve moving staff between subject areas where this is within their capabilities.

The Head Teacher **MUST** provide evidence of this matching exercise to the Committee prior to application of the points analysis.

The individual with the lowest points would have his/her post identified as surplus to requirements on the grounds of redundancy. In the event of a tie, the selection should be made on the length of recognised continuous service in the school with the person having the least service being selected. In the case of an amalgamation, the total service in the constituent schools should be taken. Should there be more than one member of staff with the same total length of recognised continuous service in the school, then the total length of recognised service with the Authority should be the deciding factor.

Criterion	Points	Commentary
Holds a Leadership position or a TLR post within the agreed staffing structure	Maximum 15 points	
Able and willing to teach other subject areas for which there is curriculum demand or expected to be demand within the next two years.	1 or 2 maximum	Low weighing. As indicated on staffing audit returns. Ability claim must be realistic. Rationale is that flexibility is needed to minimise future redundancies.
Formally qualified (or has 2 years' experience) to teach other subject areas for which there is curriculum demand or expected to be demand within the next two years.	1 (extra to row 1 bringing max to no more than 3)	Adds to first line to give medium weighting.
Qualified to teach the subject where there is redundancy (see table of points)	Max 5 per subject requirement (column)	Medium weighting. A table has been constructed to recognise the extent to which a teacher is qualified and experienced to teach this subject.
Experience of teaching the subject where there is redundancy within the last 3 years	Max 2	

Qualifications table

PGCE (or equivalent i.e. Certificate of Education) with subject as principal	5
PGCE with subject as subsidiary	4
Degree with subject as substantial element of discipline	3
A Level in subject or closely related subject	2
Two or more years' experience of teaching at this level without formal qualification	1

Appendix C – Support Staff Selection Criteria

Prior to the consideration of criteria for redundancy, the Governing Body would support any request by a member of staff for voluntary redundancy and/or early retirement, if operationally and financially feasible. The decision on financial feasibility rests with the Redundancy Panel not Governing Bodies.

In the event of there being no requests for voluntary redundancy or EVR, in line with priorities within the School Development Plan and based on analysis of staff audit according to needs of the school, a point scoring exercise will be undertaken taking into account experience, training and qualifications. This will ensure “best fit” of staff within new (reduced) staffing and curriculum plan. The Governing Body will give due consideration to the severity of reductions required, ensuring that there are sufficient staff remaining to effectively and safely fulfil the requirements of the post.

It is for the Governing Body to determine a suitable points scoring matrix with advice from HR. There will be a requirement to consult with trade unions prior to application.

If, after this consideration there is more than one member of staff who could equally be selected as being surplus to the requirements of the school, then the selection should be made on the length of recognised continuous service in the school with the person having the least service being selected. Should there be more than one member of staff with the same total length of recognised continuous service in the school, then the total length of recognised service with the Authority or its constituent parts should be the deciding factor.

Appendix D – Staff Skills Audits

PRIMARY SCHOOL TEACHER

	Please give details and examples with an indication of when you undertook this work/post.
Level 1 - Core Organisational and Managerial Requirements	
Senior Leadership /Management Team	
Subject Co-ordinator	
Key Stage Co-ordinator	
ALN Co-ordinator	
Other	
Level 2 - Specialist Requirements	
Foundation to KS1	
KS2	
Specific subjects taught	
Training & Development	
Provide details of any relevant training undertaken within the last 3 years. Include short courses, extended course, degree diploma's, in-house courses, inset training	
Specialist Relevant Skills	

Provide details of any specific relevant skills

--

Level 3 – General Requirements

Describe any experience you have in relation to the selection criteria.

--

Name: _____

Signed: _____

Dated: _____

SKILLS AUDIT

Secondary School – Teacher

Full Name

Post Title

1. Which school curriculum subjects (and at what levels) are you currently **formally qualified** to teach and have **experience of teaching** within the past 3 years?

Subject	Levels to which you are qualified to teach? (A,GNVQ,GCSE,CoEA,KS3...)	Nature of qualification

2. Which school curriculum subjects (and at what levels) do you have **experience of teaching** within the last 3 years but are not **formally qualified to teach**?

Subject	Levels to which you are qualified to teach? (A,GNVQ,GCSE,CoEA,KS3...)	Nature of qualification

3. Which school curriculum subjects (and at what levels) are you **willing** to teach and have **experience** of teaching within the past 3 years, but are **not formally qualified** to teach?

Subject	Levels to which you are experienced (A,GNVQ,GCSE,CoEA,KS3...)	Nature of experience

4. Are there subjects that you are qualified to teach or have prior experience of teaching that you are **not prepared to teach** now, or you would prefer not to teach. If so, please list and give brief reasons.

Subject	Level	Reason
Would not teach:		
Prefer not to teach:		

Signature:

Date:.....

Support Staff

1. Please list any qualifications you hold that are specifically relevant to the job you are currently doing.

Field of Study/Subject	Levels (Degree, A, GNVQ, GCSE, certificates etc.

2. Please list any other qualifications.

Field of Study/Subject	Levels (Degree, A, GNVQ, GCSE, certificates etc

Staffing Audit of Options – All Staff

Name _____

As part of the staffing reductions process, we are required to ask whether there are any alternative ways that you might consider helping to avoid compulsory redundancies. Please note that

- Indicating one of these options now is not a final commitment. This is only for staff planning purposes.
- Indicating an interest in an option does not mean that the request will be granted. It is only possible to proceed with any option in so far as it helps to reduce staffing in a way which allows the school to deliver its curriculum and statutory needs. The LA has the final decision on redundancy and retirement options.
- Nil returns are required i.e. staff who are not interested must still complete and return his form.

Voluntary reduction of hours	Yes/No	To what hours?
Voluntary job-sharing	Yes/No	With whom and on what basis?
Voluntary redundancy	Yes/No	For further information contact CathrynDavies cathryn.davies@pembrokeshire.gov.uk 01437 775092
Transfer to a post at another school in Pembrokeshire	Yes/No	Which role? Would you require retraining?

Signature _____

Date _____

Return to the Head Teacher by

APPENDIX E

xx School *Staffing Reductions*

[date]

Proposals for Regional Professional Association Representatives

xx School Staff Reduction [date]

1. The governors of the school have reluctantly concluded that the budget for [insert financial year] is in deficit to the extent that staffing reductions are necessary.

2. In the financial years xx to xx it was necessary to reduce the staffing budget - by [insert previous cost savings]. These reductions were achieved entirely through [enter how savings were achieved i.e. voluntary/compulsory redundancies, voluntary reduction in hours etc.] **[DELETE THIS PARAGRAPH IF NOT APPLICABLE]**

3. The main source of shortfall in the [insert financial year] budget is the falling roll of pupils.

4. There is no significant uncommitted carry forward predicted from the [insert previous financial year] budget.

5. Pupil number projections show a continued decline in forecast pupil numbers of x% over the next 3 years.

Sep- xx actual	Jan-xx	Jan-xx	Jan-xx	Jan-xx
-x%	-x%	-x%	-x%	-x%

6. Reason for proposed redundancies: the school's budget is not sufficient to maintain current expenditure on staffing. Our initial calculations indicated a short fall of £x. Three year projections show this rises to £x. These shortages result primarily from falling rolls.

We have not reappointed to several support/teaching posts when people resigned in-year. **[PROVIDE FULL DETAILS OR DELETE IF NOT APPLICABLE]**

Taking into account savings achieved through voluntary redundancies and reduction of support/teaching staff hours, we are left at present with around £x savings to be achieved mainly through reduction in staff costs. Because the financial and academic years do not coincide, this translates to an annual salary saving from September of about £x.

7. Previously we have argued that it is unwise to trim back on the variable cost items, as there is no realistic prospect of restoring these funds in the foreseeable future because of the continued falling rolls. Many of the items listed in variable costs have an immediate impact on classroom teaching and student learning. Subsidising staffing by taking money out of these areas would afford only temporary relief and would compound the problem in subsequent years. We therefore maintain the position that there should be no significant reduction of the non-staffing budget elements. This is notwithstanding the necessity to evidence that the governing body

has considered all elements of the budget in order to obtain required savings.
[DELETE THIS PARAGRAPH IF NOT APPLICABLE]

8. It is therefore the governors' conclusion that staff reduction is the only viable option available. This decision was reached formally in the Governors Finance Committee meeting of [insert date]. **(minutes attached)**

9. Staff have been informed that staffing reductions are necessary (staff briefing dated x) and...

Local authority notified (insert date).

- Staff were invited to express interest in voluntary redundancy and x voluntary redundancies were agreed for those with a curriculum match. **[DELETE IF NOT APPLICABLE]**
- Professional association school representatives have been informed of the financial situation (copy attached) on [insert date]
- An outline curriculum costing has been prepared. This costing indicates that there is a surplus of x periods, over and above the agreed voluntary redundancies.
- The staffing audit has been conducted **(summary attached)** and shows options for avoiding compulsory redundancy.
- Redundancy criteria have been adopted by the governing body. **(Minutes attached.)**

10. The number of employees selected will depend on their salary levels – for example, if we aim for £x from teaching budget, this would equate to about x fte staff at U3, but more than x staff at bottom of mainscale.

11. Selection for redundancy of teaching staff will be by curriculum demand estimates. These are attached.

12. For teachers, dismissals will take effect from [insert date]. All processes must be complete by [insert date].

13. We have sought applications for voluntary redundancy; x have expressed interest to date, of which one is a firm commitment **[DELETE IF NOT APPLICABLE]**. The remainder may need to be through compulsory redundancy.

14. Redundancy payments will be calculated in accordance with the local authority agreed procedure.

Appendices to be included:

- 1. Minutes of Finance Committee**
- 2. Summary of staff audit**
- 3. Minutes of full Governing Body meeting**
- 4. Previous 3 years budgets**
- 5. Current projected budget (with and without savings)**
- 6. Redundancy Selection Criteria**

Appendix F – Standard letters

INDEX OF REDUNDANCY LETTERS **SCHOOL REDUNDANCY POLICY & PROCEDURE**

To be issued after Governing Body meeting when resolution is made to implement redundancy procedures- to be issued by H/T:

Let1 –to all staff (copy to HR Division)

To be issued to nominated staff - to be issued by Chair of Staff Dismissal Committee:

Let2 – to selected staff (full redundancy) (copy to HR Division)

Let3 – to selected staff (reduction in weeks/hours) (copy to HR Division)

To be issued to nominated staff – to be issued by Chair of Staff Dismissal Committee:

Let4 – Representation decision

To be issued to selected staff following appeals decision - to be issued by Chair of Appeals Panel:

Let5 – Appeals decision (redundancy upheld) (copy to HR Division)

Let6 – Appeals decision (redundancy withdrawn) (copy to HR Division)

To be issued to selected staff at the end of the appeals process - to be issued by HR Manager on behalf of the Authority:

Let7 – Statutory notice - teacher

Let8 – Statutory notice – support staff

Let1

TO BE PRINTED ON SCHOOL HEADED PAPER

TO: ALL STAFF

Dear Sir/Madam,

I am writing to you on behalf of the Governing Body of this school to advise you that the school budget has a projected deficit at the end of financial year 20xx/20xx. Consequently the Governing Body has resolved to enter into consultation with staff and trade unions on a reduction to the staffing structure in order to achieve a balanced budget as required by the Local Authority. Any changes would have to take effect as quickly as possible, and should be completed by [insert date].

Currently, the school is staffed as shown on the attached sheet, but you will appreciate that this budget problem could mean a reduction in staffing levels over the next few months. At present, it is envisaged that any reduction will be targeted at **teaching/support [either or both, include numbers]** staff.

Should there be an identified requirement to reduce staffing levels, and subject to discussions with trade union representatives, the selection criteria will initially be focused on the "Needs of the School".

In order to assist the Staff Disciplinary and Dismissals Committee with its decision making, it will be necessary for **[enter category of staff proposed for selection – Teaching/Support Staff]** to complete the attached skills audit providing as much detail as possible – as this is used to inform the decision-making process, directly linked to the selection criteria (attached). This information will be presented to the Committee in an anonymous format to preserve individual identities. All Audit forms need to be returned by **XXX**. The Committee will have no alternative option other than to base any decisions it has to make on a verbal presentation by the Head Teacher **or nominated representative** where an employee fails to return their form.

The Committee will be following the Authority's recommended redundancy policy, of which you will be aware. A copy of this policy is available from the school office, the Authority's E Portal site or the Human Resources Division should you wish to view it.

With regards to the proposed method of calculating redundancy payments, please refer Appendix g of the Redundancy Policy.

I must stress that, at this stage, no decision has yet been taken.

Part of the redundancy process is for the employer to try and secure any required savings through voluntary means. Therefore if any member of staff is interested in voluntary redundancy, please come and see me in the first instance. The terms and package available depends on many factors, personal entitlements will be discussed with individuals. There may also be the possibility of job share or voluntary reduction

in hours, once again please come and see me in the first instance if you are interested in this. This will be without obligation on either party.

I am sure you will appreciate that Governors are most upset and concerned at having to take action of this sort and they are only too aware of the distress that will inevitably be caused by this letter. You will, however, understand the need to consult with Trade Unions at the earliest moment as soon as there is any possibility of redundancy. Therefore, the Governors will be meeting with Trade Union Representatives shortly.

I am copying this letter to all staff at the school and perhaps any of them who have any queries or comments to make would like to meet with me in the first instance.

Yours faithfully

Head Teacher

Let2

TO BE PRINTED ON SCHOOL HEADED PAPER

**Send to selected staff only (full redundancy)*

Dear

As you are aware, this school has experienced falling roles which has meant that the Governing Body have resolved to reduce staff in order to bring the budget in line with the funding due from the Authority.

The Staff Disciplinary and Dismissal Committee met on xx to consider reducing the staffing complement of the School. The members of the Committee are proposing to declare your post redundant from xx based on the following criteria:

CRITERIA

The Committee wish to offer you the opportunity to make verbal representations before making their final decision. Therefore you have the right to make representation to the Staff Disciplinary and Dismissal Committee via a personal hearing. If you wish to make representation, your intention must be made in writing and sent to me within 5 working days of receipt of this letter. A hearing will be arranged with not less than five working days notice of the time and place. The date of the hearing will be a matter for the Head Teacher and Chair of the Committee. If you exercise these rights you will be entitled to be represented by your Union official or a professional colleague. If you do not request a personal hearing within the timescale above, the preliminary decision of the Committee will become final and this letter will stand as the notice of determination that your post will cease at the School on [insert date] on the grounds of redundancy.

You also have the right of appeal. The notice of an intention to appeal must be in writing to the Chair of the Appeals Committee (Mr/Mrs.....) then sent to the Director for Children and Schools within 10 working days of receipt of this letter. The Appeals Committee shall consist of no fewer members of the Governing Body than the Staff Dismissal Committee.

On behalf of the Governing Body, I wish to thank you for your service to this school during your employment here and also to wish you well for the future.

Yours sincerely

Chair of the Staff Disciplinary and Dismissal Committee

Let3

PRINT ON SCHOOL HEADED PAPER

**Send to selected staff only (reduction in hours/weeks per annum)*

Dear

As you are aware, this school has experienced falling roles which has meant that the Governing Body have resolved to reduce staff from xx in order to bring the budget in line with the funding due from the Authority.

The Staff Disciplinary and Dismissal Committee met on xx to consider reducing the staffing complement of the School. The members of the Committee are proposing to declare your post redundant from xx based on the following criteria:

CRITERIA

However we are able to offer you a revised contract as a *[title of new post offered here]* for *[new hours]* hours per week/*weeks per annum* on the same terms and conditions as you are currently employed apart from your salary which will be paid pro rata.

If you wish to accept this variation of contract, which will take effect from xx, you should send me your written acceptance within ten working days of receipt of this letter.

The Committee wish to offer you the opportunity to make verbal representations before making their final decision. Therefore you have the right to make representation to the Staff Disciplinary and Dismissal Committee via a personal hearing. If you wish to make representation, your intention must be made in writing and sent to me within 5 working days of receipt of this letter. A hearing will be arranged with not less than five working days notice of the time and place. The date of the hearing will be a matter for the Head Teacher and Chair of the Committee. If you exercise these rights you will be entitled to be represented by your Union official or a professional colleague. If you do not request a personal hearing within the timescale above, the preliminary decision of the Committee will become final and this letter will stand as the notice of determination that your post will cease at the School on [insert date] on the grounds of redundancy **unless you have accepted the above variation in contract.**

You also have the right of appeal. The notice of an intention to appeal must be in writing to the Chair of the Appeals Committee (Mr/Mrs.....) and sent to the Director for Children and Schools within 10 working days of receipt of this letter. The Appeals Committee shall consist of no fewer members of the Governing Body than the Staff Disciplinary and Dismissal Committee.

On behalf of the Governing Body, I wish to thank you for your service to this school during your employment here and also to wish you well for the future.

Yours sincerely

Chair of the Staff Disciplinary and Dismissal Committee

Let4

TO BE PRINTED ON SCHOOL LETTER HEADED PAPER

Dear xxxx,

Redundancy Representation Hearing

Further to the Representation Hearing which was held on xx I confirm the panel's decision as follows:

Having carefully considered the submission of both parties, regrettably, the panel's decision was to uphold its original redundancy selection decision on the grounds that *[insert grounds for decision]*.

OR

Having carefully considered the submission of both parties, the panel's decision is to rescind the original notice of selection on the grounds of *[insert grounds for decision]*.

Yours sincerely,

Chair of the Disciplinary & Dismissal Appeals Committee

Let5

TO BE PRINTED ON SCHOOL LETTER HEADED PAPER

Dear xxxx,

Redundancy Appeal Hearing

Further to the Appeal Hearing which was held on xx I confirm the appeal panel's decision as follows:

Having carefully considered the submission of both parties, regrettably, the panel's decision was to dismiss your appeal on the basis of xx *[give reasons here]*. Therefore, the Local Authority has been informed of the decision that your employment as a xx at School is to cease by virtue of redundancy with effect from xx.

As previously stated, the panel deeply regret the need to make your post redundant and sincerely hope you will be able to find suitable, alternative employment with Pembrokeshire County Council.

I understand a HR Officer from the LEA *[will be contacting you shortly/has already contacted you]* to offer support and seek suitable alternative work.

Yours sincerely,

Chair of the Disciplinary & Dismissal Appeals Committee

Let6

TO BE PRINTED ON SCHOOL HEADED PAPER

Dear

REDUNDANCY APPEAL HEARING

Further to the Redundancy Appeal Hearing which was held on xx at <time here>, I would confirm the appeal panel's decision to uphold your appeal.

Consequently, the provisional notice of compulsory redundancy effective from xx, which was issued to you on xx, is withdrawn.

Yours sincerely

Chair of the Appeals Panel

Let7 (ISSUED BY THE LOCAL AUTHORITY)

Statutory Notice - Teacher

Dear

Re: Statutory Notice

I refer to the decision of the Governing Body of xx to reduce staffing in order to stay in line with funding and your request to take voluntary redundancy.

I am writing to confirm the decision of the Council to agree to terminate your employment from xx provided that there is still a need to reduce the staffing complement of the School at that date. As explained to you, the reason for your dismissal is redundancy.

OR

Further to the decision of the Governing Body of xx to reduce staffing in order to stay in line with funding, I am writing to confirm the decision of the Council to the termination of your employment from [insert date] by reason of redundancy, unless alternative employment can be found for you before that date. In the event of there not being any alternative employment available for you, your contract with the Council will terminate on that date.

You are entitled under Conditions of Service for Schoolteachers in England and Wales to a minimum period of notice, which means that you will be paid up to and including [enter end date].

You will be entitled to be paid a redundancy payment as follows:-

xx.x weeks statutory redundancy @ £0.00 per week =	£0.00
xx.x weeks discretionary redundancy @ £0.00 per week =	<u>£0.00</u>
TOTAL	<u>£0.00</u>

If you wish to access your pension benefits under the Actuarially Reduced Scheme it will be necessary for you to complete and return the relevant Teacher Pension Application form which can be found on their website teacher.pensions.co.uk

OR

xx.x weeks statutory redundancy @ £0.00 per week =	£0.00
--	-------

You will be entitled to immediate release of your pension benefits and it will be necessary for you to complete and return the relevant Teacher Pension Application form which can be found on their website teacher.pensions.co.uk

Should you require any further advice on this matter, please contact me as soon as possible.

Yours sincerely

HR Manager

Let8 (ISSUED BY THE LOCAL AUTHORITY)

Statutory Notice – Support Staff

Dear

Re: Statutory Notice

I refer to the decision of the Governing Body of xx to reduce staffing in order to stay in line with funding and your request to take voluntary redundancy.

I am writing to confirm the decision of the Council to agree to terminate your employment from xx provided that there is still a need to reduce the staffing complement of the School at that date. As explained to you, the reason for your dismissal is redundancy.

OR

Further to the decision of the Governing Body of xx to reduce staffing in order to stay in line with funding, I am writing to confirm the decision of the Council to the termination of your employment from xx by reason of redundancy, unless alternative employment can be found for you before that date. In the event of there not being any alternative employment available for you, your contract with the Council will terminate on that date.

You are entitled under the Employment Rights Act 1996 to a minimum period of notice dependant of your length of service. As you have been employed for [enter years' service] year, you are therefore entitled to [enter weeks' notice] weeks' notice which means that you will be paid up to xx.

You will be entitled to be paid a redundancy payment as follows:-

xx.x weeks statutory redundancy @ £0.00 per week =	£0.00
xx.x weeks discretionary redundancy @ £0.00 per week =	<u>£0.00</u>
TOTAL	<u>£0.00</u>

You will be entitled to immediate release of your pension benefits and details of this will be sent to you under separate cover. [Delete if not applicable].

Should you require any further advice on this matter, please contact me as soon as possible.

Yours sincerely

HR Manager

Appendix G

Early Retirement/Voluntary Redundancy/Compulsory Redundancy Scheme

1. **Scope**

This Scheme is applicable to all Pembrokeshire County Council employees appointed / managed by School Governing Bodies, and Voluntary Aided and foundation and voluntary controlled schools.

2. **Early Retirement (ER)**

Applications for Early Retirement (ER), where a job loss does not take place, will be granted in exceptional circumstances only, and on the basis of “in the interests of efficiency of the service”. All such ER decisions will be subject to a robust business case (including the cost of any consequential organisational/pay grade changes) being approved by the Head Teacher/School Governing Body and School Redundancy Panel. The School’s grievance/appeals procedure will not apply in the case of ER. The Head of Human Resources has an advisory and monitoring role.

3. **Voluntary Redundancy (VR)**

Governing Bodies may, in accordance with the needs of the school, and within a specified period, invite applications for Voluntary Redundancy (VR) as part of managing the redundancy process. It is emphasised that not all volunteers will be allowed to leave the School’s employment under this Scheme as the School will have an ongoing need to retain employees with particular skills and competencies to both deliver and transform a range of services. The School may consider “bumped” redundancies. In these circumstances, employees may volunteer for redundancy to make way for employees with transferable skills, whose job has / will become redundant and who do not wish to leave the employment of the Council.

All VR applications will be considered at the employer’s sole discretion, based on a robust business case. All VR applications will need to be authorised by the Staff Dismissal Committee and School Redeployment Panel. The School’s grievance/appeals procedure will not apply in the case of VR. The Head of Human Resources has an advisory and monitoring role.

4. **Compulsory Redundancy (CR)**

It is the School and Council’s policy to prevent compulsory redundancies from arising if at all possible. However, where unavoidable, selection for compulsory redundancy (CR) will take place in accordance with this policy.

5. Scheme Payments, Costs and Funding

VR and CR Payments

The following provisions will apply in cases of Voluntary Redundancy (VR) and Compulsory Redundancy (CR):

Appendix 1 - Teacher

Appendix 2 – Support Staff

Appendix 3 – Statutory Redundancy Calculator

6. ER Payments

In the event that a request for voluntary early retirement is received and accepted there will be NO entitlement to a redundancy payment.

7. ER, VR and CR Funding

The Authority maintains a pooled budget within the ISB to pay the agreed costs of ER, VR and CR. The Director for Children & Schools chairs a panel of Head Teachers and senior authority representatives to approve all school requests for funding. The Panel has terms of reference and agreed criteria for the funding of staff released under this scheme.

8. Other ER/VR/CR Leaver Provisions

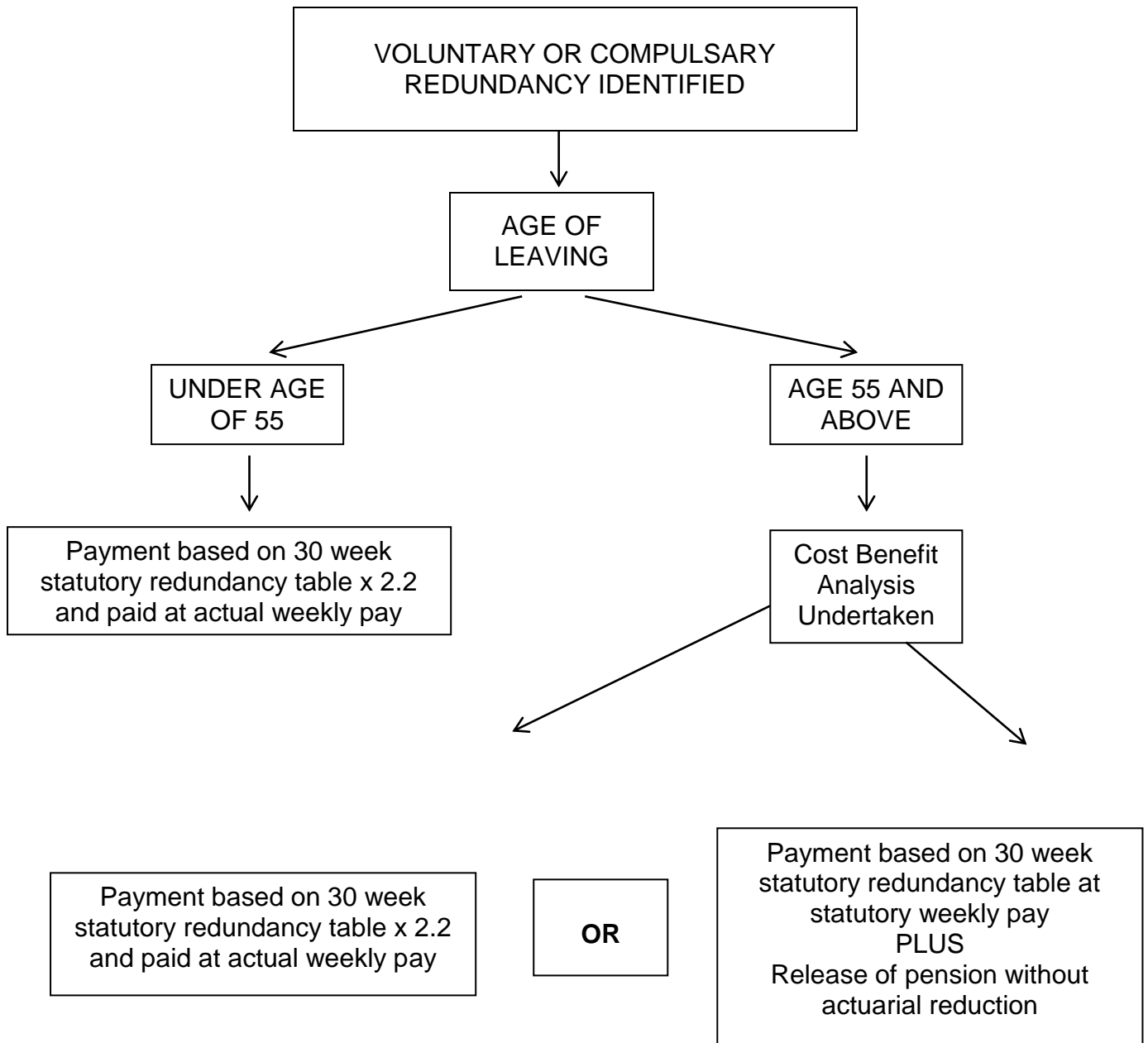
In cases of **compulsory redundancy (CR)**, there will be a presumption that employees will continue to be employed during the statutory notice period, particularly as this will maximise the prospects of potential redeployment. Employees in this situation must arrange to take any outstanding annual leave (where applicable) during the notice period but, if not practicable and certified accordingly by the relevant Head Teacher, an employee will be paid for any untaken annual leave which remains outstanding on expiry of the notice period. Any annual leave entitlement exceeded will be recovered from pay. Exceptionally, pay in lieu of notice, which is subject to tax and National Insurance, may be granted.

Support staff only - Employees leaving the Council's employment on the grounds of **ER or VR** will do so on the basis of a **mutually agreed termination date, with no notice period being applicable on either side** and with **no extra payment being made** for any outstanding holidays, time off in lieu or flexi leave.

Statutory notice provisions in relation to teachers will apply, as appropriate.

Appendix 1

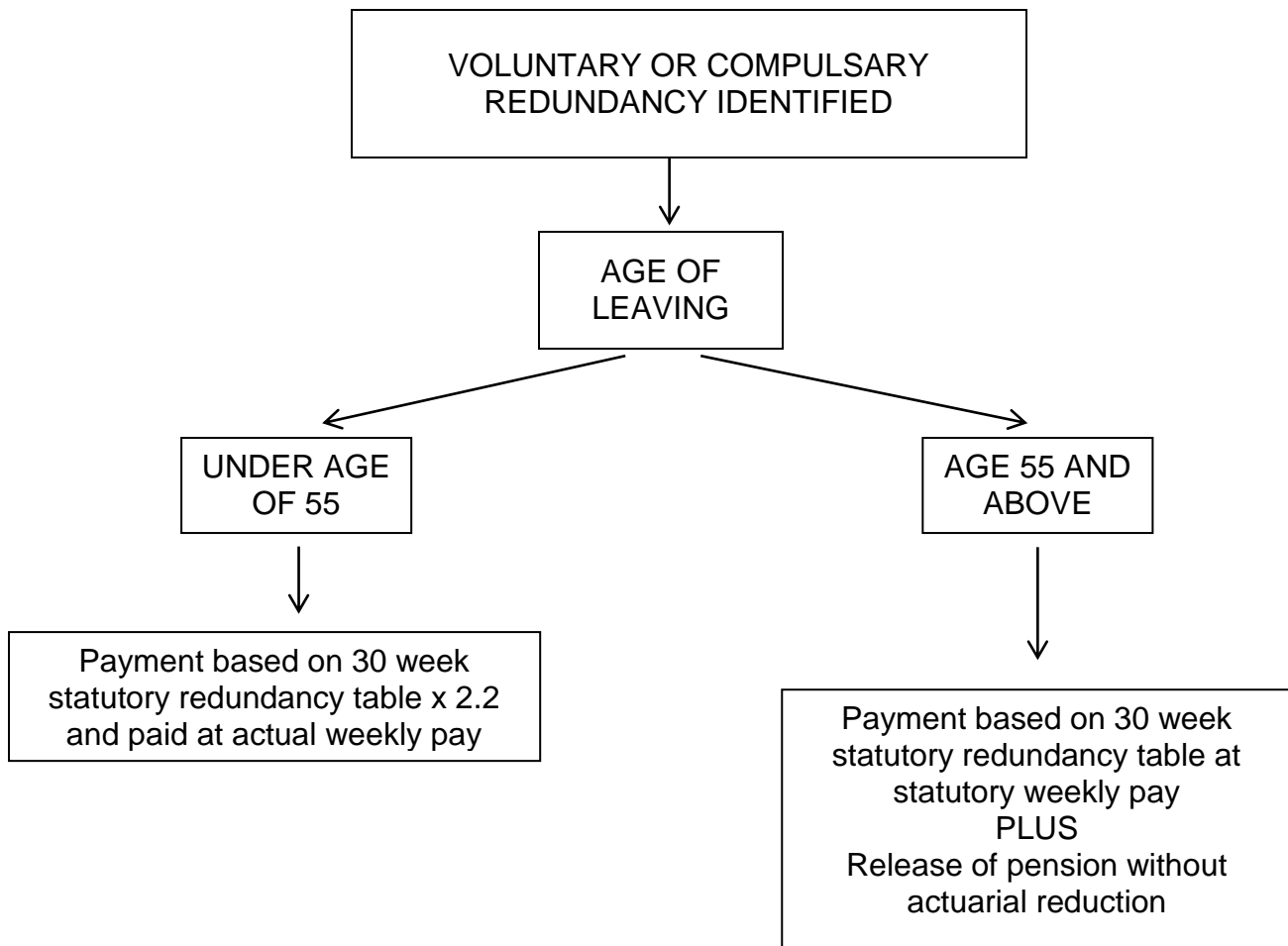
COMPENSATION BENEFITS PAYABLE TO TEACHING STAFF IN CASE OF REDUNDANCY



NOTES: Decision to release pension without actuarial reduction between 55 and 60 – employer discretion

Appendix 2

COMPENSATION BENEFITS PAYABLE TO TEACHING STAFF IN CASE OF REDUNDANCY



NOTES: In case of redundancy, pension automatically released at age 55 and above (no employer discretion)

Appendix H

TIMETABLE OF PROCEDURES TO EFFECT REDUCTIONS IN STAFFING

The timetable given below outlines the necessary stages required to effect reductions in staffing by 31st August each year. The dates suggested should be amended accordingly for reductions required for Easter or Christmas redundancies.

Governors should note that the School Teachers' Pay & Conditions requires that teachers nominated for redundancy must be formally notified by the Authority that they are surplus to the requirements of their school by 31st May **at the latest**.

In order for the Authority to be able to guarantee to issue letters to such teachers, their formal nomination by the Governors should be in the hands of the Authority by **23rd May, at the latest**.

	ACTION	BY WHEN	BY WHOM
1	Project likely staffing for following academic year based on anticipated pupils numbers, curricular needs and other aspects of the School Development Plan	GB (normally Finance Committee)	November/ December (February at the latest)
2	Identify the level of staff loss likely to be required and notify Authority as soon as possible following the Finance Committee's decision in (1) above	GB	November/ December (February at the latest)
3	Where potential staff loss has been identified schools will be provided with advice and support from senior officers and advisers	Authority	As soon as notified
4	At the next available full Governing Body meeting ensure membership of Staff Disciplinary and Appeals Committees are agreed and ensure criteria for the selection of nominees for redundancy have been agreed and approved. In instances where timescales are tight, it may be necessary to convene an extra-ordinary meeting	GB	Autumn Term (or as soon as possible thereafter)

5	Notify all employees via letter and initiate preliminary consultations with Teachers' associations, including consideration of strategies for avoiding redundancies. Ask for expressions of interest in voluntary redundancy, reduction in hours, job share etc.	Head Teacher	Immediately following (4) above
6	Respond to representations and/or requests for information/clarification received from teachers' associations or individual members of staff. Ideally allow 10 working days for receipt of such requests.	Head Teacher	As above
7	Proceed to identify individual members of staff to be nominated for redeployment/redundancy. Send letter to individuals confirming selection and notifying them of their right to a Representation Meeting with the Staff Dismissal Committee and Appeals Hearing. Copy of this letter to be sent to HR Division.	Staff Dismissal Committee	Early/mid March at the latest
8	If applicable, set date for representation hearing. Notify employee(s) and Authority in writing of outcome of representation meeting.	Staff Dismissal Committee	Mid March at the latest
9	Invite nominated employees to complete form to assist in redeployment process and offer discussions / counselling with appropriate Authority officers / advisers	Authority	Following (7) above
10	Appeals to be received and date to be determined for Staffing Appeals Committee to meet. Notify Authority and nominees.	Appeals Committee	Late March / mid April

11	<p>Appeals Committee to hear any appeals from selected staff and either accept the appeal or confirm original decision. Governing Body to notify Authority of outcome of appeal process.</p> <p>In the case of a successful appeal, the process will begin again immediately.</p>	<p>Appeals Committee</p> <p>Staff Dismissal Committee</p>	<p>Mid / end April</p>
12	<p>Issue formal statutory notice to employee.</p> <p>Statutory Notice letter to be issued by 31st May</p>	<p>Authority</p>	<p>End May at the latest</p>
13	<p>Details of any unplaced employees to be reported to Education Consultative Committee by Director for Children and Schools</p>	<p>Authority</p>	<p>June / July</p>

Age	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
17	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
18	1	1½	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
19	1	1½	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
20	1	1½	2	2½	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
21	1	1½	2	2½	3	-	-	-	-	-	-	-	-	-	-	-	-	-	-
22	1	1½	2	2½	3	3½	-	-	-	-	-	-	-	-	-	-	-	-	-
23	1½	2	2½	3	3½	4	4½	-	-	-	-	-	-	-	-	-	-	-	-
24	2	2½	3	3½	4	4½	5	5½	-	-	-	-	-	-	-	-	-	-	-
25	2	3	3½	4	4½	5	5½	6	6½	-	-	-	-	-	-	-	-	-	-
26	2	3	4	4½	5	5½	6	6½	7	7½	-	-	-	-	-	-	-	-	-
27	2	3	4	5	5½	6	6½	7	7½	8	8½	-	-	-	-	-	-	-	-
28	2	3	4	5	6	6½	7	7½	8	8½	9	9½	-	-	-	-	-	-	-
29	2	3	4	5	6	7	7½	8	8½	9	9½	10	10½	-	-	-	-	-	-
30	2	3	4	5	6	7	8	8½	9	9½	10	10½	11	11½	-	-	-	-	-
31	2	3	4	5	6	7	8	9	9½	10	10½	11	11½	12	12½	-	-	-	-
32	2	3	4	5	6	7	8	9	10	10½	11	11½	12	12½	13	13½	-	-	-
33	2	3	4	5	6	7	8	9	10	11	11½	12	12½	13	13½	14	14½	-	-
34	2	3	4	5	6	7	8	9	10	11	12	12½	13	13½	14	14½	15	15½	-
35	2	3	4	5	6	7	8	9	10	11	12	13	13½	14	14½	15	15½	16	16½
36	2	3	4	5	6	7	8	9	10	11	12	13	14	14½	15	15½	16	16½	17
37	2	3	4	5	6	7	8	9	10	11	12	13	14	15	15½	16	16½	17	17½
38	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	16½	17	17½	18
39	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	17½	18	18½
40	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	18½	19
41	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	19½
42	2½	3½	4½	5½	6½	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½
43	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
44	3	4½	5½	6½	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½
45	3	4½	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
46	3	4½	6	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½
47	3	4½	6	7½	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
48	3	4½	6	7½	9	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	23½
49	3	4½	6	7½	9	10½	12	13	14	15	16	17	18	19	20	21	22	23	24
50	3	4½	6	7½	9	10½	12	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	23½	24½
51	3	4½	6	7½	9	10½	12	13½	15	16	17	18	19	20	21	22	23	24	25
52	3	4½	6	7½	9	10½	12	13½	15	16½	17½	18½	19½	20½	21½	22½	23½	24½	25½
53	3	4½	6	7½	9	10½	12	13½	15	16½	18	19	20	21	22	23	24	25	26
54	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	20½	21½	22½	23½	24½	25½	26½
55	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22	23	24	25	26	27
56	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	23½	24½	25½	26½	27½
57	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25	26	27	28
58	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	26½	27½	28½
59	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28	29
60	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28½	29½
61+	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28½	30