



WOKINGHAM
BOROUGH COUNCIL

Model Policy and Procedure for Redundancy and Restructure in schools

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Author: Nicky Barlow

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1	01/10/2010	New Policy and Guidance
2	01/01/2016	Updated and revised to reflect current legislation including revised consultation timescales. To include policy on restructures that could, but may not, result in redundancy
3	06/03/17	Reviewed and no changes made

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Part A - Policy

1 Policy Statement

It is the aim of the School to maintain secure employment for all employees by reviewing its staffing structure on a regular basis to plan for future needs.

However in certain circumstances the need to restructure the workforce may be unavoidable and a potential redundancy situation may arise.

Where the need to restructure arises, the school will seek to ensure that:

- Measures are implemented to avoid redundancies where possible and the total number of redundancies are kept to a minimum.
- Effective communication and consultation takes place with employees and their Trade Union representatives at the earliest opportunity.
- Selection for redundancy or posts in a restructure situation is based on clear criteria which will be objectively and fairly applied.
- Redeployment opportunities are explored wherever possible
- Employees selected for redundancy are given the opportunity to make representations and appeal.

The school expects that employees affected by a potential redundancy or restructure situation will attend collective and individual consultation meetings, wherever possible.

An employee who is at risk of redundancy has a responsibility to seek and accept alternative employment where it is suitable. A refusal to accept an offer of suitable alternative employment, may result in the employee forfeiting their right to a redundancy payment.

This procedure explains:

- How the School will manage redundancy and restructure situations in a fair, consistent and reasonable manner
- How the school will meet its obligations with regards to consultation
- The entitlements of employees who are made redundant.

This policy is not intended to be contractually binding and may be revised following consultation with trade unions.

2 Scope

This Policy and Procedure applies to all Employees of XX School.

This policy and procedure will apply to all staff, (teaching and support), at risk of redundancy regardless of length of service or type of contract. It should be noted however that redundancy payments will only apply to those employees who have more than 2 years continuous service at the date of termination. This service may be as a result of a number of consecutive fixed term contracts or may result from an employee's earlier, unbroken service with an associated employer.

Where fixed term contracts are due to end at the same time as redundancies are anticipated to take effect, the employees on the fixed term contracts should be treated in exactly the same way as permanent employees. That is they should be offered the same support and consultation and be subject to the same selection criteria. They should also be allowed the same opportunity to appeal a decision to end their contract. The only exception will be where an employee has been given a fixed term contract pending a review of staffing needs and that employee has less than 24 months continuity of employment

3 Adoption Arrangements and Date

This procedure was adopted by the Governing Body of XXXX on XX and supersedes any previous Redundancy and Restructure Policy and Procedure.

Part B – Procedure

4 Definition of a Redundancy and Restructure Situation

Redundancy is a potentially fair reason for dismissal.

A dismissal by reason of redundancy may occur when:

- ‘The employer ceases or intends to cease, to carry on the business for the purposes of which the employee was employed or intends to cease, to carry on the business in the place where the employee was so employed’
- ‘The requirements of that business for employees to carry out work of a particular kind, or for employees to carry out work of a particular kind in the place where he was so employed have ceased or diminished or are expected to cease or diminish’

(Section 139 (1) Employment Rights Act 1996)

A restructure may be defined as a reorganisation of the School’s operations which may give rise to a need to change:

- The staffing structure
- An employee’s job role and / or job description
- An employee’s salary, hours or other terms and conditions
- The way in which a service is delivered including an employee’s pattern of work.

A restructure may also result in the need to reduce the total number of staff and this could lead to a redundancy situation.

5 The role of the Governing Body

Prior to commencing a restructure or redundancy process, the Headteacher will present all the information relevant to the business case for the proposed redundancies / restructure to the governing body for consideration and approval.

Where the governing body is satisfied of the need to proceed, and that no other reasonable alternatives exist, they will instruct the Headteacher or nominated person to begin a consultation process and, if appropriate, confirm that a redundancy situation is unavoidable. In the case of restructures a redundancy situation may be declared as a precautionary measure in situations where the extent of any redundancies is not yet known.

6 Funding of Redundancy Costs

The school may apply to the Local Authority for funding of redundancy and associated pension costs arising from restructures. The Headteacher should inform the LA in writing of the situation specifying the numbers involved, the reasons for the reduction and the timescale for effecting the changes. Individuals should not be identified at this stage.

Where redundancies are unavoidable as a result of budgetary pressures, the LA will review the circumstances with the governing body. The LA will only pay redundancy compensation where it has been agreed with the governing body at this stage.

Proposed redundancies that may result from internal staff reorganisation, but are not essential for budgetary reasons, will not normally be funded by the LA.

The head teacher will also speak to their HR provider so that the provider can offer informed advice at the outset of the process.

7 Local Authority Advisory rights

The Local Authority will normally meet the costs of any compensation awarded by an Employment Tribunal where a claim for unfair dismissal against a Community, VC or VA school is successful, provided that the school has sought and considered the advice of the WBC HR service.

Schools that do not purchase HR advice and guidance from the WBC HR service **and/or** do not seek or consider advice given by that service must ensure that they have adequate financial resources to cover any costs arising from any subsequent claims.

A school's HR consultant from WBC will attend all redundancy dismissal appeal hearings.

8 Delegated Responsibility and the Role of the Redundancy / Restructure Panel

Dismissals, including terminations as a result of redundancy, will normally be delegated to the head teacher by the governing body. It will be for the head teacher to determine who will be involved in assisting with the communication, consultation and selection processes. It is recommended that the head teacher select governors or other members of the school's management team to sit on a redundancy panel. The panel should not be too large; a workable number is unlikely to be more than three. The head teacher would chair such a panel.

Appeals will be heard by a panel of three governors who have had no prior involvement in the matter under consideration.

Staff governors should not be a member of a governor redundancy, restructure or appeal panel.

Additional Considerations for Community and Voluntary Controlled Schools

In accordance with the 2009 School Staffing Regulations, where a decision is made by a Community or Voluntary controlled school to dismiss an employee the Local Authority must also be informed of the decision and reasons for this by the School. The Local Authority should then confirm the dismissal decision and any appropriate notice in writing to the employee within 14 working days of the date the Individual was notified of the decision.

9 Timescales for the Procedure

The School will set reasonable timescales for each stage of the process.

Indicative timescales for the process are set out in Appendix 1.

The School may, in exceptional circumstances, adopt a shorter timescale for the process, but with due regard for the need for meaningful consultation. A shorter timescale may also be followed in the case of restructures which do not involve potential redundancies or where Employees are in agreement to the proposed changes.

For the purpose of this procedure 'working day' will normally refer to the 195 days of the School year.

10 Right to Representation

An employee is entitled to be accompanied by a workplace colleague or trade union representative at any formal meeting connected with a restructure or redundancy process.

Due and careful consideration will also be given to any request from an employee to be accompanied by a workplace colleague or Trade Union representative at informal meetings.

The school undertakes to provide reasonable opportunities for consultation with recognised Trade Union Representatives during any process. Consultation would usually be with the officers of recognised unions who may delegate the matter to school or local representatives.

The school also undertakes to facilitate reasonable opportunities for Employees to meet with their Trade Union representatives during any process.

11 Selection Pools

When a restructure or redundancy situation arises the school will use objective criteria to establish at the outset those employee(s) who will be in the unit of selection.

The precise pool(s) will be determined by the circumstances and may comprise of the whole school / a discrete department, a particular group of employees or an individual employee who undertakes a unique role.

12 Formal Consultation Meeting

Following the steps at 5 and 6 above the School will enter into a period of formal consultation with employees and their representatives. Employees and Union representatives will be sent a letter inviting them to a formal consultation meeting. The letter will set out the following information:

- Reasons for the proposals and any proposed redundancies
- Numbers and descriptions of employees it is proposed to make redundant
- The total number of employees of this description employed at the School
- The proposed method of selecting those who may be dismissed
- The proposed method of carrying out the dismissals, including the period over which dismissals will take place
- The proposed method of calculating redundancy payments
- Timescales for the process
- Other options for consideration and ways in which compulsory redundancies may be reduced or avoided – including inviting volunteers – or the consequences of redundancies mitigated
- Arrangements for individual consultation meetings
- Invite employees and their representatives to put forward responses or counter proposals with a view to reaching agreement where possible.

In the case of a restructure, where no redundancies are proposed, this information may be modified and may additionally include:

- Details of the proposed changes to the structure and impact of these on employees
- Job Descriptions and / or Person Specifications for any new or changed posts
- Details of the selection process to any new roles.

Template letter for Unions is at Appendix 2
Template letter for employees is at Appendix 3

The purpose of consultation is to formally explain the proposals and, in the case of a potential redundancy situation, to explore alternatives with a view to reaching agreement, if possible.

Particular attention will be paid to ensuring information is shared with Employees who may not have been able to attend the meeting due to absence or maternity leave.

13 Timescales for Formal Consultation

Consideration will be given to allowing sufficient time for meaningful consultation with employees and their representatives.

Following the receipt of the letter and the meeting to discuss it , there will be a formal consultation period during which time employees and their representatives are invited to make written comments about the proposals to the Redundancy Panel.

Formal consultation will usually not be less than 15 working days from the date of the formal meeting. A shorter timescale may apply in some circumstances following agreement between the school and Trade Unions. A shorter timescale may be more appropriate where a small number of employees are affected and the standard timescales might add to the stress of the situation.

Where it is proposed that more than 20 employees will be made redundant in a period of 90 days or less, the School will follow the Statutory Consultation process and timescales are set out in the table below:

Employees to be dismissed at the establishment over a 90 day period.	Minimum period consultation should start before notice of first dismissal is issued.
20-99 Employees	30 Days*
More than 100 Employees	45 Days*

(*please note under legislation statutory consultation timescales are defined as calendar days)

The School will notify the Redundancy Payments Service in instances where it is proposed that more than 20 employees will be made redundant within a 90 day period or less.

14 Individual Consultation

Employees are encouraged to engage in meaningful discussion about the proposals.

During the period of Formal Consultation, Employees in the selection pool will be given the opportunity to meet on a 1:1 basis with the Headteacher or other appropriate member of the staff team to discuss:

- The implications of the proposals for the individual
- Whether they are considered eligible for slotting into a role
- The proposed method of selection and scoring
- Timescales
- Employee's views on the proposals and any comments / alternative considerations they wish to raise
- Suitable Alternative employment opportunities
- Making an expression of interest for redundancy where this option is available

A trade union representative or workplace colleague may be present at this meeting.

15 Consideration of Responses

At the end of the formal consultation period the Redundancy / Restructure Panel will consider any comments and counter proposals which have been made by employees' or their representatives and respond in writing, as appropriate.

Should alternative options become available as a result of consultation the Redundancy / Restructure Panel may halt the process in one or all of the selection pools.

Should the school's proposals be amended as a result of the consultation process employees and their representatives will be advised of this. Where counter proposals are rejected, the reasons will be stated.

16 Request for Volunteers

It will not be appropriate to seek volunteers for redundancy in all situations, but where appropriate applications will be sought and considered.

Volunteers should put their request in writing to the Redundancy / Restructure panel who will determine whether this can be accepted. The panel reserves the right to decline volunteers in circumstances where this may be detrimental to the business needs of the school. In order to consider requests from volunteers, the school may request that they be received by a specified date. This will normally be by the date the consultation period closes.

Should sufficient volunteers be accepted, the Redundancy / Restructure Panel may halt the process in one or all of the selection pools.

An acceptance of a volunteer is provisional pending the conclusion of the redundancy process. Should the situation within the school change prior to notice being issued, this offer may be withdrawn.

17 Slotting

Employees may be automatically placed or 'slotted' into a post in the reorganised structure if their current post is largely unaffected by the proposed changes.

In general terms slotting may be considered in instances where:

- The grade or level of the role is unchanged and
- The job is deemed to be 80% the same in terms of responsibility and accountability, job tasks and overall objectives.

Posts and individuals that are potentially eligible for slotting will be identified during the consultation process. The Redundancy / Restructure Panel will determine which posts will slot and eligible employees will receive written confirmation of this, following any representations by those not identified for slotting, usually at the end of the Formal Consultation stage.

18 At Risk Notification

At the end of the Formal Consultation Period, and should no alternatives to restructure / redundancy have been identified, employees who have not been slotted in and who are in

the pool for selection will be notified in writing that they are formally 'at risk' of redundancy if appropriate, and advised of the details of the redundancy / restructure selection process.

At risk employees should be asked to complete an alternative employment information form – Appendix 4 - where appropriate.

19 Selection Criteria

Selection for Redundancy

If, having taken the above steps, it has not been possible to avoid a compulsory redundancy situation, the School will establish a suitable objective and fair method for selecting employees whose jobs will be made redundant. This proposed selection criteria and method will be shared during the formal consultation.

Selection criteria may include one or more of the following:

- Standard core competencies
- Job specific competencies and specialist skills
- Attendance records (excluding absences relating to pregnancy and disability)
- Formal Disciplinary records (unexpired disciplinary warnings only)
- Performance management records and achievement of objectives
- Relevant Qualifications
- Continuous Professional Development within the past 5 years

The precise selection criteria may vary dependent on the selection pool and what is reasonable given the circumstances.

When identifying selection criteria the School will have careful regard to equalities issues and reasonable expectations for the job role.

The School will seek to ensure that the selection criteria are robust and fairly applied and objectively scored for all candidates within the pool.

Selection criteria may be assessed either via:

- A skills audit

- An application and interview process
- A selection activity

More than one selection method may be used. Where multiple methods are used the relative weighting of these will be specified during the consultation process.

The proposed selection criteria and method will be shared during consultation.

Where there is a single employee in the selection pool or all posts within a pool are to be removed from the structure, it will not be necessary to undertake a selection process.

20 Notification of Outcome: Selection for Redundancy

Employees will be notified in writing of the outcome of any selection process and, if provisionally selected for redundancy, the reasons for their selection and proposed dismissal on the grounds of redundancy. This notification may also include the employee's individual audit or interview scores and an explanation of the reasons why they have been selected for redundancy.

This written notification will also include an invitation for the employee to attend a representation meeting and notification of their right to appeal.

21 Notification of Outcome: Offers of new posts or contractual variations

Where an employee is offered a new post or a variation made to their current post – the details will be confirmed in writing, including a full statement of any changed terms and conditions, confirmation of the effective date and any notice that may apply.

Where, in accordance with teaching or support staff provisions, salary protection arrangements apply these will also be confirmed in writing.

Employees will be asked to confirm their acceptance of any offer in writing and the school may specify a timescale in which confirmation should be given.

Where an offer of a new post is declined, an employee is entitled to make representations and appeal against the decision to terminate their current post. Where an employee has accepted alternative employment there is no right to representation or appeal.

Where variations to a contract or an offer of suitable alternative employment are unreasonably refused – the school reserves the right to dismiss the employee with notice and re-engage them on the new terms.

22 Representation Meeting

Employees who have been provisionally selected for redundancy or who have declined an offer of alternative employment / contractual variation will be invited to attend a representation meeting with the Headteacher / Redundancy Panel.

The purpose of this meeting is for the Headteacher / Redundancy Panel to explain the reasons for the employee's selection and for the employee to ask any questions relating to this. The employee may also wish to present reasons why they should not have been selected, to the Panel. However it should be noted that the meeting is not an opportunity for the employee to add to information already provided during the selection process or comment on the performance of other employees in the pool. At the end of the meeting the employee may wish to ask the Panel to reconsider its provisional selection decision.

Representation meetings should take place as soon as practicable, and usually within 5 working days of written notification of the outcome of the selection process. The panel may adjourn the representation meeting should the employee present information requiring further investigation.

A trade union representative or workplace colleague may be present at this meeting.

The outcome of the representation meeting will be confirmed in writing with the employee usually within 5 working days.

23 Notice Entitlement

Employees will receive written notice of their dismissal by reason of redundancy, once they have been advised of the outcome of any Representation meeting.

Notice will be the greater of contractual or statutory entitlement, up to a maximum of 12 weeks as determined by qualifying continuous service under the terms of the Local Government Modification Order. Where statutory notice is issued this will be 1 week for each year of service, up to the maximum of 12 weeks.

In the case of teachers, notice will be issued with due regard to the contractual provisions and termination dates set out in the Burgundy Book detailed in table below or statutory entitlement whichever is the greater.

For redundancies at the end of the summer term	3 months notice expiring 31st August
For redundancies at the end of the Autumn term	2 months notice expiring 31st December
For redundancies at the end of the Spring term	2 months notice expiring 30th April

Please note that in the case of a Headteacher the notice periods are longer than those above, and can be found in the Burgundy Book.

The School may reserve the right in certain circumstances to offer, by mutual agreement, a period of paid garden leave pending the expiry of an employee’s notice period.

24 Appeal

Employees may appeal in writing against the decision to terminate their current contract by reason of redundancy. Appeals should be made within 5 working days of receipt of written notice and should state clearly the grounds for appeal.

An appeal may be made on one or more of the following grounds:

- Unfairness of decision
- That new evidence has come to light
- Significant procedural irregularities.

Appeals will be heard by the redundancy appeal panel as soon as practicable, and usually within 10 working days of receipt.

A trade union representative or workplace colleague may be present at this meeting.

The purpose of the Appeal is to review the original decision on the basis of the grounds for appeal presented by the Employee.

The outcome may be:

- To uphold the previous decision to dismiss the Employee on the grounds of redundancy
- To uphold the Employee's appeal and withdraw the dismissal decision.

The outcome of the appeal meeting will be confirmed in writing with the Employee, usually within 5 working days.

The decision of the appeal panel is final and there is no further right of appeal.

25 Suitable Alternative Employment

The School will take reasonable steps to identify suitable alternative employment and redeployment opportunities for employees under notice of redundancy.

Individuals will be made aware of any vacancies which arise within the school.

While priority will be given wherever possible to employees under notice of redundancy, the School reserves the right to appoint the best available candidate to any vacancy.

Any offers of alternative employment will be made in writing, including a full statement of the terms and conditions offered.

26 Salary Protection

Where suitable alternative employment is offered salary protection will be payable in accordance with the provisions of teaching or support staff pay and conditions.

For teachers salary safeguarding entitlements are set out in the School Teachers Pay and Conditions Document.

Where a potentially redundant member of support staff is redeployed to another post within a Wokingham Borough Council maintained school they will be entitled to have their salary protected as follows:

12 months at 100% of the difference between the employee's old and new salary, with no increments or pay awards, followed by 6 months at 50% of the difference between the employees old and new salary, again with no increments or pay awards. At the end of this 18 month period the employee will receive their new salary and be placed at the maximum point on this grade.

Salary protection will normally only apply where the employee is selected to a role one grade lower. The LA or the school will fund salary protection in accordance with the principles set out in paragraph 6. Receiving schools will be expected to pay any redeployed member of support staff at the top of the lower salary scale.

27 Considerations for Employees on maternity, adoption and additional paternity leave

An employee on maternity, adoption and additional paternity leave, and who is under notice of redundancy, will have a statutory automatic right to be offered suitable alternative work, if available, ahead of any other employees. In the event that more employees fall into this category than posts available a selection process will need to be used.

Where an employee who is on maternity or adoption leave is made redundant statutory maternity and adoption pay will continue until its expiry – however occupational maternity / adoption pay will cease at the date of redundancy.

28 Refusal of Suitable Alternative Employment

Should an employee feel unable to accept a contractual variation or offer of a new post they may wish to discuss the reasons for this informally with the Headteacher in the first instance. It will be for the employee to demonstrate to the Redundancy / Restructure Panel the reason why an alternative offer made by the school is not reasonable and suitable.

An employee who unreasonably refuses an offer of suitable alternative employment made with broadly comparable terms and conditions including salary protection, may lose their entitlement to redundancy pay. In such circumstances, dismissal would still be for reason of redundancy.

29 Statutory Trial Periods

Where an employee is under notice of redundancy, any offer of suitable alternative employment within the school, where the provisions of the new contract differ from the current contract, will be subject to a 4 week statutory trial period.

If either party determines within the trial period that the new job is not suitable, the employment will terminate by reason of redundancy on the date on which employment on the previous contract was due to end. In cases where an employee terminates the trial period without good reason the school reserves the right to withhold the redundancy payment.

The trial period may be extended beyond the initial 4 weeks by mutual agreement to enable further retraining. Any extension will be confirmed in writing.

30 Time off to look for alternative employment

Employees under notice of redundancy and who have been continuously employed by the School for at least 2 years, have the statutory right to take a reasonable amount of time off work to look for another job, attend interviews or attend training.

At the School's discretion, this provision may be extended to Employees with less than 2 years service.

In granting time off consideration will be given to the business needs of the school. Employees wishing to take advantage of this provision should make appropriate arrangements with their manager.

31 Calculating Redundancy Payments

Redundancy payments will be calculated in accordance with the formula laid down in statute.

In addition, under the terms of the Local Government Modification Order, the School will recognise prior continuous service with maintained schools and other bodies covered by the order. It should be noted that employment with an Academy will also count towards continuous local government service for redundancy purposes.

Details of those bodies covered by the Modification Order is available at:

http://www.local.gov.uk/employment-relations/-/journal_content/56/10180/3510617/ARTICLE;

Employees may be asked to provide evidence of their qualifying service under the modification order.

The amount of redundancy payment will be determined by the employee's age and length of service as set out in Appendix 5. The Employee will be entitled to receive:

- Half a week's pay for each year of employment in which the Employee was aged 21 or under
- One week's pay for each year of employment in which the Employee was aged between 22 and 40, and
- One and a half weeks' pay for each year of employment in which the Employee was aged 41 or over.

Service before the age of 18 years will not count. There is no upper age limit on statutory redundancy payments.

The maximum number of years of employment that can be taken into account is 20.

A week's pay will be based on the actual weekly pay of the Employee.

Where an Employee with two or more posts is made redundant from one post, service for redundancy calculation purposes will be based on the service accrued / current salary on this contract only.

Employees will receive a written estimate of redundancy monies payable. The redundancy payment will be based upon the contractual circumstances of the employee at the date statutory redundancy notice is issued.

32 Deductions from Redundancy Payments

Redundancy payments of less than £30,000 are free from normal payroll deductions. Any sums in excess of £30,000 are subject to payroll deductions in respect of Income tax and NI.

33 Securing Alternative Employment and the Modification Order

Employees will not normally be entitled to a redundancy payment if they are offered before their date of redundancy, alternative employment with an employer covered by the Local Government Modifications Order, to commence within 4 weeks of the date of redundancy.

Employees should advise the school as soon as possible if they are offered alternative local government employment which means they are no longer entitled to a redundancy payment.

The School may ask employees to provide a written declaration that they are not taking alternative employment which would invalidate their entitlement to a redundancy payment. Should the school become aware that an employee has made a false declaration any redundancy payment may be withheld or reclaimed.

34 Leaving before the redundancy date

Should an employee wish to leave employment prior to the expiry of their notice period they should make the school aware of this as soon as possible and explain the reasons for requesting an early release.

In cases where early release will not be prejudicial to the education of children or detrimental to the operation of the school the governors will agree to the employee retaining their redundancy payment when leaving prior to the expiry of their notice period. The payment due will be calculated to the actual date of leaving.

If the governors cannot agree to early release the employee will be expected to give contractual notice and this will be treated as a resignation without redundancy compensation.

35 Release of Local Government Pension

Employees aged 55+ at the date of redundancy are entitled under the terms of the Local Government Pension Scheme to the immediate release of their local government pension.

36 Other Considerations

Absent Employees

The school will seek to ensure absent employees are kept fully informed of the redundancy process by inviting them to consultation meetings and ensuring they receive copies of relevant written information. Where an individual is unable to attend meetings the school will explore means of ensuring effective communication is maintained.

37 Advice and Support to Employees

Employees are advised to seek support from their Trade Union Representative or Professional Association with regards to redundancy issues. Employees may address questions about this procedure to the Headteacher or other delegated staff member.

SAMPLE OUTLINE TIMETABLE – REDUNDANCIES TAKING EFFECT AT THE END OF SUMMER TERM

(Redundancies may take place at other points in the school year and the timetable may vary depending on whether teachers or support staff are to be made redundant.)

Autumn term/ early spring term

School identifies possible staff surplus in new school year
Governors confirm the requirement for redundancy consultation
School agrees funding with the LA
School formulates criteria for selection for redundancy and initiates consultations with staff and trade unions.
Formal consultation meeting held.

By end of spring term

Consideration given to any union input, including proposed selection criteria, and to those who volunteer for redundancy/premature retirement/redeployment.
Consultation closes
Selection criteria applied and one to one meetings held to advise selected staff

By the end of the first half of summer term

Representation meetings
Notice given to selected employees

Any appeals can be heard after notice has been given

MODEL LETTER NOTIFYING TRADE UNIONS OF OVERSTAFFING

Dear

XXXXXX SCHOOL

It appears that the staffing needs of the school for the next academic year may result in a reduced number of staff being required. This is due to -----.

An initial meeting is to be held at the school on ----- at which you are entitled to be present. The purpose of the meeting is to inform staff of the situation and to explore fully the alternative ways of addressing the situation.

The school currently employs ----- (teachers/technicians/administrative etc.) staff and the assessment made by the governing body indicates that it may only require ----- such staff from -----.

It is hoped that the changes can be implemented by collaborative means and the need for compulsory redundancy can be avoided. However I am taking the precaution of advising you of the details set out in Section 188 of the Trade Unions and Labour Relations (Consolidation) Act 1992

1. Reasons for the proposals

2. The numbers and description of employees it is proposed to dismiss as redundant.

It is anticipated that ----- (teaching/administrative/technical etc.) staff will be dismissed as redundant.

3. The total number of employees of that description employed at the school

There are ----- (teaching/administrative/technical etc.) staff currently employed at the school.

4. The proposed method of selecting the employees who may be dismissed

The Governing Body proposes to use the following criteria for selecting staff:

5. The proposed method of carrying out the dismissals including the period over which the dismissals are to take effect.

6. The method of calculating redundancy payments

The present policy of Wokingham Borough Council is to pay redundancy payments in accordance with the statutory provisions. However payment will be calculated by reference to the actual week's pay and not limited to the current statutory upper limit.

It is hoped that a voluntary solution can be achieved and it will not be necessary to implement the changes by compulsory means.

Yours sincerely

Head teacher

MODEL LETTER TO EMPLOYEES

Dear

It appears that the staffing needs of the school for the next academic year may result in a reduced number of staff being required. This is due to -----.

It is not anticipated that natural wastage alone will enable the school to reach the revised establishment.

An initial meeting is to be held at the school on ----- . The purpose of the meeting is to inform staff of the situation and to explore fully the alternative ways of addressing the situation. Trade union representatives have been invited to this meeting.

The governing body is formally giving notice of its intention to institute the procedures for compulsory reduction of staff.

The school currently employs ----- (teachers/administrative/technical etc.) staff and the governing body has assessed that from ----- it may only require ----- such staff.

OPTIONAL

At this stage I would ask you to consider the possibility of voluntary redundancy. Any such enquiry will be treated in strictest confidence and does not at this stage commit either you or the governing body to agreeing to this course of action. Arrangements will be made for further information to be obtained from the LA about these options and for this to be discussed with you to enable a final decision to be made. Staff willing to consider these possibilities should let the head teacher know by -----.

In the event of natural wastage or some other development which removes the need for the reduction to be implemented, this procedure will of course be terminated. *Meanwhile I can assure you that any expression of interest in voluntary transfer, early retirement or redundancy will not render you more liable for selection if it is necessary to implement compulsory procedures.*

I would advise you to seek guidance from your trade union or professional association in considering these issues.

Yours sincerely

Head teacher

ALTERNATIVE EMPLOYMENT – STAFF INFORMATION

Title: _____ First Name: _____ Surname: _____

Present Appointment: _____

Date of Appointment: _____

Permanent/Full Time/Part Time (if part time state hours & days of work): _____

Posts of Responsibilities held: _____

Previous Posts Held	From	To
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Subjects/Age ranges taught at present school in past academic year (teachers) _

Other subjects/age ranges taught in the last 5 years (teachers): _____

Qualifications: _____

Other information which will aid the consideration of alternative employment (e.g. carer responsibilities, travel arrangements):

Types of posts and area of work to be considered:

Other Relevant Information: _____

Signed: _____ Date: _____

SUMMARY OF PAYMENTS IN CASES OF REDUNDANCY– TEACHING AND SUPPORT STAFF

Redundancy Pay

It is Wokingham Borough Council policy to calculate redundancy payment on the basis of actual week's pay. This has the effect of enhancing statutory redundancy payments in line with options available for both teachers and support staff. (Statutory redundancy pay is subject to a set limit for a weeks' pay)

A Redundancy payment is calculated as follows:

- For each completed year of service up to age 21 inclusive: half a week's pay
- For each completed year of service from age 22-40: one week's pay
- For each completed year of service from age 41: one and a half's week's pay

The maximum service that can be taken into account is 20 years. Service is counted back from the date of redundancy. A look up table is set out below.

Discretionary Payments Regulations

The Council may use its discretion to pay an additional lump sum severance pay in addition to (but inclusive of) the redundancy payment referred to above. Essentially this provides for a lump sum payment of *up to 104* weeks pay . Authorities may pay less than 104 weeks or not apply the discretion at all.

The LA must approve any recommendation for any additional payment.

It is council policy that **no** additional lump sum severance pay under discretionary payments regulations will be payable unless a strong business case is made by the governing body and supported by the LA and approved by the LA's Personnel Board. Such cases would be exceptional.

EARLY RETIREMENT ON GROUNDS OF REDUNDANCY

Basic Provision

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Teachers

If you are over 55 years of age when you are made redundant the employer has the discretion to grant premature retirement benefits. This means that you may receive immediate unreduced pension and retirement grant (lump sum). It is Wokingham Borough Council policy that Premature retirement will **not** usually be granted to teachers.

Support staff

Under LGPS regulations, if a member is

- Aged 55 or more and retires from local government employment and
- Has 2 or more years membership in the LGPS (including transferred rights)
- And is made redundant by the Council

Then that person is entitled to immediate unreduced payment of a pension and a retirement grant (lump sum).

A full summary of the Discretions and the Wokingham Borough Council policy is available on the WBC website.

Age
(years)

Service
(years)

	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	16	16½
35	2	3	4	5	6	7	8	9	10	11	12	13	13½	14	14½	15	15½	16	16½	17
36	2	3	4	5	6	7	8	9	10	11	12	13	14	14½	15	15½	16	16½	17	17½
37	2	3	4	5	6	7	8	9	10	11	12	13	14	15	15½	16	16½	17	17½	18
38	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	16½	17	17½	18	18½
39	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	17½	18	18½	19
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	

Appendix 6: Guidance for Representation and Appeal Meetings/Hearings

General

Representations and Appeals should take place at a reasonable time and place usually during the employee's normal working hours and, in the case of employees who work term time only, during the school term. These arrangements may be varied by mutual agreement.

Consideration should be given to the venue for the hearing. There should be adequate rooms for the parties and arrangements to ensure that the hearing is conducted with discretion and confidentiality maintained.

The precise procedure to be followed will vary depending on the particular circumstances of each case, but in general the following will apply:

Procedure for Representation Meetings

- The Chair of the Redundancy Panel will introduce those present and their roles, explain the procedure to be followed and the format of the meeting.
- The Chair of the Redundancy Panel will explain the reasons why the employee has been provisionally identified for redundancy with reference to the outcome of any audit or selection process. The employee and their representative may ask any questions relating to this.
- The employee and their representative present reasons why he / she should not have been selected. This may include asking the panel to reconsider its initial selection decision. The employee is not permitted to add to information given during the selection process or comment on the performance of others. The Redundancy Panel may ask questions relating to the points raised by the employee.
- The meeting is adjourned to enable the Redundancy Panel to consider the points raised and whether the provisional decision to dismiss should be upheld.
- The representation meeting is reconvened and the outcome is communicated verbally to the employee. The outcome will also be confirmed in writing to the employee within 5 working days of the decision.

Procedure for Appeals

- The panel will identify a chair whose role is to facilitate the appeal meeting.
- The chair of the panel will introduce those present and their roles, explain the case to be considered, the procedure to be followed and the format of the meeting.
- The employee or their representative shall put the case in support of the grounds for appeal, including any mitigating circumstances. This may include referring to written submissions and evidence. The school's representative and panel may ask questions of the employee and their representative.
- The school's representative presents the case for upholding the previous panel's decision and refersto written documentation. The employee and their representative and panel may ask questions of the school's representative.
- The panel will invite both parties to sum up their cases, with the employee or his/her representative having the final word. The hearing will then be adjourned whilst the panel deliberates over the evidence.
- Adjournments may be requested by both parties or by the panel during the appeal hearing. If new evidence is presented the appeal may need to be adjourned while this is investigated.
- The appeal hearing will then be adjourned whilst the panel deliberates over the evidence. If further clarity is required both parties may be recalled and the hearing reconvened so that all parties may hear any additional evidence.
- The appeal hearing is reconvened and the outcome is communicated verbally to the employee. This should also be confirmed in writing. On occasion it may not be possible for the panel to reach a decision on the day of the hearing in which case the appeal may be reconvened or all parties may agree for the outcome to be communicated in writing within 5 working days of the decision being made.
- Where the decision in made to uphold an employee's appeal the matter will be referred back to the Headteacher / Redundancy Panel.

The Role of the Representative

The Employee has the right to be accompanied to a hearing or appeal meeting by either a workplace colleague or recognised trade union representative.

The representative may address the hearing to put and sum up the employee's case, respond on behalf of the employee at the hearing and confer with the employee during the

hearing. The representative does not have the right to answer questions on the employee's behalf, address the hearing if the employee does not wish it or prevent the employer from explaining their case.

The Role of the HR Advisor

A Local Authority HR advisor will attend an appeal meeting. Their role is to advise the panel on the procedure and any points of employment law.

A further HR Advisor may also be in attendance to support the School in the presentation of their case.

The HR Advisor may be allowed to ask questions and clarify issues on behalf of the party they are supporting.