



Redundancy Policy

The wellbeing of our school community is at the heart of all that we do and is linked to our Core Values of Community, Belief and Respect. These values help us to better understand and improve the wellbeing of our school community with this policy, and all others, being consistent in promoting those values.

Approved by:	Chair's Action on behalf of Governing Body	Date: 8 October 2022
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Last reviewed on:	October 2022
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Document Name	Model Redundancy Policy and Procedure for school employees	
Document Author	School Staffing & Governance Manager, Education and Youth	
Document Owner	Chief Officer – Education and Youth, County Hall, Mold. Email steven.gow@flintshire.gov.uk (HR Business Partner, People & Resources)	
Summary of purpose	It is the responsibility of the Local Authority (LA) to provide a model policy and procedure which a Governing Body can adopt and have the support of the LA. If the Governing Body chooses to produce its own, it does not have to be ratified with the LA, but must be negotiated with the representative trade unions for their school employees.	
Review Date	This policy and procedure will be subject to change as required by legislation. The policy/procedure may be reviewed in the light of experience.	
Accessibility	This document is available in electronic format and in Welsh	
How this document was created	Draft 1: Document created by Author Draft 2: Consultation with teaching and support staff representatives. Draft 3/4: Terminology refreshed and process simplified	
Equalities Impact Assessment in drafting document	During the preparation of this model policy care has been taken to ensure its application regardless of disability, age; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.	
Circulation restrictions	To all schools in the Flintshire Local Authority	
Version	Detail of change	Date
1.0	Document created	01/09/2010
2.0	Revised guidance	25/01/2012
3.0	Terminology refreshed in line with LA changes	23/12/2014
4.0	Simplification of process in consultation with teaching and support staff trade unions and professional bodies	01/03/2018

REDUNDANCY POLICY & PROCEDURE

NAME OF SCHOOL

St Ethelwold's VA School

ADOPTED BY GOVERNING BODY ON


September 2022

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*Key to symbols

 written communication by the Governing Body

 oral communication by the Governing Body

1.0 POLICY STATEMENT

“The Governing Body seeks to ensure the security of employment of staff through forward planning and sound financial management. There will be regular staffing reviews to ensure that any required adjustments in staffing can be achieved as opportunities present themselves through normal staff turnover, such as promotions, retirements, resignations.

However, where a review reveals a situation in which the Governing Body appears to have no alternative but to consider altering staffing levels in the context of the overall financial position, they will undertake the following procedure”:-

2.0 REDUNDANCY SELECTION PROCEDURE

2.1 PART 1 - STAFF PLANNING & INITIAL CONSULTATION

1.1.a. ☒ The Governing Body will notify the Chief Officer – Education & Youth of the intention to move to a redundancy situation. The Chief Officer – Education & Youth or his/her representative is entitled to attend, for the purpose of giving advice at all proceedings of the Governing Body in relation to dismissals.

1.1.b. ☒ The Governing Body will, via the headteacher, identify and notify representatives of the unions within the school and the Trade Union County/Regional Secretaries, of the intention to move to a redundancy situation – ***“the early warning”***. (see example letter at appendix 1 & TU contact details at appendix 2)

1.1.c. ☒ The Governing Body will, via the Headteacher, inform the staff of the situation normally at a meeting convened for the purpose - ***‘the early warning’***. Separate notification arrangements will need to be made for absent staff who are unable to attend.

Reasonable notice will be given when arranging any meetings as part of the process (normally no less than 5 working days). Consultation with staff/ school union representatives and Trade Union County/ Regional Secretaries will involve dissemination of relevant information (e.g. budgetary, curriculum, demographic etc.) and exploration of all areas of spend and employment alternatives within the school to avoid the potential requirement for compulsory redundancies. Considerations will include:-

- ☒ natural turnover;
- ☒ voluntary transfer of staff into other suitable, available work within the school;
- ☒ possible non-renewal of temporary contracts (although the school is mindful that non-renewal constitutes a dismissal and will be treated accordingly in line with the specific circumstances relating to the respective contractual arrangements)
- ☒ voluntary job sharing arrangements within the school;
- ☒ voluntary reduction in hours of employment within the school

without prejudice expressions of interest regarding voluntary redundancy or early retirement

The Governing Body can seek the approval of the Local Authority (LA) to fund voluntary early retirement under the Premature Retirement scheme for Teachers or Early Retirement Scheme for non-teaching staff; (see Appendix 3).

2.2 PART 2 – DECLARING REDUNDANCIES & CONSULTATION WITH STAFF AND TRADE UNIONS

2.0 At a full meeting of the Governing Body, having considered feedback from members of staff/ trade unions and any associated solutions from the initial consultation, the minutes will record:

2.1 the decision to move to a redundancy situation;

2.2 the budgetary; curricular or other reason(s), e.g. restructuring/re-organisation; needs of the agreed school development plan, Estyn action plan, etc, which lead the Governing Body to their proposals;

2.3 the category(ies) of post(s) to be selected i.e. the ring-fenced pool of employees identified as requiring a reduction according to **2.2** above. (Depending on the circumstances this could range from small specific group of employees to the all employees in the school normally with the exception of the Headteacher);

2.4 the amount of financial saving required and thereby the predicted full time equivalent number of staff the Governing Body propose to remove (costed at average salary);

2.5 the proposed timescale to be used should compulsory redundancy become necessary. The Governing Body notes the statutory and contractual requirements relating to notices of dismissal and as such the timescale relating to consultation periods, including additional time for reconsideration should this be necessary. Meetings of statutory committees referred to throughout the procedure will be determined by the Governing Body and made known to staff. Additionally if the projected number of redundancies is anticipated to exceed 20 at the site, the Governing Body will issue the HR1 notification and set up formal consultation meetings with support from the LA.

2.6 The Governing Body will notify the above details in writing to the school representative of each recognised union in the school; the appropriate County/ Regional Secretary of each recognised union in the school (See Appendix 2 for contact details) and the Chief Officer – Education & Youth

2.7. As part of the ongoing consultation process the staff of the school will be informed of the situation by the Headteacher/Chair either by written notice or at a meeting convened for the purpose. Any absent staff members will be notified promptly.

2.8 Any alternative suggestions made by staff/ trade union representatives will be given serious consideration as part of the consultation. Confirmation, acceptance, rejection, or modification of any alternative suggestions made by the member of staff/trade union representative will be provided to staff and trade unions in writing by the Governing Body giving reasons for their decision.

2.9 Following consultation as outlined above, the full Governing Body will reconsider the need for and scale of the redundancy situation and minute their decision whether to move to the compulsory redundancy process.

2.3 PART 3 - MOVING TO REDUNDANCY & SETTING SELECTION CRITERIA

3.0 Where a selection process is required the Staff Dismissal Committee of the Governing Body will draw up objective and fair draft selection criteria for compulsory redundancy, including quantifiable and qualifiable scoring criteria, and can be advised at all stages by the Headteacher. The committee are aware of the fact that the definition of redundancy is that the post identified will disappear and all criteria will focus on the post, and not the individual, for redundancy.

3.1 The draft selection criteria will be based upon the school's ability to deliver the curriculum and will be informed, as appropriate, by the school's improvement plan; curriculum model; Estyn action plan

3.2 Staff and unions/associations will be consulted in writing on the draft selection and scoring criteria. Consultation will be meaningful and reasonable time will be allowed for responses.

3.3 Any alternative suggestions made by Staff and unions/associations shall be given serious consideration and a detailed written response will be provided. The Staff Dismissal Committee will confirm in writing to the staff/union/associations the confirmation, acceptance, rejection, or modification of any alternative criteria suggested with reasons for such decisions.

3.4. If, following consultation, the draft selection and scoring criteria is amended there will be a further period(s) of consultation on the amended version. As at 4.3, alternative suggestions and amendments shall be given serious consideration and detailed written response.

3.5 At the end of the consultation period(s) on the selection and scoring criteria, the full Governing Body will approve the criteria to be applied and the decision should be minuted.

3.6 The final selection and scoring criteria will then be published and made known to staff and unions

3.7 Staff, including all absent staff from the identified 'pools' will be given sufficient opportunity to present written details of their skills/experiences against the criteria to inform the selection process. (Depending on the circumstances this could range from small specific

group of employees to the all employees in the school with the exception of the Headteacher);

Where possible staff will be provided with a pro-forma in order help them collate information and submit it in a consistent manner.

2.4 PART 4 – MEETING OF THE STAFF DISMISSAL COMMITTEE

4.0 The Staff Dismissal Committee will consider the submissions by staff, apply the scoring criteria and will nominate an individual/ individuals for compulsory redundancy. The Headteacher is entitled to attend as the professional adviser to the Committee. Additionally the Chief Officer – Education & Youth or his/her representative is entitled to attend and provide advice to the Committee.

4.1 ☒ Upon preliminary identification of staff for potential redundancy, the Chair of the Staff Dismissal Committee will notify in writing the nominated member/s of staff, although verbal notification can also be given in the interim if preferred by staff.

4.2. ☒ At the same time as 4.1 relevant documentation will be made available to the nominated individual(s) and their representatives for purposes of representation and appeal hearings, for example a copy of the anonymised scoring matrix.

4. 3 Potentially redundant member(s) of staff shall have a right of representation to the Staff Dismissal Committee. Within five working days of receiving written confirmation, the member of staff will give written notification to the Chair of the Staff Dismissal Committee that they will make representation. The Hearing will normally be held within five working days after receipt of notification of the intention to make representation.

4.4 A member of staff exercising these rights will be entitled to be represented by a union/association official or workplace colleague

4.5 Where a member of staff does not make a representation request the Governing Body will write to the Chief Officer – Education & Youth and instruct the LA to service notice to the nominated member(s) of staff.

2.5 PART 5 – REPRESENTATION TO THE STAFF DISMISSAL COMMITTEE

5.0 Where a member of staff elects to exercise their right to make representation, the Staff Dismissal Committee will meet to receive their submission.

5.1 ☒ The Headteacher is entitled to attend the hearing as the professional adviser to the Committee. The Chief Officer – Education & Youth or their representative is also entitled to attend and/ or provide advice. The Staff Dismissal Committee is entitled to seek advice from the Chief Officer – Education & Youth or his/her representative. The Hearing will be clerked and minutes made available to the nominated individual and their representative.

5.2 The Chair invites the member of staff and/or their representative to present their case which may include documentary evidence and calling of witnesses in support of the representation.

5.3 The member of staff and/ or their representative state the grounds of their representation and provide to the Committee the reasons for it, for example:

- that the representation is on the grounds that there is no longer a redundancy situation at the school, and/or
- that the ring-fenced pool for selection for redundancy is incorrect and/or,
- that the selection criteria was wrongly/incompletely applied to them, and/or
- that the selection criteria score was wrongly/incompletely applied to them,


5.4 The Staff Dismissal Committee may question the member of staff and/or their representative or any witnesses on their presentation. On the completion of their presentation each witness called will withdraw.

5.5 The member of staff and/or their representative may ask questions of the panel through the Chair. The Panel will then consider and respond as appropriate. The Panel may wish to adjourn to consider its response.

5.6 The Staff Dismissal Committee deliberate on the representation made.

5.7 Where the Staff Dismissal Committee upholds the representation made by the member/s of staff, then the procedures for identification will recommence at Part 3 (depending on the reason for upholding the representation).

5.8 Where the Staff Dismissal Committee does not uphold the representation made by the member/s of staff, the member(s) of staff shall have a right of appeal to the Staff Dismissal Appeal Committee.

5.9.  The Chair of the Staff Dismissal Committee will inform the member/s of staff, in writing, of Committee's decision, although verbal notification can also be given in the interim if preferred by the member of staff.

5.10 Within five working days of receiving written confirmation, the member of staff will give written notification to the Chair of the Staff Dismissal Appeals Committee that they will appeal. The Hearing will normally be held within five working days after receipt of notification of the intention to appeal.

5.11 Where a member of staff does not appeal the Governing Body will write to the Chief Officer – Education & Youth and instruct the LA to serve notice to the nominated member(s) of staff.

2.6 PART 6 – APPEAL TO THE STAFF DISMISSAL APPEAL COMMITTEE

6.0 Where a member of staff elects to exercise their right The Staff Dismissal Appeal Committee will meet to hear appeals by member/s of staff.

6.1 No member of the Staff Dismissal Appeal Committee shall have participated in the earlier stages of the identification except for the establishment of the criteria for selection.

6.2 Minutes of the meeting(s) of the Staff Dismissal Committee will be available for reference to members of the Staff Dismissal Appeal Committee and to the nominated individual(s) and their representative.

6.3. The Headteacher is entitled to attend as the professional advisor to the Committee. The Chief Officer – Education & Youth or their representative is also entitled to provide advice. The Staff Dismissal Appeal Committee is entitled to seek advice from the Chief Officer – Education & Youth or his/her representative

6.4 The Chair invites the nominated member of staff and/or his/her representative to present their appeal which may include the reference to documentation and the calling of witnesses in support of their appeal.


6.5 The teacher and/ or their representative state the grounds of their appeal and provide to the Committee the reasons for it, for example:


- that the appeal is on the grounds that there is no longer a redundancy situation at the school, and/or
- that the ring-fenced pool for selection for redundancy is incorrect and/or,
- that the selection criteria was wrongly/incompletely applied to them, and/or
- that the selection criteria score was wrongly/incompletely applied to them,

6.6 The Staff Dismissal Appeal Committee may question the member of staff and/or their representative or any witnesses on their presentation. On the completion of their presentation each witness called will withdraw.

6.7 The member of staff and/or their representative may ask questions of the panel through the Chair. The Panel will then consider and respond as appropriate. The Panel may wish to adjourn to consider its response.

6.8 The Staff Dismissal Appeal Committee deliberate on the appeal made.

6.9  The Chair of the Staff Dismissal Appeal Committee shall inform the nominated member of staff and his/her representative, in writing, of the Committee's decision, although verbal notification can also be given in the interim if preferred by staff.

6.10  Where the Staff Dismissal Appeal Committee upholds the decision of the Staff Dismissal Committee, the Chief Officer – Education & Youth will be informed in writing of the

Governing Body's decision to dismiss and instructed to serve notice to the member of staff. There is no further appeal and the process is completed.

The outcome will be reported to the next full meeting of the Governing Body.

6.11 Where the Staff Dismissal Appeal Committee does not uphold the decision of the Staff Dismissal Committee, then the procedures for identification will begin again at Part 3 (depending on the reason for upholding the appeal).

2.7 PART 7 – SUPPORT FOR STAFF UNDER NOTICE OR 'AT RISK' OF REDUNDANCY

7.0 As the LA holds the contract of employment for staff appointed in Community and Voluntary Controlled schools, it is the LA who will confirm to the member of staff nominated/volunteering for redundancy that they have received instruction from their Governing Body that they have been identified for potential redundancy.

7.1 All Governing Bodies are required to send a copy of the specification of any vacancy to the LA before the vacancy is advertised. However, a Governing Body may advertise its vacancy at any time after they have sent a copy of the specification to the LA.

7.2 Staff nominated/volunteering for redundancy will be directed towards details of vacancies.

In accordance with statutory regulations such staff will be afforded reasonable time off to find alternative work.

7.3 Where a nominated member of staff expresses an interest in the vacancy, they should clearly indicate that they are either 'at risk' or on notice of redundancy. The respective Governing Body will handle their application.

7.4 A Governing Body may accept for appointment to the vacancy a person nominated by the LA.

7.5 Where the Governing Body advertise the vacancy they shall interview such applicants for the post and such of the persons (if any) nominated by the LA as they think fit.

7.6 Where a member of staff who has been nominated or who has volunteered for redundancy is offered a position by a Governing Body, which the LA deems to be a suitable alternative placement, redundancy compensation will not be payable and continuous service will be preserved.

7.7 If a member of staff, who has been nominated or has volunteered for redundancy, is appointed to a post within the same conditions of service but the appointment is to a lower graded post, they may receive pay protection in line with their terms and conditions.

7.8 Where a member of staff is offered a position as an 'alternative to redundancy' there will be a statutory trial period of four weeks (this can be extended in exceptional circumstances), subject to statutory redundancy regulations to enable both the new employer and employee to ascertain mutual suitability. Guidance will be provided by the LA HR team.

7.9 The LA will also provide affected employees with the FCC Redeployment Bulletin in order that they can be considered for vacancies on a prior consideration basis.

APPENDIX 1

Sample 'Early Warning' letter to Employees/ TU representatives – Initial Consultation Meeting

Dear Colleagues

I am writing to you to formally notify you of a potential redundancy situation as a result of *(insert reason e.g. budget deficit, falling pupil rolls, restructuring; staffing compliment above the needs of the curriculum)*

An initial meeting is to be held at school *(insert date, time)*. The purpose of the meeting is to inform you of the situation and to fully explore alternative ways of addressing the situation. The school trade union representatives have been invited to attend.

The governing body is formally giving notice of its intention to instigate the procedures for voluntary, and if necessary, compulsory reduction of staff.

The school currently employs *(insert relevant details i.e. numbers and categories)* and the Governing Body has assessed that from *1 September* it may only require *(insert relevant details i.e. number and categories of staff)*

At this stage, I would ask you to consider the possibility of alternative employment options such as reduction in hours etc., or you may wish to consider an expression of interest in voluntary redundancy. Any such enquiry will be treated in the strictest of confidence and does not commit you or the governing body to agreeing this course of action. Further information about these options can be obtained from the HR Business Partner team, Flintshire County Council. It should be noted that any estimates given do not constitute a formal offer and are merely an indication of potential benefits should the option be formally approved by the Governing Body. Staff willing to consider voluntary options should let me know by *(insert date)*.

In the event of natural turnover, early retirement or voluntary redundancy or some other developments which removes the need for the reduction to be implemented, this procedure will of course be terminated.

A copy of the school's Redundancy Policy & Procedure is available from.....

If you require any further information in the meantime please do not hesitate to contact me.
Yours sincerely

HEADTEACHER

Cc Trade Union Regional Secretaries/ Chief Officer – Education & Youth

APPENDIX 2

Trade Union/ Professional Associations – Contacts (as at 1 March 2018)

TU	Regional Contact	Local Contact
UNISON	Andrew Rutherford a.rutherford@unison.co.uk 01492 511667	Sarah Taylor sarahtaylor@unison-flintshire.org.uk 01352 704300
NASUWT	Sion Amlyn Sion.amlyn@nasuwt.net	Freya Catt freyacatt@gmail.com Mr Owain Morgan-Lee (Chair of FTJNC) cootowain@hotmail.com
GMB	Alyn Thomas Alyn.Thomas@gmb.org.uk 01492 535313	tbc
UNITE	Liz Lewis elizabeth.lewis@unitetheunion.com 01352 733611 07970 785472	Mick Holt mick.holt@flintshire.gov.uk
NEU	Deborah Scott d.scott@nut.org.uk David Hytch dhytch@n-wales.atl.org.uk	Michelle McNamee michelle.mcnamee@neu.org.uk Stephen Baldwin sbaldwin@n-wales.atl.org.uk
NAHT	Caroline Bennett Caroline.bennett@naht.org.uk	Melissa Kendrick head.broughtoncp@flintshire.gov.uk
UCAC	Dilwyn Roberts-Young dilwyn@ucac.cymru	David Gregory GregoryD11@hwbcymru.net
ASCL	Barbara Lund Field Officer – north Wales Barbara.Lund@ascl.org.uk 0116 2991122	Jane Cooper Headteacher, Alun jane.cooper@alun.flintshire.sch.uk

APPENDIX 3

PREMATURE RETIREMENT SCHEMES FOR TEACHERS

1.0 In the first instance, teachers are advised to seek advice and confirmation of total pensionable service from Teachers Pensions, Mowden Hall, Staindrop Road, Darlington, DL3 9EE.

2.0 Conditions of the Scheme

(a) The teacher must be:-

- (i) age 55 years or over;
- (ii) eligible to receive payment of pension benefits accrued to date

2.1 The Application of the Scheme

If the LA operates a discretionary Premature Retirement Schemes, the teachers can seek approval of Governing Body for release under such a scheme. The LA as the Compensating Authority under the Teachers Pension (Amendment) Regulations may then exercise its discretion to allow teachers to access their pension.

The LA aims to utilise any discretionary budget as efficiently as possible when considering applications for early retirement. However, it must be noted that under the Scheme, the LA may only grant premature retirement on the grounds of organisational efficiency or on the grounds of redundancy.

PREMATURE RETIREMENT SCHEME - ACTUARILY REDUCED PENSION

3.0 Teachers aged 55 or over may, if they wish, apply for early payment of their retirement benefits (pension and lump sum) on an actuarially reduced basis. This provides a reduced level of pension, actuarially assessed, based on age and years of pensionable service.

Any teacher requiring further advice on this scheme should contact Teachers' Pensions, Mowden Hall, Darlington, DL3 9EE or access their website www.teacherspensions.co.uk.

EARLY/ PREMATURE RETIREMENT SCHEME FOR STAFF EMPLOYED UNDER LOCAL GOVERNMENT CONDITIONS OF SERVICE

Details available from the Clwyd Pension Fund, County Hall, Mold, telephone: 01352 702875 or 702876