



**REDUNDANCY POLICY & PROCEDURE
FOR STAFF EMPLOYED BY SCHOOL
GOVERNING BODIES**

CHIEF OFFICER – EDUCATION & YOUTH

REDUNDANCY POLICY & PROCEDURE

NAME OF SCHOOL: St. David's High School

ADOPTED BY GOVERNING BODY ON
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cc All Staff

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*Key to symbols

 written communication by the Governing Body

 oral communication by the Governing Body

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, they will undertake the following procedure”:-

REDUNDANCY SELECTION PROCEDURE

PART ONE - STAFF PLANNING

* **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, 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 Appendix 1)

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. School union representatives should inform their Trade Union County/ Regional Secretaries of these arrangements.

Consultation with staff/ school union representatives and Trade Union County/ Regional Secretaries will involve dissemination of relevant information (e.g. budgetary and demographic) and explore possible employment alternatives within the school. Considerations will include: -

- ☒ natural turnover;
- ☒ voluntary transfer of staff into other suitable, available work within the school;
- ☒ possible non-renewal of temporary contracts
- ☒ voluntary job-sharing arrangements within the school;
- ☒ voluntary reduction in hours of employment within the school

☒ The Governing Body can seek the approval of the Local Authority (LA) to fund voluntary early retirement under the Voluntary Early Retirement Scheme or Voluntary Redundancy Scheme; (see Appendices 2 & 3).

PART TWO – DECLARING REDUNDANCIES

2.0 ☒ At a full meeting of the Governing Body, 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 labour identified as requiring a reduction according to **2.2** above;

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 note 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.

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 1 for addresses) and the Chief Officer – Education & Youth

2.7 ☒ ☑ the staff of the school who will be informed of the situation by the head/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/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/union representative will be provided to them in writing by the Governing Body giving reasons for their decision.

PART THREE – MOVING TO REDUNDANCY

3.1 Following consultation at 1.0 and 2.0 above, the full Governing Body will reconsider the need for and scale of the redundancy situation and minute their decision to move to a redundancy.

PART FOUR - SETTING SELECTION CRITERIA

4.0 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 Head. 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 identifying the post, and not the individual, for redundancy.

4.1 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

4.2 ☒ Staff and unions/associations will be consulted in writing on the draft selection and scoring criteria.

4.3 ☒ Any alternative suggestions made by Staff and unions/associations shall be given serious consideration and detailed written response. The Governing Body 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.

4.4 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.

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

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

4.7 Staff, including all absent staff, will be given sufficient opportunity to present written details of their skills/experiences to inform the selection process. This will be in addition to the normal annual staff audit

PART FIVE – MEETING OF THE STAFF DISMISSAL COMMITTEE

5.0 The headteacher is entitled to attend if requested as the professional adviser to the Committee. The Chief Officer – Education & Youth or his/her representative is also entitled to provide advice. The Staff Dismissal Committee is entitled to seek advice from the Chief Officer – Education & Youth or his/her representative. The Staff Dismissal Committee will nominate an individual/ individuals for compulsory redundancy.

5.1 ☐ Relevant documentation will be made available to the nominated individual(s) and their representatives for purposes of representation and appeal hearings, for example financial information and a copy of the scoring matrix anonymised.

5.2 ☐ 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.

5.3 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.

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

PART SIX – REPRESENTATION TO THE STAFF DISMISSAL COMMITTEE

6.0 The Staff Dismissal Committee will meet to hear representations by the member of staff.

6.1 ☐ 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 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.

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

6.3 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 were wrongly/incompletely applied to them, and/or
- that the selection criteria score was wrongly/incompletely applied to them,
- and /or that despite the consultation on the criteria, the criteria and/or the scoring systems are unfair and open to challenge.

6.4 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.


6.5 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.

6.6. The member of staff and/or their representative may wish to summarise their case before withdrawing.

6.7 The Staff Dismissal Committee deliberate on the representation made.

6.8 Where the Staff Dismissal Committee upholds the representation made by the member/s of staff, then the procedures for identification will begin again at **Part 4.0**.

6.9 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.

6.9.  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.

6.10 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.

PART SEVEN – APPEAL TO THE STAFF DISMISSAL APPEAL COMMITTEE

7.0 The Staff Dismissal Appeal Committee will meet to hear appeals by member/s of staff.

7.1 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.

7.2 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.

7.3. 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

7.5 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.

7.6 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 were wrongly/incompletely applied to them, and/or
- that the selection criteria score was wrongly/incompletely applied to them,
- and /or that the criteria and/or the scoring system remain unfair and open to challenge.


7.7 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.

7.8 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.

7.9 The member of staff and/or their representative may wish to sum up their appeal before withdrawing.

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

7.11  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.

7.12  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 the resolution presented to the next full meeting of the Governing Body.

7.13 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 4.0**.

PART EIGHT – ARRANGEMENTS FOR STAFF IN THE PROCESS OF POTENTIAL REDUNDANCY

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

8.1 All Governing Bodies are required to send a copy of the specification of any vacancy to the Authority 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 Authority.

8.2 Staff nominated/volunteering for redundancy will be circulated with details of comparable vacancies. In accordance with statutory regulations such staff will be afforded reasonable time off to find alternative work.

8.3 Where a nominated member of staff expresses an interest in the vacancy, they may if they so wish, contact People & Resources at the LA for further information regarding the school's recruitment process.

8.4 A Governing Body may accept for appointment to the vacancy a person nominated by the Authority.

8.5 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 Authority as they think fit.

8.6 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 Authority deems to be a suitable alternative placement, the offer of employment will be the final offer.

8.7 If a member of staff, who has been nominated or who has been nominated or volunteered for redundancy, is appointed to a post within the same conditions of service but the appointment is to a lower graded post, they will receive full pay protection for one year effective from the date of appointment to a lower graded post.

8.8 Where a member of staff is offered a position as an alternative to redundancy there will be a trial period of between four and twelve weeks, subject to statutory redundancy regulations.

APPENDIX 1

UNIONS/PROFESSIONAL ASSOCIATIONS - CONTACT DETAILS

Stephen Baldwin, ATL, c/o Sealand CP School, Deeside, CH5 2HH
sbaldwin@n-wales.atl.org.uk

David Hytch, ATL dhytch@n-wales.atl.org.uk

Bryn Jones, UCAC, c/o Ysgol Maes Garmon, Mold, CH7 1JB crawia@hotmail.com

Liz Camino, NUT, liz.camino@flintshire.gov.uk

Mark Biltcliffe, NAHT, Headteacher, Drury CP School, Drury, CH7 3EG
Melissa Kendrick, NAHT, Headteacher, Broughton Primary School
head.broughtoncp@flintshire.gov.uk

Dawn Spence, ASCL, Headteacher, Argoed High School, Bryn Road, Mold CH76RY
head_argoed_high@flintshire.gov.uk

Sion Amllyn (Regional), NASUWT, Sion.Amllyn@exec.nasuwt.org.uk
Mrs Freya Catt (local), NASUWT, freyacatt@gmail.com

Sarah Taylor, UNISON Branch Secretary, Llwynegrin Hall, Mold
sarahtaylor@unison-flintshire.org.uk

GMB, 12 Wynnstay Rd, Colwyn Bay, LL29 8NB

TGWU, 64 Chester Rd, Flint, CH6 5DH

APPENDIX 2 – FOR INFORMATION

VOLUNTARY 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) aged 55 years or over;
- (ii) eligible to receive payment of pension benefits accrued to date (i.e. 5 years reckonable and qualifying service).

2.1 The Application of the Scheme

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

The Authority 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 Authority 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.

Frequently asked questions concerning early (premature) retirement.

Q. Can I return to teaching after I have taken early retirement?

A. Yes.

Q. Can I rejoin the pension scheme as a contributor?

A. Yes, you will automatically become a member unless you opt out.

Q. Can I join the Authority's supply list?

A. Yes.

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

Details available from the Pensions Section, County Hall, Mold, tel: 01352 702875; 702878

VOLUNTARY REDUNDANCY SCHEME

1.0 ELIGIBILITY

To be eligible for application under the voluntary redundancy scheme:-

(a) It must be possible to identify a redundancy situation. This means that (i) your post will not be filled or (ii) it will be filled by transferring a member of staff from an overstuffed Department within the same school or by appointment of a member of staff nominated for redundancy from another school in the Authority.

(b) Although you may apply for voluntary redundancy, statutory redundancy procedures still require the employer to seek, as an alternative to a redundancy payment, suitable alternative employment. If an offer of suitable alternative employment is made, and is declined, this may negate your entitlement to a redundancy payment.

(c) Under the Redundancy Payments Modification Order, you may not take up employment with another local authority or associated employer, in any capacity within four weeks of the termination of your employment with the County Council. The list of Bodies covered by the redundancy payments (Modification) Order 1999, is also to be found at Annex C of the Conditions of Service for school teachers in England and Wales - the 'Burgundy Book'.

(d) On notification of redundancy you may not be re-employed by Flintshire County Council within 28 days from date of termination.

2.0 REDUNDANCY PAYMENT (compulsory or voluntary)

A redundancy payment whether voluntary or compulsory is calculated on the same basis and details may be obtained from the Authority upon request. These are calculated in accordance with statutory redundancy regulations and are based upon age, length of continuous local authority service and final salary rate as at date of termination of employment. Any enhanced payments will be in accordance with the Authority discretionary compensation scheme which applies at the time.

3.0. HOW TO APPLY

Further information is available from the HR Business Partner team, People & Resources