

# Guidance for Schools

## Managing Redundancy Situations in Schools

Containing Procedure Agreed with all Recognised Trade Unions

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# SECTION 1: INTRODUCTION & GUIDANCE

## INTRODUCTION

**This document, including the procedure, must be adopted at a meeting of the Governing Body prior to commencing any action in pursuance of redundancy. If there is a possible redundancy situation at your school, please contact HR Consultancy for Schools as early as possible.**

1.1 Schools should seek to avoid redundancy both by good planning and by giving consideration to what reasonable alternatives are available at all stages.

1.2 The Governing Body and Headteacher are responsible for the management of staff in the school and are therefore subject to the requirements of employment law in relation to all aspects of the redundancy process. The law is based upon four principles:

- redundancies should be avoided if at all possible
- discussions and consultation must take place with the trade unions and other employee groups as soon as possible with a view to avoiding the redundancy
- the employee(s) concerned must be consulted throughout the process
- once an individual has been identified support should be provided to help find other work if possible.

1.3 Redundancy, as defined in s139 of the Employment Rights Act 1996, arises if:

- the employer has ceased, or intends to cease, to carry on the business for the purposes of which the employee was so employed; or
- the employer has ceased, or intends to cease, to carry on the business in the place where the employee was so employed; or
- the requirement of the business for employees to carry out work of a particular kind has ceased or diminished or are expected to cease or diminish; or
- the requirements of the business for the employees to carry out work of a particular kind, in the place where they were so employed, has ceased or diminished or are expected to cease or diminish. NB the amount of work required is not the key to this definition; it is the requirement for employees to carry out that kind of work which is crucial. So if the amount of work falls meaning the employer needs fewer employees to do it, that is redundancy but also, if the amount of work stays the same but the employer needs fewer employees to do it, that is also redundancy.

Redundancy is a potentially fair reason for dismissal and therefore issues of unfairness will normally revolve around procedure.

1.4 Examples of what may constitute a redundancy situation in school are as follows (this list is not exhaustive)

- The total number of staff has to be reduced for example due to falling rolls
- There was an overcapacity in one area which could not reasonably be sustained
- A particular subject area is no longer being offered, reducing the need for teachers of that subject
- Restructuring resulting in fewer posts.

## GUIDANCE

The Flowchart and procedure detailed in Section 2 outline the stages required and the necessary timescales. The following paragraphs are intended to give some explanation and reasoning to the procedure and are to be read in conjunction with section 2 but do not form part of the procedure itself.

### Initial Considerations

- 1.5 The redundancy procedure has been agreed by Worcestershire County Council with the recognised trade unions and by following it you can avoid procedural arguments. If you decide to adopt your own approach or do not follow any procedure it is likely that there will be arguments about fairness which could result in a claim to an Employment Tribunal. Please remember that one aim of the procedure is to avoid the need for compulsory redundancy.
- 1.6 Only the Governing Body or delegated 'Decision Maker/s' has the power to proceed with the redundancy. The Governing Body is therefore recommended to adopt this document and establish the necessary 'Decision Maker/s' Committees prior to any action commencing. **See Appendix A Delegation of Authority, for options.**
- 1.7 It is recommended that communication with all relevant parties commences at the earliest opportunity. Initially the Chair of Governors, HR Consultancy for Schools and School Finance should be informed to assist in considering all implications.
- 1.8 Headteachers may be able to access central funding under the Central Funding Support Scheme. An application must be made as early as possible in the process whenever a redundancy payment or premature retirement is likely to result from your proposal.

### Recommended timescales

- 1.9 Governors and Headteachers should be aware of the length of the redundancy process. The table below recommends timescales for planning purposes and particularly relates to teaching staff notice periods. The length of the process will not differ greatly for non-teaching staff but there is no requirement to dismiss at a particular point in the year. Individual contractual and statutory notice entitlements must however be adhered to. It is therefore recommended that the maximum 12 weeks' notice is built in to the planned timescale.

Redundancy at	Where possible start process by	Dismissal hearing by	Burgundy Book notice to be issued to teachers by	Statutory maximum 12 weeks' notice to be issued by*
31 August	1 January	mid May	31 May	31 May
31 December	1 May	mid September	31 October	30 September
30 April	1 September	mid January	28/29 February	31 January

\*in order for employee to receive it 12 weeks before the date of redundancy

## **Consultation**

- 1.10 To comply with the requirements of implementing a fair procedure employers should engage in active discussions with recognised trade unions and employees at risk with a view to avoiding, reducing or mitigating the consequences of the redundancies. (This is a statutory requirement in S188 redundancies, i.e. where it is proposed to dismiss 20 or more employees.)
- 1.11 Employers must start the consultation process early enough for meaningful consultation to take place. Ongoing discussions with employees and trade unions must continue throughout the process; for example it is recommended that input from the unions on the selection criteria is sought.
- 1.12 Staff meetings will allow staff to be engaged and to explore possible alternative solutions, e.g. staff member announces intention to retire or move jobs.
- 1.13 Ensure that sufficient opportunity for one to one consultation is offered.

## **Seeking Alternatives to Compulsory Redundancy**

- 1.14 All possibilities to avoid redundancy should be pursued and records of these considerations should be made (as you may need to produce this as evidence at a later stage). Compulsory redundancies may be avoided for example by:
  - voluntary redundancy
  - natural wastage
  - restricting the recruitment of permanent staff
  - reducing the use of temporary/agency staff
  - filling vacancies from among existing employees.

This process must continue until the employment of the person identified as redundant ends.

## **Role of the Governing Body**

- 1.15 The Governing Body will need to agree to the commencement of the process, adopt the procedure and appoint the 'Decision Makers' and Dismissal Appeal Panel for any redundancy dismissals.
- 1.16 The Governing Body's role is to assess the overall picture, identify alternatives and assess the scale of reduction and make an appropriate recommendation to the 'Decision Maker/s'. HR Consultancy for Schools can advise on the process and can attend the GB meeting to explain the process and implications and to answer questions.
- 1.17 The full Governing Body should delegate responsibility for proceeding to the Decision-Makers committee. This committee should consider the detail, for example considering volunteers, drawing up selection criteria, or identifying individuals to be made redundant. This ensures that Governors who may be on the Dismissal Appeal Panel have not been involved so that any decisions can be seen as fair and unbiased.

- 1.18 Following the Governing Body meeting the 'Decision Maker/s' will need to consider the detailed position and establish a timetable for action. Governors should be aware that the time commitment may be considerable. It is essential that this task is done properly and thoroughly to ensure it is a fair and robust process. Advice from HR Consultancy for Schools can be sought to assist in drawing up all necessary documentation.

### **Selection Criteria**

- 1.19 The criteria used in selecting employees for redundancy will depend on individual circumstances and the particular needs of the school at the time. However, criteria must be objective, fair and robust, and be applied consistently to the entire pool of selection in order to demonstrate that a fair process has been followed. Where a unique role is no longer required, selection criteria would not normally be relevant.

1.20 Choosing appropriate criteria

It is not possible to provide a definitive list of selection criteria which will be appropriate in every circumstance but the following is a list of generally acceptable criteria headings which can be applied in the context of a school redundancy situation.

**(i) Qualifications, skills and experience; (ii) curriculum needs**

The school should aim to retain employees with the skills, qualifications and experience to meet its needs in relation to the School Development Plan, curriculum and operational requirements. For example, the ability to teach different Key Stages and subjects may be an important criterion to consider.

**After applying the above, if the school needs to reduce the number of employees selected for redundancy, it may wish to consider applying the following criteria:**

**(iii) Performance**

Employees who are currently subject to the formal stage of capability (performance) procedures

**(iv) Disciplinary record**

Employees who have current disciplinary warnings in force

**(v) Last in first out (LIFO)**

LIFO should not be used on its own as it could be discriminatory but could be used if there is no other way to fairly choose between two employees.

**Guidance on and examples of criteria for different school settings and situations can be obtained from HR Consultancy for Schools.**

Applying the criteria

- 1.21 Once the appropriate selection criteria have been chosen, they must be applied fairly by the Headteacher. This may be done using a matrix and scoring system which attaches a certain weight and score to each criterion. Each employee within the pool of selection is given a score and the employees with the lowest scores will be the ones provisionally selected for redundancy. Alternatively, a tiered approach to applying the criteria in priority order could be used.

- 1.22 Interviews - where there is a need for new and significantly changed posts (probably as a result of restructuring) or where the scores are the same or very close, it may be more appropriate to conduct a selection process, involving interviews of anyone at risk of redundancy.

**Details of the selection criteria chosen and how they will be applied must be provided to employees and their representatives as part of the consultation process.**

### **Alternative employment and Trial Periods**

- 1.23 An employer must seek to find suitable alternative employment for employees it is proposing to make redundant. A claim for unfair dismissal may arise where the employer has failed to undertake a reasonable search for alternative work. Therefore, schools must consider any staff at risk of redundancy for redeployment opportunities within their own school. It is important to remember that it is the employee who considers whether alternative work is suitable or not (although they must be suitably skilled to carry out a role). Do not assume that a lower graded post is not "suitable" without offering it to at risk employees. Employees who unreasonably refuse an offer of suitable alternative employment may lose any entitlement to redundancy pay but redundancy payments should not be withheld without seeking advice from HR Consultancy for Schools.
- 1.24 An employee who is under notice of redundancy has a statutory right to a trial period of four weeks (extendable by agreement where training is involved) in an alternative job where the provisions of the new contract differ from the original contract. The trial period begins when the previous contract has ended and ends four weeks after the date on which the employee starts work under the new contract.
- 1.25 Employees who are under notice of redundancy and have been continuously employed for at least two years qualify for a statutory entitlement to a reasonable amount of time off to look for another job or to arrange training.

### **Selection and Dismissal**

- 1.26 In addition to individual consultation, Employment and Education law require that employees who are identified as being at risk of redundancy have the opportunity to make their case before a final decision is made. This takes the form of a formal hearing before the 'Decision Maker/s'. This hearing must explore all aspects of the decision. At this point the 'Decision Maker/s' end their involvement with the matter.
- 1.27 It is essential that this notice of redundancy dismissal is issued early enough to meet the contractual/statutory notice period. Where the LA is the employer and issues this notification, timescales must be adjusted to ensure that notice can be issued appropriately.
- 1.28 Employees with at least two years' service are entitled to a redundancy payment.



## **Appeal**

- 1.29 The employee has to be given the opportunity to appeal to the Dismissal Appeal Panel which has had no previous involvement in the case.
- 1.30 The appeal process is very similar to the original hearing. It should be remembered that the Appeal Panel will know nothing about the case. It will therefore wish to consider matters which are already clear to the other participants and any papers supplied to the members of the Committee will be circulated to all parties prior to the hearing.
- 1.31 If an appeal is upheld, and the employee is reinstated, the Headteacher re-examines the whole situation and, if necessary, re-starts the procedure at the relevant stage.

## **Fixed Term Contracts**

- 1.32 The Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002 give fixed-term employees the right not to be selected for redundancy or be unfairly dismissed if the principal reason for the selection was because they were a fixed-term employee.
- 1.33 In the context of a school redundancy situation, employees on fixed term contracts may have to be considered alongside permanent employees, so advice should be sought from HR Consultancy for Schools.
- 1.34 There are separate arrangements for managing the ending of fixed-term contracts which is a dismissal in law and may also be by reason of redundancy. The statutory obligations are the same as for 'permanent' staff but the procedure is different because of the specific circumstances of such contracts.

## **Part-Time Workers**

- 1.35 Part-time workers have the right to be treated no less favourably than comparable full-timers, including not to be treated less favourably when workers are selected for Redundancy.

## **Maternity, Extended Paternity and Shared Parental Leave**

- 1.36 Regulation 10 of the Maternity and Parental Leave Regulations 1999 provide that in a redundancy situation a woman on maternity leave has a legal entitlement to be offered suitable alternative employment where it exists. This means that where a suitable post exists, a woman on maternity leave cannot be made redundant. This would equally apply to a man on paternity leave.
- 1.37 With the introduction of shared parental leave in April 2015 this protection will also apply to either parent whilst on a period of shared parental leave. Shared parental leave is available for men and women and may be taken in a number of discrete periods of time. This means that an employee may be moving in and out of a period of protection. Please seek advice from HR Consultancy for Schools if you have an employee on maternity, paternity or shared parental leave during a redundancy situation as a redundancy dismissal in these circumstances would be automatically unfair.

## **SECTION 2: REDUNDANCY PROCEDURE**

### **Initial Considerations**

- 2.1 The Governing Body must adopt the procedure, at one of its meetings, (and record its adoption) and also establish the Decision Maker/s Dismissal Committee and the Dismissal Appeal Panel (see Appendix A).
- 2.2 If for any reason a potential redundancy situation arises the Headteacher should initially discuss the situation with the Chair of Governors; School Finance and HR Consultancy for Schools. (HR Consultancy for Schools will alert the County officers of recognised trade unions.)
- 2.3 Apply for Central Funding support. (See Appendix C.)

### **Consultation – Stage 1**

- 2.4 As soon as possible after the initial discussions the school representatives of the recognised trade unions should be informed and a staff meeting should be called. The Chair of Governors (or other nominated Governor) may be invited to this staff meeting along with a representative from HR. ( Letter A and Agenda A)
- 2.5 The Headteacher must then consider any immediate responses and/or suggestions for alternative solutions made by individuals, groups of staff or school representatives.

### **Seeking Alternatives to Redundancy**

- 2.6 The Headteacher should begin to seek alternatives to compulsory redundancy by:
  - conducting a skills audit;
  - considering whether the reduction may be effected by internal redeployment and/or retraining to fill existing or anticipated vacancies;
  - considering early retirement, and / or voluntary redundancy;
  - exploring alternative methods of financing the post;
  - actively seeking any other appropriate means (e.g. job-share using the provisions of existing variable contracts and freezing foreseeable vacancies).

### **Formalising Proposals**

- 2.7 A Headteacher who still believes that a redundancy is unavoidable should, with the Decision Makers' Committee:
  - consider possible alternatives to redundancy including those suggested by staff or union representatives;
  - consider the scale of the reduction which may be needed;
  - draw up selection criteria.
- 2.8 The Headteacher following discussions with the 'Decision-Maker/s', if applicable, will issue Notification on behalf of the Governing Body to the County Officers of the recognised unions together with any supporting information. (Redundancy Information Pack)

## **Consultation – Stage 2**

- 2.9 As soon as possible after the issue of Notification, the Headteacher should call a second staff meeting and give that meeting the same information published in the Notification inviting staff to discuss the situation. (Agenda B)
- 2.10 Individuals affected should be offered an opportunity to speak to the Headteacher on a one to one basis.
- 2.11 The 'Decision-Maker/s' and the Headteacher (where the Head is not 'Decision-Maker') will hold a meeting at which the 'Decision-Maker/s' will consult with representatives of recognised trade unions on:
- avoiding or reducing the number of redundancies;
  - mitigating the consequences of the redundancies;
  - determining whether further meetings are necessary;
  - establishing provisional dates for hearings and appeals;
  - proposed selection criteria.
- 2.12 The Headteacher should continue to seek alternatives to redundancy, discuss the situation with staff (who may be represented) as requested and consider any volunteers for redundancy at this stage and throughout the process. There should be sufficient time to allow this to happen.

## **Formally Identifying Individuals at Risk**

- 2.13 The Headteacher should then notify in writing those who are potentially at risk, i.e. those in the pool of selection, stating the reasons why they are at risk and inviting them to discuss the situation with the Headteacher, accompanied by a colleague or trade union representative if they so wish. (Use Letter B giving at least 5 working days' notice of the meeting.)

## **Selection and Dismissal**

- 2.14 The Headteacher should apply the selection criteria to the pool of selection thereby proposing the employee(s) to be made redundant. The Headteacher will write to the employee(s) concerned, inviting them to make representations to the 'Decision-Maker/s'.

The employee(s) should also be informed of the right to be accompanied by a colleague or trade union representative and shall be given at least 5 working days' notice of the hearing. (Letter C)

- 2.15 The 'Decision-Maker/s' should meet to hear any representations and after giving the matter careful consideration inform the employee of its decision confirming this, in writing, and, if appropriate, indicate the right of appeal, date of appeal and the right to be accompanied by a colleague or trade union representative. (Letter E)
- 2.16 The Headteacher should inform the Local Authority of the decision as soon as possible, to issue notice (where the LA is the employer) to terminate employment. (Letter G1)

## **Appeal**

- 2.17 The employee concerned must indicate his / her intention to appeal by writing to the Headteacher within 5 working days of receipt of the letter confirming the decision. Such an appeal must take place no sooner than 10 working days after the issue of written notification where appropriate. (Letter H)
- 2.18 If both parties agree, documents relating to the appeal should be provided to members of the Dismissal Appeal Panel and the employee before the date of the hearing, in order to allow the members of the Committee to become familiar with the documents.
- 2.19 The Dismissal Appeal Panel should meet to hear the appeal and after giving the matter careful consideration inform the employee of its decision, confirming this in writing as soon as possible. (Letter I or J)
- 2.20 If the Dismissal Appeal Panel upholds the appeal, the employee is reinstated and the Redundancy Procedure may have to be re-entered at the appropriate point.
- 2.21 Timescales in this procedure may only be varied by mutual consent.

## **ACCELERATED PROCEDURE FOR VOLUNTARY REDUNDANCIES**

There will be occasions where the need to pursue the formal procedure is removed by appropriate individuals indicating their willingness to be declared redundant (referred to as voluntary redundancies).

### **Managing Volunteers**

- 2.22 It is quite common for a member of staff to volunteer to be made redundant. This is particularly so if early release of pension can be secured. However, it should be noted that the availability of a volunteer must be properly justified by the availability of a proper evidence base. A member of staff will only be entitled to receive a redundancy payment if there is a genuine redundancy. If there is a suitable volunteer it could be possible to allow this volunteer, who is not at risk, to receive a redundancy payment or release of pension, thereby creating a vacancy to be filled by an employee at risk.
- 2.23 As soon as possible after a volunteer comes forward for redundancy, Human Resources must be informed. Human Resources will inform Trade Unions. The 'Accelerated Procedure' may only be initiated once it is agreed that the evidence justifies the voluntary redundancy.
- 2.24 The school is under no obligation to accept a volunteer although it is obviously a much less traumatic way of resolving the problem.
- 2.25 Full details of pension benefits may be obtained from School Employee Services and will be sent direct to the employee concerned.
- 2.26 Volunteers must also be considered under the Central Funding Support Scheme if central funds are to be provided to make the redundancy payment. It is important to note that redundancy payments in voluntary cases will only be centrally funded if agreed by the LA under the Central Funding Support Scheme. Agreement to accept volunteers for redundancy could be revoked if the situation changes and no or fewer redundancies are required. (See Appendix C)

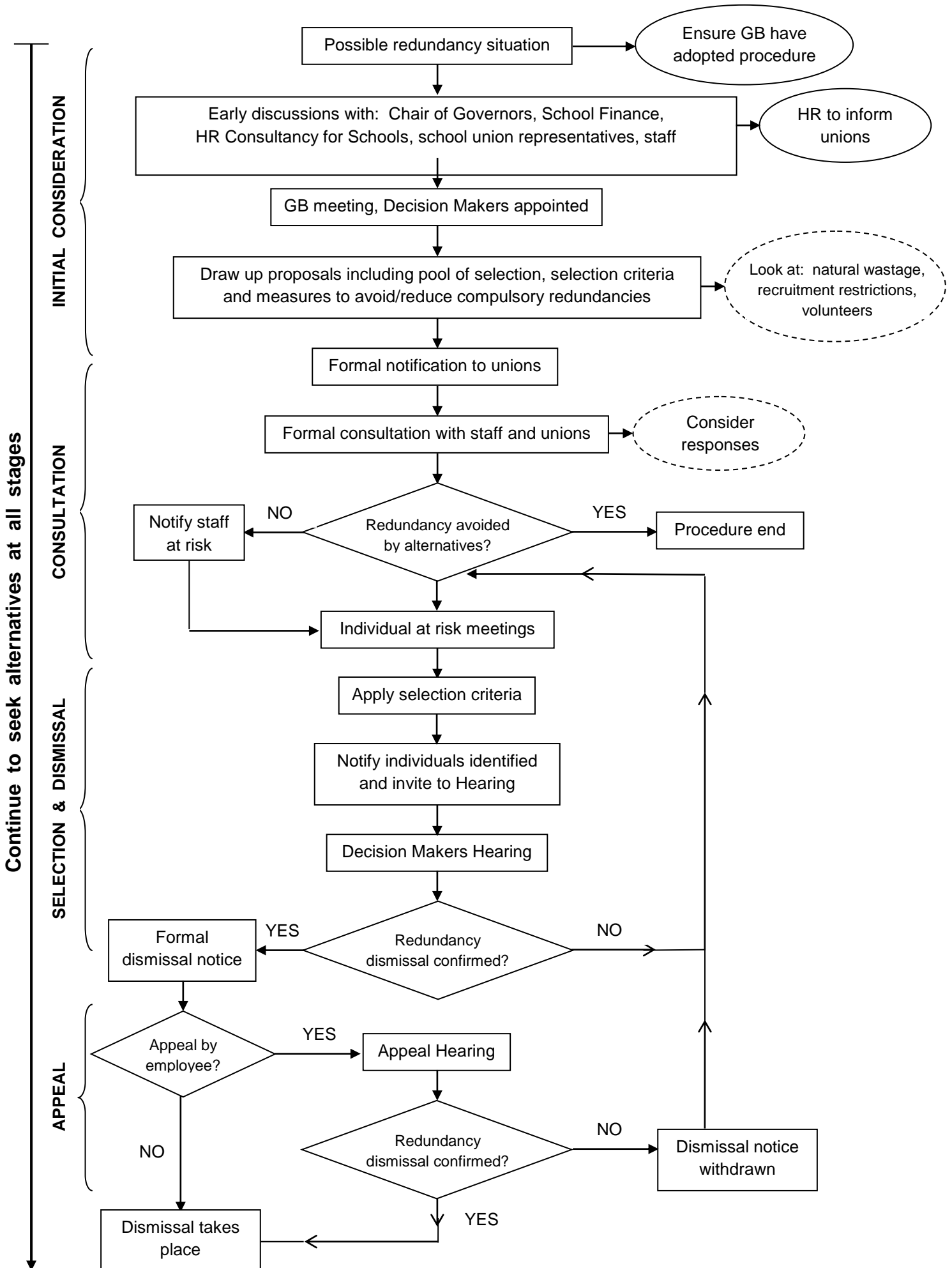
- 2.27 The accelerated procedure can commence at any stage during the full procedure once an acceptable volunteer has emerged.
- 2.28 In the case of voluntary redundancies the governing body may delegate dismissal authority to the Headteacher and by adopting this procedure agree to do this.

### **Accelerated Procedure**

Where an employee volunteers for redundancy which is approved the following shortened procedure may be followed.

- 2.29 Employee volunteers after consulting their union if appropriate.
- 2.30 Headteacher believes that voluntary redundancy will aid the school and makes application under Central Funding Support Scheme. (Appendix C)
- 2.31 Headteacher confirms position is acceptable with Chair of Governors or other nominated Governor.
- 2.32 Headteacher writes to employee 'offering' voluntary redundancy and offers them the opportunity to attend a formal dismissal hearing.
- 2.33 Employee responds in writing.
- 2.34 Headteacher issues Formal Notification on behalf of Governors.
- 2.35 Dismissal hearing is held before the Headteacher. (Letter D) The 'volunteer' may choose not to make any form of representation. The appropriate notice should be issued for this meeting, i.e. 5 working days.
- 2.36 Head informs the employee in writing of the decision taken (Letter F).
- 2.37 Head informs the Local Authority of the decision.
- 2.38 The Local Authority, where it is the employer issues notice of dismissal.

# REDUNDANCY PROCEDURE FLOWCHART



## REDUNDANCY TIMETABLE & CHECKLIST

Action	Notes	Planned Date	Date Completed
Governors adopt Redundancy Procedure & appoint Decision Makers and Appeal Panel	Governing Body record sheet may be used		
Complete central funding application	See appendix C		
Inform school representatives and call first staff meeting	Model letter A & agenda A		
Conduct skills audit where appropriate	Use relevant skills audit forms		
Decision makers and Head determine scale of redundancy and selection criteria			
Notify recognised trade unions	Notification letter (and any supporting information)		
Call second staff meeting	Agenda B		
Decision makers and Head consult with trade unions			
Notify individuals at risk of redundancy Hold individual at risk meetings	Model letter B; give 5 working days' notice		
Apply selection criteria to pool of selection			
Notify individuals identified and invite to hearing	Model letter C; at least 5 working days' notice		
Decision Makers' dismissal hearing Notify individual and LA of outcome in writing	(Notice periods: see para 1.9 of Guidance) Model letter E; model letter G1 or G2		
LA, where employer, issues notice of redundancy			
Appeal hearing (if applicable)	Model letter H		
Notify outcome in writing	Model letter I or J		

## SECTION 3: REDUNDANCY INFORMATION PACK

### Notification letter to the trade unions

Dear

#### **Notification of Proposed Redundancy**

The purpose of this notification is to inform you as the recognised independent trade union for the type of employee concerned that the Governors propose to (require the Authority to) dismiss as redundant a number of employees as indicated below and to offer the opportunity of consultation on this matter.

#### **Reason for Proposal:**

<b>Type of Employee</b>	<b>Number Proposed as Redundant</b>	<b>Total Number Employed</b>
-------------------------	-------------------------------------	------------------------------

#### **Proposed Method of Selection:**

#### **Proposed Method of Carrying out Dismissals and Period Over Which Dismissals are to Take Place:**

#### **Proposed Method of Calculating Redundancy Payments:**

Redundancy payments for Teachers will be calculated using the formula provided in the Employment Rights Act except that the actual weekly pay will be used in the calculation. Redundancy payments for Support Staff will be in accordance with the Local Government (Compensation for Redundancy) Regulations 1994 (as amended) and including the discretions agreed by the County Council.

*(Note: where 20 or more redundancies are proposed, the following should also be provided: **Agency Workers Regulations 2010 – Information on Agency Workers engaged by the School: xxxxxxxxxxxxxxxxx** )*

I have made arrangements for a meeting to take place at *(time)* on *(date)* at *(venue)*. At this meeting you will have the opportunity to engage in consultation on ways of avoiding dismissals, reducing the numbers to be made redundant and mitigating the effect of the dismissals. Please confirm whether you will attend this meeting as soon as possible.

If you do not intend to come to this meeting I would be happy to receive written representations. These should be sent to .....

Yours sincerely,

**Headteacher.**



## **Supporting Information**

You should send additional information with the notification letter in order to allow trade union officers to understand the context and reasons for the decisions taken. This information should relate to the redundancy situation, for example:

- School staffing structure
- Analysis of curriculum requirements
- Pupil numbers on roll (showing annual changes)
- Budgetary information
- Other relevant information.

Suggested templates for some of this information are provided overleaf but other formats may be used.

**SCHOOL STAFFING STRUCTURE**  
 (for use when Restructuring is cause of Redundancy Situation)

Current School Structure		Proposed Structure	
Post Title	Grade	Post Title	Grade
<b>Total FTE posts =</b>		<b>Total FTE posts =</b>	

**CURRICULUM REQUIREMENTS**  
 (for use only if redundancy is based on curriculum changes)

Curriculum Area	Existing Requirements			Proposed Requirements		
	Periods	Staff Available		Periods	Staff Available	
		Number	Periods		Number	Periods
<b>Total</b>						

## SECTION 4: MODEL DOCUMENTS

*The following form (or normal minute-taking procedures) may be used to record the decision of the Governing Body.*

### GOVERNING BODY RECORD: REDUNDANCY PROCEDURE

The Governing Body of *(name of school)* adopted the document "Managing Redundancy Situations in Schools, containing Procedure Agreed with all Recognised Trade Unions", July 2014 edition, on ..... *(date)*

#### Decision-Maker/s' Committee

*(in accordance with Regulations on Delegation of Authority)*

For the purpose of Redundancy dismissal hearings, the members of the Committee are:

- 1.
- 2.

Reserve(s):

#### Dismissal Appeal Panel

*(in accordance with Regulations on Delegation of Authority)*

For the purpose of Redundancy dismissal appeal hearings, the members of the Panel are:

- 1.
- 2.
- 3.

Reserve(s):

## **AGENDA A**

### **FOR FIRST STAFF MEETING**

1. Introduce any Governors or Union Officers present.
2. Describe staffing position and reasons for the need to reduce.
3. Give factual position.
4. Request staff contributions for seeking alternatives, e.g. indication of retirements/ resignations, volunteers for redundancy or early retirement to discuss with Head in private at a mutually convenient time accompanied by a colleague or trade union representative if they wish.
5. Discuss alternatives.
6. Discuss any other relevant matters.
7. Conclude by describing the timetable of events and offering individual discussions if required.
8. Issue Skills Audit Forms.

## **AGENDA B**

### **FOR SECOND STAFF MEETING**

1. Introduce any Governors or Union Officers present.
2. Describe staffing position and reasons for the need to reduce.
3. Give factual position as detailed on the Formal Notification, distributing a copy of the notice.
4. Request volunteers for redundancy or early retirement to discuss with Head in private at a mutually convenient time accompanied by a colleague or trade union representative if they wish.
5. Discuss alternatives.
6. Discuss any other relevant matters.
7. Outline redundancy procedure and timetable of events, offering individual discussions if required.
8. Issue Information Leaflet (if not already issued).  
[Facing Redundancies at your School](#)
9. Issue Skills Audit Forms (if not already issued).

## Skills Audit - Teacher Skills, Experience and Qualifications Form

School name	
<b>Qualifications</b>	
Teaching qualification details	
Other relevant qualifications	
<b>Organisational and Managerial Experience</b>	
<i>Complete where applicable</i>	<i>Please give details and examples with an indication of when you undertook this work/post.</i>
Senior Leadership / Management Team	
Year Leader	
Subject Co-ordinator	
Key Stage Co-ordinator	
SEN Co-ordinator	
Department / Faculty Head	
Head of Year	
Other	
<b>Teaching Skills and Experience</b>	
Foundation	
Reception	
KS1	
KS2	
KS3	

KS4	
KS5	
Designated Special Needs Teacher	
Specific subjects taught	
<b>Training &amp; Development</b> Provide details of any relevant training undertaken within the last 3 years.	
<b>Relevant Specialist Skills</b> Provide details of any specific relevant skills.	
<b>Other relevant information</b>	

Please ensure that when completing this form that you include all relevant skills and experience, as this information will be used to make the redundancy selection.

This information may be sent to the teacher unions on an attributable basis unless you register an objection.

Name: ..... Date: .....

## TEACHING ASSISTANTS' SKILLS AUDIT

School: .....

**Relevant qualifications and date:**

**Other in-service training:**

**Year Group(s) - preferences / experience:**

**Particular areas of expertise (e.g. subject / Special Needs / school initiative):**

**Previous relevant experience:**

**Other relevant information:**

**This information may be sent to the relevant unions on an attributable basis unless you register an objection.**

**Name:** ..... **Date:** .....



## SUPPORT STAFF SKILLS AUDIT

School .....

**Relevant qualifications and date:**

**Other in-service training:**

**Particular skills:**

**Previous relevant experience:**

**Other relevant information:**

**This information may be sent to the relevant unions on an attributable basis unless you register an objection.**

**Name:** ..... **Date:** .....

**Job Title:** .....

**LETTER A  
CALLING STAFF MEETING**

Dear Colleague

**Staff Meeting – Potential Redundancy Situation**

I am calling a special staff meeting on **[Date]** at **[Time]** in order to inform you about possible reductions in the number of staff employed at the school which could require **[Number]** redundancies with effect from **[Date]**.

I am obviously keen to avoid the need for compulsory redundancy and will therefore be interested in any alternative strategies which you may have and I am happy to meet with you individually or in groups. I am particularly interested in any employees who are considering voluntary redundancy. Details of possible benefits may be obtained, in confidence, from School Employee Services.

I will explain the position in more detail at the staff meeting and will be able to answer questions.

I have already informed the County Secretaries of all recognised unions and would advise you to make any contacts through your school representatives.

Yours sincerely,

**Headteacher.**

**LETTER B  
INVITING EMPLOYEES POTENTIALLY AT RISK  
TO MEET HEADTEACHER**

Dear

**Individual At Risk Meeting**

As you will be aware the school faces the possibility of having to reduce its staffing complement by redundancy with effect from **[Date]**. You will also know that certain criteria have been drawn up in order to identify those employees who will be declared redundant.

Whilst these criteria have yet to be formally applied, I regret to inform you that my initial view of the situation is that your post is potentially at risk. In these circumstances you may wish to discuss the situation with me. If you do please let me know so that we can arrange an appropriate time to meet. If you wish you may be accompanied by a colleague or trade union representative.

I have made arrangements for at risk meetings to be held on **[Date]**.

If you have any difficulty with these arrangements please let me know at once, however please be aware that due to the time constraints of the redundancy procedure this meeting must take place before **[Date]**.

Yours sincerely,

**Headteacher.**

**LETTER C  
INVITING EMPLOYEE TO HEARING**

Dear

**Redundancy Dismissal Hearing**

As you will be aware the school faces the possibility of having to reduce its staffing complement by redundancy with effect from **[Date]**. You will also be aware that certain criteria have been drawn up in order to assist the identification of the individuals concerned. Looking at these criteria, I regret that I have to inform you that it is likely that you will be identified as a member of staff who will cease to work at the school with effect from **[Date]** by reason of redundancy.

Before a final determination is made I invite you to make representations to the \* **depending upon who has delegated authority (see Appendix A to Redundancy Procedure)** on **[Date]** at **[Time]**. These representations may be in writing or in person. At any meeting you have a right to be accompanied by a colleague or trade union representative who may speak on your behalf. I enclose a copy of the agenda which would be followed at such a meeting.

If you intend to make your representations in writing, will you please let me have those written representations before the date of the meeting noted above.

If you have any questions or if you are at all unclear about any of these arrangements please let me know at once.

Yours sincerely,

**Headteacher.**

**LETTER D  
TO 'VOLUNTEER' EMPLOYEE  
INVITING THEM TO THE APPROPRIATE HEARING**

Dear

**Voluntary Redundancy Dismissal Hearing**

As you will be aware the school faces the possibility of having to reduce its staffing complement by redundancy with effect from **[Date]**. You have indicated in writing (**refer to date of letter as per point 2.33 of the Accelerated Procedure**) that you are interested in volunteering for redundancy. Under employment law legislation I am obliged to invite you to the formal hearing where this decision will be considered. If you wish you may make representations to the \* **depending upon who has delegated authority (see Appendix A to Redundancy Procedure)** on **[Date]** at **[Time]**. These representations may be in writing or in person. At any meeting you have a right to be accompanied by a colleague or trade union representative who may speak on your behalf. I enclose a copy of the agenda which would be followed at such a meeting.

If you intend to make your representations in writing, will you please let me have those written representations before the date of the meeting noted above.

If you do not intend to make any form of representation and still wish to volunteer I would be most grateful if you could let me know as soon as possible.

If you have any questions or if you are at all unclear about any of these arrangements please let me know at once.

Yours sincerely,

**Headteacher.**

**LETTER E  
INFORMING EMPLOYEE  
AFTER DISMISSAL HEARING**

Dear

**Formal Notice of Redundancy**

I am writing following the hearing held at **[Name of school]** School at **[Time]** on **[Date]**.

After careful consideration of the information presented by the Headteacher and in the absence of any reasonable alternative, I can now inform you that the 'Decision Maker/s' acting on behalf of the Governing Body of the school has determined that you should cease to work at **[Name of school]** School, by reason of redundancy, with effect from **[Date]**.

You still have a right to appeal against this determination and if you wish to do so please inform me by **[Date]** and I will arrange for an appeal hearing to be convened. If you do not wish to appeal please inform me as soon as possible.

At any appeal you have the right to be accompanied by a colleague or trade union representative who may speak on your behalf. I enclose a copy of the agenda which would be followed at such a meeting.

*\*The Governing Body will inform the Local Authority of their determination and as your employer they will action your dismissal by reason of redundancy.*

If you decide to appeal and your appeal is successful *\*the Governing Body will inform the LA and you will be reinstated.*

If you have any questions or if you are unclear about any of these arrangements please let me know at once.

**Personalise last paragraph if appropriate.**

Yours sincerely

**[Name]**  
**[Chair]**

*\*omit wording if school is the employer*

**LETTER F  
INFORMING 'VOLUNTEER' EMPLOYEE  
AFTER DISMISSAL HEARING**

Dear

**Formal Notice of Voluntary Redundancy**

I am writing following the hearing held at **[Name of school]** School at **[Time]** on **[Date]**. Your request for voluntary redundancy was considered and I write to inform you that the 'Decision Maker/s' acting on behalf of the Governing Body of the school has determined that you should cease to work at **[Name of school]** School, by reason of redundancy, with effect from **[Date]** as you have requested.

Nevertheless you still have a right in law to appeal against this determination and if you wish to do so please inform me by **[Date]** and I will arrange for an appeal hearing to be convened. If you do not wish to appeal please inform me as soon as possible.

At any appeal you have the right to be accompanied by a colleague or trade union representative who may speak on your behalf. I enclose a copy of the agenda which would be followed at such a meeting.

*\*The Governing Body will inform the Local Authority of their determination and as your employer they will action your dismissal by reason of redundancy.*

If you decide to appeal and your appeal is successful *\*the Governing Body will inform the LA and you will be reinstated.*

If you have any questions or if you are unclear about any of these arrangements please let me know at once.

**Personalise last paragraph if appropriate.**

Yours sincerely,

**[Name]  
[Headteacher/Chair]**

*\*omit wording if school is the employer*

**LETTER G1  
NOTIFICATION OF IDENTIFICATION  
TO LOCAL AUTHORITY  
(NOT AIDED OR FOUNDATION SCHOOLS)**

Team Manager,  
School Employee Services,  
County Hall,  
Spetchley Road,  
Worcester,  
WR5 2NP

Dear

**Re: [Name of employee]**

A hearing was held on **[Date]** before the **['Decision Maker/s']** acting on behalf of the Governing Body of **[Name of school]** School.

I write to inform you that following representations the **['Decision Maker/s']** has / have determined under the terms of Regulation 20 of the School Staffing (England) Regulations 2009, that the above named employee cease to be employed at this school by reason of redundancy, with effect from **[Date]**.

I enclose a copy of the letter which has been sent to **[Name of employee]**. The LA is now required to give notice of the termination of this contract of employment.

Yours sincerely,

**Clerk.**



**LETTER G2  
NOTIFICATION OF IDENTIFICATION  
TO LOCAL AUTHORITY  
(AIDED OR FOUNDATION SCHOOLS)**

Team Manager,  
School Employee Services,  
County Hall,  
Spetchley Road,  
Worcester,  
WR5 2NP

Dear

**Re: [Name of employee]**

A hearing was held on **[Date]** before the **['Decision Maker/s']** acting on behalf of the Governing Body of **[Name of school]** School.

I write to inform you that following representations the **['Decision Maker/s']** has / have determined that the above named employee has been dismissed from this school by reason of redundancy, with effect from **[Date]**.

I enclose a copy of the letter which has been sent to **[Name of employee]**.

Yours sincerely,

**Clerk.**

**LETTER H  
CONVENING APPEAL HEARING**

Dear

**Appeal Hearing**

Following your letter of **[Date]** lodging your appeal against your redundancy dismissal I have arranged for your appeal to be heard by the (Dismissal) Appeal Panel at **[Location]** on **[Date]** at **[Time]**.

You have the right to be represented by a colleague or trade union representative at this hearing and I enclose a copy of the procedure which will be followed at the meeting.

The Appeal Panel will be provided with the documentation which was available at the initial hearing. If you have any supplementary documentation which you wish to be submitted to the Appeal Panel or details of any witnesses you intend to call these must be provided to the Headteacher, not less than 5 working days before the hearing.

I understand that you will be represented by **[Name]** at the hearing.

Yours sincerely,

**Headteacher/Clerk to Governors.**

**LETTER I  
FROM CLERK TO DISMISSAL APPEAL PANEL  
FOLLOWING UNSUCCESSFUL APPEAL**

Dear

**Outcome of Dismissal Appeal – Notice of Redundancy Confirmed**

A hearing before the Dismissal Appeal Panel was held on **[Date]** at **[Name of school]** School.

Following careful consideration of your appeal and in the absence of any reasonable alternative, I have to inform you that a Governor's Dismissal Appeal Panel (acting on behalf of the Governing Body of the school) has confirmed the previous determination of the 'Decision Maker/s', at the meeting on **[Date of representations meeting]**, that you should cease to work at **[Name of school]** School, by reason of redundancy, with effect from [date of termination].

The LA has been informed of this decision and will action your dismissal by reason of redundancy.

If you have any questions or are unclear about what will happen now, please let me know.

Yours sincerely,

**Clerk to the Dismissal Appeal Panel.**

**LETTER J  
FROM CLERK TO DISMISSAL APPEAL PANEL  
FOLLOWING SUCCESSFUL APPEAL**

Dear

**Outcome of Dismissal Appeal – Redundancy Notice Withdrawn**

A hearing before the Dismissal Appeal Panel was held on **[Date]** at **[Name of school]** School.

Following careful consideration of your appeal I have to inform you that the Governors' Dismissal Appeal Panel acting on behalf of the Governing Body of the school, has allowed your appeal.

Therefore your dismissal actioned by the LA will be revoked and you will be reinstated to continue in your employment at the school.

Yours sincerely,

**Clerk to Dismissal Appeal Panel.**

**MODEL PROCEDURE FOR THE HEARING OF REPRESENTATIONS  
IN THE CASE OF A POSSIBLE DISMISSAL  
BY REASON OF REDUNDANCY**

**Present:** 'Decision Maker/s' with delegated authority under the School Governance (Procedures) (England) Regulations 2009 and any amending regulations  
HR Adviser acting on behalf of the Local Authority – advising 'Decision Maker/s'  
Headteacher (where not 'Decision Maker') and adviser (when appropriate)  
Employee  
Employee's colleague or trade union representative  
Clerk to take notes

1. Chair will introduce those present.
2. HR Adviser acting on behalf of the Local Authority will describe the purpose of the meeting.
3. The Headteacher will describe the reasons for the proposals that an employee cease to be employed by reason of redundancy and the reasons for the particular criteria for selection.
4. The employee and / or colleague / trade union representative, followed by 'Decision Maker/s', may ask questions of the Headteacher.
5. The employee and / or colleague / trade union representative will make their representations.
6. 'Decision Maker/s' will ask questions of the employee and / or colleague / trade union representative.
7. The Headteacher may make a concluding statement.
8. The employee and / or colleague / trade union representative may make a concluding statement.
9. Interested parties (all apart from 'Decision Maker/s' and LA Officer) will withdraw while the 'Decision Maker/s' consider the representations.
10. The 'Decision Maker/s' will consider the matter and will inform the employee concerned orally of their determination and confirm it, in writing, within 5 working days.

It is the responsibility of the Clerk to ensure that a Minute of the hearing is kept. This should note the date and time of the meeting, those present and the decision.

**MODEL PROCEDURE FOR THE HEARING OF AN APPEAL  
IN THE CASE OF A POSSIBLE DISMISSAL  
BY REASON OF REDUNDANCY**

**Present:** Dismissal Appeal Panel: with delegated authority under the School Governance (Procedures) (England) Regulations 2009 and any amending regulations.  
HR Adviser acting on behalf of the Local Authority – advising Panel Headteacher and adviser (when appropriate)  
Employee  
Employee's colleague or trade union representative  
Clerk to take notes

1. Chair will introduce the members of the Panel, the employee and representative.
2. Chair will describe the purpose and function of the meeting and will read or circulate a copy of the original determination.
3. Those present may seek any clarification about the original determination.
4. The Headteacher will describe the reasons for the original proposals that an employee cease to be employed by reason of redundancy including the reasons for the selection of the particular employee concerned.
5. The employee and / or colleague / trade union representative will ask questions of the Headteacher.
6. The members of the Panel will ask questions of the Headteacher.
7. The employee and / or colleague / trade union representative will make their appeal against the determination.
8. The Headteacher and / or adviser will ask questions of the employee and / or colleague / trade union representative.
9. The members of the Panel will ask questions of the employee and / or colleague / trade union representative.
10. The Headteacher will make a concluding statement introducing no new material.
11. The employee and / or colleague / trade union representative will make a concluding statement introducing no new material.
12. Interested parties (all apart from Panel and LA Officer) will withdraw while the Panel considers the appeal.
13. The Panel will recall the interested parties and announce their decision in person, although if the Panel considers that its discussions may be protracted it may agree to release the interested parties and inform them in writing. In any case a written copy of the decision will be sent to the interested parties within 5 working days of the decision being reached.
14. A copy of the decision will also be sent to School Employee Services either for information or for action.

**MODEL PROCEDURE FOR THE HEARING OF REPRESENTATIONS  
IN THE CASE OF A POSSIBLE DISMISSAL  
BY REASON OF REDUNDANCY (VOLUNTEER)**

**Present:** Headteacher (as Decision-Maker) and adviser (when appropriate)  
Employee  
Employee's colleague or trade union representative  
HR Adviser (as appropriate)  
Clerk to take notes

1. Introductions.
2. The Headteacher or HR Adviser will describe the purpose of the meeting.
3. The Headteacher will describe the reasons for the proposals that an employee cease to be employed by reason of redundancy and the particular arrangements for the voluntary redundancy.
4. The employee and / or colleague / trade union representative may ask questions of the Headteacher.
5. The employee and / or colleague / trade union representative will make their representations.
6. The Headteacher and/or adviser will ask questions of the employee and / or colleague / trade union representative.
7. The Headteacher may make a concluding statement.
8. The employee and / or colleague / trade union representative may make a concluding statement.
9. Interested parties (all apart from Headteacher and HR Adviser) may withdraw to consider the representations.
10. The Headteacher will consider the matter and will inform the employee concerned orally of their determination and confirm it, in writing, within 5 working days.

It is the responsibility of the Clerk to ensure that a Minute of the hearing is kept. This should note the date and time of the meeting, those present and the decision.

**MODEL MINUTE**

..... SCHOOL  
**'DECISION MAKER/S' COMMITTEE OR DISMISSAL APPEAL PANEL**

**Date:** .....

**Present:** .....  
.....  
.....  
.....  
.....

Following careful consideration the Decision Maker/s' Committee or Dismissal Appeal Panel determined that: *(insert one of four options below, as applicable)*

- *(employee name)*'s contract will terminate by reason of redundancy with effect from *(effective date of dismissal.)* [i.e. end of notice period]
- *(employee name)* will not be given notice to terminate their contract by reason of redundancy and will remain employed on their existing terms and conditions at *(name of school)*
- the decision of the original dismissal hearing is upheld and *(employee name)*'s contract will terminate by reason of redundancy with effect from *(date of dismissal)*
- the appeal against the decision of the original dismissal hearing is upheld and *(employee name)* shall not be dismissed by reason of redundancy. Notice to terminate is hereby revoked and all contractual terms will remain in place.

**Signed:** .....  
**(Chair)**

**Date:** .....



## 1. Delegation of Authority

### Dismissal of Staff other than Headteacher

Under the School Staffing (England) Regulations 2009 the Governing Body may delegate its power to determine that any person employed or engaged by the LA to work at the school should cease to work there (Community, Voluntary Controlled, Community Special and Maintained Nursery) or to dismiss its staff (Foundation, Voluntary Aided, Foundation Special) to:

- (a) one or more Governors and the Headteacher (which may be called a Staff Dismissal Committee)
- (b) one or more Governors
- (c) the Headteacher.

For the purposes of Appeal rights, the Governing Body must appoint a Dismissal Appeal Panel. This should be a panel of three Governors, other than in exceptional circumstances. No Governor to whom the power to dismiss was delegated may sit on the Dismissal Appeal Panel. The Headteacher may not sit on the Dismissal Appeal Panel.

### Voluntary Redundancy

In the case of voluntary redundancies and in accordance with Regulation 4 (1) a (or b if foundation or voluntary aided) of the School Staffing (England) Regulations 2009, the Governing Body hereby delegates its authority to dismiss such staff to the Headteacher. All staff will have the right to appeal against a decision to dismiss to the Appeals Panel of the Governing Body.

### Dismissal of the Headteacher

Under the School Staffing (England) Regulations 2009 the Governing Body may delegate its power to determine that the Headteacher should cease to work at the school or be dismissed to one or more Governors. For the purposes of Appeal rights, the Governing Body must appoint a Dismissal Appeal Panel. This should be a panel of three Governors, other than in exceptional circumstances. No Governor to whom the power to dismiss was delegated may sit on the Dismissal Appeal Panel.

**For ease of understanding, those who have the delegated authority to dismiss will be referred to in these proceedings as 'Decision-Makers'.**

## 2. Rights of Attendance / Advisory Rights

Where the Governing Body has delegated dismissal powers of staff other than the Headteacher to one or more Governors, the Headteacher has a right under the 2009 Regulations to attend at and give advice to all relevant meetings / hearings held by those Governors and they must consider that advice in coming to their decisions. That advice shall be given by the Headteacher in the course of the presentation of the case against the employee.

A representative of the relevant LA may attend at and offer advice to all proceedings relating to the dismissal of any teacher and those to whom the function has been delegated must consider that advice in coming to their decision.

## RECOGNISED TRADE UNIONS

## - Useful Contacts -

TRADE UNIONS BRANCH SECRETARIES

<b>TEACHING UNIONS (SEND TO ALL):</b>	
<p><b>ASCL</b></p> <p>(unknown at present)</p> <p><b>Tel:</b></p> <p><b>Email:</b></p>	<p><b>NAHT</b></p> <p>(awaiting local representative to be announced)</p> <p><b>Tel:</b> NAHT helpline 0300 303 0333 (option 1)</p> <p><b>Email:</b> <a href="mailto:info@naht.org.uk">info@naht.org.uk</a></p>
<p><b>NASUWT</b></p> <p>Mrs. Charlotte Betteridge 16 Orchard Close Bredon Tewkesbury Gloucestershire, GL20 7NH</p> <p><b>Tel:</b> 07557 741570</p> <p><b>Email:</b> <a href="mailto:cbetteridge.work@hotmail.com">cbetteridge.work@hotmail.com</a></p>	<p><b>NEU (ATL Section)</b></p> <p>Dr. Stephen Baker 12 Arkle Road Droitwich Worcestershire WR9 7RJ</p> <p><b>Tel:</b> 01905 776310</p> <p><b>Email:</b> <a href="mailto:Stephen.Baker@neu.org.uk">Stephen.Baker@neu.org.uk</a></p>
<p><b>NEU (NUT Section)</b></p> <p>Sean McCauley 4 Forge Meadows Clifton upon Teme Worcestershire WR6 6TZ</p> <p><b>Tel:</b></p> <p><b>Email:</b> <a href="mailto:Sean.McCauley@neu.org.uk">Sean.McCauley@neu.org.uk</a></p>	<p><b>VOICE</b></p> <p>Dick Colligan Regional Officer West/South Midlands 2 St James' Court Friar Gate Derby, DE1 1BT</p> <p><b>Tel:</b> 01332 378026</p> <p><b>Email:</b> <a href="mailto:DickColligan@voicetheunion.org.uk">DickColligan@voicetheunion.org.uk</a></p>
<b>SUPPORT STAFF UNIONS:</b>	
<p><b>GMB</b></p> <p>Kim Wright GMB Worcester Office 28 Foregate Street Worcester WR1 1DS</p> <p><b>Tel:</b> 01905 612210</p> <p><b>Fax:</b> 01905 611134</p> <p><b>Email:</b> <a href="mailto:kim.wright@gmb.org.uk">kim.wright@gmb.org.uk</a></p> <p><b>ALL EMAILS should also be copied to Kim's PA – Sue Pember Email:</b> <a href="mailto:sue.pember@gmb.org.uk">sue.pember@gmb.org.uk</a></p>	<p><b>UNISON</b></p> <p>Diane Morris 30 Loves Grove Worcester WR1 3BU</p> <p><b>Tel:</b> 01905 26186</p> <p><b>Email:</b> <a href="mailto:dmorris@unisonworcestershire.co.uk">dmorris@unisonworcestershire.co.uk</a></p> <p><b>ALL EMAILS should also be copied to: <a href="mailto:enquiries@unisonworcestershire.co.uk">enquiries@unisonworcestershire.co.uk</a> and Sue Davidson Email:</b> <a href="mailto:sdavidson@unisonworcestershire.co.uk">sdavidson@unisonworcestershire.co.uk</a></p>

**CENTRAL FUNDING SUPPORT SCHEME  
NOTES FOR GUIDANCE**

[Central Funding Support Scheme Arrangements – Apr 2016 \(updt'd Apr 2019\)](#)