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# Lanesend Primary School

## Model Redundancy Policy for Schools

### Isle of Wight Policy

**Signed:** ..... **Date:**  
(Headteacher)

**Signed:** ..... **Date:**  
(Chair of Governors)

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**Reviewed By:** Isle of Wight Council and agreed by Full  
Governing Body

# 1 Document Information

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### **3 Policy statement overview and introduction**

The school's redundancy policy and procedure is designed to conform to the statutory obligations and guidelines that must be fulfilled whenever redundancies might arise.

The Governing Body recognises that redundancies may occur, that these need to be managed effectively, and the impact on staff managed sensitively. Governors and the head teacher, with HR support and guidance throughout, are responsible for the effective management of the redundancy procedure and will work constructively with staff and their representatives throughout. Equally, staff and their representatives are expected to work constructively with the governors and head teacher.

#### **3.1 Related school policies**

Organisational Change Policy

Redeployment Policy

Redundancy Scheme for school based staff

Premature Retirement Schemes for support staff and teachers employed in schools

## 4 Redundancy procedure

### 4.1 Definition of redundancy

A redundancy for individual employment rights is defined in the Employment Rights Act 1996 as a dismissal attributable wholly or mainly to:

the fact that the employer has ceased, or intends to cease, to carry on the business for the purposes of which the employee was employed, or has ceased, or intends to cease to carry on that business in the place where the employee was so employed; or

the fact that the requirements of that business for employees to carry out work of a particular kind, or for employees to carry out work of a particular kind in the place where she/he was so employed, have ceased or diminished or are expected to cease or diminish.

### 4.2 Job security measures

The school will always try to avoid redundancy as far as it is able. In addition, other measures to consider prior to any compulsory redundancy would include:

reduction or cessation of overtime – where possible and with due regard to the operational needs of the school, consideration will be given to the ceasing or reducing of overtime, if this assists in providing work for displaced employees;

reduction or cessation of work by consultants, contractors, casual and agency staff – where possible, and having regard to the contractual obligations and value for money considerations, the school will give consideration to ceasing or reducing work undertaken by consultants, contractors, casual and agency staff, if this assists in providing work for displaced employees. However the school cannot commit to increasing its funded establishment, nor can it reduce or cease work undertaken by contractors as a result of competitive tendering or market testing within the school, or where statutory duties need to be fulfilled;

voluntary reductions in hours worked and/or voluntary reduction in pay – where staff individually or collectively propose a voluntary reduction in working hours and/or pay to avoid redundancy, and where feasible, the school will only consider once the full impact on individual's earnings and pension contributions/future entitlements are understood and accepted;

management of the Redeployment Policy and application of trial periods of employment to assess the suitability of alternative employment opportunities.

### 4.3 Consultation

Consultation with staff and their trade union and/or staff representatives is imperative and needs to be both timely and meaningful.

Where redundancies are to be proposed, both collective consultation (with the recognised trades unions) and individual consultation (directly with staff in scope of proposals and their trade union and/or staff representatives) will take place at the earliest possible opportunity and in any event, the head teacher and/or governors in conjunction with Human Resources if required will consult within the specified timescales.

### **4.3.1 Collective Consultation**

This will take place with the recognised trades unions of those who may be dismissed where:

fewer than 20 dismissals are proposed at one establishment, consultation will begin at the earliest opportunity before redundancy notices take effect.

the school is proposing to dismiss between 20 and 99 employees consultation will begin at least 30 days before the redundancy notices take effect.

the school is proposing to dismiss 100 or more employees consultation will begin at least 90 days before the redundancy notices take effect.

Collective consultation will be undertaken with a view to reaching agreement. However even though best endeavours will be made to reach agreement, this may not always be possible.

The chair of governors or head teacher (subject to the scheme of delegation) in conjunction with Human Resources will advise in writing the Trade Unions of:

the reasons for the proposals;

the numbers and description of posts identified as being made redundant and the description of employees in those posts it is proposed to dismiss for redundancy;

the total number of staff of any such description employed by the school;

the pool of employees and the proposed method of selecting the employees to be made redundant, as set out in Section 5.2;

the proposed method of carrying out the redundancies including the period over which the redundancies are to take effect;

the method of calculating redundancy payments if it is different from statutory redundancy payments.

Any representations made by the appropriate representatives will be considered by the Governing Body, and a full written response to those representations will be sent to all parties. If the representations are to be rejected, an explanation will be provided.

Specifically as required under current legislation and within the specified timescale, the employer will send written notification of redundancies to the Department for Business Enterprise and Regulatory Reform. The notice must be in a prescribed form HR1 and sent to the specified office before any notices of redundancies are issued.

### **4.3.2 Individual consultation**

The school will inform all staff affected by possible redundancy to the same extent as required under collective consultation and invite comment on proposals.

Once declared as being at risk of redundancy, employees will be offered the opportunity of a one to one meeting with their line manager to discuss specific issues relating to the possible redundancy.

## 5 Selection for redundancy

### 5.1 Principles

The selection criteria as outlined in section 5.2 will be consistently applied to employees identified as at risk of redundancy.

There will be no discrimination on account of gender, marital status, age, ethnic origin, disability, race, colour, nationality, national origin, creed, sexual orientation, gender reassignment, pregnancy, maternity, political affiliation, trade union membership nor any other condition or requirement which cannot be shown to be justified.

Endeavours will be made to make reasonable adjustments to jobs in accordance with the provisions of the Equality Act. Part time employees including job share partners will be treated in the same way as full time employees and their part time or job share status will not be a reason for selecting them for redundancy.

All employees on paid and unpaid maternity leave have a right protected by law to return to their old job, or if it no longer exists, to be offered suitable alternative employment if available.

### 5.2 Selection criteria

The Governing Body, with advice from Human Resources if required, will determine the pool of staff in scope and make clear to the affected employees and Trade Unions the criteria upon which selection is to be made. Selection may be based on a combination of criteria (which are not exhaustive) as set out below:

- the level of employee skills and experience required for the job/service/organisation;

- the competency requirements for the job/service/organisation;

- the standard of job performance and contribution as assessed and agreed in annual development/ performance managements reviews. In the absence of recent reviews only differences in the standard of performance and contribution which can objectively be demonstrated to have an operational significance will be used as a basis for selection;

- sickness absence but excluding those which are maternity related and/or disability related in which a reasonable adjustment can be made. The Attendance Management Policy specifies how absence records will be maintained;

- current conduct and disciplinary records, and formal disciplinary action over the past 3 years as an indication of recent employment history.

### 5.3 Eligibility for statutory redundancy payments

Redundancy payment only applies to employees who have entered into, or work under, a contract of employment with the school, regardless of the number of hours worked per week, and have at least 2 years' continuous service. Exceptionally, should a member of staff unreasonably refuse an offer of suitable alternative employment their contract of employment will be terminated without entitlement to redundancy benefits. The decision to terminate a contract will be made by the Governing Body, after discussion with the head teacher and in liaison with Human Resources. Any dismissal of staff within community or controlled CE schools will be confirmed by the Deputy Director, Schools and Education Services in accordance with the staffing regulations.

## **5.4 Continuous employment for calculating statutory redundancy scheme payments**

The amount of any statutory redundancy payment depends amongst other things on the period the individual employee has been continuously employed. Continuous employment for the purposes of statutory redundancy payments includes previous service with another local government employer or an employer listed in The Redundancy Payments (Continuity of Employment in Local Government etc) (Modifications) Order 1999 (as amended) immediately before joining the school, unless there has been a break of more than a week, or unless a redundancy payment has already been awarded in respect of that employment.

For the purposes of these Regulations a week begins on a Sunday and ends on a Saturday, and a contract of employment must be held in each week otherwise there will have been a break in continuous service. Human Resources will provide advice on whether a break in service has occurred.

## **5.5 Statutory redundancy payments for eligible employees**

The statutory entitlement for employees dismissed as redundant who have been continuously employed for two years are as follows:

For each complete year of service up to for age under 21 – ½ a week's pay;

For each complete year of service from age 22 to 40 inclusive – 1 week's pay;

For each complete year of service from age 41 – 1½ week's pay;

A week's pay does not include non-contractual overtime and is the actual weekly pay over 12 weeks immediately preceding the date of dismissal up to and limited by the statutory weekly earnings limit.

The maximum service which can count is 20 years.

## **5.6 Pension benefits**

Local Government Pension Scheme:

Under the Local Government Pension Scheme regulations redundant employees who are:

aged under 55 are not entitled to immediate payment of their pension benefits. The Pensions Section will provide further information explaining the options available on the handling of the employee's accrued pensions rights;

aged 55 or over and who have been members of the Scheme for at least two years are entitled to immediate payment of unreduced benefits. The Pensions Section will provide further information on the benefits payable and the payments arrangements.

Teachers Pension Scheme

Under the Local Government Pension Scheme regulations redundant employees who are:

aged under 55 are not entitled to immediate payment of their pension benefits. The Pensions Section will provide further information explaining the options available on the handling of the employee's accrued pensions rights;

aged 55 or over and who have been members of the Scheme for at least two years are entitled to have access to their unreduced benefits if they so wish. This is in line with

the Premature Retirement Scheme for Teachers and Redundancy Scheme for school based staff. The Pensions Section will provide further information on the benefits payable and the payments arrangements.

## **5.7 Annual leave and time off provisions**

A member of the support staff made redundant will receive pro rata leave entitlement up to their last day of service. Exceptionally where the redundancy is sudden and unexpected the school may, at its discretion, not recover any leave taken in excess of entitlement.

Where employees are made aware of impending redundancies a reasonable period of time in advance of being made redundant, they will be expected to take leave (if not term-time only), subject to the operational needs of the school. Adjustments will be made against final salary in respect of any leave taken in excess of entitlement.

Employees under notice of redundancy will be allowed reasonable paid time off to look for new employment including attending job interviews and to arrange for training for that employment.

## **5.8 Repayment of outstanding loans / advances**

Where an employee who is made redundant has money owing to the school or council e.g. car loan, funding for training, etc, the total amount outstanding is normally offset in full against any final salary and other payments from the school or council.

## **5.9 Appeals**

**5.9.1** If the employee is dissatisfied with the way in which s/he been dealt with under the terms of this policy s/he has the right of appeal.

**5.9.2** The employee should write to the Clerk to Governing Body within ten working days of the date of the decision letter. S/he will acknowledge receipt of the appeal and appoint an appeals panel of comprising persons not previously directly involved in the original decision where possible.

**5.9.3** The employee must state clearly why s/he is making the appeal, which must be based on one or more the following grounds:

- the decision to select was perverse (in other words, that no reasonable employer would have selected the employee given the selection criteria);
- the decision to select was unfair (in other words, that the selection criteria actually pointed to other employees and not to the appellant);
- the decision to select was unreasonable (in other words, that the appellant believes that the selection was made on grounds other than the criteria)

Appeal against dismissal can only be made when the selection and consultation processes have run their course and the decision to dismiss has been confirmed to the employee.

**5.9.4** The appeal hearing will, wherever possible, take place within 15 working days of receipt of the employee's written notice of appeal. This period may be extended where necessary.

- 5.9.5** The appeal will be heard by a Panel of three governors who has not been involved in any part of the proceedings.
- 5.9.6** The employee will be invited in writing to attend an appeal hearing and will have the right to be accompanied by a Trade Union representative or work colleague. The employee and his/her representative or companion must take all reasonable steps to attend.
- 5.9.7** The purpose of the appeal hearing is to consider any representations from the employee or his/her representative.
- 5.9.8** The employee is entitled to give a full account of his/her case and must provide any supporting evidence for the basis of his/her appeal to the Clerk to Governing Body seven working days prior to the appeal hearing date. The employee must also provide the name of any witnesses s/he wishes to call at least two working days prior to the hearing.
- 5.9.9** The nominated person of the governors who made the decision which is the subject of the employee's appeal must provide a management case statement to the Clerk to Governing Body seven working days prior to the appeal hearing date. The nominated person must also provide the names of any witnesses s/he wishes to call at least two working days prior to the hearing.
- 5.9.10** All parties will receive a copy of the evidence provided to the Appeals Panel five clear working days prior to the hearing.
- 5.9.11** The Appeals Panel will:  
consider all the evidence, including any new evidence (provided that this has been shared with the parties prior to the hearing);  
determine whether the grounds for the previous decision were valid;  
determine whether the previous decision is upheld or not upheld; and  
identify any actions that should be taken as a result of this decision.
- 5.9.12** As soon as possible after the conclusion of the appeal hearing, the Chair of the Appeals Panel will convey the decision verbally to both the employee and the nominated person who made the previous decision.
- 5.9.13** The decision, including rationale, will be confirmed in writing to the employee within five working days of the appeal hearing.
- 5.9.14** The decision made at the appeal is final and ends the internal procedure.

## **6 Related Documents**

Redundancy Scheme for School Based Staff

Premature Retirement Schemes for Support Staff  
and Teaching Staff based in Schools

Organisational Change Policy for Schools

Redeployment Policy for Schools