

MODEL WHOLE SCHOOL REDUNDANCY PROCEDURE
September 2014

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Prepared by POD ERT

MODEL WHOLE SCHOOL REDUNDANCY PROCEDURE

1 PREAMBLE

1.1 This Model Whole School Redundancy Procedure has been amended from the MWSR 2009 policy document to recognise the increasing costs of redundancy and the pressure on all Local Authority (LA) and School budgets. This revised policy has been determined by the LA in consultation with the recognised Trade Unions and Teacher Associations and Schools Forum. This Procedure is recommended to all schools for adoption from 1st September 2014. Should schools decide to develop their own procedure they will need to reopen consultation with Trade Unions.

1.2 'School days' refers to days on which the school is open to pupils.

1.3 The Governing Body/Headteacher should seek advice on the application of this procedure from the Employee Relations Team (POD ERT) at the earliest possible opportunity.

1.4 The Employment Rights Act 1996 states that a redundancy arises when employees are dismissed in the following circumstances:

Where the employer has ceased or intends to cease to carry on the business for the purposes of which the employee was employed;

Where the employer has ceased, or intends to cease, to carry on the business in the place where the employee was so employed;

Where the requirements of the business for employees to carry out work of a particular kind have ceased or diminished or are expected to cease or diminish;

Where the requirements of the business for employees to carry out work of a particular kind in the place where they were so employed have ceased, or diminished or are expected to cease or diminish.

It is quite possible for the requirements for one kind of employee to be increasing at the same time as those for another are decreasing. If the latter are dismissed for this reason, it will be redundancy.

The LA's Policy on redundancy criteria applies and is found in Appendix 1.

1.5 The school recognises its obligation to consult with staff and realises the benefits of consulting with recognised employee representatives, including the recognised trade unions, with regard to potential redundancies. In this respect the school will commence meaningful consultations at the earliest opportunity by providing appropriate information to the relevant parties.

1.6 The procedure will be applied in a non-discriminatory way disregarding factors relating to sex, race, marital status, sexual orientation, gender orientation, age, disability, employment status or responsibility for children or dependents.

- 1.7 This procedure will be made known to every member of staff and will be contained within the school's recognised handbook of policies and procedures.
- 1.8 This procedure acknowledges the legal responsibilities of Headteachers and Governing Bodies in relation to the management of potential redundancy situations, as well as promoting best practice in staff management. It is therefore strongly recommended that the procedure is followed in consultation with a representative from Employee Relations in all cases of staff redundancy. Where the procedure and employer's statutory obligations are not met, the Authority reserves the right to not authorise the redundancy(ies) which may lead to any subsequent redundancy costs being met by the school.

2 PURPOSE

- 2.1 Whilst the school recognises that it has a responsibility to safeguard wherever possible the job security and prospects of its employees, it must have a procedure which enables it to cope with changed needs and priorities.
- 2.2 This procedure is intended to establish a process which provides for the fair and consistent treatment of staff in the event of a redundancy situation arising.
- 2.3 It sets out the responsibilities of Governors, Headteachers and the LA.

3 SCOPE

- 3.1 This procedure applies only to teachers employed at this School. The existing redundancy policy will continue to apply to support staff pending discussions across the Local Authority with staff employed under the Green book terms and conditions of employment.

4 POLICY STATEMENT

- 4.1 This procedure establishes the means by which schools should manage potential redundancy situations. **In general Headteachers and Governors will wish to manage their resources in a manner designed to alleviate any risk of compulsory redundancy through effective forward planning.** However, where circumstances are such that a redundancy situation is unavoidable in a school, wherever possible compulsory redundancies will be avoided and the school will implement relevant, appropriate and practicable measures to try and minimise the impact on all staff.
- 4.2 Staff and trade unions will be consulted when there is a potential redundancy situation and will be provided with relevant information. This procedure provides the right for any member of staff potentially redundant to make representations to the appropriate committee of governors of the school and ultimately to make an appeal to the Staff Dismissal Appeals Committee.
- 4.3 The Governing Body accepts that any decision taken under this procedure may involve some sensitive matters and it is critical that Governors demonstrate appropriate confidentiality in the management of the

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proceedings without compromising the requirement for full and open consultation with staff and trade unions. Matters dealt with by Governors under this procedure should be discussed formally at the recognised meetings.

- 4.4 The school recognises that the Director of Education, Health and Social Care or his/her representative and the Headteacher has the right to attend any formal meeting considering the dismissal of a member of staff that the Governors may arrange under this procedure.
- 4.5 Any employee who is facing potential redundancy has the right to be accompanied at all stages of this procedure by a workplace colleague or trade union representative.

5 PROCEDURE

It is acknowledged that the agreed procedure and sequence of events relating to the completion of a redundancy exercise is long and complex. Headteachers and Governing Bodies may wish to refer to the flowchart of the redundancy process which is provided in Appendix 2.

5.1 Avoiding Compulsory Redundancy

When facing potential redundancies the Governing Body will implement relevant, appropriate and practical measures to try to minimise the impact on staff which may include:-

- i achieving a reduction in the workforce through staff turnover and restrictions in recruitment;
- ii restricting the use of agency services, casual staff, external consultants and volunteers where this work could be undertaken by existing school employees;
- iii reducing overtime;
- iv reducing working hours of staff employed on variable hours contracts as an alternative to redundancy;
- v attempting to redeploy those who are at risk of being made redundant in conjunction with the Employee Relations Team (ERT). Schools who receive applications from employees who meet the minimum criteria for the job and who are facing potential redundancy in another school are advised to interview such staff. This will help ensure that the Council meets its obligations to attempt to avoid compulsory redundancy;
- vi retrain employees where employment opportunities elsewhere within the school can be foreseen where practical;
- vii explore the opportunities for voluntary reductions to hours from employees.

In accordance with the Fixed Term Employees' (Prevention of Less Favourable Treatment) Regulations 2002, the employment of staff on fixed term contracts should not be terminated to avoid the redundancy of an employee on a permanent contract of employment. Such actions may amount to discrimination on the basis of the status of the contract. The termination of employment of staff working under fixed term contracts should relate to the agreed purpose of the fixed term contract (eg: return of substantive job holder from sickness

absence/maternity leave where an employee's fixed term contract is to provide cover for sickness absence/maternity leave).

Please refer to the ERT for further advice with regard to identifying ways in which the impact on staff may be minimised and compulsory redundancies avoided.

5.2 Identification of possible need for a redundancy

The Governing Body, in consultation with the LA, is responsible for setting the staffing complement of the school and will decide when a redundancy might be necessary. If, after considering the various strategies for avoiding redundancy, the Headteacher and/or representatives of the Governing Body believe that a redundancy situation is likely, **it is advised that they seek advice from ERT.**

In general terms, redundancy situations in schools tend to fall into one of the following two categories:-

- i falling school roll or other reasons which cause a reduction in funding (please refer to Section 6 of the procedure 'Financial Matters');
- ii diminished need for the requirement to carry out work of a particular field.

It will be necessary to provide detailed financial information in all potential redundancy situations and it is advised that the school seeks advice from the financial adviser or bursar in this respect. Where the redundancy relates to a diminished need to carry out work, it will also be necessary to show a clear rationale for the proposals eg: reference to school development plan, Ofsted action plan, examination results etc.

Schools must complete the redundancy questionnaire in all cases (see Appendix 3) and clearly explain the reason for the redundancy (attaching any relevant documentation). The Headteacher will be required to complete sections 1 to 5 of the redundancy questionnaire which should be forwarded to the ERT. The ERT will then review the case with a view to confirming approval to the school's proposals on behalf of the LA. The LA's redundancy criteria outlined in Appendix 1 will need to be fully met.

The proposed redundancy(ies) must be approved by the LA before the procedure may be progressed beyond this stage.

In cases of genuine redundancy where the LA's redundancy criteria are fully met, Cornwall Council will meet the cost of the redundancy payment.

5.3 Governing Body's ratification of decision to make a redundancy

Once the possible need for a redundancy in the school has been identified and approved by the LA, the proposal must be endorsed by the Governing Body at a Full Governing Body meeting. It will be necessary to have a minimum of two thirds of the Full Governing Body present in making this decision.

The purpose of the meeting is to fully inform the Governing Body of the school's circumstances which necessitate a decrease in the school's staffing establishment. The information to be shared with the Governing Body at this meeting will include:-

- i detailed information of the school's circumstances relating to the proposal which may include school budget forecasts, current and predicted pupil on roll data, proposed changes to the structure of the school etc;
- ii the number of redundancies and job type/s proposed;
- iii the proposed effective date of the redundancy(ies);
- iv election of a Staff Dismissal Committee of Governors;
- v election of a Staff Dismissal Appeals Committee of Governors.

The Governing Body is strongly recommended to seek advice from the LA at the early stages of this process. An officer from the ERT may attend this meeting for this purpose.

At the meeting, the Governing Body will need to pass a resolution that the school needs to make one or more members of staff redundant. The proposed number of redundancies and job types (where applicable) should also be determined.

Having resolved the proposal to consider staff redundancy(ies) in the school, a copy of the minutes of the meeting should be forwarded to the ERT at the earliest opportunity.

5.4 Consultation with staff

At the earliest opportunity the Headteacher and/or Chair of Governors should arrange to meet with all staff that may be affected by the proposals. At this meeting staff should be informed:-

- i that a potential redundancy situation exists;
- ii the reasons for this situation;
- iii that volunteers for redundancy are being sought;
- iv that Governors would welcome suggestions regarding alternative measures to avoid compulsory redundancy;
- v redundancy compensation arrangements and how confidential estimates may be obtained;
- vi timescales.

It will be necessary to write to staff following the meeting to confirm the main points of the meeting and to invite volunteers for redundancy. A copy of the suggested letter is provided in Appendix 4.

5.5 Voluntary Redundancies

The school should seek volunteers for redundancy at the earliest opportunity. This can be undertaken as part of the initial staff consultation exercise.

Employees who may be interested in considering voluntary redundancy may confirm their interest to the Headteacher who will contact the ERT to arrange for a confidential redundancy financial estimate to be provided to the member of staff. Alternatively, the employee may contact the ERT direct with a view to seeking this information.

The ERT will provide employees with financial estimates of redundancy benefits on request to allow employees to make an informed decision with regard to voluntary redundancy. Please note that estimates of benefits are produced within 4 weeks of the date of request. Schools should allow for this timescale to be taken into account when requesting volunteers for redundancy.

Employees must have 2+ years service to be entitled to a redundancy payment. The amount of the payment is calculated by reference to the period of continuous LA service with Cornwall Council and an employer(s) referred to in Schedule 1 and in the Appendix to Schedule 2 of The Redundancy Payments (Continuity of Employment in Local Government) (Modification) Order 1999 (as amended). Service which has been the subject of a previous redundancy payment will not count for this purpose. The maximum service that may be counted is 20 years. The statutory redundancy chart is shown at Appendix 13.

Should an employee wish to take voluntary redundancy, the request should be confirmed in writing to the Governing Body through the Headteacher. The Headteacher should then discuss such requests with the Governing Body prior to the Governing Body confirming acceptance.

It may be appropriate for the Staff Dismissal Committee to meet to consider employees' requests for voluntary redundancy. Any decisions for accepting volunteers for redundancy should be based on objective criteria, with due regard to the future needs of the school. Once a request for voluntary redundancy has been approved by the Governing Body, this should be confirmed to the employee(s) in writing (see suggested letter in Appendix 5). The Governing Body may be required to disclose the criteria used for accepting volunteer(s) for redundancy and the reasons for not selecting a volunteer.

The Governing Body retains the right to refuse a request for voluntary redundancy in favour of a compulsory redundancy where such a request would not present a workable option for the school. There is no right to appeal against not being selected for voluntary redundancy.

The LA also holds a 'knock on redundancy list' which comprises a list of teachers from maintained and trust schools across the County who are seeking to take voluntary redundancy should the opportunity arise. Where it is known that a teacher from a certain school wishes to take voluntary redundancy, this potentially provides a redeployment opportunity for an employee who may be facing compulsory redundancy in another school. Knock on redundancy can only take place where all parties are in agreement with the proposal (ie: Governing Body of the school making the redundancy, Governing Body of the volunteer, the LA and the employee facing redundancy). To be clear the "knock-on" scheme only applies to maintained and trust schools.

During the staff consultation process, Headteachers should also invite expressions of interest from staff who may be willing to relocate to work in another school where there may be a volunteer for redundancy from the Council's knock on redundancy list. Such an arrangement may also avoid a compulsory redundancy.

5.6 Determination of the redundancy selection criteria

Where there is a choice between employees for potential selection for redundancy, case law requires the selection to be fair and objective. Subjective decisions, without objective evidence, have been found to be unfair by

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Employment Tribunals. In addition, selection decisions taken by only one person are also likely to be deemed unfair.

Once a redundancy resolution has been made by the Full Governing Body, and supported by the LA, the Staff Dismissal Committee of Governors will need to meet to identify the redundancy selection criteria. The Staff Dismissal Committee should comprise of not less than three members of the Governing Body (unless this is not reasonably practicable in which case the committee may comprise of two members of the Governing Body eg: where there are vacancies on the Governing Body) and should not include Staff Governors. Whilst the Headteacher of the school shall not be a member of the Staff Dismissal Committee, he/she would normally attend the meeting to advise the Committee but would have no voting powers. It is strongly recommended that the Committee arrange for a ERT representative to attend the meeting to provide advice on redundancy selection criteria.

As a starting point, it is recommended that the Governing Body and Headteacher prepare a "curriculum plan" and conduct, or update, a staff skills audit, in order to produce a clear statement of what the school needs to continue to successfully deliver the curriculum.

It is worth noting that Employment Tribunals look favourably on selection procedures based on a points system that is fair and non-discriminatory. The ERT, in consultation with the trade unions, has devised a draft model for the purposes of selecting individuals for redundancy which is provided in Appendix 6. It is strongly recommended that the Staff Dismissal Committee give consideration to this model at the meeting to identify the selection criteria and seek advice from a ERT representative on how the model may be applied and any changes that may be appropriate.

5.7 Consultation with employee/trade union representatives

The LA will consult with the recognised trade unions on all redundancies in schools collectively to inform them of the potential redundancies and provide them with relevant information (as described within the redundancy questionnaire). The recognised employee representatives will be offered an opportunity to attend a meeting and/or to make written comments on the proposals.

The purpose of the trade union consultation meeting will be to discuss, with a view to reaching agreement, the following:

- i that a potential redundancy situation exists;
- ii the reasons for this situation;
- iii the anticipated numbers of staff to be made redundant;
- iv the anticipated areas of work from which staff will be affected;
- v the proposed selection criteria are fair and objective;
- vi that volunteers for redundancy are being sought and, where appropriate, the numbers of voluntary and compulsory redundancies anticipated;
- vii that governors would welcome suggestions regarding alternative measures to avoid compulsory redundancy.

The ERT will work with the Headteacher to compile this information for distribution to the employee representatives two weeks in advance of the consultation meeting.

The Headteacher and/or Chair of Governors is required to attend the consultation meeting to present the case and answer questions. The Headteacher and/or Chair of Governors will be supported by a representative from the ERT.

Where the school is proposing to select a volunteer(s) for redundancy, it is unlikely that the Headteacher will be required to attend the trade union consultation meeting. The ERT will inform trade union representatives of all voluntary redundancies made within schools in the Authority.

5.8 Application of the redundancy selection criteria

Following confirmation of the redundancy selection criteria and consultation with trade unions, the Staff Dismissal Committee of Governors will meet to apply the agreed selection criteria to provisionally identify the redundant employee(s). In doing so, the Governors will look at relevant information available to them in order to make this decision.

Once the decision is made, the Chair of the Staff Dismissal Committee will make the necessary arrangements to inform the employee(s) provisionally selected of this decision. In accordance with the Employment Act 2002 (Dispute Resolution Regulations 2004), it is necessary for the Chair of the Committee to write to the employee(s) provisionally selected for compulsory redundancy to notify them of the proposal to terminate their employment on the grounds of redundancy and to invite the employee(s) to attend a meeting with the Staff Dismissal Committee of Governors in respect of the proposed dismissal. A draft letter confirming this provisional decision is provided in Appendix 7. **The employee(s) should be given a minimum of 5 school days' notice of the meeting and should be informed of their right to be accompanied by their trade union representative at the meeting.**

The purpose of this meeting is to discuss the reasons for the employee(s) dismissal and to provide an opportunity for the employee(s) to ask questions, raise concerns and make representations against the proposal.

Following the meeting, the Staff Dismissal Committee will make a decision as to whether to confirm the proposal or review the application of the redundancy selection criteria. The outcome of the meeting shall be confirmed to the employee(s) in writing within **5 school days** of the meeting of the Staff Dismissal Committee. A draft letter confirming the decision following the meeting is provided in Appendix 8 where the decision is to confirm the proposed compulsory redundancy.

In the event of the Staff Dismissal Committee deciding to confirm the proposed selection for compulsory redundancy, the employee(s) has the right to appeal against their selection for redundancy by writing to the Staff Dismissal Committee (through the Headteacher) setting out their concerns within **15 school days** of being notified by the Staff Dismissal Committee of their selection for compulsory redundancy. The matter will be referred to the Staff Dismissal Appeals Committee.

5.9 Appeals against redundancy

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Staff appeals against selection for redundancy should be heard by the Staff Dismissal Appeals Committee of Governors. The Committee should comprise of not less than three members of the Governing Body (unless this is not reasonably practicable in which case the Committee may comprise of two members of the Governing Body eg: where there are vacancies on the Governing Body), who have not served on the original Staff Dismissal Committee. The Headteacher of the school shall not be a member of the Staff Dismissal Appeals Committee, but may be required to attend the meeting and answer questions put by the Committee.

The Staff Dismissal Appeals Committee will consider any appeal made by the employee(s) and/or their representative(s). These representations may be made orally and/or in writing and the employee(s) and their representative(s) have the right to choose whether or not to attend the meeting.

Normally a member of the Staff Dismissal Committee will be invited to attend this meeting to explain how the Staff Dismissal Committee reached its decision in selecting the employee(s) for redundancy. The Headteacher may also be required to attend to answer questions.

The Staff Dismissal Appeals Committee must consider the information presented to it at the meeting and decide whether to uphold the decision of the Staff Dismissal Committee or to overturn it. The decision of the Staff Dismissal Appeals Committee will be confirmed in writing to the employee(s) within **5 school days**.

The ERT should be informed of the outcome of the appeal at the earliest opportunity. If the outcome is to uphold the decision of the Staff Dismissal Committee, ERT will issue notice to the employee confirming the termination of employment on the grounds of redundancy. If the decision is overturned, the redundancy selection will be referred back to the Staff Dismissal Committee in order for the selection criteria to be reapplied.

See Appendix 14 for the procedure to be followed at an Appeals hearing.

5.10 Dismissal

Once the Staff Dismissal Committee of Governors has confirmed the selection of the employee(s) for redundancy in accordance with the agreed criteria, and the appeals process, where instigated, has resolved to uphold this decision, the Headteacher or representative of the Governing Body will instruct the L A to dismiss the employee(s) by completing an 'instruction to dismiss' form (see Appendix 9) and sending this to the ERT.

On receipt of the 'instruction to dismiss' form(s), ERT will write to the employee(s) to issue the appropriate notice of termination of employment.

5.11 Support

Governors should give consideration to any support which may be necessary given the circumstances. This may include counselling, pre-retirement courses and assistance in seeking alternative employment. In particular, Governors should request that the LA seeks opportunities for redeployment and knock on redundancy.

5.12 Redeployment

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Redeployment for the purposes of this procedure relates to seeking suitable alternative employment for an employee who has been selected for potential redundancy. Suitable alternative employment would typically relate to work within the employee's capability of a similar status on a comparable salary and may be within the existing school, another maintained or trust school, or a Council department subject to agreement.

The LA has a legal obligation to explore opportunities for suitable alternative employment for employees facing potential loss of employment due to redundancy. However, where redeployment options exist within another school, the decision to offer employment rests with the Governing Body of the school. The LA is not able to instruct a Governing Body of a school with a potentially suitable vacancy to accept a potentially redundant employee from another school.

For every employee provisionally selected for redundancy, the Chair of the Staff Dismissal Committee or Headteacher should write to ERT to request that an application form is sent to the member of staff for completion and return.

Once ERT receives the completed application form, the details will be made available to those schools and Council departments identified by the employee as preferable work locations. If a member of staff refuses a redeployment opportunity which is deemed 'suitable alternative employment', the member of staff should be aware that he/she may jeopardise their right to a redundancy payment and any associated benefits.

Knock on redundancy is a form of redeployment whereby an employee opts for voluntary redundancy in order to create a suitable employment opportunity for the redeployment of a potentially redundant employee from another school. Knock on redundancy can only take place where all parties are in agreement with the proposal (ie: Governing Body of the school making the redundancy, Governing Body of the volunteer, the LA and the employee facing redundancy). Details of the "Knock on Redundancy Procedure" are provided in Appendix 10.

5.13 Notification to Department for Work & Pensions

The LA, as the employer is required by law to notify the Department for Work and Pensions of the details of staff redundancies where 20 or more employees are made redundant. Whilst there is no requirement on individual schools to report redundancies to the Department for Work and Pensions, it is important that the Authority remains fully aware and involved of all redundancies undertaken in schools in order to meet their statutory obligations regarding notification of redundancies to the Department for Work & Pensions.

6.0 FINANCIAL MATTERS

6.1 Funding for redundancy costs

In such circumstances where it is determined that a redundancy is necessary in order for the school to meet its budget, the Headteacher and Governing Body are advised to seek further financial advice from the school's Accounting Technician or Bursar.

In cases where the Governors of maintained and Trust schools and the Council agree that there is no alternative but to declare an employee(s) redundant, the

cost of the statutory redundancy payment will be met by Cornwall Council. In reaching this agreement, the Council will need to be satisfied that the redundancy criteria, as set out in Appendix 1 are met.

As agreed at the Schools Forum meeting of 5th December 2013, the School incurring a redundancy will in the first instance be responsible for meeting all costs of the redundancy (including any costs associated with premature retirement where this forms part of the redundancy benefits) as long as the following preconditions are met:-

- i the Director of Education, Health & Social Care (EHSC) and the Head of People & Organisational Development (POD) have delegated responsibility to a panel comprising a senior manager from EHSC, POD and Finance to review that each proposal from schools is a genuine redundancy, having exhausted all alternative solutions including consideration of redeployment to suitable alternative employment within the school, other schools or LA departments; AND
- ii that the staffing establishment of the school will be reduced by the full time equivalent (FTE) of the employee(s) proposed to be made redundant for a period of one year after the redundancy becomes effective.

At the end of the financial year the actual redundancy costs will be compared to the agreed redundancy budget and distributed to schools claiming from that budget in proportion to their claim and the total budget. If the costs are less than the declared budget then the LA will pay the full costs. If, however, the actual costs exceed the declared budget schools will be reimbursed in the same proportion as their actual costs are in relation to the full budget. Any excess will be borne by the school.

In cases where the LA is satisfied that there is a redundancy, but that the staffing establishment is not reduced by the full time equivalent of the employee(s) made redundant for a period of one year after the redundancy becomes effective, the Governors of the school will be required to contribute to the cost of the redundancy(ies). The potential redundancy costs incurred by the Governing Body of the school in such circumstances will be dependant on the redundancy benefits available to the employee and the extent to which the Governing Body increases the school's FTE staffing establishment beyond that achieved through the redundancy. Further details regarding the Authority's policy on arrangements for redundancy costs are provided in Appendix 11.

6.2 Redundancy benefits for school based teachers.

6.3

Teachers - Subject to eligibility (employees must have 2+ years service), all teachers are entitled to the redundancy payment payable as detailed in the Employment Rights Act 1996 using the teachers actual salary to calculate the persons weekly pay for the formula. If the Governors of the specific school decide to enhance the level of payment they must declare this to their staff as an addendum to this policy, any costs subsequently incurred will be the responsibility of that school to meet.

Support staff - Support staff will continue to be entitled to Statutory Redundancy as detailed in the ERA 1996 using actual weekly salary plus a discretionary payment of 75% of that payment also paid by the LA.

Support staff in the Local Government Pension Scheme (LGPS) over the age of 60, subject to eligibility (more than 3 months pensionable service) may be entitled to an immediate pension and lump sum payable by the LGPS;

Support staff who were already members of the LGPS prior to 1 April 2008 are currently able to access their pension benefits from the age of 50 onwards in cases of redundancy. However, the minimum age to receive pension benefits for this group of staff increases to age 55 from 1 April 2010.

Those support staff who became members of the LGPS on or after 1 April 2008 cannot access their pension benefits until the age of 60.

LA POLICY ON REDUNDANCY CRITERIA

In coming to a decision as to whether a post is redundant or not, the Head of Service (Schools, Achievement & SEN) of Education, Health & Social Care, the Business Analyst (Schools) and the LA's Employee Relations Manager will need to be satisfied that:-

1 The following statutory redundancy criteria are met:-

Definition

An employee who is dismissed will have been dismissed for redundancy if the dismissal is attributable wholly or mainly to the fact that:

- (a) The employer has ceased, or intends to cease:
 - (i) to carry on the business for the purposes of which the employee was employed by him: or
 - (ii) to carry on the business in the place where the employee was so employed; or
- (b) The requirements of the business for employees:
 - (i) to carry out work of a particular kind; or
 - (ii) to carry out work of a particular kind in the place where the employee was employed;

have ceased or diminished, or are expected to cease or diminish (s 139 (1) and (2) ERA 1996 formerly s 81 (2) EP(C)A 1978).

"Cease" means cease either permanently or temporarily and from whatsoever cause, and "diminish" has a corresponding meaning (s 139 (6) ERA 1996).

"Business" for these purposes includes a trade or profession, and any activity carried on by a body, whether corporate or unincorporated (s 235 (1) ERA 1996 formerly s 153 (1) EP(C)A 1978).

2 It is acknowledged that where a school's financial budget necessitates a reduction in costs which can only be achieved through a reduction in staffing, these circumstances will satisfy the Authority's criteria for a genuine redundancy.

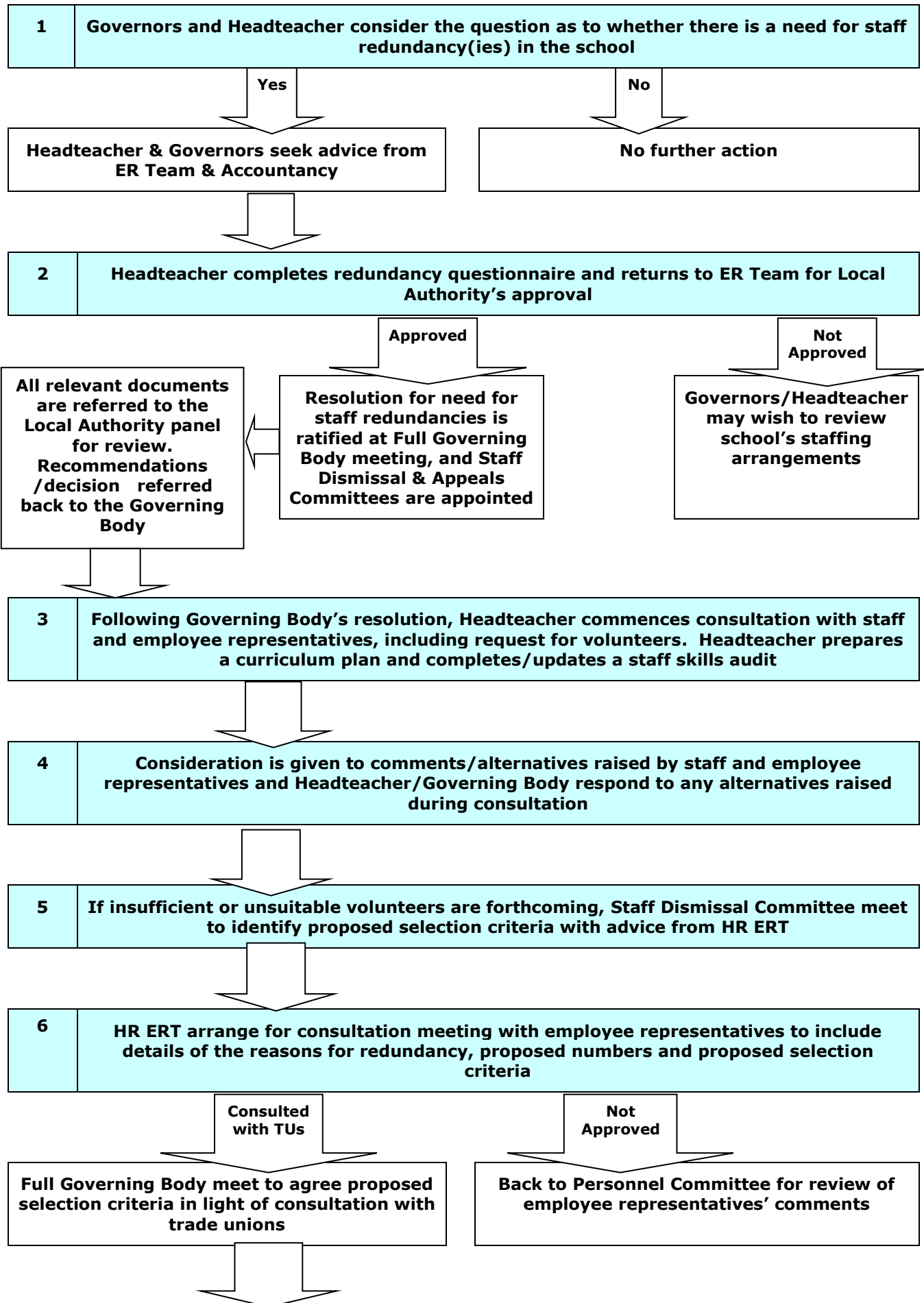
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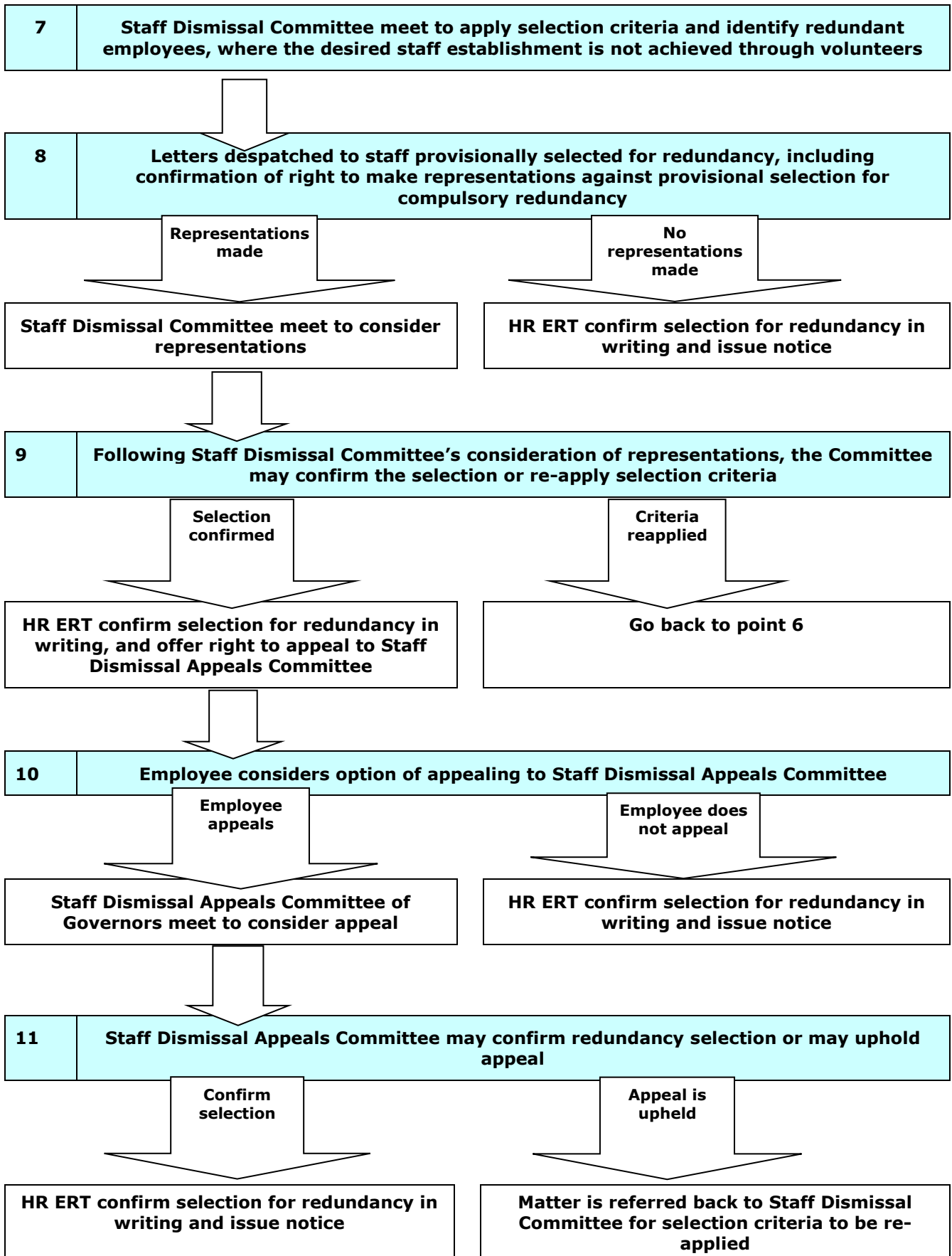
3 It is not practicable to avoid redundancies:

- by terminating the employment of agency staff or temporary staff; or
- by relying on foreseeable staff turnover to achieve the required reductions; or
- by redeployment to other areas of the curriculum, with appropriate support in those cases where redundancies are attributable to a diminished need to employ teachers or teaching staff in particular areas of work.

If the School has substantial reserves, the LA would expect redeployment to occur other than in exceptional circumstances.

FLOWCHART OF REDUNDANCY PROCEDURE





REDUNDANCY QUESTIONNAIRE

This questionnaire should be completed by the Headteacher if s/he considers there is a need for one or more voluntary and/or compulsory redundancies.

The Human Resources Employee Relations Team need all the information requested in order that it can:

- a determine whether a genuine redundancy situation exists, and if so;
- b consult with recognised trade unions on behalf of the Governing Body.

For advice about the completion of this questionnaire, please contact the Employee Relations Team, telephone (01872) 327163. However, if you need assistance in preparing the financial information requested, please contact your EHSC Accountancy Team Representative. Please attach separate sheets if necessary.

1	Name of school:				
2	Reason for the proposed redundancy(ies) The reason(s) for the proposed redundancy may be financially driven and/or due to a diminished need for skills and/or some other reason. Please complete the appropriate sections below:				
2.1	The school's actual/predicted pupil number on roll in January was / is	2014	2015	2016	2017
	Financial summary statement/forecast	2013/2014	2014/2015	2015/2016	
	Total funding (S52)				
	B/fd balance from previous year (including 'earmarked' reserves)				
	Total expenditure				
	Surplus OR Deficit				
	NOTE Please append corresponding budget sheets which provide more detailed financial information to support the financial summary statement above				
2.2	Can a redundancy be avoided by:				
	• predicted staff turnover and restrictions on recruitment				YES / NO
	• redeployment within the school				YES / NO
	• reduction in other staff related costs ie reducing overtime, restricting the use of agency staff, casual staff, external consultants etc				YES / NO
2.3	Does the proposed redundancy relate to a diminished need for skills of a particular type (wholly or partly)? If yes, what work area and why? Please give details:				YES / NO
	Will another appointment be made utilising different skills? If yes, please give details:				YES / NO
	Will this appointment be full/part-time?				full time OR part time
	If part-time, please give FTE:				0.
2.4	If the proposed redundancy is for some other reason, please set out your case in full on a separate sheet of paper				

Please turn over

3	Please provide numbers of school's staffing establishment under the following headings:
Headteacher	
Deputy Headteacher(s)	
Assistant Headteacher(s)	
Teachers (full-time)	
Teachers (part-time)	
Teachers - SEN (centrally funded)	
Administrative / Clerical Assistants	
Higher Level Teaching Assistants	
Teaching Assistants	
Cover Supervisors	
Lunchtime Supervisory Assistants	
Caretakers / Cleaners	
Technicians	
Other (please specify)	
4	Please identify the number and description (eg teacher/teaching assistant) of employee(s) proposed to be dismissed by reason of redundancy:
	FOR EACH VOLUNTEER PLEASE IDENTIFY:
Full Name	
Date of Birth	
Title of Post Held	
Is employee full-time / part-time	FULL-TIME / PART-TIME 0. FTE or HOURS
	Please use a separate sheet if you have more than one volunteer
	Please attach a copy of employee's written request to volunteer for redundancy
5	Proposed selection criteria
	Confirm whether you hope to achieve the redundancy by voluntary means and/or identify any draft selection criteria – attach separate sheet if necessary
6	Proposed dismissal date:

DECLARATION

I certify that the information provided above is correct to the best of my knowledge

Headteacher's signature

Print full name

Date

APPROVED BY GOVERNING BODY

Chairman's/Vice Chairman's signature

(please delete as appropriate)

Print full name

Date

PLEASE RETURN TO - Employee Relations Team, 4th Floor West Wing Cornwall Council, New County Hall, Truro, Cornwall, TR1 3AY

G:\REDUNDANCY\QUESTIONNAIRE 2013-2014.DOC

**LETTER OPENING STAFF CONSULTATION
WITH REGARD TO POTENTIAL REDUNDANCY**

PRIVATE & CONFIDENTIAL

Ref:
Direct Line:

insert date

Dear

Redundancy Consultation

The Governing Body has recently undertaken a review of the school's indicative financial position for 2014/2015. Subject to confirmation of this budget, it is anticipated that we will need to make a financial saving of approximately £xxxxx this year.

The Governors are currently considering a number of strategies in respect of achieving this saving, including the option of staff redundancies. On this basis, Governors have decided to open consultation with the recognised trade unions with regard to the potential need for redundancies. Every effort will be made to avoid compulsory redundancies in the event of this option being pursued.

I must emphasise that this is only a proposal at this stage and is subject to considering any comments or proposals you and/or your trade union might make. As such, I invite you to make any comments orally and/or in writing to me.

In order to ascertain the potential savings that may be made, I am also writing to ask if any member of staff is prepared to consider any of the following options:-

- reduction in hours of work;
- part time or job share work;
- volunteer for redundancy
- knock on redundancy.

Any expressions of interest of this nature may be made without obligation and will be considered on an individual basis although no guarantees can be made at this point in time.

If you are interested in the possibility of volunteering for redundancy you may request an "estimate of benefits" confidentially by contacting the Human Resources Employee Relations Team on (01872) 327163 or by e mailing hmccreadie@cornwall.gov.uk before making the decision as to whether you would wish to formally request consideration for voluntary redundancy. Please note that estimates of benefits are produced within 4 weeks of the date of request.

Should you be interested in pursuing any of these options or if you would like to discuss this matter, please do not hesitate to contact me.

Yours sincerely

Headteacher or Chair of Governors

Copy of this standard letter to:

- 1 Chair of Governors
- 2 Employee Relations Team, 4th Floor West Wing, New County Hall, Truro, TR1 3AY – to send a copy to the trade union representatives

**LETTER CONFIRMING ACCEPTANCE
OF REQUEST FOR VOLUNTARY REDUNDANCY**

PRIVATE & CONFIDENTIAL

Ref:
Direct Line:

insert date

Dear

Acceptance of Request for Voluntary Redundancy

Thank you for your letter confirming your wish to volunteer for redundancy.

Following a meeting of the Staff Dismissal Committee on *insert date*, I am pleased to advise that your offer has been provisionally accepted, unless anything were to happen in the meantime to render the redundancy process unnecessary.

In connection with this, the school is required to complete an instruction to dismiss form in mid May, advising the local authority that there have been no changes to the budget or staffing structure prior to the end of May. If this is the case, the HR Employee Relations Team will release a dismissal on the grounds of redundancy letter to you at the end of May, confirming your cessation of employment on 31 August 2014.

If any such changes were to occur prior to the end of May, I will contact you to discuss this. In the meantime, if you have any queries regarding this matter, please do not hesitate to contact me.

Kind Regards

Headteacher or Chair of Governors

Copies to:

- 1 Chair of Governors
- 2 Employee Relations Team, 4th Floor West Wing, New County Hall, Truro, TR1 3AY –
to send a copy to the appropriate trade union representative & file

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MODEL REDUNDANCY SELECTION CRITERIA

It is acknowledged that decisions relating to selection of staff for redundancy should be based on fair, objective and non-discriminatory criteria. ERT, in consultation with the recognised trade unions, recommends the following selection criteria for consideration by Governing Bodies in the selection of employees for redundancy.

It is recognised that selection criteria will vary from school to school as consideration will need to be given to the operational needs of individual schools. However, the model criteria outlined below represents a basis for determining an objective and non-discriminatory criteria.

Request for Volunteers:

- 1 In all circumstances, Governors should seek volunteers from staff within the school. Governors will endeavour to meet the required decrease in staff through voluntary redundancies.
- 2 Where the number of volunteers within the school exceeds the requirement for redundancies, the Governors will select volunteers on the basis of the criteria outlined below so as to ensure the needs of the school continue to be best met.
- 3 In exceptional circumstances, the Governors reserve the right not to approve a request for voluntary redundancy in favour of a compulsory redundancy where selection of the volunteer would lead to the school being unable to deliver the curriculum.

Basis for selection for compulsory redundancy:

- 1 If acceptable volunteers are not forthcoming, Governors may apply the following criteria to determine the selection of staff for redundancy.
- 2 Where there is a recognised requirement to retain certain posts in relation to the necessary staffing structure of the school or delivery of the curriculum (eg: Headteacher, Deputy or Assistant Headteacher(s) in some cases), Governors may consider the exclusion of job holders in such positions. In these circumstances, the Governors are required to provide written justification of the exclusion of any members of staff from the application of the selection criteria.
- 3 Governors must cross reference the curriculum plan produced by the Headteacher with the selection criteria; in doing so the needs of the school will be uppermost in the process. Governors should also refer to the staff skills audit in order to be fully aware of the skills held by staff.
- 4 In the application, staff may be assessed against each point of the criteria which governors have weighted by awarding points to reflect the relative importance of each factor. All staff (with the exception of those identified for exclusion from the selection criteria as outlined above) should be assessed against the criteria and a total point score awarded.
- 5 Those members of staff with the lowest point score are selected for redundancy.

An example of selection criteria is as follows; weightings may be applied to the points awarded to reflect the relative importance of each criterion:-

	Criteria	Point Score
A	Experience in the last 5 years (or currently undertaking) in teaching the core curriculum across foundation stage	points
B	Experience in the last 5 years (or currently undertaking) in teaching the core curriculum across KS1	points
C	Experience in the last 5 years (or currently undertaking) in teaching the core curriculum across KS2	points
D	Experience in the last 5 years (or currently undertaking) of whole school management contribution	points
E	Experience in the last 5 years (or currently undertaking) in the management of end of Key Stage Assessment	points
F	Experience in the last 5 years (or currently undertaking) in co-ordinating and managing SEN provision	points
G	Experience in the last 5 years (or currently undertaking) in curriculum management – subject co-ordination/responsibility - points will be allocated in the following way to a maximum of five points:- English Mathematics Science ICT History Geography Design Technology Music PE Art RE	points points points points point point point point point point point point
H	Recent experience in the delivery of non-core subjects	points

Tie-Breaker:

In the event of more than one teacher achieving the same score in the application of the above criteria, the decision may be concluded by using any of the following tie break examples:

- cost of the employees (how much will be saved by the school)
- absence rates (excluding any absences relating to a disability or maternity)
- the scores of A, B, C, D above (or similar combinations of the existing criteria)
- last in first out

**LETTER NOTIFYING PROVISIONAL SELECTION
FOR COMPULSORY REDUNDANCY**

PRIVATE & CONFIDENTIAL

Ref:
Direct Line:

Dear

insert date

Notification of Provisional Selection for Redundancy

Further to my letter of *insert date*, a meeting of the Staff Dismissal Committee of Governors was held on *insert date* to select a member(s) of staff for redundancy. The Governors of the Committee in attendance at this meeting were *insert names*.

Therefore, it is with regret that I am writing to inform you that you have been provisionally selected for redundancy. The selection criteria adopted by the Governing Body which led to your selection for redundancy is:-

(insert details of agreed redundancy selection criteria, for example:

- 1 volunteers for redundancy have been sought in the first instance;*
- 2 redundancy selection made on the basis of (provide details of selection criteria) or attach as additional document)*

You have the right to make representations against this decision. I would therefore like to invite you to attend a meeting with the Staff Dismissal Committee of Governors. The purpose of this meeting is to discuss the reasons for dismissal and to provide an opportunity for you to ask questions, raise concerns and make representations against the proposal. You have the right to be accompanied by your trade union representative or a work place colleague at the meeting.

Please inform me within 5 working days of the receipt of this letter whether or not you wish to make representations against this decision. These may be made orally, in writing or through a trade union representative. A provisional date for the meeting of the Staff Dismissal Committee of Governors has been arranged for *insert date*. If you decide to make representations I should be grateful if you would advise me who will be acting as your representative. Following this meeting a decision will be made to either confirm your selection for redundancy or withdraw the decision and re-apply the selection criteria. If the decision to select you for redundancy is confirmed, you will have the right to appeal to the Staff Dismissal Appeals Committee of Governors.

I am very sorry that it has been necessary to make this decision and on behalf of the Governing Body I would like to say that your contribution to the activities of the school to date has been greatly appreciated.

Yours sincerely

Chair of Staff Dismissal Committee

Copies to:

- 1 Chair of Governors
- 2 Employee Relations Team, 4th Floor West Wing, New County Hall, Truro, TR1 3AY – to send a copy to the appropriate trade union representative & file

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**LETTER CONFIRMING SELECTION
FOR COMPULSORY REDUNDANCY**

PRIVATE & CONFIDENTIAL

Ref:
Direct Line:

insert date

Dear

Confirmation of Selection for Redundancy

Thank you for attending the meeting of the Staff Dismissal Committee of Governors this afternoon and making your representations with the support of your representative.

OR

I write further to my letter dated *insert date* and having received notification from you that you have chosen not to make representations to the Staff Dismissal Committee of Governors who provisionally selected you for redundancy.

if representations made use this paragraph (delete)

A second meeting of the Staff Dismissal Committee of Governors took place on *insert date* at which further consideration was given to your provisional selection for redundancy in light of your representations made at this meeting. Having carefully considered the points raised, I regret to inform you that the Governors have decided to confirm their decision of selecting you for redundancy with effect from *insert date*.

OR

if representations not made use this paragraph (delete)

A second meeting of the Staff Dismissal Committee of Governors took place on *insert date* at which further consideration was given to your provisional selection for redundancy. I regret to inform you that the Governors have decided to confirm their decision of selecting you for redundancy with effect from *insert date*.

You have the right to appeal against this decision within 15 school days of receipt of this letter. Please inform me whether or not you wish to exercise your right to appeal. Should you wish to do so, I would like to invite you to attend a meeting with the Staff Dismissal Appeals Committee of Governors. You have the right to be accompanied by your trade union representative or work place colleague at the meeting. Your appeal may be made orally, in writing or through a trade union representative. A provisional date for this meeting has been arranged for *insert date*.

In accordance with the school redundancy procedure, if your appeal is not upheld or you choose not to appeal, the Governors will instruct the local authority to issue you with notice of termination of employment on the grounds of redundancy.

Yours sincerely

Chair of Staff Dismissal Committee

Copies to:

- 1 Chair of Governors
- 2 Employee Relations Team, 4th Floor, West Wing, New County Hall, Truro, TR1 3AY – to send a copy to the appropriate trade union representative & file

G:\REDUNDANCY\CONFIRM SELECTION.DOC

INSTRUCTION BY A SCHOOL GOVERNING BODY TO CORNWALL COUNCIL TO DISMISS A TEACHER OR SUPPORT STAFF BY REASON OF REDUNDANCY (COMPULSORY AND VOLUNTARY) AND, IF APPLICABLE, AN AGREEMENT BY THE GOVERNING BODY TO PAY ANY COSTS ASSOCIATED WITH THE DISMISSAL

This declaration must be completed, signed by the Headteacher and Chair or Vice Chair of Governors, and forwarded to the Human Resources Employee Relations Team, Cornwall Council, 4th Floor, West Wing, New County Hall, Truro, TR1 3AY

NAME OF SCHOOL:	
PLEASE CONFIRM THAT YOU HAVE CONSIDERED WAYS OF AVOIDING REDUNDANCY AND THAT YOU SEE NO ACCEPTABLE PRACTICAL ALTERNATIVE OTHER THAN TO MAKE A TEACHER OR SUPPORT STAFF REDUNDANT:	Yes / No
FULL NAME OF EMPLOYEE:	
PLEASE CONFIRM WHETHER GOVERNORS WOULD WISH THAT THE ABOVE NAMED EMPLOYEE RECEIVES A LUMP SUM COMPENSATION PAYMENT -	Compensation Payment Yes / No
DATE OF BIRTH (if known):	/ /
TITLE OF POST HELD:	
IS THE EMPLOYEE FULL TIME OR PART TIME: If part-time, please specify FTE	Full time / Part time (please delete) 0 . _____ FTE
GRADE, SPINAL POINT & ALLOWANCES (where applicable):	
ACTUAL SALARY:	£
IS THIS A COMPULSORY OR VOLUNTARY REDUNDANCY NB - if voluntary, please append a copy of the employee's written request to volunteer	Voluntary / Compulsory (please delete) request attached YES / NO
PLEASE ATTACH A COPY OF THE MINUTES OF THE MEETING OF THE GOVERNING BODY WHEN IT WAS RESOLVED THAT THE ABOVE NAMED EMPLOYEE BE DISMISSED ON THE GROUNDS OF REDUNDANCY, IF NOT PREVIOUSLY SENT:	
EFFECTIVE DATE OF DISMISSAL:	

<p>PLEASE CONFIRM WHETHER ANY TEACHER OR SUPPORT STAFF HAS INFORMED YOU OF THEIR INTENTION TO LEAVE THE SCHOOL FOR REASONS OTHER THAN REDUNDANCY (eg resignation, ill health or normal age retirement)</p> <p>NB - if you are notified of a teacher or support staff leaving before we issue notice to any redundant teacher(s) or support staff, please inform us of this - failure to do so may mean that if redundancy payments are made which could have been avoided, the costs will be transferred to the school</p>	<p>Yes / No</p>
<p>PLEASE IDENTIFY THE NAME(S) OF TEACHER(S) OR SUPPORT STAFF LEAVING FOR REASONS OTHER THAN REDUNDANCY STATING THE REASON FOR LEAVING AND CURRICULUM AREA:</p> <p>NB - if for example, a full time teacher or support staff has volunteered for redundancy but before issuing the teacher or support staff with notice another full time teacher or support staff from the same curriculum area had resigned, the LA would be unable to support the voluntary redundancy</p>	
<p>PLEASE CONFIRM WHETHER THE TEACHING OR SUPPORT STAFF COMPLEMENT OF THE SCHOOL WILL BE REDUCED BY THE FULL TIME EQUIVALENT OF THE TEACHER OR SUPPORT STAFF CONCERNED FOR A PERIOD OF ONE YEAR AFTER THE REDUNDANCY BECOMES EFFECTIVE</p> <p>OR</p> <p>IF THIS IS NOT THE CASE, THE LEVEL OF REPLACEMENT</p>	<p>Yes / No</p> <p>If No: level of replacement:- Teaching 0 . _____ FTE Support Staff 0. _____ FTE</p>
<p>PLEASE ALSO CONFIRM THAT IN ACCORDANCE WITH THE LEVEL OF REPLACEMENT IDENTIFIED, the Governing Body agrees to refund the LA 1/12th of the redundancy costs for each month, from the effective date, that the school exceeds the agreed FTE</p>	<p>Yes / No</p>
<p>OUR RECORDS INDICATE THAT THE TEACHING COMPLEMENT OF THE SCHOOL WAS . FTE AS AT AUGUST 2014 AND THE SUPPORT STAFF COMPLEMENT OF THE SCHOOL WAS . FTE AS AT AUGUST 2014. PLEASE CONFIRM WHETHER OR NOT THIS WAS THE CASE AND IF NOT, IDENTIFY THE CORRECT FIGURE:</p> <p>NB the count must include temporary, permanent and supply staff</p>	<p>Correct Yes / No</p> <p>If No: Teaching FTE _____ Support Staff FTE _____</p>

DECLARATION

ON BEHALF OF THE GOVERNING BODY WE CERTIFY THAT THE FORMAL TRADE UNION CONSULTATION PROCESS HAS BEEN COMPLETED AND INSTRUCT ERT TO DISMISS THE ABOVE EMPLOYEE ON THE GROUNDS OF REDUNDANCY

HEADTEACHER’S SIGNATURE:

DATE:

SIGNATURE OF *CHAIR / VICE CHAIR OF GOVERNING BODY:

*please delete as appropriate

DATE:

FOR CORNWALL COUNCIL USE ONLY

	APPROVED	DATE
SENIOR OFFICER OF EMPLOYEE RELATIONS TEAM		
HEAD OF SERVICE, EDUCATION, HEALTH & SOCIAL CARE		

G:\REDUNDANCY\INSTRUCT FORM TEACH.DOC

Appendix 10

Voluntary 'Knock on' Redundancy Procedure

Application of the Procedure

This Procedure relates to the LA's requirement to seek suitable alternative employment for employee's facing redundancy and to take all reasonable steps to restrict the number of compulsory staff redundancies.

In such circumstances where the operational and/or financial circumstances of a school(s) necessitates a reduction in staff, the Governing Body of the school are required to consider a number of options in terms of staff reduction which may include staff redundancies as the last resort. Where it is determined that staff redundancy is the only option, the following procedure should apply in order to minimise the occurrence of compulsory redundancy:-

- 1 the school will seek requests for voluntary redundancy from staff in the first instance;
- 2 where no requests for voluntary redundancy from staff are forthcoming, the Governing Body will be required to make provisional selections for compulsory redundancy in accordance with the agreed selection criteria;
- 3 where provisional selections for compulsory redundancy are made, the Headteacher should advise ERT in order to explore any redeployment opportunities which may be available through the knock on redundancy process on behalf of the employee provisionally selected for redundancy.

Principle of the Procedure

The LA through ERT maintains a knock on redundancy list comprising of teachers who have expressed an interest in taking voluntary redundancy.

Whilst the school in which such teachers are employed may not be in the position to ask for volunteers, this serves as an opportunity for redeployment of a teacher in another school who has been selected for compulsory redundancy and may be recruited into the volunteering teacher's post, subject to approval of the Governing Body.

Steps of the Procedure

Please see the table overleaf setting out the steps of the model knock on redundancy procedure. Whilst the LA is responsible for actively seeking suitable alternative employment for any employee who may potentially be made redundant, the decision to offer alternative employment rests with the Headteacher and

Governing Body of the school providing redeployment to the potentially redundant teacher.

Further information in respect of this process is available from ERT.

REDUNDANCY KNOCK ON PROCEDURE

STEP	ACTION
1	Where an employee expresses an interest in the opportunity for voluntary redundancy through the LA's knock on redundancy procedure, the Headteacher contacts ERT on behalf of the employee to arrange for an estimate of the possible redundancy benefits for the employee's further consideration
2	Having received an estimate of the benefits, the employee may then be in an informed position to decide whether or not to pursue the matter further
3	If the employee decides to pursue their request for voluntary redundancy, he/she confirms this in writing to the Headteacher who will refer the matter to the Governing Body for approval
4	Subject to the Governing Body's agreement to potentially release the employee through voluntary 'knock on' redundancy, the Headteacher will inform ERT and provide details of the job potentially vacated by the employee
5	On receipt of this information, ERT will explore suitable matches of the post to be vacated with an employee under notice of redundancy whose skills and experience broadly meet the potentially vacant post. ERT will consult the teacher under notice of redundancy with regard to any prospective redeployment opportunities which may be forthcoming through this procedure
6	Where a potentially redundant teacher expresses an interest in a redeployment opportunity, ERT will put the teacher in contact with the Headteacher of the relevant school. Arrangements would then be made for the Headteacher and Chair of Governors to interview the nominated teacher and, subject to agreement by all parties, ERT would undertake the necessary administrative arrangements to facilitate the transfer, which will include the voluntary redundancy of the present job holder
7	The costs arising from a redundancy will be met by the LA. However, any additional cost incurred by the school through the employment of a replacement teacher who is paid at a higher salary point than that of the teacher taking voluntary 'knock on' redundancy will be met by the receiving school
8	If either the teacher then does not wish to accept the potentially vacant post or the Governing Body of the school are not prepared to employ the teacher, neither the staff transfer nor the voluntary redundancy will be progressed
9	Where the transfer is not progressed, the teacher requesting voluntary redundancy will have the opportunity to remain on the LA's 'knock on' redundancy list for consideration in respect of other potential compulsory teacher redundancies in other schools

**CORNWALL COUNCIL'S POLICY REGARDING ARRANGEMENTS FOR SCHOOLS
REDUNDANCY COSTS**

In all cases of genuine redundancy where the Governors, the Director of Education, Care & Health and the Head of POD agree that there is no alternative but to declare a teacher redundant, the LA will meet the full cost of the redundancy subject to the Authority's redundancy criteria being fully met (see Appendix 1).

In such cases where a redundancy takes place on this basis, a requirement will be placed on the school to remain within the full time equivalent staffing establishment achieved through the redundancy(ies) for a minimum period of 1 year. If, however the school's staffing establishment is not reduced by the full time equivalent of the staff redundancy(ies) for a period of 1 year after the redundancy becomes effective, there will be a requirement for the school to contribute to the costs of the redundancy.

For every 0.1 FTE increase in the school's actual staffing establishment in comparison to the potential FTE staffing establishment achieved through the redundancy(ies), the school will be responsible for a maximum 1/12th of the total redundancy costs for each month out of the following 12 months where the school's FTE has not dropped to the agreed level.

In some circumstances, it may be unavoidable for a school to increase the actual staffing establishment above that achieved through the redundancy(ies) in respect of the operational needs of the school. In such circumstances, the school is advised to discuss the matter with ERT who will seek approval on behalf of the school for the redundancy cost to the school to be waived in consideration of the special circumstances of the school. This will involve writing to the Director of ECH and the relevant Cornwall Council Portfolio Holder of the department to obtain approval. Any such proposals will also need to be included in the redundancy consultation process with trade unions and employee representatives.

Headteachers and Governing Bodies are advised to review the school's future staffing needs at the time of considering redundancy proposals in order to ascertain whether a genuine need for redundancy exists. ERT will be able to advise Governing Bodies and Headteachers on the likelihood of securing approval for special arrangements to recruit staff following a redundancy at the school. However, it is strongly recommended that advice from ERT is sought at the earliest opportunity in such circumstances.

STATUTORY REDUNDANCY PAYMENTS

In accordance with s 162 of the Employment Rights Act 1996, an employee with two years' continuous service who is dismissed by reason of redundancy is entitled to compensation by way of a statutory redundancy payment.

For local government employees, and others covered by the Modification Order, continuous service for the purposes of Part XIV of the Employment Rights Act is continuous service with the current employing authority/body, other local authorities, and others covered by the Modification Order.

Redundancy payments are calculated on the basis of an individual's actual weekly pay at the date of dismissal.

In accordance with the statutory limits redundancy payments are calculated as follows:-

- service under the age of 18 does not count, nor does that over the normal retirement age;
- for each year of service between the ages of 18 and 21 the employee receives half a week's pay;
- for each year of service between the ages of 22 and 40 the employee receives one week's pay;
- for each year of service between the ages of 41 and 64, the employee receives one and a half weeks' pay.

The Council has decided to exercise its discretion to calculate redundancy payments on an employee's actual pay where this exceeds the statutory maximum.

There are reductions to be made in the last year of service before retirement for men and women aged between 64 and 65, whereby the redundancy entitlement is reduced by 1/12th for each completed month they have been in employment after their 64th birthday. This means, in effect, that if the person is made redundant very close to their normal retirement age, the amount of compensation they receive will be minimal.

The maximum service which can be taken into account is 20 years, and the greatest amount of redundancy pay which is payable is 30 weeks. Service is counted back from the date of redundancy.

Employees will be subjected to a tax deduction if the redundancy payment exceeds £30,000.

Compensation under the Employment Rights Act 1996

	Service (Years)																			
Age	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	
18*[1]	1																			
19	1	1½																		
20	1	1½	2																	
21	1	1½	2	2½																
22	1	1½	2	2½	3															
23	1½	2	2½	3	3½	4														
24	2	2½	3	3½	4	4½	5													
25	2	3	3½	4	4½	5	5½	6												
26	2	3	4	4½	5	5½	6	6½	7											
27	2	3	4	5	5½	6	6½	7	7½	8										
28	2	3	4	5	6	6½	7	7½	8	8½	9									
29	2	3	4	5	6	7	7½	8	8½	9	9½	10								
30	2	3	4	5	6	7	8	8½	9	9½	10	10½	11							
31	2	3	4	5	6	7	8	9	9½	10	10½	11	11½	12						
32	2	3	4	5	6	7	8	9	10	10½	11	11½	12	12½	13					
33	2	3	4	5	6	7	8	9	10	11	11½	12	12½	13	13½	14				
34	2	3	4	5	6	7	8	9	10	11	12	12½	13	13½	14	14½	15			
35	2	3	4	5	6	7	8	9	10	11	12	13	13½	14	14½	15	15½	16		
36	2	3	4	5	6	7	8	9	10	11	12	13	14	14½	15	15½	16	16½	17	
37	2	3	4	5	6	7	8	9	10	11	12	13	14	15	15½	16	16½	17	17½	18
38	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	16½	17	17½	18	
39	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	17½	18	18½	
40	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	18½	19	
41	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	19½	
42	2½	3½	4½	5½	6½	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	
43	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	
44	3	4½	5½	6½	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	
45	3	4½	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	
46	3	4½	6	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	
47	3	4½	6	7½	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	
48	3	4½	6	7½	9	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	23½	
49	3	4½	6	7½	9	10½	12	13	14	15	16	17	18	19	20	21	22	23	24	
50	3	4½	6	7½	9	10½	12	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	23½	24½	
51	3	4½	6	7½	9	10½	12	13½	15	16	17	18	19	20	21	22	23	24	25	
52	3	4½	6	7½	9	10½	12	13½	15	16½	17½	18½	19½	20½	21½	22½	23½	24½	25½	
53	3	4½	6	7½	9	10½	12	13½	15	16½	18	19	20	21	22	23	24	25	26	
54	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	20½	21½	22½	23½	24½	25½	26½	
55	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22	23	24	25	26	27	
56	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	23½	24½	25½	26½	27½	
57	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25	26	27	28	
58	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	26½	27½	28½	
59	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28	29	
60	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28½	29½	
61*[2]	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28½	30	

18* [1] - It is possible that an individual could start to build up continuous service before age 16, but this is likely to be rare, and therefore we have started Table 2 from age 18.

61* [2] - The same figures should be used when calculating the redundancy payment for a person aged 61 and above.

PROCEDURE TO BE ADOPTED AT REDUNDANCY APPEAL HEARINGS HEARD BY THE STAFF DISMISSAL APPEALS COMMITTEE OF THE GOVERNING BODY

1 The aggrieved employee (or his/her representative) shall put forward the complaint.

2 The Chair of the Staff Dismissal Committee /Headteacher shall have the opportunity to ask questions of the aggrieved employee (or his/her representative) and any witnesses called in support.

3 The Committee of the Governing Body may ask questions of the aggrieved employee (or his/her representative) and witnesses.

Witnesses called by the aggrieved employee shall withdraw after having given evidence.

4 The Chair of the Staff Dismissal Committee /Headteacher shall respond, giving the reason for not upholding the staff representations at an earlier stage in the procedure.

5 The aggrieved employee (or his/her representative) shall have the opportunity to ask questions of the Chair of the Staff Dismissal Committee / Headteacher and witnesses called in support.

6 The Committee of the Governing Body may ask questions of the line manager/investigating officer and witnesses.

Witnesses called by the Chair of the Staff Dismissal Committee/ Headteacher shall withdraw.

7 The aggrieved employee (or his/her representative) shall have the opportunity to sum up the case, if desired.

8 The Chair of the Staff Dismissal Committee /Headteacher shall sum up his/her views on the matter, if desired.

The aggrieved employee, representative and Chair of the Staff Dismissal Committee /Headteacher shall withdraw.

9 The Committee of the Governing Body and adviser shall deliberate in private, only recalling the Chair of the Staff Dismissal Committee /Headteacher and the aggrieved employee to clear points of uncertainty on evidence already given. If recall is necessary both parties shall return, even if only one party is concerned with the point giving rise to doubt.

10 The Committee of the Governing Body may announce their decision at the hearing, but will confirm their decision in writing within **five school days (one calendar week)** of the hearing.