



HEATON SCHOOL

Managing Employee Reductions

Including Policy and Guidance for Making Changes to School Structures

Heaton School Policy Record

Managing Employee Reductions

Agreed at: Resources Committee 20.11.18

Signed and Approved by:

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Contents

	page
Glossary	3
1. Scope of Policy and Definition of Redundancy	5
2. Policy Statement	6
3. A school considering changes to all or part of its staffing structure as a result of re-organisation which may result in the reduction of staff	7
3.2 Constitution of Panel A	7
3.3 Responsibilities of Panel A	8
3.4 Costs of process	8
3.5 Consultation/Notification	8
3.6 Procedure - Voluntary	9
3.7 Procedure - Compulsory	9
4. A School considering changes to all or part of its staffing structure as a result of re-organisation which will not result in the reduction of staff	11
5. A School considering changes to its structure to address a budget deficit	12
5.1 Actions to take prior to the Managing Employee Reductions process	12
5.2 Constitution of Panel A	12
5.3 Responsibilities of Panel A	13
5.4 Costs of Process	13
5.5 Consultation & Notification	14
5.6 Procedure - Voluntary	14
5.7 Procedure - Compulsory	15

Appendices

(This document will be updated as and when required)

- A.** Advice Note on Consultation & Notification for Schools
- B.** Draft Letter to Unions
- C.** Business Case Template

Glossary of Terms

- **Compensatory buy-out;** Where an employee reduces the number of hours per week they work at the request of the employer, they may be compensated with a one off payment. Stockport Council's usual buyout rate is 50% of the annual reduction in salary.
- **Compulsory redundancy;** Where there are insufficient volunteers or there is no entitlement to be offered the opportunity to volunteer, employees may unfortunately be dismissed on the grounds of redundancy on a compulsory basis after being informed that they are at risk of redundancy.
- **Continuous Service;** An employee accrues continuous service when they are employed continually by the same employer with no breaks greater than 1 week (from Sunday to Saturday).
- **Enhanced Severance;** If discretion is exercised to pay enhanced severance an employee would receive a percentage increase of the statutory redundancy pay (see above); this would usually be the amount currently offered by Stockport Council.
- **Fixed term/Temporary contract;** An employment contract that has an end date or an event that will happen which will bring the contract to an end.
- **Local Government Continuous Service;** An employee accrues continuous service when employed continually by a Local Authority or other organisation on the Redundancy Modification Order, with no breaks greater than 4 weeks for redundancy pay purposes and for some occupational benefits. Please take HR advice on shorter breaks or on breaks between Stockport Service of up to 6 weeks.
- **Panel A;** A panel, usually of 3 Governors, drawn from the Governing Board, to make decisions on their behalf on the Managing Employee Reductions process.
- **Panel B;** A panel, usually of 3 Governors, drawn from the Governing Board, to hear an appeal from an employee/s and decide whether or not to uphold the appeal.
- **Pension Capital costs;** When a Pension is released early, additional costs are incurred by the Authority.
- **Projected Deficit Budget;** A budget deficit arises where forecast expenditure exceeds the school's income received through the budget share, grants and other income such as donations.
- **Reasonable alternative post;** Where an employee is at risk of being made redundant they may be offered an alternative post. The post is considered to be a reasonable alternative where it has similar grade, responsibilities, hours and location. The employee may be offered this post as an alternative to redundancy.
- **Redundancy Selection Criteria;** Where there is an excess of volunteers in a voluntary redundancy process or a lack of volunteers, redundancy selection criteria will normally be applied. The criteria should be weighted towards retaining those best placed to fulfil the future needs of the school.
- **Restructure;** A restructure occurs where changes are made to one or more posts within the structure of the school (ie a post is removed, added or significant changes are made to the role).
- **Statutory redundancy pay;** The calculation for statutory redundancy pay is based on an employee's Local Government Continuous Service (see above), the employee's age and weekly pay, (the Government sets a maximum limit on weekly pay however this is not applied by the Authority, weekly pay is based on actual weekly pay). The employee is entitled to 0.5 week's pay for each full year of service where the employee is under 22, 1 week's pay for each full year of service where

the employee is between 22 and 41, or 1.5 week's pay for each full year of service where the employee's age is 41 or above, up to a maximum of 20 years service.

- **Voluntary redundancy;** Employees in the area affected are given the opportunity to volunteer to be made redundant; this can be on an individual basis or as part of a pool of employees.

1. Scope of Policy

- 1.1 This policy will cover school led decisions in the following circumstances:
- a. A school considering changes to all or part of its staffing structure as a result of re-organisation which may result in the reduction of staff (see section 3 of the policy)
 - b. A school considering changes to all or part of its staffing structure as a result of re-organisation which will not result in the reduction of staff (see section 4 of the policy)
 - c. A school considering changes to its structure to address a budget deficit (see section 5 of the policy)
- 1.2 This policy does not relate to amalgamating or closing schools. A separate policy should be referred to for closing school processes, unless agreed via a consultation process.
- 1.3 This policy only applies to Schools with a Governing Board and a delegated budget, otherwise the Council's procedures will apply.
- 1.4 This policy and procedures will apply to all permanent staff, (teaching and support) at risk of redundancy regardless of length of service. It should be noted however that redundancy payments will only apply to those employees who have 2 years or more local government continuous service at the date of termination, including service accrued via temporary or fixed term contracts in line with the provisions of the Redundancy Payments (Continuity of Employment in Local Government etc.) (Modification) Order (RMO).
- 1.5 Any fixed term or temporary contracts will be identified and will usually be ended before any voluntary or compulsory redundancies take place. There are contractual and legal requirements to adhere to when terminating a fixed term/temporary contract. Guidance is available from Human Resources (HR).

1.6 Definition of redundancy

The legal definition of redundancy is:

- 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 requirements 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.
- 1.7 This procedure is predicated on the school's Service Level Agreement with HR including Managing Employee Reductions exercises. If not included in the SLA the HR advice would be limited or would be agreed as a discrete piece of work with payment in line with the rates set out in the SLA.

2. Policy Statement

- 2.1 The Local Authority (LA) and Heaton School is committed to retaining jobs and avoiding redundancies of permanent employees, particularly compulsory redundancies. However the LA and Heaton School also recognises that there are times when reducing the number of employees in a school is unavoidable or necessary to facilitate school sustainability.
- 2.2 Early identification of this need is essential and can be achieved through forward planning. Projections of future pupil numbers, curriculum needs and financial resources will assist the Governing Board in this task. Likewise, projections of staff losses through retirement, promotion and resignations will give some indication of the potential discrepancy between present and future resources. (See also section 5.1)
- 2.3 Sometimes the resulting staffing implications are easily resolved and it may not always be necessary to apply the full procedures outlined here, although the principles of communication and consultation will apply.
- 2.4 In adopting this policy a school is committing to:
 - consulting with the recognised trade unions, as soon as practicable, in situations where redundancies may arise
 - consulting with the recognised trade unions on proposed changes to staffing structures
 - being transparent about the process
 - being fair and equitable in any decision making
 - supporting the principle of assisting employees facing redundancy to find alternative work at other Stockport schools or within Stockport Council.

3. A school considering changes to all or part of its staffing structure as a result of re-organisation which may result in the reduction of staff

3.1 The overall aim of a school is to provide an effective education for all its learners and to facilitate achieving the outcomes in its School Development Plan in the most efficient and effective way possible. This will remain paramount when reorganisation, or other circumstances, necessitates the reduction in the number of people employed at the school. The Governing Board will however aim to avoid the redundancy of any individual, whether voluntary or compulsory where possible.

3.2 Constitution of Panel A

3.2.1 During the discussions about staffing issues that take place as part of this process, Staff Governors should be asked to leave the full Governing Board Meeting.

3.2.2 The Headteacher will outline to the Governing Board (excluding staff governors, see 3.2.1.) why they are recommending a re-structure, the benefits to the school, how it fits with the vision of the future of the school and the School Development Plan. The Governing Board should discuss in general terms, the proposed re-structure and agree in principle with the recommendation (there should be no discussion of specific posts under consideration at this stage as this may identify individuals). The final decisions are subject to consultation and the Governing Board delegates responsibility to Panel A to make the decisions on their behalf.

3.2.3 As the School will be responsible for the resulting costs discretion lies with the Governing Board to offer enhanced severance during the voluntary redundancy stage (see SMBC's current Redundancy Pay and Practice Policy). The Governing Board may choose to make a recommendation to Panel A or delegate the decision to Panel A.

3.2.4 If the outline of the recommended proposed restructure is approved by the Governing Board, Panel A is constituted. Panel A is selected from the Governing Board; 3 Governors are required and a Chair of Panel A should be appointed from the 3 Governors.

3.2.5 A Staffing Sub-committee may already exist and the 3 Governors can be selected from the staffing sub-committee, however there are restrictions on which Governors can be a member of Panel A (see 3.2.6 below).

3.2.6 Staff or Associate Governors should not be part of the Panel A or B. In addition to this Governors should not be a member of either of the panels if they have a conflict of interest in any of the potentially affected posts.

3.2.7 Panel B (who deal with the appeal part of the process) could also be selected at this point. Panel B should consist of a further 3 Governors who have not been involved in the earlier stages of the process.

3.2.8 If after the Governing Board has excluded Staff, Associate and Governors with a conflict of interest, there aren't enough Governors for both panels they should ensure there are the maximum number of Governors on both Panels that they can achieve with available Governors.

3.2.9 When the process begins no further information is shared with the Governing Board to ensure that the Governors selected for Panel B are not prejudiced.

- 3.2.10 Although not part of the constitution of Panel A other people can be requested to attend to give advice to Panel A, this would usually include the Headteacher, a HR Officer and a Local Authority Schools Finance Officer and could include the Schools Business Manager and other LA officers that the Headteacher may recommend/Panel A request.
- 3.2.11 Similarly the appropriate recognised trade unions will be invited to meet with the Panel A during any consultation.
- 3.2.12 At the end of the process it is good practise to report back to the Governing Board on the changes made.

3.3 Responsibilities of Panel A

- 3.3.1 The primary purpose of Panel A is to carry out appropriate, timely and meaningful consultation (see Appendix A), ensure the policy is adhered to, that the proposals are financially viable (see section 3.4 below) and make decisions in the best interests of the school throughout the process.
- 3.3.2 At the first meeting of the Panel A, the Headteacher will outline the current position and the proposal in detail, which could include redundancies, reductions in hours (which may be with a compensatory buy-out) and the financial impact of the proposals.
- 3.3.3 Panel A must determine whether or not they want to delegate to the Headteacher the application of the redundancy selection criteria and the meeting to issue redundancy notice to individual employees.
- 3.3.4 Where the re-structure affects clearly identified posts rather than a pool, Panel A should decide whether or not to move directly to compulsory redundancy (with the potential opportunity for voluntary redundancy see section 3.7.1).
- 3.3.5 Any new posts that are required in the future staffing structure or job descriptions that require revising should be identified. These posts should always be evaluated through the Council's job evaluation scheme. Advice should be sought from Human Resources in relation to any potential internal recruitment/slotting in that may be needed and salary protection that may apply where jobs are evaluated at a lower grade or the employee is slotted into a reasonable alternative post at a lower grade.

3.4 Costs of Process

- 3.4.1 Where the school has opted to re-structure, the school is responsible for the redundancy costs and compensatory buy-out costs incurred via the process and may be responsible for pension capital costs.
- 3.4.2 Costs relating to redundancy, whether enhanced or not (see 3.2.3) are initially based on statutory redundancy pay (based on actual weekly pay).
- 3.4.3 In either a voluntary or compulsory redundancy process eligible employees will also receive early release of earned (basic) pension benefits in accordance with the Local Government Pension Scheme regulations or Teachers' Pension Scheme regulations, as appropriate.
- 3.4.4 Long Service Retirement Awards may be payable to employees in Local Authority Maintained Schools.
- 3.4.5 When considering the options of how to proceed it is advised that the school take advice from their Authority appointed Schools Finance Officer on the affordability of their proposals.

3.5 Consultation/Notification

When Panel A have considered the options and decided on the proposals they wish to consult on, they should undertake the appropriate type of consultation for their circumstances. Advice and required actions are contained in Appendix A – Advice note on Consultation and Notification for Schools.

3.6 Procedure – Voluntary

When the appropriate notifications and consultation has been undertaken (see 3.5) then the following process can take place:

- 3.6.1 After writing to/meeting with employees to inform them about the situation, employees have the opportunity to request figures for voluntary redundancy or compensatory buy-out for reduction in hours as determined by Panel A (see section 3.3.2). Eligible employees will also receive an estimate for early release of earned (basic) pension benefits in accordance with the Local Government Pension Scheme regulations or Teachers Pension Scheme regulations, as appropriate.
- 3.6.2 Employees should be notified that if they volunteer for redundancy and receive an enhanced redundancy package (see section 3.2.3) there are restrictions on the employee's ability to be re-employed by the school or by Stockport Council (refer to current SMBC Redundancy Pay and Practice Policy). Employees leaving on voluntary redundancy grounds will usually also be required to sign a compromise agreement in order to receive an enhanced redundancy payment. Where an employee is currently multi-post and volunteers for redundancy with an enhanced severance package, they can remain in their other existing post/s, but restrictions will apply to them increasing their commitments in those posts or starting additional posts.
- 3.6.3 A request for an estimate does not commit either the individual or the school to agreeing to this course of action.
- 3.6.4 Volunteers for redundancy do not render themselves more liable than other employees for selection under the compulsory procedures.
- 3.6.5 On receipt of an estimate employees are given a deadline by which to make a firm application to be considered for voluntary redundancy.
- 3.6.6 Information relating to individual requests is only shared with panel A of the Governing Board after an employee has confirmed their firm interest.
- 3.6.7 Panel A considers the employees who have requested consideration for Voluntary Redundancy and determines who to release. Where there are too many applicants the selection criteria agreed during consultation (see 6.3 in Appendix A) with the appropriate unions should be applied (i.e. based on curriculum/timetabling need or the redundancy selection criteria).
- 3.6.8 Confirmation that an employee's request for voluntary redundancy has been agreed will take place at a notice of redundancy meeting. Employees will be invited to this meeting in writing and have the right to be accompanied by a Trade Union representative or work colleague. The notice will be issued in line with the employee's contractual notice requirements.
- 3.6.9 In accordance with employment legislation, the employee has the right to appeal against redundancy notice (even where issued as a result of applying for Voluntary Redundancy). This should be submitted in writing to the Chair of Panel B within 10 working days, setting out the grounds for appeal.

3.7 Procedure – Compulsory

- 3.7.1 Prior to a compulsory redundancy process employees in the area affected should already have been given the opportunity to volunteer for redundancy, on an individual basis (where there is an enhanced offer) or as part of a pool of employees, as appropriate (see section 3.6 above).
- 3.7.2 If the necessary reductions cannot be effected via the voluntary process then Panel A should proceed to compulsory redundancy procedures.
- 3.7.3 Where there are more employees than redundancies required (the 'pool') the selection criteria should be applied (see section 6.4 of Appendix A).
- 3.7.4 All employees in the 'pool' should be assessed against the criteria and this information should be shared with the employee during the individual consultation meeting (see section 5.5 in Appendix A). Panel A should have decided who will carry out the assessment against the criteria and the individual consultation meeting previously (see 3.3.3).
- 3.7.5 When all the individual consultation meetings have taken place the redundancy list can be finalised. The employees are informed they have been selected for redundancy during a redundancy notice meeting. It is good practice to also meet with the employees from the pool who have not been selected, however this may not always be possible.
- 3.7.6 At the notice of redundancy meeting, employees have the right to be accompanied by a Trade Union representative or work colleague, where notice is issued in line with the employee's notice requirements.
- 3.7.7 Employees selected for redundancy should receive confirmation in writing notifying them of their right of appeal. An appeal should be submitted in writing to the Chair of Panel B, within 10 working days of receipt of the letter, setting out the grounds for appeal.
- 3.7.8 The right of appeal against selection is considered by Panel B. The affected employee should explain their grounds for appeal in their initial written submission to Panel B.
- 3.7.9 Panel B will consider the appeal at a meeting convened for this purpose. The employee has the right to be accompanied at the meeting. The outcome of the appeal will be confirmed in writing.
- 3.7.10 The Governing Board and Local Authority will continue to explore measures to avoid compulsory redundancy during the notice period, including any redeployment opportunities. Employees will also be given reasonable time off to attend interviews etc.
- 3.7.11 Employees leaving on the grounds of compulsory redundancy, and who have received redundancy pay, will be able to return to work for the Authority, following a minimum of a 6 week break in service or sooner if redundancy pay is returned.

4. A school considering changes to all or part of its staffing structure as a result of re-organisation which will not result in the reduction of staff

- 4.1 Where a school is proposing changes to its structure but these changes do not result in the need for reductions in staff then the Governing Board should undertake an appropriate consultation process. Advice on carrying out a consultation process is contained within Appendix A, the nature and scope of the consultation will depend on the scale of the changes.
- 4.2 The Headteacher should identify any new posts that are required in the future staffing structure or job descriptions that require revising. These posts should always be evaluated through the Council's job evaluation scheme. Advice should be sought from Human Resources in relation to any potential internal recruitment/slotting in that may be needed and salary protection that may apply where jobs are evaluated at a lower grade or the employee is slotted into a reasonable alternative post at a lower grade.

5. A school considering changes to its structure to address a budget deficit

5.1 Actions to take prior to the Managing Employee Reductions process

- 5.1.1 If the School has budget difficulties then the Headteacher should contact their Authority appointed School Finance Officer for advice as soon as possible.
- 5.1.2 In the case of a budget deficit or projected budget deficit the Finance Officer will advise the School where they may be able to make savings and to consider the recommended actions below. (It may be necessary to take HR advice at this stage).
- restricted recruitment (filling vacancies from amongst existing staff, providing training where necessary)
 - recruitment freeze in appropriate areas
 - review the appointments of staff on fixed term contracts (separate advice note available)
- 5.1.3 After considering the advice of the Local Authority School Finance Officer, if it is considered necessary to reduce staff, the Headteacher will instigate the Managing Employee Reductions process and notify the Chair of Governors and Human Resources.

5.2 Constitution of Panel A

- 5.2.1 During the discussions about staffing issues that take place as part of this process, Staff Governors should be asked to leave the full Governing Board Meeting.
- 5.2.2 The Headteacher will outline to the Governing Board (excluding staff governors, see 5.2.1. above) the full budget situation, how the (projected) deficit has arisen etc. to allow broad discussion and constitution of Panel A. (There should be no discussion of specific posts under consideration at this stage as this may identify individuals). The final decisions are subject to consultation and the Governing Board delegates responsibility to Panel A to make the decisions on their behalf.
- 5.2.3 Where the school has responsibility for some or all of the resulting costs (see 5.4.1) discretion lies with the Governing Board to offer enhanced severance during a voluntary redundancy situation. The Governing Board may choose to make a recommendation to Panel A or delegate the decision to Panel A.
- 5.2.4 If the Governing Board agree that action must be taken then Panel A is constituted. Panel A is selected from the Governing Board, 3 Governors are required and a Chair of Panel A should be appointed from the 3 Governors.
- 5.2.5 A Staffing Sub-committee may already exist and the 3 Governors can be selected from the staffing sub-committee, however there are restrictions on which Governors can be a member of Panel A (see 5.2.6 below).
- 5.2.6 Staff or Associate Governors should not be part of the Panel A or B. In addition to this Governors should not be a member of either of the panels if they have a conflict of interest in any of the potentially affected posts.
- 5.2.7 Panel B (who deal with the appeal part of the process) could also be selected at this point. Panel B should consist of a further 3 Governors who have not been involved in the earlier stages of the process.
- 5.2.8 If, after the Governing Board has excluded Staff, Associate and Governors with a conflict of interest, there aren't enough Governors for both panels they should

ensure there are the maximum number of Governors on both Panels that they can achieve with available Governors.

- 5.2.8 When the process begins no further information is shared with the Governing Board to ensure that the Governors selected for Panel B are not prejudiced.
- 5.2.10 Although not part of the constitution of Panel A other people can be requested to attend to give advice to Panel A, this would usually include the Headteacher, a HR Officer and a Local Authority Schools Finance Officer and could include the Schools Business Manager and other LA officers that the Headteacher may recommend/Panel A request.
- 5.2.11 The appropriate recognised trade unions will be invited to meet with Panel A at the commencement of any consultation.

5.3 Responsibilities of Panel A

- 5.3.1 The primary purpose of Panel A is to carry out appropriate, timely and meaningful consultation (detailed in Appendix A), ensure the policy is adhered to and that the proposals are financially viable (see section 5.4 below) make the decisions in the best interests of the school throughout the process.
- 5.3.2 At the first meeting of Panel A the Headteacher will outline the full business case and proposals in detail, which could include redundancies, reductions in hours with compensatory buy-out and the financial impact of the proposals (see also section 5.4.1 below).
- 5.3.3 Panel A can request further information prior to making decisions if they feel that is necessary.
- 5.3.4 Panel A should consider where within the staffing structure reductions of staff should take place, (teachers/support, specific KS/subject areas etc). They should also consider the future staffing needs of the school.
- 5.3.5 Panel A must determine whether they want to delegate to the Headteacher the application of redundancy selection criteria and the meeting to issue redundancy notice to individual employees.
- 5.3.6 Where the re-structure affects clearly identified posts rather than a pool, Panel A should decide whether or not to move directly to compulsory redundancy (with the potential of volunteering see section 5.7.1).
- 5.3.7 Any new posts that are required in the future staffing structure or job descriptions that require revising should be identified. These posts should always be evaluated through the Council's job evaluation scheme. Advice should be sought from Human Resources in relation to any potential internal recruitment/slotting in that may be needed and salary protection that may apply where jobs are evaluated at a lower grade or the employee is slotted into a reasonable alternative post at a lower grade.

5.4 Costs of Process

- 5.4.1 It is expected that schools will normally fund the costs of the process and build appropriate provision into their budget recovery plan. HR and/or the Schools Finance Officer will advise on the current process and funding options.
- 5.4.2 Where School Governing Boards have exercised their discretion to offer enhanced severance (see current Redundancy Pay and Practice Policy), they will be required to fund 100% of the enhancement, irrespective of whether all or part of the primary costs are approved for funding from a central budget.

- 5.4.3 Where there are insufficient volunteers following a voluntary redundancy process, employees in specific posts identified as redundant, will be given notice and receive statutory redundancy pay (based on actual weekly pay).
- 5.4.4 In either a voluntary or compulsory redundancy process eligible employees will also receive early release of earned (basic) pension benefits in accordance with the Local Government Pension Scheme regulations or Teachers' Pension Scheme regulations, as appropriate.
- 5.4.5 When considering the options of how to proceed it is advised that the school take advice from their Authority appointed Schools Finance Officer on the affordability of their proposals, taking into consideration the impact of redundancy costs.

5.5 Consultation/Notification

When Panel A have considered the options and decided on the proposals they wish to consult on, they should undertake the appropriate type of consultation for their circumstances. Advice and required actions are contained in Appendix A – Advice note on Consultation and Notification for Schools.

5.6 Procedure - Voluntary

When the appropriate notifications and consultation has been undertaken (see 5.5) then the following process can take place:

- 5.6.1 After writing to employees to inform them about the situation, employees have the opportunity to request figures for voluntary redundancy or compensatory buy-out for reduction in hours as determined by Panel A (see section 5.3.2). Eligible employees will also receive an estimate for early release of earned (basic) pension benefits in accordance with the Local Government Pension Scheme regulations or Teachers Pension Scheme regulations, as appropriate.
- 5.6.2 Employees should be notified that where an employee volunteers for redundancy and is in receipt of an enhanced severance redundancy package (see section 3.2.3) then there are restrictions on the employee's ability to be re-employed by Stockport Council (refer to current Council Restructuring and Organisational Change Policy regarding Redundancy Pay and Early Retirement). Where an employee is currently multi-post and volunteers for redundancy with an enhanced severance package, they can remain in their other existing posts, but restrictions will apply to them starting additional posts.
- 5.6.3 A request for an estimate does not commit either the individual or the school to agreeing to this course of action.
- 5.6.4 Volunteers for redundancy do not render themselves more liable than other employees for selection under the compulsory procedures.
- 5.6.5 On receipt of an estimate employees are given a deadline by which to make a firm application to be considered for voluntary redundancy.
- 5.6.6 Information relating to individual requests is only shared with panel A of the Governing Board after an employee has confirmed their firm interest.
- 5.6.7 Panel A considers the employees who have requested consideration for Voluntary redundancy and determines who to release. Where there are too many applicants the selection criteria agreed during consultation (see 6.3 in Appendix A) with the appropriate unions should be applied (i.e. based on curriculum/timetabling need or the redundancy selection criteria).

- 5.6.8 The individuals receive confirmation about whether their request has been agreed at a notice of redundancy meeting. Employees have the right to be accompanied by a Trade Union representative or work colleague at this meeting where notice is issued in line with the individuals notice requirements.
- 5.6.9 The employee has the right to appeal against redundancy notice. This should be submitted in writing within 10 working days, setting out the grounds for appeal.

5.7 Procedure – Compulsory

- 5.7.1 Prior to a compulsory redundancy process employees in the area affected should already have been given the opportunity to volunteer for redundancy, on an individual basis (where there is an enhanced package) or as part of a pool of employees, as appropriate (see section 5.6 above).
- 5.7.2 If the necessary reductions cannot be effected via the voluntary process then Panel A should proceed to compulsory redundancy procedures.
- 5.7.3 Where there are more employees than redundancies required (the 'pool') the selection criteria should be applied (see section 6.4 of Appendix A).
- 5.7.4 All employees in the 'pool' should be assessed against the criteria and this information should be shared with the employee during the individual consultation meeting (see section 5.5 in Appendix A). Panel A should have decided who will carry out the assessment against the criteria and the individual consultation meeting previously (see section 5.3.5)
- 5.7.5 When all the individual consultation meetings have taken place the redundancy list can be finalised. The employees are informed they have been selected for redundancy during a redundancy notice meeting. It is good practice to also meet with the employee's who have not been selected, however this may not always be possible.
- 5.7.6 At the notice of redundancy meeting, employees have the right to be accompanied by a Trade Union representative or work colleague, where notice is issued in line with the individuals notice requirements.
- 5.7.7 Employees selected for redundancy should receive confirmation in writing notifying them of their right of appeal. An appeal should be submitted in writing to the Chair of Panel B, within 10 working days of receipt of the letter, setting out the grounds for appeal.
- 5.7.8 The right of appeal against selection is considered by Panel B. The affected employee should explain their grounds for appeal in their initial written submission to Panel B.
- 5.7.9 Panel B will consider the appeal at a meeting convened for this purpose. The employee has the right to be accompanied at the meeting. The outcome of the appeal will be confirmed in writing.
- 5.7.10 The Governing Board and Local Authority will continue to explore measures to avoid compulsory redundancy during the notice period, including any redeployment opportunities. Employees will also be given reasonable time off to attend interviews etc.
- 5.7.11 Employees leaving on the grounds of compulsory redundancy, and who have received redundancy pay, will be able to return to work for the Authority,

following a minimum of a 6 week break in service or sooner if redundancy pay is returned.

Advice note on Consultation and Notification for Schools

Please note this should be read in conjunction with the 'Policy and Guidance to School Structures and /or Managing Employee Reductions in Schools' document.

1.0 Background

1.1 The School has a statutory obligation to consult with employees and the Trade Unions when a redundancy situation is contemplated. The Governing Board should consult whenever they are considering changes to their structure.

1.2 Consultation should always be proportionate to the scale of the proposed changes to the staffing structure, with regard to who is involved in the consultation and the length of time the consultation takes. Governing Boards should be aware that there is a statutory obligation to consult when changes are proposed to a structure involving teaching posts (see section 7.0).

1.3 The purpose of redundancy consultation is to seek to reach agreement about:

- ways of avoiding the dismissals
- alternatives to redundancy
- ways of reducing the number of employees to be dismissed and to mitigate the consequences of any dismissals.
- Proposed methods of selection (see section 6.0)

AND/OR to give employees the opportunity to consider the proposed changes to the staffing structure and to engage in the consultation process prior to the decision being made.

2.0 Redundancy Consultation

2.1 The School must begin the process of **formal** consultation in good time and complete the process before any redundancy notices are issued. The minimum statutory consultation periods that must be observed prior to the issuing of any redundancy notices are:

- 45 days if 100 or more employees at one establishment are to be made redundant over a period of 90 days or less.
- 30 days if the proposal is for between 20 and 99 employees at one establishment to be made redundant over a period of 90 days or less.
- No specific timeframe for less than 20 employees, but the period must be reasonable.

2.2 Consultation must be meaningful ie. with a view to seeking agreement. Final decisions on redundancies must not take place until after the consultation period has ended to enable all responses to the consultation to be considered.

2.3 Formal

The employer will meet its legal obligation to consult over dismissal and re-engagement on new terms and conditions, even if there is no intention to reduce staff numbers;

In schools which employ teachers in accordance with the Burgundy Book, the Employer will consult collectively on 'any redundancy' and will follow the consultation procedure in Appendix 1 of the Burgundy Book;

Consultation on a process which may involve redundancies starts when Panel A meet with the appropriate recognised Trade Unions for the first time to discuss the proposals, at a documented discussion meeting. The invitation to the meeting should be sent in writing or by email to the Trade Unions in advance of the first meeting as outlined below (see 3.3).

- 2.4 There are two types of consultation, collective and individual. Most situations within a school require both collective and individual consultation, although there may be occasions where only individual consultation is required. HR advice must be sought prior to the commencement of any redundancy consultation, subject to the School's SLA.

3.0 Notifications

- 3.1 Where it is anticipated that 20 or more employees are likely to be made redundant, the appropriate Government department should be notified via the Advance Notification of Redundancies form, in line with the following timescales:

Between **20 to 99** redundancies at one establishment, **at least 30 days** notification prior to the first dismissal.

100 or more redundancies at one establishment, **at least 45 days** notification prior to the first dismissal.

(N.B. Any statutory notifications that are required will be completed by HR, subject to the SLA.)

- 3.2 Prior to consultation with the Unions it is good practice for the Chair of Panel A to notify the Corporate Director of CYPD broadly outlining the scale of the redundancies.

- 3.3 When inviting the Trade Unions representatives to take part in the consultation the Panel A Governors should disclose, as a minimum, the following information in writing to comply with section 188 of Trade Union and Labour Relations (Consolidation) Act 1992.

The information to be provided is set out by statute and includes:

1. reasons for the proposals including current and forecasted school budgets, current and proposed staffing structures, confirmation of staffing costs, and other relevant financial information as requested;
2. numbers and descriptions of employees whom it is proposed to dismiss as redundant
3. total number of employees of any such description employed by the employer at the establishment in question;
4. proposed methods of selecting the employees to be dismissed; carrying out the dismissals (with due regard to any agreed procedure); and the method

for calculating the amount of any redundancy pay and the period of time over which the dismissals will take place (draft letter attached at Appendix B).

5. Subject to the appropriate regulations, the employer will make use of enhanced severance pay to avoid or reduce the number of compulsory redundancies and that 104 weeks' pay is the maximum enhanced severance payment payable;

6. Subject to the appropriate regulations, the employer will make use of voluntary early retirement to avoid or reduce the number of compulsory redundancies, but that the use of this precludes the awarding of the maximum enhanced severance payment for teachers.

3.4 A copy of the report containing the proposals for discussion at the meeting should also be shared with the unions prior to the meeting.

4.0 Notice Periods

Notice periods for teachers being made redundant are those which are set out in the Burgundy Book;

In addition, all teachers with more than 12 years' service will be entitled to 12 weeks' notice.

5.0 Collective Consultation

5.1 Having invited (as above) the Trade Unions to meet with Panel A to discuss the proposals it is recommended that the following headings are included on the agenda:

- documentation (outline/agree which documents have been circulated)
- reasons for the proposals
- mitigating against redundancies (actions already taken or proposed to avoid redundancies)
- proposed method of redundancy selection (see section 6.0)
- communication with the workforce on the proposals
- timetable for the consultation process (seek to reach agreement)

5.2 At the conclusion of the consultation period, consideration must be given to any employee or union response to the proposals and if alternative suggestions are declined/accepted then a written record within the minutes must be kept. In addition all comments received during the consultation period should receive a written response. Consideration should be given to whether it is more appropriate to send a general response to all the union representatives and employees that were originally consulted with.

6.0 Individual Consultation

6.1 Where voluntary redundancies are being sought individual consultation will not generally take place until after the voluntary redundancy process has been completed and the pool for compulsory redundancies has been firmly established.

6.2 In cases where there has been no collective consultation (usually because of the small numbers affected by the proposals), individual consultation will commence when the proposals have been determined by the Governors. In these cases the consultation should include: reasons for proposals; means of

avoiding redundancies; mitigating the consequences of the redundancies; proposed method of selection.

- 6.3 Except where an employee has volunteered for redundancy, potentially redundant employees (i.e. within the selection pool) have the right to be consulted individually about their redundancy before notice of dismissal is given.
- 6.4 All employees within the selection pool are assessed against the Redundancy Selection Criteria (see section 6). Panel A must determine who undertakes this (see section 3.3.3 or 5.3.5 of MER Policy & Guidance Document).
- 6.5 Employees have the right to be represented at the Individual Consultation Meeting and the meeting should
- a. explain to the employee why their particular role is affected by redundancy,
 - b. share with the employee the selection criteria and explain the marks given
 - c. discuss the possibility of alternative work
 - d. Give the employee or union rep a few days to express views about (a) above and (b). Comments should be considered properly and genuinely.
 - e. Explain how redundancy payments are calculated and what the individual's financial package will be.
- 6.6 When the individual consultation process has concluded and no alternative solution can be found, the redundancy list can then be finalised. A redundancy notice meeting should be held to inform individuals that they have been selected for redundancy. Employees will have the right to be accompanied to this dismissal meeting by a representative and have the right to appeal (see sections 3.7.6 to 3.7.7 or 5.7.6 to 5.7.7 of the MER Policy & Guidance Document).

7.0 Methods of selection

- 7.1 Voluntary redundancy should be offered as a way to resolve the staffing re-structure or deficit budget. Where the re-structure clearly affects identified posts it may be necessary to move directly to compulsory redundancy, however the individual should always have the opportunity to volunteer in the first instance.
- 7.2 Panel A may choose to offer a compensatory buy-out where employees voluntarily reduce their hours. This is most appropriate where the reduction required is minimal.
- 7.3 If there are too many volunteers in a voluntary redundancy process, then selection criteria should be applied. The method of selecting employees in these circumstances should be agreed with the unions as part of the consultation process.
- 7.4 In a compulsory redundancy process a selection pool is identified, the employees in that pool should be assessed against selection criteria. The method of selecting employees in these circumstances should be agreed with the unions as part of the consultation process. These criteria must be objective and will not unlawfully discriminate.

8.0 Consultation on proposed staffing structure

- 8.1 Consultation should take place on proposed changes to a school staffing structure regardless of whether it results in redundancies or not. The scope of the consultation will depend on the scale of the proposed changes.

- 8.2 Where the proposed change is very minor and employees are in agreement with the change, it will be sufficient to consult with school representatives; proposals for larger scale proposals and/or where proposals involve redundancies, consultation should take place with branch union representatives.
- 8.3 In some circumstances it is advisable to consider briefing staff directly affected prior to any wider staff meeting, particularly where reductions in staff are focused on particular group(s) of staff.
- 8.4 Employees who are directly affected by the proposals should receive the proposals in writing and have the opportunity to submit comments to the Governors. Where the wider school staff are also informed of the proposals they should also be given the opportunity to submit comments to the Governors.
- 8.5 Particular consideration should be given to employees who are absent ie. due to sickness or maternity leave etc. and alternative arrangements should be put in place to ensure they are informed and consulted on the proposals at the earliest opportunity and before finding out about the changes via other employees, wherever possible.

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Appendix B

DRAFT LETTER TO UNIONS (SEE 3.3)

The information in this letter is to provide an example only.

ADDRESS
ADDRESS
ADDRESS
ADDRESS
POST CODE

DATE

Dear

Re: ----- School, Managing Employee Reductions Process

I am writing to confirm the details of the meeting arranged for DATE, at TIME, in LOCATION.

The primary purpose of the meeting is to discuss the proposals contained in the attached report. This meeting constitutes the start of the formal consultation process.

I have summarised the reason for the proposals and the main groups of staff who may be affected by redundancy. Further details on all the proposals are contained in the business case attached.

Yours sincerely

NAME
CHAIR OF PANEL A
-----SCHOOL

encl.

Appendix C

Managing Employee Reductions in Schools - Business Case Template

This document sets out the style of the template which has been designed to assist Headteachers in structuring proposals for the Management of Employee Reductions. The completed document will then form the basis for the required consultation process with trade unions and individual employees. Please contact Human Resources to discuss your proposal.

The guidance notes in each section (including this explanatory paragraph) should be deleted from your completed document.

School:	
Effective Date of Proposal:	
Signed off by Chair of Governors:	

1. Introduction/Background

Include in this paragraph a summary of the School, its current position (student numbers, league table, exam results, etc) clearly identifying any difficulties/concerns and the school's primary focus.

The following information in relation to the current staffing and finances arrangements will also usually need to be included:

- i. Total number of employees (actual headcount and FTE) affected directly and indirectly (if appropriate)
- ii. Number of posts that are fixed term / temporary
- iii. Grade of posts
- iv. Cost of posts – individual and total (including on-costs)
- v. Current financial position of the school (excluding proposals)
- vi. Target reductions required (if any)

2. Details of Proposal/reasons for restructure or reductions in staffing

What is the aim of the proposal? Is the driver financial or are redundancies proposed so that the new team / service will be fit for purpose and accurately reflect and deliver the school's priorities? Clear arguments/evidence of why you are proposing to disestablish posts is needed (i.e.: what you are proposing to stop doing or do less of and why?).

Information provided will include:

- current and forecasted school budgets;
- current and proposed staffing structures, with confirmation of staffing costs;
- other relevant financial information
- proposed timescales

If the proposals include creating new posts: what are the new duties / responsibilities of the new post/s? How do you propose to fill the new posts?

3. Number of posts / post holders to be placed at risk

How many posts and people would be made redundant if proposals proceed? This should include: numbers of employees and posts, job titles, grades, FTE, redundancy pay costs.

4. Curriculum Implications

Identify/explain any implications the proposals may have on the school curriculum

5. Benefits and cost savings of proposed reductions. Also if new posts are involved include the costs of the new structure (implementation and ongoing).

Detail the benefits the proposals will bring to the school. The costs should include: cost of protected salary (if applicable); physical or infrastructure costs. Salary costs should include on-costs

6. Geographical location of proposed redundancies

If the school has more than one site identify the location affected

7. Selection methods

Detail proposed methods for:

- i. Selecting employees to be dismissed including any agreed procedures and proposed timescales for the dismissals e.g. voluntary redundancy process followed if necessary by application of redundancy selection criteria.
- ii. Ring fencing / slotting in / selection criteria for any new posts involved.
- iii. Whether voluntary redundancy will be offered to a wider 'bumping pool'

After measures to avoid redundancies have been exhausted, voluntary redundancies will usually be required before progressing to compulsory redundancies. HR will provide further advice on this aspect.

8. Terms and Conditions

For post holders of jobs in the proposed new structure, will their current terms and conditions of service be affected (include for example any changes to job descriptions, working pattern, hours of work, allowances, car allowances, job grade)?

9. Current structure (attach diagram as appendix 1 to the business case).

This needs to show the posts (job titles and number of staff in each post), reporting lines, grades and FTE figures.

10. Proposed structure – if relevant (attach diagram as appendix 2).

This needs to show the proposed posts (job titles and number of staff in each post), reporting lines, grades and FTE figures.

Note: Any new posts will need draft JD's / PS's which have been evaluated.

11. Council Panel

Where an application for central funding of costs is proposed

12. Equality Impact Assessment

In the event of any redundancies the employer will ensure that every aspect of the redundancy process is monitored and controlled to comply with its Public Sector Equality Duty (PSED) to:

1. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
2. advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it;
3. foster good relations between people who share a relevant protected characteristic and people who do not share it.

Protected characteristics as set out in Section 4 of the Equality Act 2010 and are:

age;
 disability;
 gender reassignment;
 marriage and civil partnership;
 pregnancy (including maternity leave);
 race;
 religion or belief;
 gender;
 sexual orientation.

13. Comments

14. Funding Approved

Compensatory Buy-Out £	Statutory Redundancy Pay £	Total One-Off Funding £	On-Going Pension Capital Costs £	Total £

Signed off by Chair of Panel A:

Date:

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