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DERBYSHIRE LA

REDUNDANCY AND RESTRUCTURE ADVICE & GUIDANCE

**(To be read in conjunction with the
Derbyshire Local Authority
recommended Redundancy and
Restructure Policy and Procedure)**

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1. INTRODUCTION

These procedures set out an approach to help head teachers and governors efficiently and fairly manage changes to the staffing structure of the school. A staffing structure review may be focused on teaching staff, support staff or encompass the whole structure.

Where the school's budget, projections for future pupil numbers and other indicators of future resources to be available indicate that, even with other savings, a reduction in staffing is likely, the school will usually conduct a standalone redundancy procedure to secure the necessary reduction. This may be through the consultation process where voluntary options are pursued, other solutions found or the formal procedure applied. It is important that schools explore the flexibility of staff to fill vacancies across the school to avoid recruiting to some vacant roles and making reductions in other areas, where this is possible.

Where the changes include a reduction in the staffing complement of the school it is important to ensure that a fair process is followed which either implements a revised staffing structure or reduces the headcount where jobs are unchanged, but a reduction is required in employee numbers.

This document provides advice and guidance to support the Derbyshire County Council model redundancy and restructure policy and procedure which is recommended for adoption by the Governing Board in line with their powers under Local Management where applicable. It forms the basis upon which the Authority will be best able to offer support.

Reference within the agreed procedure to "working days" means Monday to Friday excluding bank holidays. "working days" will be in term-time.

The principles and documentation outlined as part of the redundancy procedure will apply equally to any redundancy procedure followed whether it be a stand-alone redundancy under Part A of the procedure or whether a restructure is also undertaken under Part B of the procedure. Likewise the principles and documentation outlined as part of the restructure procedure will equally apply to any restructure procedure followed whether it be a stand-alone restructure under Part C of the procedure or whether the restructure also involves a reduction in the number of posts and the procedures outline in part B are being followed.

2. RELEVANT LEGISLATION

The Employment Rights Act 1996 sets out the employment rights to which employees are entitled, once they have accrued two years or more continuous service, within the maintained sector, in any capacity, in any or several establishments. In some cases Section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992, the Trade Union Reforms and Employment Rights Act 1993 may also apply. In addition there is a statutory right for teachers to make representations and of appeal under paragraph 27 of schedule 16 of the Schools Standards and Framework Act 1998.

The major elements are:

- i. A requirement for the employer or relevant body to undertake full and meaningful consultation.

- ii. A right to dismissal on fair and reasonable grounds by a defined procedure and minimum timescale.
- iii. A First Committee meeting where posts, and therefore postholders, are identified for redundancy.
- iv. The right of representation to the First Committee.
- v. The right of an appeal hearing to an Appeal Committee, which excludes members of the First Committee.
- vi. The right to a redundancy notice, the period for which is one week for each year of continuous service, up to a maximum of twelve weeks, or the minimum laid down in the employee's conditions of service.
- vii. A requirement for the employer to consider all possible alternatives to redundancy and opportunities for suitable alternative employment, which may include retraining.
- viii. The right to a redundancy payment after two or more years' continuous service.

Equality Act 2010

When conducting a consultation with a view to implementing a revised staffing structure which may include making one or more posts redundant, the process and provisions for enacting the staffing reduction must take account of the legislation that prohibits discrimination on the grounds of race, religion or belief, sexual orientation, age, disability, gender reassignment and sex. Discrimination by an association, against someone because they are associated with another person who possesses a protected characteristic is also covered by the Act.

Indirect discrimination applies to age, race, religion or belief, sex, sexual orientation, marriage/civil partnership, disability and gender reassignment. Indirect discrimination can occur when an organisation has a rule, policy, condition or practice that applies to everyone but particularly disadvantages people who share a protected characteristic. It can be possible to justify indirect discrimination if it can be shown to be 'a proportionate means of achieving a legitimate aim'.

Education Act 2002

Where the Local Authority is the employer-, e.g. in a maintained school; the Governing Board are responsible for determining whether a payment should be made by the Local Authority in respect of a dismissal on grounds of redundancy for any staff member in the school. The Local Authority must take steps to act upon any determination of the Governing Board. Costs incurred by the Local Authority due to a dismissal of any staff member in a maintained school, shall not be met from the school's budget share for any financial year, except in so far as the authority have good reason for deducting those costs or any part of those costs, from that share. However, the costs incurred by the Local Authority in respect of any premature retirement of a staff member in a maintained school shall be met from the school's budget share for one or more financial years.

Pregnancy and Maternity protection

The beginning of pregnancy to the end of maternity leave is a 'protected period' during which a woman is entitled to special consideration.

The law makes it clear that during the protected period unfavourable treatment of a woman because she is pregnant or on maternity leave is unlawful. Schools should ensure that they have arrangements to ensure that they are included in all communications and consultation mechanisms in relation to a redundancy or restructure process as failure to consult a woman on maternity leave about possible redundancy is likely to be unlawful discrimination. Care needs to be taken during the selection process as selecting a woman for redundancy because of her pregnancy, maternity leave or a related reason is automatically unfair dismissal as well as being unlawful discrimination.

A woman on maternity leave has the right to return to the same job before she left. Where no post is available a woman made redundant while on maternity leave must be offered **any** suitable alternative vacancy if one exists. She doesn't need to apply for it.

Early consultation with an HR advisor is essential when a pregnant employee or an employee on maternity leave is affected by a Redundancy or Restructure.

The Part Time Workers (Prevention of Less Favourable Treatment) Regulations 2000

Part-time workers have the right not to be treated less favourably than a full time worker doing the same or similar work regarding the terms of employment. This means they should not be treated less favourably when workers are selected for Redundancy

Employees also have the right not be excluded from training simply because they work part-time

Fixed Term Employees' (Prevention of Less Favourable Treatment) Regulations 2002.

The Fixed Term Employees' (Prevention of Less Favourable Treatment) Regulations 2002 requires that staff on temporary or fixed term contracts are treated no less favourably than those on established contracts. Additionally, the Employment Rights Act (ERA) 1996 states the expiry or non-renewal of a temporary or fixed term contract is a dismissal in law.

Consultation – Duty of governing board

Under Section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992 (TULRA), there is no statutory timescale for consultation laid down where up to 19 employees are to be dismissed due to redundancy in an establishment. Where 20 - 99 employees are to be dismissed for redundancy at an establishment a consultation period of 30 calendar days is required. Section 193 of TULRA states that where 20-99 employees are to be dismissed for redundancy 30 calendar days' notice of this must be sent to the Secretary of State.

Failure to inform the Trade Unions and Professional Associations or consult with them in accordance with section 188 of the TULR Act 1992 could result in an Employment Tribunal granting a Protective Award, which would be a specified number of weeks salary for each employee affected.

When providing advice and guidance to the Strategic Director, Children's Services representative will want to ensure that the Governing Board fulfils the legal requirements for redundancy consultation procedures. This is particularly important in the case of a maintained school.

The requirement to consult with Trade Unions and Professional Associations extends to other "potential dismissal" situations, for example, when varying terms of employment or termination of a

temporary contract. Unless there is a specific term stated in the contract of employment which allows the variation, consultation is required.

3. MITIGATING AGAINST COMPULSORY REDUNDANCY

To ensure any dismissal is fair a Governing Board will need to consider in some detail the extent to which the measures listed below can be used to avoid redundancy:

- natural wastage;
- transfer of employees to other suitable work within the school (which may include training where applicable and reasonable);
- termination of temporary and/or casual appointments (which may themselves involve dismissal);
- voluntary job sharing arrangements;
- voluntary variation of contract
- buy out of hours (support staff)
- voluntary transfer to part-time employment within the school;
- voluntary early retirement
- career break scheme

I. Workforce Planning

Schools need to consider their staffing structure on a regular basis, especially when staff leave the school. Careful consideration should be given to the need to replace staff to ensure that where possible schools are able to meet their future staffing and budget requirements without the need to make compulsory reductions to the staffing establishment in the foreseeable future

Schools should try to be more strategic in their approach to ensuring that the right number of people with the right skills are employed to deliver their short- and long-term goals. Regularly identifying the available skills within the current workforce and identifying the knowledge and skills required for the future will help schools to develop a flexible workforce able to respond to future needs.

It is recommended therefore that schools:

- Keep a record of the skills and knowledge of all staff so that staff deployment can be managed effectively and fairly.
- Implement timetabling changes where possible and appropriate to mitigate reductions
- Audit the skills and knowledge of all staff on an annual basis. This could be done within the annual appraisal cycle or by asking staff to complete an initial knowledge, skills and experience audit each year. Appendix 1a and 1b are templates for an initial knowledge, skills and experience audit for Teachers and Support Staff respectively.
- Identify and publish the knowledge and skills that will be required for the future
- Provide equal access to all staff professional development opportunities which will enable them to develop the skills and knowledge that will be valued in the future.

This will enable schools to develop a flexible workforce able to meet the future needs of the school and demonstrate that the staff understood the skills and knowledge that would be valued in the future and were given equal opportunity to access the training and development to be able to demonstrate their strengths in these areas.

II. Cessation of Fixed-term contracts

All fixed term contracts of less than four years' continuous duration which have a termination date before the day on which any proposed redundancies will take place, should be confirmed as terminating on the end date of the contract, unless required to meet curriculum delivery. Schools will need to check an employee's contract history, as if the fixed term contract was a renewal of a previous fixed term contract, then the period of 4 years may have been exceeded. In all cases it is very important to consult with HR as employees' circumstances and employment history can be complex so determining their rights may require expert analysis).

III. Procedure for Ending Fixed Term Contracts

The Fixed Term Employees' (Prevention of Less Favourable Treatment) Regulations 2002 requires that staff on temporary or fixed term contracts are treated no less favourably than those on established contracts. Additionally, the Employment Rights Act (ERA) 1996 states the expiry or non-renewal of a temporary or fixed term contract is a dismissal in law. Dismissals must be "fair and reasonable in all the circumstances". This includes the requirement to follow a fair procedure and for the dismissal to be for a fair reason. It would therefore not be unreasonable to use the ACAS Code of Practice to determine a fair procedure, using a three step approach.

It is important that the procedure is started as early as possible in order that it can be completed as follows:

1. A letter confirming that the contract is due to end; a reason why it is not to be renewed to be sent to the employee. An opportunity to be given to the employee to make representations against this dismissal as a result of non-renewal of the contract.
2. A meeting to discuss employee representations against dismissal followed by written confirmation of the decision.
3. The right of appeal to Governors

A decision not to renew a contract must be taken to provide sufficient time for the employee to be issued with the correct notice.

If the reason for the expiry of their fixed term contract is by reason of redundancy and alternative employment has not been identified any individual with 2 years continuous employment is entitled to a statutory redundancy payment upon the ending of their employment to be terminated.

An employee who has four years' service on a fixed term contract will be presumed to have become an established contract unless a further renewal on a fixed term basis can be objectively justified to the Headteacher

Further guidance and standard letters are available within the "***Procedure for the Termination of Fixed Term Contracts in Schools***". This procedure is available on Services for Schools and applies to all school employees, teaching and support staff, including Specialist Teaching and Learning Assistants employed to support a statemented pupil. The Schools HR Team are also available to provide support and advice.

IV. Buy-out of hours (Support Staff)

One of the measures to minimise redundancies is to reduce workforce costs by giving employees an opportunity to reduce their contractual hours.

The Governing Board may wish to consider the use of a buy-out payment that reflects the grade and pay point of employees calculated according to their actual pay for 26 calendar weeks. This payment would be subject to tax and pension contributions. The Scheme would be targeted primarily at specific employee groups or sections where savings are required and applied with the agreement of the Governing Board.

Scheme application

As an alternative to redundancies in a specific team, employees can be asked if they wish to reduce their contracted hours. The reasonableness of applying this will need to be agreed on a case by case basis. Employees can opt to reduce their contractual hours in increments of one hour per week.

The one off payment will be calculated pro rata to the reduction in hours using a Buy out of Hours payment matrix. This will calculate the amount payable based on the hourly rate for the individual according to their rate of pay with a multiplication factor of 26 Calendar weeks.

The working pattern for the reduced contractual hours will be agreed by the Headteacher and individual depending upon the schools need and the flexibility required. This might include for example reducing hours on one day a week or working a reduced number of hours spread over the week.

The one off payment (subject to tax and NI) will be made upon reduction in hours and a signed variation to contract agreement.

Hours will be bought out on an indefinite basis and the payment must be repaid in full if the employee leaves the School within six months. The costs of the buy-out must be met from the schools budget share.

Limits

It is recommended that the maximum buy out of hours is equivalent to 2 days per week, or pro rata for part time staff. No payment will exceed £5000.

No payment should exceed the amount that would be received in redundancy pay.

Qualifying criteria

All employees within the affected team can apply; approval will be determined by school need. Employees must have a minimum service with the school of one year.

Exclusions

Employees taking voluntary redundancy or voluntary early retirement or flexible retirement. Employees subject to (non-disability related) capability procedures and who are recommended to reduce their hours.

Requests should not be approved where the work that the employee carries out cannot be absorbed by the employee, by others or ceased. There will not be an increase in headcount, use of agency staff, overtime or additional hours to accommodate a request to reduce hours.

Process

The process will be coordinated by Headteacher and the senior manager of the team affected. Requests are to be considered in light of school need and continuity by the Headteacher. The start date for working reduced hours is to be agreed by the Headteacher once the application is approved.

The Schools HR Team are available to provide additional support and advice offering a buy-out of hours in relation to a variation of contract.

V. Temporary Variation of Contract to mitigate compulsory redundancies.

Please note that this approach is not supported by the NASUWT.

It is recommended that the Governing Board consider offering staff the opportunity to request a temporary variation to reduce their contracted hours. If one or more staff express an interest and the variation is implemented this may secure sufficient saving to allow more time for natural movement of staff or other change in the funding/expenditure balance to resolve the situation. The Headteacher or Governing Board will need to clarify. In offering this opportunity to staff, Governors are advised to consider:

- The operational timetabling issues, with the quality of delivery to pupils as the prime consideration.
- The time frame for the reduction. It is recommended that this should be for a year.
- Clarifying to staff that if the situation worsens beforehand, or in a year, and there needs to be a redundancy, the payment to redundant staff will be calculated on their substantive contract, not the reduced hours.
- A timetable should be agreed for when the Governing Board and staff will discuss whether any extension to the variation should be considered. It is suggested that for variations running from 1 September to 31 August, this review takes place in January.
- What process will be followed if the school receives more funding before the end of the variation and the school could afford a return to the original contract for some of the staff who have accepted a variation. (The determining factors should be recorded, a list is suggested in the model letter)
- Ensuring that the specifics of the agreement are recorded in Governors' minutes.

In addition, it is advised that staff should be informed that any sickness or maternity benefits generated during the variation will be based on the reduced hours and that staff should check for themselves any potential effect on state benefits received and pension calculation. Staff should be advised to seek guidance from their professional association/union/independent financial adviser.

Once a potential redundancy situation is announced staff may get together to consider the variation option and bring a proposal to the Governing Board collectively. Governors are advised to do their best to ensure that some staff are not being put under pressure to comply with a group decision. All staff involved should individually write to the Governing Board before the close of consultation, expressing their willingness to accept the variation.

The DCC advice and guidance document: "***Temporary Variation to Contract Mitigating Risk of Compulsory Redundancies***" provides detailed guidance and template letters for schools to follow when offering staff the opportunity of a temporary variation to contract. This is attached as appendix 2. The Schools HR Team are also available to provide support and advice.

VI. Flexible or Phased Retirement

Flexible Retirement - Support Staff

An employee who is in the Local Government Pension Scheme and is over 55 may wish to consider applying for flexible retirement. If this is agreed they would be able to draw the pension benefits that they have built up to help them ease into retirement.

In order to qualify for flexible retirement they must reduce their hours by at least half or move to a less senior position.

Any staff interested should consult pension services to ensure that they are fully aware of the implications in their individual circumstances.

Governors will need to agree to the request and agree to the contractual changes which will qualify them for flexible retirement. Governors should also make themselves aware of any shortfall that may be applicable as any shortfall will be deducted from the schools budget share.

Phased Retirement - Teachers

A Teacher who is in the Teachers' Pension Scheme may wish to consider a phased retirement. This may enable a teacher to take a post with less responsibility or work reduced hours and take the pension benefits that they have accrued. A teacher can access phased retirement if their pensionable salary reduces by at least 20% of the average salary they received in the previous 6 months. Teachers should be aware that their application for Phased Retirement must be made within three months of starting employment in a reduced capacity. They can make their application in advance of starting work in the reduced post. Governors will need to agree this arrangement as they will be required to provide confirmation of the salary reduction on the application form. Any staff interested should consult teachers' pensions to ensure that they are fully aware of the implications in their individual circumstances

VII. Voluntary Early Retirement

Support Staff

The school can consider offering support staff between the age of 55 and 59 the opportunity of voluntary early retirement, which, if agreed, would enable them to access their pension early. This may incur pension shortfall costs which are payable to the Local Government Pension Scheme and the cost of this would be deducted from the schools budget share. As this would involve a mutual termination there would be no redundancy and therefore a redundancy payment would not be made, The employee would enter into a binding agreement with the school, and once signed by both parties, the school would not be able to withdraw it if circumstances within the school change. The Governing Board will need to consider the risks and value for money of this arrangement and would need to consider each application carefully to ensure that they do not lose the essential skills and expertise required to meet future needs, A School may wish to limit the offer to a particular group of staff where reductions are necessary.

Teachers

A teacher aged over 55 can request that Teachers Pensions release their early retirement benefits at any time. To access information about their early retirement benefits under the Teachers'

Pension Scheme they will need to contact Teachers Pensions Service to obtain an estimate of the pension benefits that they would receive if they retire early. The early retirement pension will be based on the contributions that they have made up to the date of the retirement and will be reduced to reflect the fact that they have accessed their pension before their normal retirement age. The school can agree to meet the costs of allowing the teacher to access their pension benefits early but the ongoing annual costs would be deducted from the schools budget share each year until the pension ceases upon the death of the pensioner.

VIII. Voluntary and Bumped Redundancies

Voluntary Redundancies

Careful consideration will need to be given as to whether the acceptance of requests for voluntary redundancy will mitigate a compulsory redundancy. The request may be accepted provided that, the reduction of the post meets the need of the school. Where the Local Authority is the employer and the school determines that it wishes to accept requests for voluntary redundancy, it must consult with the Local Authority. Where the costs of accepting a volunteer are significantly higher than the costs that would have been incurred had the school been through a compulsory selection procedure, the Local Authority may or may not take the view that, in accordance with the Education Act 2002, this would be a good reason for deducting those costs or any part of those costs from the schools budget share.

Bumped Redundancies

A bumped redundancy occurs when an employee whose role is not at risk of redundancy is dismissed as redundant on a voluntary basis thus allowing an “at risk” employee to remain in employment. Consideration should be given to whether this presents an opportunity for a request for voluntary redundancy to be agreed. Where the Local Authority is the employer the school must consult the Local Authority before agreeing a bump”. Where the costs of accepting a bumped redundancy are significantly higher than the costs that would have been incurred had the school been through a compulsory selection procedure, the Local Authority may take the view that, in accordance with the Education Act 2002, this would be a good reason for deducting those costs or any part of those costs from the schools budget share.

IX. Offer of Alternative employment

An employer has a statutory duty in redundancy situations to consider whether suitable alternative employment exists. The Governing Board will need to work with the Local Authority and other local schools to assist in redeploying employees identified as surplus for whatever reason. A range of factors must be taken into account when determining the suitability of an alternative job offer including; grade, level of earnings, status, working environment, terms and conditions of employment, working pattern and location. The employee should be given sufficient details to enable them to decide whether to accept the new role or not. Employees who unreasonably refuse an offer of suitable alternative employment may lose any entitlement to redundancy pay.

An employee has a statutory entitlement to a four week trial period, which commences at the end of the notice period, where he/she accepts employment on terms and conditions which differ in any material respect from their previous terms and conditions. The purpose of the trial period is to give the employee a chance to decide whether the new job is suitable without necessarily losing the right to a redundancy payment.

If there is agreement that the role is not a suitable alternative, the employment ends by reason of redundancy.

4. RESTRUCTURE – Support Staff

When considering a restructure involving Support Staff, it is important that the Headteacher & Governing Board reflect upon the Support Staff functions to develop a structure which will facilitate the delivery of support services in an efficient and effective manner.

As a result of this, it may be necessary to review the functions of Support Staff roles, which may result in some employees' roles being subject to change in respect of their roles, responsibilities and accountabilities.

The Governing Board will need to ensure that any revised support staff roles are equal pay compliant.

Where the school has adopted the Local Authority negotiated pay structure the Headteacher & Governing Board are advised to consider the Job Family Role Profiles produced by the Local Authority in respect of the following 6 Job Families, which provide information relating to the indicative roles, responsibilities and accountabilities of the various grades, alongside the relativities framework.

- Business & Public Services (BPS)
- Catering (CAT)
- Construction & Maintenance (CAM)
- Social Care & Inclusion (SCI)
- Student Support Services (SUS)
- Support for Teaching & Learning (STL)

Where roles have changed significantly as a result of the Restructure, it is recommended the job is formally evaluated by the Local Authority, in order to ensure that the level of remuneration is appropriate based on the roles, responsibilities and accountabilities.

In order for the job to be evaluated, the following documentation will need to be submitted to the Children's Services School HR Team:-

- Job Description
- Person Specification
- Structure Chart (detailing lines of accountability and any Line Management responsibilities)

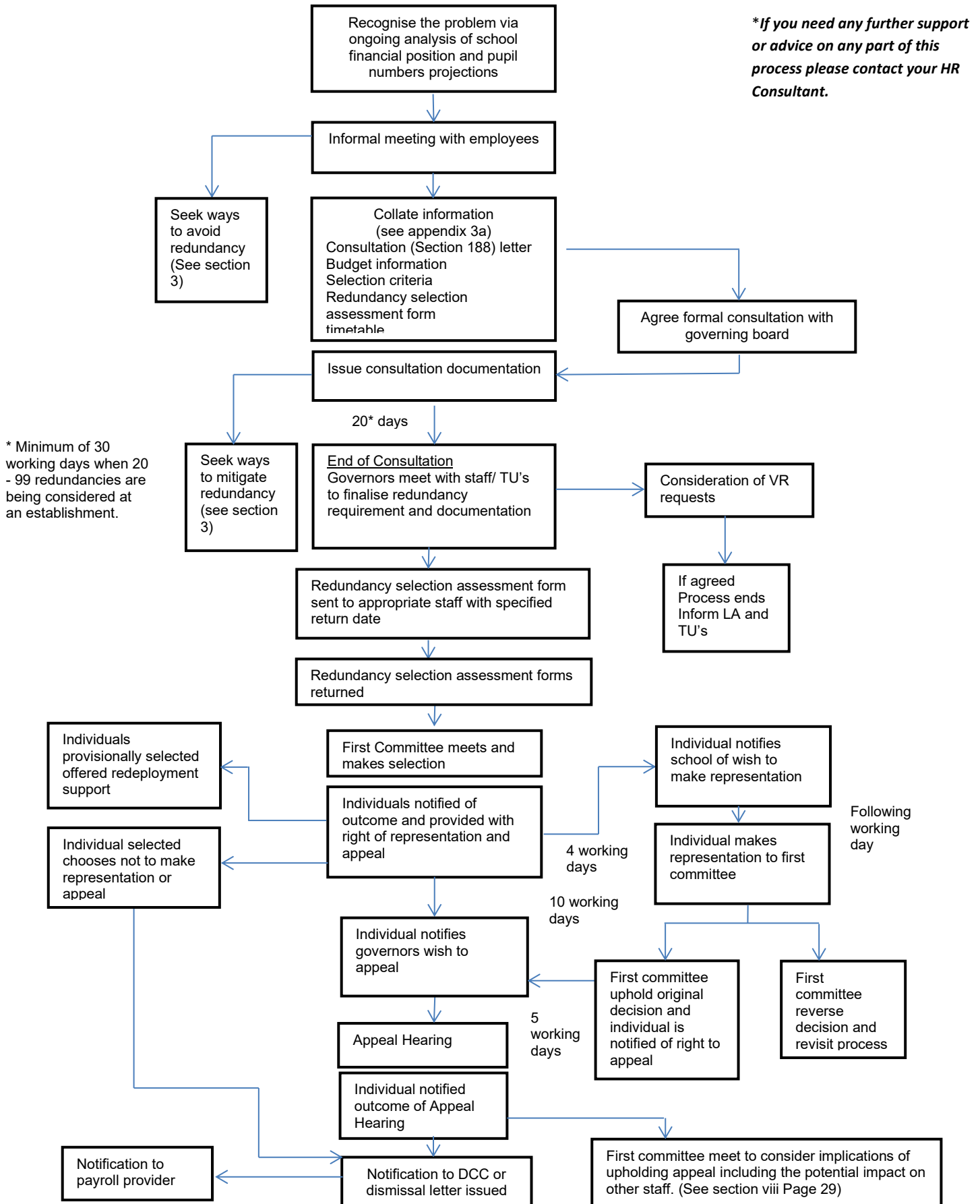
Following formal evaluation, the Local Authority will confirm the Grade, Job Family and the agreed Benchmark. This will be required by the Shared Services Centre (HR) or your chosen payroll provider.

PART A

REDUNDANCY PROCEDURE (i.e. Reduction in headcount only)

PART A - FLOWCHART

REDUNDANCY PROCEDURE



I. Redundancy Consultation

The timing of the steps in any redundancy procedure is crucial. In a maintained school, if a Governing Board notified the Authority of a decision that an individual should be removed from the school the Authority would have to dismiss the employee. The Authority would, however, have to consider whether to pass on to the school budget the full costs of such a decision if any of the following had not been met:

- Sufficient time for full and meaningful consultation.
- A proper procedure has been followed.
- Attempts have been made to reallocate the specific employee.
- All alternatives to compulsory redundancy have been fully explored.

In any of these circumstances the dismissal might be deemed unfair by an Employment Tribunal.

II. Formal Consultation

In order to comply with the duty for the employer to consult with Trade Union and Professional Association Representatives a Governing Board must provide in writing to the County Secretaries of the relevant Trade Unions and Professional Associations the following information:

- the reasons for the proposals;
- current and projected budget information;
- the numbers and descriptions of employees it is proposed to dismiss as redundant;
- the total number of employees of any such description employed at the school;
- the way in which employees will be selected for redundancy;
- how the dismissals are to be carried out, including the period over which the dismissals are to take effect;
- the formula for determining severance pay.

This information must be delivered to them or sent electronically by e-mail with a copy sent by post. A copy of this Consultation (Section 188) Notice must also be sent to the Strategic Director, Children's Services.

Appendix 3a is provided as a checklist of the documents that will need to be provided to Trade Unions in order to effectively consult with them.

Appendix 3c provides a template document for schools to use as the basis of their letter.

III. Redundancy Procedures

The specific actions and timescale, which a Governing Board or delegated committee must carry out include:

<u>Action</u>	<u>Timescale – Working Days</u>
Budget and Curriculum Planning	As early as practicable/on-going.
Discussions with Governing Board	
Informal discussions and consultation with staff, Trade Unions and Professional Associations and HR Consultants, Children’s Services Department.	As early as practicable/on-going.
Staff meeting regarding alternatives to redundancy.	As early as practicable/on-going.
Governing Board confirms budget and curriculum plan, redundancy procedure and selection criteria, delegation of functions to a First Committee and Appeal Panel Committee. Issue formal Consultation (Section 188) Notice.	7 calendar days
Governors’ formal consultation meeting. <i>More than one consultation meeting in the period may be necessary if there are a range of categories of employee or larger numbers at risk. The governing board need to allow for the possibility of changing some of the processes or criteria as a result of consultation. If the change was not one universally sought by consultees, other staff may now wish to respond to the changed proposals.</i>	20 working days (30 days required where 20 - 99 redundancies at an establishment are made)
Confirmation of procedure and redundancy criteria and any amendments following consultation are published and circulated to all relevant parties	Following the meeting
First Committee meeting, identification of potentially redundant posts and employees.	
Notification potentially redundant posts to employees including their right of representation.	1 working day
First Committee meeting to hear and consider representations of potentially redundant employees	5 working days

Notification to employees of decision following their representations including, where appropriate, their right of appeal.	1 working day
Receipt of any appeals.	10 working days
Appeal Committee meeting to hear and consider appeals. (see appendix 8)	5 working days
Notification to employees of decision following their appeals and Notification to LA of employees identified for redundancy, where appropriate.	1 working day
Redundancy notices issued by LA or school, where appropriate	10 working days
Discussions with Redundant Employees regarding alternative employment.	Following initial selection and throughout notice period
Notice period.	60 working days (subject to length, and conditions, of service)

The employee will normally be given notice following decision to confirm identification for potential redundancy following the appeal. If necessary the employee may be given notice following the decision to confirm identification for potential redundancy after the Representation Meeting. It is lawful for any appeal to take place in the notice period. This adaptation of the timetable may be necessary where schools have provided more opportunity for consultation, in response to staff/union representations.

A suggested timetable for actions to help school identify the dates for the steps in the process is provided as appendix 3b

IV. Selection procedure – Redundancy Selection Criteria

Governing Boards will need to agree and implement their selection criteria to identify essential posts, and in consequence posts which can be considered non-essential in order to meet the curriculum, pastoral and management needs of the school as defined in the School Improvement Plan. The Schools' Post Ofsted or School Improvement Plan should clearly identify any essential posts and the staffing structure agreed and published by the Governing Board may need to be reviewed if a reduction in posts is contemplated.

The criteria for determining whether a post is essential or not, might be that the post, and therefore the post holder, provides a key leadership and management role in the school at a senior level (usually Headteacher or Deputy Headteacher) or provides a lead role in a curriculum or pastoral area which is required in order to meet any statutory requirements or those of the Schools Post Ofsted or School Improvement Plan.

There are many potential selection criteria which a Governing Board might adopt, but they should be objective, fair, reasonable, measurable, and non-discriminatory.

The Governing Board should consider fully the implications of any selection criteria and ensure they do not discriminate against staff on the grounds of age, race, disability, religion or belief, gender reassignment, sexual orientation, sex or part-time status. In addition selection may be unlawful, under one or more of the discrimination statutes, where the criteria are indirectly discriminatory. This could occur when a provision of the process or selection criterion is applied, which puts a protected group at a particular disadvantage, and which cannot be justified.

Care should be made to ensure that the selection criteria does not unfairly disadvantage part-time staff. The Part-Time Workers (Prevention of Less Favourable Treatment) Regulations 2000 state that employers cannot treat part-timers less favourably than their full-time equivalents and cannot subject them to any disadvantage (or detriment) because of their part-time status. Governing Boards may wish to take further advice where part-time staff are likely to be involved.

Care should also be taken to ensure that staff are not unfairly disadvantaged as a result of their participation in trade union activities. Particular attention should be paid to those staff who are officials of recognised trade unions and have time away from the classroom in accordance with their schools trade union facilities agreement.

It is common for selection criteria to detail skills, training/qualifications and experience. Governing Boards will need to think about the fairness of each criterion that is proposed, when the staff member's access to the training, experience, skill development may have been determined by the school leadership. To minimise this, it is good practice for schools to inform staff of the areas that would be likely to form selection criteria, in any future redundancy, and to open as many opportunities to staff as possible.

For instance when schools create/identify opportunities for staff to lead SIP initiatives, projects or change year groups, ensure reasonable consideration is given to the allocation of the opportunity amongst those who express an interest.

However, the Governing Board is responsible for the appropriate educational experience being delivered to pupils and the retention of staff that will enable this to be sustained, should be a key consideration in formulating selection criteria. These need to be as fair as possible but inevitably choices made earlier in a staff member's career or by the leadership, in the school's interest, will sometimes have an eventual effect on an individual's score, on the selection criteria.

What is important is that the leadership do not knowingly award opportunities to individuals in order to protect staff from a future staffing reduction process.

Suggested redundancy criteria are attached as appendices 3d and 3e. This list is not exhaustive. Model template redundancy selection assessment forms are attached as appendices 3f and 3g; these have been developed with the ACAS guidance in mind. Governors should use the templates to create a form which meets their needs. Governors must consider which, if any of the criteria they wish to use, taking into account the future needs of the school. It is recommended that Governors award points to criteria to reflect the relative importance of the criteria used. When developing the criteria Governors should attempt to ensure clarity and transparency in relation to the points that will be awarded against each criteria and provide staff with as much information as possible including examples where appropriate. Governors are strongly advised to consult with HR before finalising the redundancy selection assessment form for consultation.

PART B

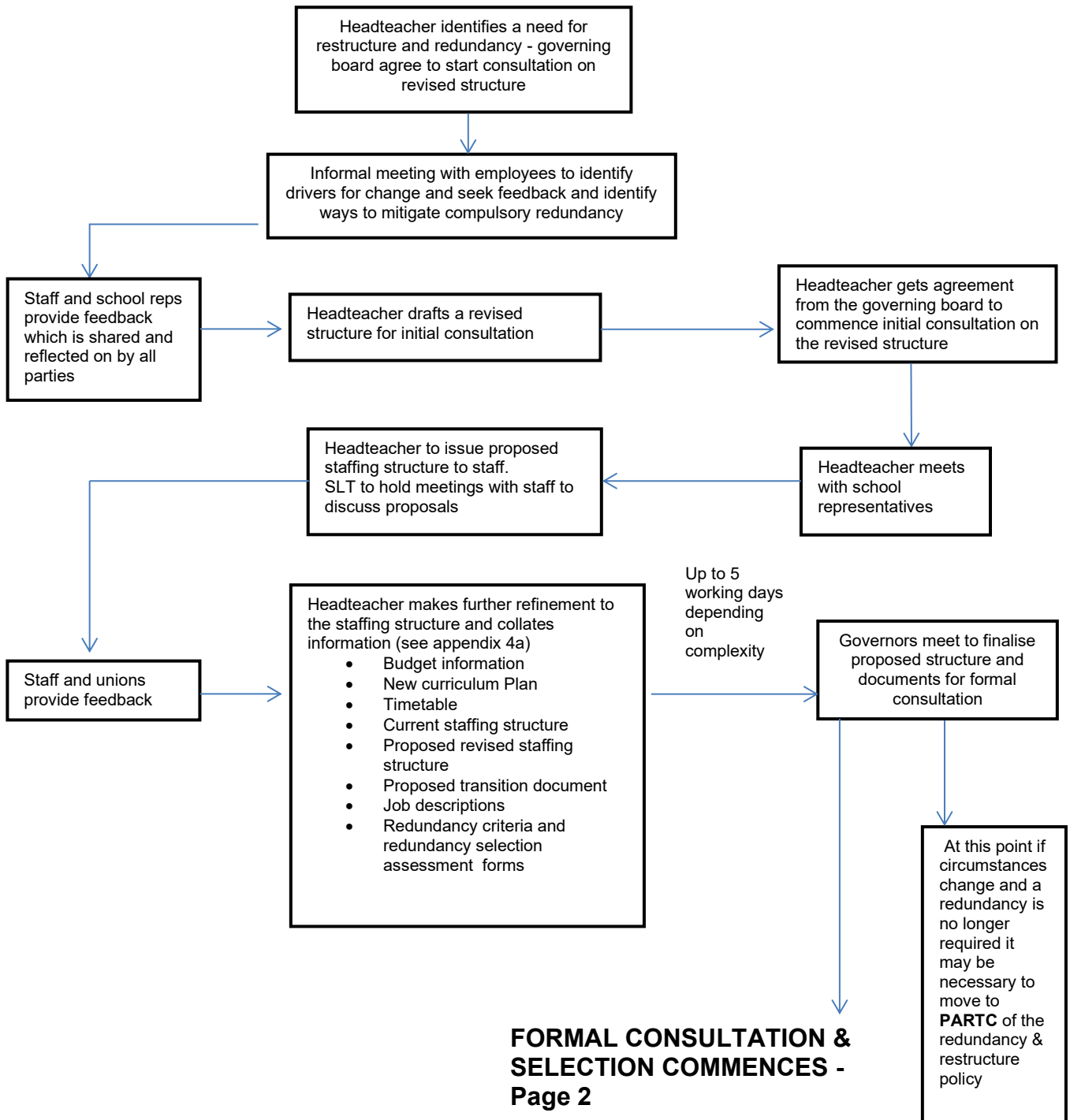
RESTRUCTURE WITH REDUNDANCY

PART B - FLOW CHART*

RESTRUCTURE WITH REDUNDANCY

INFORMAL DISCUSSIONS

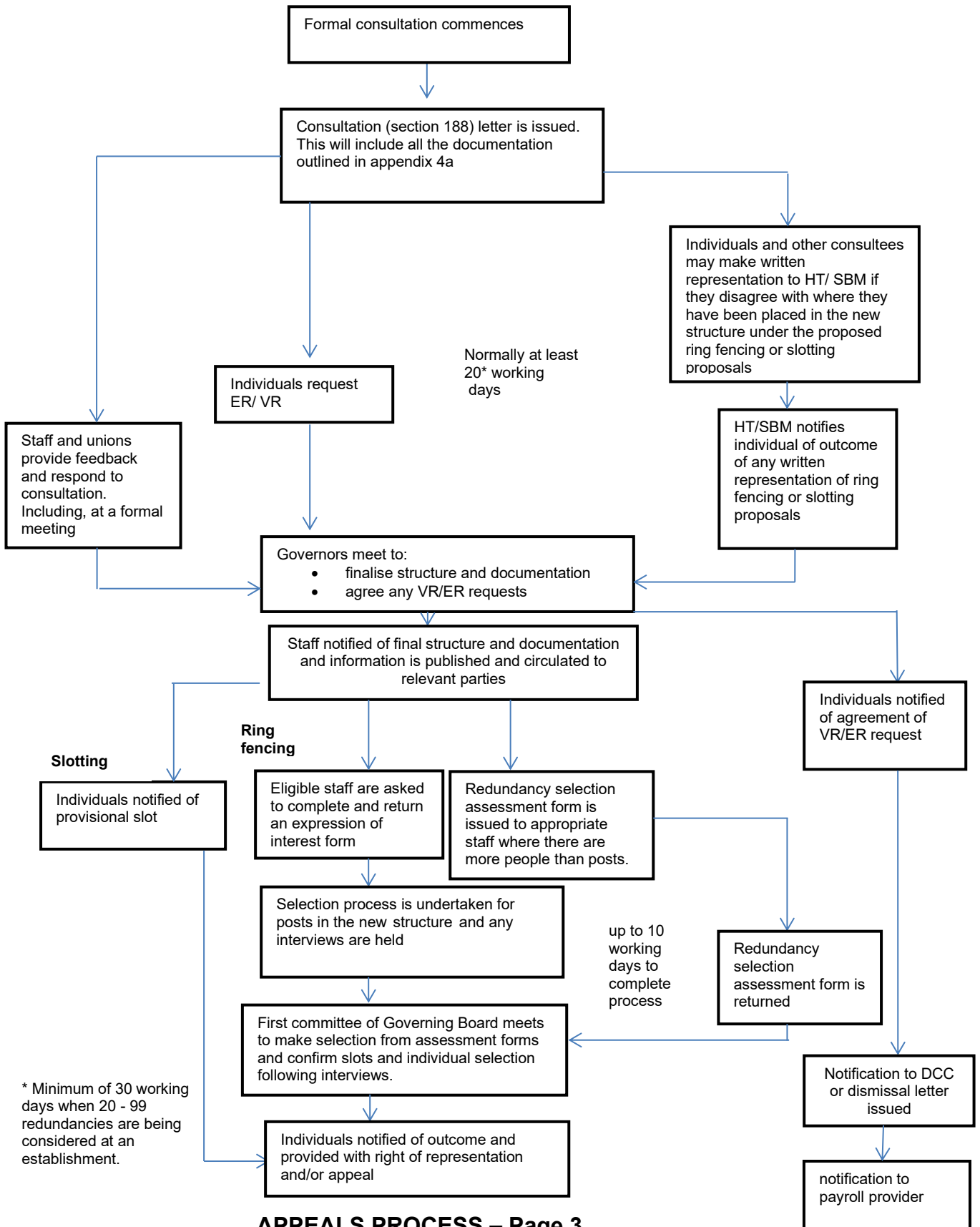
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FORMAL CONSULTATION & SELECTION COMMENCES - Page 2

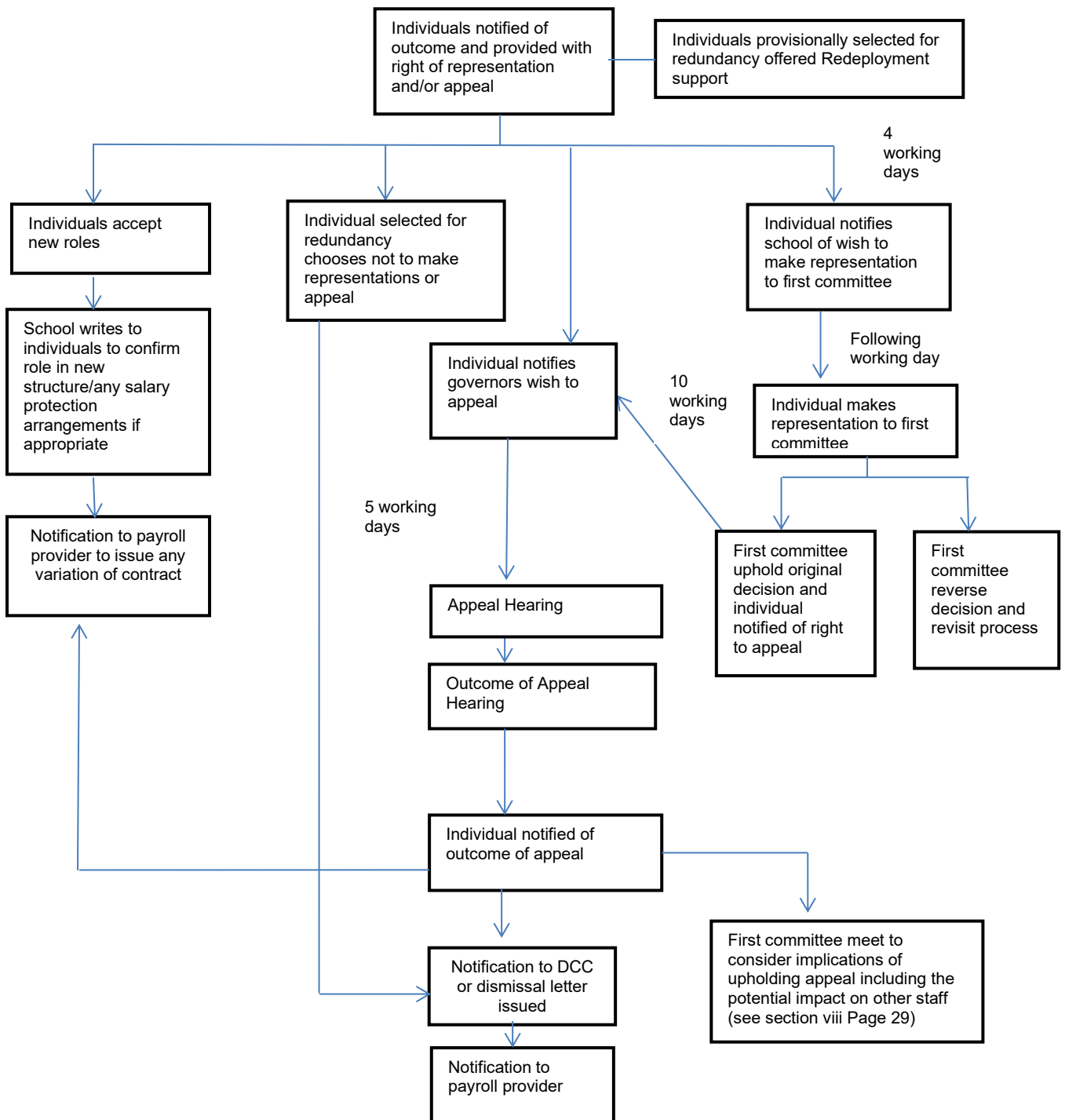
**If you need any further support or advice please contact your HR Consultant.*

FORMAL CONSULTATIONS & SELECTION (Page 2)



* Minimum of 30 working days when 20 - 99 redundancies are being considered at an establishment.

APPEALS PROCESS (Page 3)



I. Definition

Where it is assessed at the outset that the reduction in staff required cannot be achieved by identifying surplus capacity in certain job roles, where the type and scale of the reduction proposed requires the roles to be changed, departments or layers of management to be amalgamated (or other significant re-organisation) then a proposal to restructure may be necessary in conjunction with a consultation on potential compulsory redundancies. Also, whenever a reduction in staffing is contemplated it is reasonable to consider whether the structure remains appropriate. Any review of the schools staffing structure must be conducted with a view to ensuring that deployment of all staff and the allocation of responsibilities and duties is effective and focused on teaching and learning to raise standards. All staff and County representatives of recognised Professional Associations/Trade Unions must be consulted during the review. The Headteacher is under a duty to advise and assist the Governing Board in conducting the review and preparing the implementation plan.

II. Consultation on proposed new structure

When designing a new structure which will change roles and responsibilities, it is important to engage in constructive consultation with trade unions and staff.

Appendix 4a is provided as a checklist of the documents that will need to be provided to Trade unions in order to effectively consult with them.

Appendix 4c provides a template document for schools to use as the basis of their letter.

A suggested timetable for actions to help school identify the dates for the steps in the process is provided as Appendix 4b

Setting the scene and gaining input from staff

The head teacher should start this process by holding an Informal meeting to outline the plans and consultation process to union representatives with a view to seeking agreement on the process.

Discussions should take place with staff in their teams and staff should be given the opportunity to provide open or confidential feedback. Following a short period of discussion and feedback; the Headteacher will need to consider all feedback and use it to refine the restructuring vision for the school. They may wish to hold further preliminary discussions with particular individuals/staff groups, utilising any established consultation mechanisms, including with trade union representatives.

When drafting a proposed Staffing Structure the information to be considered by the governing board will include:

- Rationale for staffing structure review, the vision and pressures for change, in relation to meeting the current and future aspirations/needs of the school,
- Old structure diagram and new
- Existing and new job titles, job descriptions and person specifications. For support staff posts these should clearly indicate the hours, the grade (for new posts they will need to be matched to existing job families and profiles or may need to be evaluated.) and the working weeks. For TLR post holders the job description need only cover the aspects that attract the responsibility payment but should include levels of responsibility payments and an indication of any initial assessment of management time attached to the role. For all posts the job description should cover line management responsibility along with key responsibilities of the role, not detailed tasks.
- Posts which are new, posts which are largely unchanged and either slotted to existing post holders or subject to redundancy selection where there are more people than posts and which are a combination of several responsibilities previously in the structure where the new role will be ring-fenced to those post holders.

Appendix 6 provides an example of a transition document that can be used to capture this information. The principles outlined in the redundancy and restructure policy should be used to complete the transition document.

- Whether more senior staff, not appointed to posts at current level, will be considered for posts at lower grade (to be determined on a case by case basis with help from HR, depending on level of difference in role, responsibilities, salary)
- Safeguarding arrangements. The current STPCD defines the provisions for teachers. DCC have an agreement for support staff, however schools may have adopted their own salary protection policy. In principle safeguarding will apply when an employee will receive a lower salary as a result of a restructure, unless they decline a suitable post which attracts a higher salary.
- Full budget details including the cost of each structure (new one with and without safeguarding costs) and future financial projections.
- Full budget breakdown showing previous year's expenditure, projection for following year, section 52 outturn statement, financial year to date statement & all other financial information usually included with the consultation (188) letter, figures with and without proposed savings and changes to structure.
- Draft Consultation (188) letter (&HR1 if necessary) including where reduction can be achieved by application of redundancy selection criteria (to be included) and where the restructure is required, necessitating interviewing—in process. Information on pools of staff at risk

- Redundancy selection criteria and a redundancy selection assessment form. See PART A (iv) for further guidance on developing and measuring staff against appropriate redundancy selection criteria.
- Schedule for interviews for discussion with Governors and to enable governors co-ordinate any Governor input.
- Curriculum plan and class structure/sizes. (Indicate if there is some flexibility needed here, until the outcome of voluntary options etc. is known)

The Governing Board should consider carefully all of the information available and may wish to make alterations.

The head teacher **may** again want to informally seek further feedback/views from staff/unions on the draft plans, before finally submitting to the Governing Board for final approval final consultation.

III. Formal Consultation

When the Governing Board has approved the draft structure & potential restructure/redundancy procedure documentation for formal consultation, the head teacher adds the consultation (section 188) letter and all the required attachments.

The formal consultation begins and the Head teacher will need to keep a record of all meetings with staff and key points. Individual staff who are directly affected by the proposals may wish to meet with the head teacher. The head teacher will arrange to meet with recognised trade unions. Staff and unions may submit observations/responses in writing. Oral submissions should also be taken. The Governing Body should be prepared to answer detailed questions on the budget situation and issues of staff deployment

IV. Agreeing and implementing the new structure

Consultation responses & meeting notes will need to be issued to the Governing Board 7 calendar days before the Governing Board meeting set up to finalise the revised structure. The Headteacher should provide to the meeting, the draft structure, showing any amendments proposed by Headteacher as a result of consultation, plus any proposed changes not incorporated and the reasons why. The meeting of the Governing Board is also a formal consultation meeting in the restructure/ redundancy procedure.

The meeting hears consultation responses to the re-structure **and** the redundancy proposal. Oral submissions are taken as well as those provided in advance. The Governing Board should be prepared to answer detailed questions on the budget situation and issues of staff deployment.

The Governing Board meets after consultees have left to consider any changes to either process.

The Governing Board consider outcome of consultations and may

- a) agree to adopt the draft structure with any amendments proposed as part of the consultation accepted,
- b) agree to adopt redundancy procedure proposals without any amendment or with changes accepted by staff during consultation
- c) propose amendments to either/both process(es) which have not been the subject of consultation

Any revisions should be issued to staff and unions in writing. If there are amendments which have not been consulted upon, or if there are unresolved issues, the Governing Board must propose a further period of consultation. This should be notified in writing to staff and unions, with timescale for considering the results of further consultation (no less than one week). It is likely that the Governing Board meeting to will take place approximately 10 working days after the original meeting called to consider approval of the structure. In this case there will be a further (maybe final) consultation meeting.

When consultees have left; the Governing Board will need to finalise the procedure and consider any offers to access voluntary options. They must consider the effect on the re-structure and redundancy procedure of agreeing any changes.

The Governing Board meeting approves the final draft of new Staffing Structure and accompanying documentation. The Governing Board will agree the method of communication to staff and unions, note the implementation process and agree any governor involvement. The Headteacher will then circulate documentation which has been agreed following the period of consultation to all staff

The Headteacher:

- Writes to staff who requested voluntary alternatives to the implementation of compulsory redundancies informing them of the Governing Boards decision.
- Writes to any staff with a slotted post, where there is no competition for the post, and secure their acceptance of the post.
- Writes inviting relevant staff to interview for new posts which are a combination of current roles. A template form which can be sent to staff to seek any expressions of interest in relation to the posts that they are

eligible to be considered for is attached as appendix 7 Interviews should be held for any pools of staff for ring fenced posts, starting with the most senior posts.

- Issues redundancy selection assessment form to any employees subject to redundancy selection criteria.

V. The First Committee Meeting

When the Governing Board First Committee meets, they will

- receive an update on further staff movement,
- consider the outcomes of the interview process and identify staff at risk because they were not successful at interview
- apply redundancy selection criteria to 'at risk' pool(s) where selection criteria is the method of selection within the restructure with redundancy procedure.

The chair of the selection committee will inform those that have been selected for potential redundancy following application of the interview process or redundancy selection criteria of the outcome. All staff identified as being at risk of redundancy must be notified of their right of representation/appeal and redeployment support should be initiated by contacting the HR advisory team of Derbyshire County Council.

All relevant staff will need to be informed of their rights of appeal, where the outcome has the status of a pay decision; this is provided for in the school's pay policy; and of the deadline for registering an appeal. The grounds for appeal, will be limited as a chance for challenge of JDs, salaries etc. was available in consultation process

VI. Representations to the First Committee

The Governing Board First Committee hears any representations from staff selected for redundancy. Where interviews have been held representations should be made to the First Committee and the chair of recruitment panel.

Individuals will need to be advised in writing of the outcome and reminded of the deadline for registering an appeal.

VII. Appeals

The Governing Board Appeals Committee must meet to hear any appeals made by staff affected by the restructure or selected for redundancy, where relevant.

Appendix 8 outlines a procedure which can be use by governors when considering appeals.

The Chair of Governing Board Appeals Committee must notify staff of the outcome.

Viii Outcome of the Appeals

Where an appeal is **unsuccessful**, notice is issued to the individual identified for compulsory redundancy.

Where an appeal is **successful** Governors will need to consider

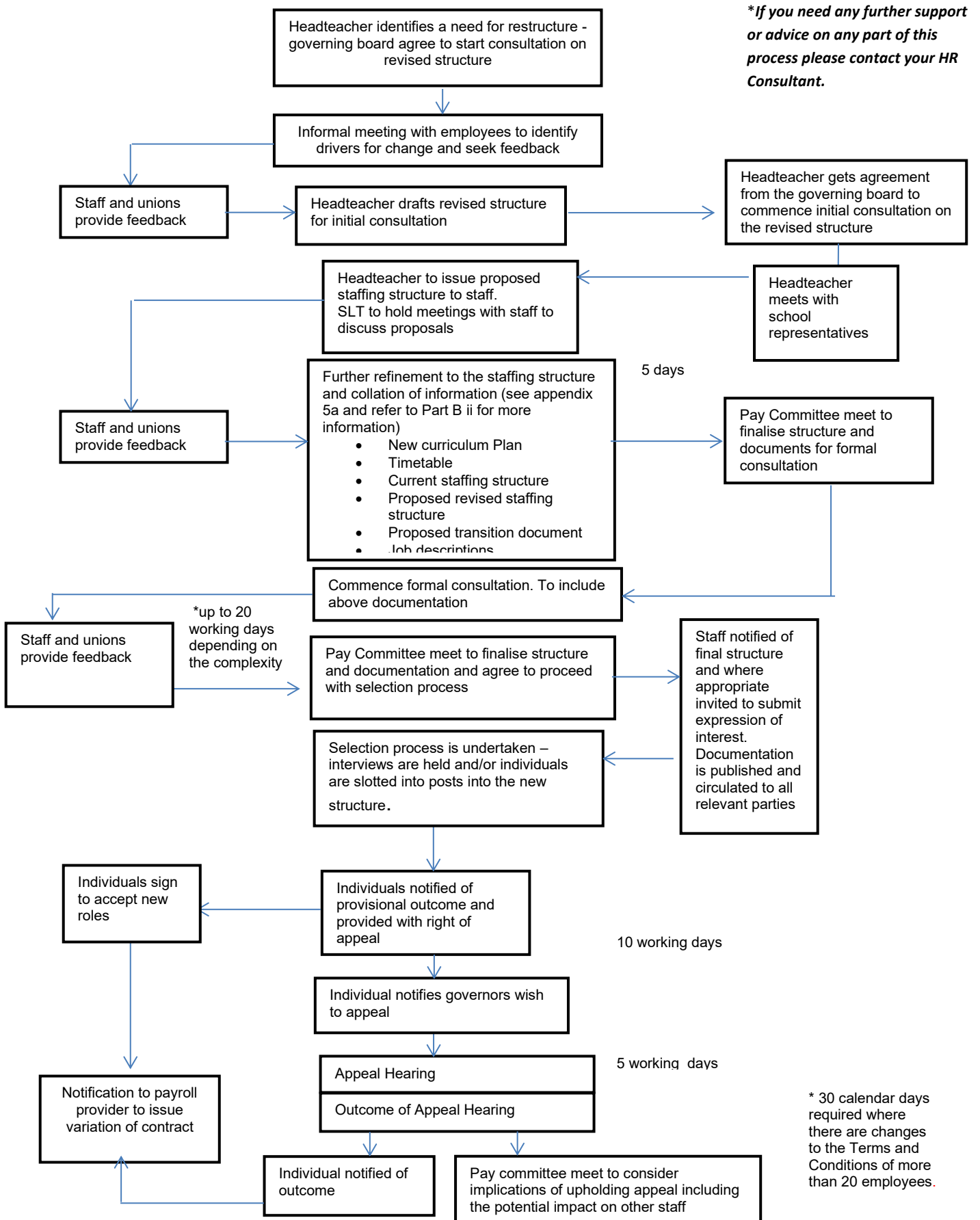
- The impact on other staff. i.e. where this places another employee at risk, then that employee will also have the right of individual representations and appeal.
- The impact on hearing schedules & governor involvement
- The impact on the whole process

Following the appeal the Headteacher will also inform those subject to re-structure of the outcome and pay statements are issued, including any safeguarding information.

PART C
**RESTRUCTURE ONLY (i.e. Without
Redundancy)**

PART C- FLOWCHART

Restructure Procedure – no redundancy



Consultation on the Proposed new structure

Appendix 5a is provided as a checklist of the documents that will need to be provided to Trade unions in order to effectively consult with them.

Appendix 5c provides a template letter for schools to use to send to staff to formally consult with staff on the restructure proposals. Where it is proposed to amend the terms and conditions of more than 20 employees it will be necessary to issue a section 188 notice and provide for at least 30 calendar days of formal consultation. It is advised that where this is the case you seek further guidance from your HR advisory service and use Appendix 4c as the basis of the consultation.

Appendix 5d is provided as an example of a document that schools can provide to staff to seek their feedback or any questions they wish to raise during the consultation process.

Appendix 5e is provided as an example of a document that head teachers can use to outline the restructure proposals to staff.

Appendix 5f is provided as an example of a form that can be used to record the issues that have been raised by staff during the consultation so that the response can be agreed and recorded along with any action taken.

A suggested timetable for actions to help school identify the dates for the steps in the process is provided as Appendix 5b

**Initial Knowledge, Skills and Experience Audit - Teachers
(Name of School)**

Name		
Qualifications		
Please indicate your main, subsidiary and, if applicable, third subject;	Main	
	Subsidiary	
	Third	
List any relevant management experience or qualification		
A Level / relevant level 3 subject specific qualifications studied		
List all the subjects you have taught in your teaching career		
List any other subjects you would feel comfortable teaching		
Any other relevant information including previous experience and knowledge		
If there is the opportunity to do so, I would be interested in being timetabled next year for:	1 : 1 intervention	Yes / no
	In class support	Yes / No
	Other – Please specify	

PLEASE NOTE THAT THIS FORM IS REQUIRED TO ASSIST WITH THE APPROPRIATE DEPLOYMENT OF STAFF ACROSS THE SCHOOL. IT DOES NOT FORM PART OF ANY REDUNDACY SELECTION PROCEDURE.

**Initial Knowledge, Skills and Experience Audit – Support Staff
(Name of School)**

Name		
Qualifications – Appropriate to the role		
A Level/ level 3 relevant subject specific courses studied		
Relevant Experience		
Transferable skills/ other relevant information		
TEACHING SUPPORT ROLES ONLY		
List all the subjects you have supported in your career		
List any other subjects you would feel comfortable supporting		
If there is the opportunity to do so, I would be interested in being timetabled next year for:	1 : 1 intervention	Yes / no
	In class support	Yes / No
	Other – Please specify	
Please indicate any aspirations or interest in any other employment opportunities		

PLEASE NOTE THAT THIS FORM IS REQUIRED TO ASSIST WITH THE APPROPRIATE DEPLOYMENT OF STAFF ACROSS THE SCHOOL. IT DOES NOT FORM PART OF ANY REDUNDACY SELECTION PROCEDURE.

Please note that this approach is not supported by NASUWT

Appendix 2

Temporary Variation to Contract **Mitigating Risk of Compulsory Redundancies**

Advice and Guidance

The redundancy procedure includes the requirement for Governing Boards to consider a range of measures that may mitigate the risk of compulsory redundancies. It is recommended that the Governing Board consider offering staff the opportunity to request a temporary variation to reduce their contracted hours. If one or more staff express an interest and the variation is implemented this may secure sufficient saving to allow more time for natural movement of staff or other change in the funding/expenditure balance to resolve the situation.

In offering this opportunity to staff, Governors are advised to consider:

- The operational timetabling issues, with the quality of delivery to pupils as the prime consideration.
- The time frame for the reduction. It is recommended that this should be for a year.
- Clarifying to staff that if the situation worsens beforehand, or in a year, and there needs to be a redundancy, the payment to redundant staff will be calculated on their substantive contract, not the reduced hours.
- A timetable for when Governing Body and staff will discuss whether any extension to the variation should be considered. It is suggested that for variations running from 1 September to 31 August, this review takes place in January.
- What process will be followed if the school receives more funding before the end of the variation and the school could afford a return to the original contract for some of the staff who have accepted a variation. (The determining factors should be recorded, a list is suggested in the attached model letter).
- Ensuring that the specifics of the agreement are recorded in Governors' minutes.

In addition, it is advised that staff should be informed that any sickness or maternity benefits generated during the variation will be based on the reduced hours and that staff should check for themselves any potential effect on state benefits received and pension calculation. Staff should be advised to seek guidance from their professional association/union/independent financial adviser.

Once a potential redundancy situation is announced staff may get together to consider the variation option and bring a proposal to the Governing Board collectively. Governors are advised to do their best to ensure that some staff are not being put under pressure to comply with a group decision. All staff involved should individually write to the Governing Board before the close of consultation, expressing their willingness to accept the variation.

After the decision is made the staff should individually receive a letter confirming the details of what has been agreed with a copy for them to sign and return. A model is attached.

The Headteacher will also need to instruct the Shared Services Centre (or alternative provider of payroll) of the changes and ask for a variation to contract letter to be sent.

Private & Confidential

Address

Dear

The Governing Board of School met on the(date)..... to ratify the reduction in hours agreed by staff, to take effect from(date) to(date). This will be implemented through a formal variation to contract. At the end of the variation period you will return to your substantive contract.

The Governing Board confirms that:

- should a redundancy situation need to be implemented, and staff who have accepted a variation to contract are made redundant, the payment will be calculated on the basis of their substantive contract.
- any sick pay or maternity pay generated during the variation will be calculated on the varied contract, operable at the time. There will be a review of the financial situation in _____ and any implications for future staffing levels discussed with staff. Any significant improvement in the school's financial situation, within the period of variance, will trigger consideration of whether the arrangement needs to continue. If any working time can be restored to those staff who have accepted a reduction, the Governing Board will formulate a proposal, advised by the Headteacher, based on a combination of factors:-
 - a) staff expressed interests
 - b) curriculum delivery
 - c) specific student need
 - d) the reason for the improved budget
 - e) pressures already identified as affecting the quality of education and/or organisational effectiveness of the school.

Thank you for your co-operation and support for the school in managing its reduced budget.

Yours

Chair of Governors

I,(name) accept my variation to contract, changing my hours from per week (hours for TA's and points for teachers) to per week, as of (date) until (date).

I understand that the school's financial situation is scheduled to be reviewed in(date), when any future proposed measures to manage the school's budget will be discussed with staff, as appropriate.

I understand that any earlier significant changes to the financial context of the school will also trigger a review of the variations. I recognise that if any review leads to the possibility for some restoration of working time, the method for determining any restitution will be subject to consultation and be affected by factors such as:

- staff interest
- curriculum need
- reason for the opportunity
- specific student need
- pressures identified that are affecting the effectiveness of the school.

Signed

Name.....

PART A**REDUNDANCY – (REDUCTION IN HEADCOUNT ONLY)
CONSULTATION CHECKLIST**

		Tick (when Complete)	
I.	Draft Consultation (section 188) letter (&HR1 if necessary) Including rationale, invitation for staff to express an interest in any voluntary options.		Amend appendix 3c
II.	Agreed redundancy and restructure policy and procedure		
III.	Redundancy timetable		Amend appendix 3b
IV.	Full budget breakdown showing previous year's expenditure, projection for following year& all other financial information figures with and without proposed savings and future financial projections.		School to provide * schools current budget report and <ul style="list-style-type: none"> • Annex 1 current financial year end • Annex 1 year end April Previous Year • Financial outturn statement for previous financial year • Annex 1 – projected year end following year with proposed changes • Annex 1 – projected year end following year without proposed changes
V.	redundancy selection criteria		Amend appendix 3d,3e as appropriate
VI.	Redundancy selection assessment form in relation to redundancy selection criteria		Amend appendix 3f,3g, as appropriate
VII.	Current and proposed Curriculum plans (Secondary only)		School to provide
VIII.	Equality Impact Assessment		Amend appendix 9

*A delay in providing this information may result in a request to extend the consultation period.

PART A**REDUNDANCY – (REDUCTION IN HEADCOUNT ONLY)****TIMETABLE**

		Timescale For implementation September	
1	Review of budget.		January/February
2	Informal Consultation with Staff and Trade Unions. Discuss voluntary release (VER/VR etc)	Following day	February
3	Governing Board agree budget, selection criteria, delegate authority to the Staffing Committee to undertake Selection Process, Authorise issue of Consultation (Section 188) Notice.	At least 5 working days following informal consultation	
4	Formal consultation with staff, Consultation (Section 188) Notice issued to Trade Union.	As soon as possible after agreement of governors	
5	Complete initial discussions with staff, HR Consultant and TU's	20* working days	
6	Governors' meet to discuss consultation issues.	Last day of consultation	
7	Issue redundancy selection criteria forms	Following working day	
8	First Committee meets to identify individual(s).	5 working days after end of consultation	
9	Individual(s) notified and advised of rights of Representation.	Following working day	
10	First Committee hears and considers Representation.	5 working days after notification	
11	Individual(s) notified of decision and right of Appeal.	Following working day	
12	Last date to receive Appeal.	10 working days after notification	
13	Agreed Panel hears Appeal.	5 working days after Appeal received	
14	Individual notified of outcome of Appeal	Following working day	

15	Where LA is the employer - School to notify LA of decision to remove from school	As soon as possible after notification	
16	Last date for LA or school to issue Notice	Within 14 calendar days of notification of decision	31 st May
17	School to provide a leavers form to their payroll provider to notify them that the member of staff is finishing on 31 st August for reason of compulsory or voluntary redundancy	In time for August payroll.	
18	Date of Dismissal.		31 st August

* Minimum of 30 working days when 20 - 99 redundancies are being considered at an establishment.

NOTES

1. For the purpose of this procedure “working days” shall mean Monday to Friday excluding bank holidays and the time begins with the day of receipt but does not include the day of the hearing. “working days” will be in term-time.
2. Notice periods are subject to length, and conditions, of service. For non-teaching employees notice would not necessarily coincide with the “end of term” dates applicable to teachers.
3. Governing Boards should begin the procedure at the earliest opportunity to enable the maximum time for resolution.
4. The Strategic Director, Children’s Services or representative will provide advice and guidance where appropriate and the will provide suggested latest dates for each stage in the redundancy procedure each year. These will be “suggested” as by negotiation and mutual agreement with employees, Trade Unions, Professional Associations and the LA it may be possible to vary dates for some actions.
5. It is important that Governing Boards clearly identify, in the appropriate year’s diary, the specific latest dates for each action which must be met to comply with the requirements of legislation avoiding weekends, school and statutory holidays.
6. In specifying key dates it will also be necessary to manage particular problem periods such as school holiday dates, with reference to the potential availability difficulties of governors and individual employees.
7. Each of these aspects may mean procedures need to start early in the term prior to that in which any redundancy will take effect.

To:
County Secretaries (Teaching and NonTeaching)
and
Headteacher Associations

Dear <County Secretary>

Consultation Notice

I am writing to you concerning the proposal of the Governing Board to reduce the staffing establishment level at <NAME> School. The Governing Board resolved this course of action at its meeting on <DATE>.

Include the following wording where 20-99 redundancies are being considered. (and in accordance with the statutory requirements (Section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992, as amended by Section 34 of the Trade Union Reform and Employment Rights Act 1993).

I have set out below the relevant information upon which I am required to consult with you and to invite your representations with a view to reaching agreement about ways of avoiding dismissals as far as possible and mitigating the consequences of any dismissals. I am copying this letter to all relevant trade unions, and to all affected staff who are invited to make individual representations.

Reasons for the proposal

The school's budget position in (*current financial year*) will result in an expenditure of £<?? > compared with an income of £<??>. The position in (*DATE-next financial year*) is estimated to be an expenditure of £<??> compared with an expected income of £<??>. In order to bring the budget into balance it has been necessary to consider action to reduce a number of heads of expenditure. The budget plan for the current and future year is attached. (*Be clear about any carry forward and estimate should show figures before any reductions made*).

Pupil Numbers (Autumn Census, then predictions)

List Number on Roll for each year, for the last few years and anticipated for the next year.

Proposed Action

List here any proposed actions planned to reduce expenditure other than the staffing reductions.

It is also proposed to reduce staff numbers as shown below.

The number of teaching/support staff in the school is <TOTAL> plus Headteacher. The establishment required for the academic year (current financial year) is:

Headteacher + <??> FTE teaching staff
 Teaching Assistants/HLTAs/
 Special Needs Support Assistants <??>
 Clerical Assistant <??> HOURS. SCALE<??>
 Bursar>

Senior Midday Supervisor <??>
Caretaker <??>
Cleaner <??>

The requirements for (DATE: *the next financial year*) will be:

Headteacher + FTE teaching staff
Teaching Assistants
Special Needs Support Assistants <??> FTE
Clerical Assistant <??> HOURS. SCALE<??>
Bursar <??> HOURS. SCALE<??>
Senior Midday Supervisors <??>
Caretaker <??>
Cleaner <??>

This represents a reduction of <??> FTE teaching posts and <??> FTE support posts next year.
(Take out any posts where staff are employed directly by DCC).

Secondary Schools - you will need to make reference here to an appendix where the current and proposed curriculum plan are provided

Agency Workers

I am required to advise you of the number of agency workers and assignments in the school is
<??>

Proposed method of selection

All staff will be informed of the situation and will receive a copy of this letter. The Governors will wish to explore initially all methods of resolving the situation without recourse to compulsory redundancy procedures – natural wastage, balancing the budget over more than one year, voluntary reduction in hours, job share, voluntary redeployment or voluntary early retirements with actuarially reduced benefits. Should the situation remain unresolved there may be consideration of applications for voluntary redundancy or voluntary early retirement. If the necessary reductions cannot be made voluntarily it will be necessary to employ redundancy selection criteria as determined by the Governing Board having regard to the principles outlined in the schools redundancy and restructure policy and procedure. The criteria are enclosed and your representations are invited as part of the consultative process.

Selection timetable

The selection of staff will be undertaken by the First Committee established by the Governing Body for the purpose and the timetable will be determined in accordance with the requirements of School Staffing Regulation 2003. Any appeal will be heard by the Second Committee and if necessary the Service Partner – Human Resources (Children’s Services Department) will be notified of the requirement to remove identified staff from the complement of the school.

Where the LA is the employer, the Service Partner – Human Resources (Children’s Services Department) will issue any redundancy notice on behalf of the LA but during the notice period will seek redeployment to other schools or establishments within the County Council where possible bearing in mind the powers of appointment given to Governing Bodies under the School Staffing Regulations 2003. The proposed timetable is attached for consideration and comment.

Redundancy payments

Under the provision of the Employment Rights Act 1996 as amended by the Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 2004 as amended, continuous employment by two or more employers referred to in the Order, shall be aggregated subject to a continuing maximum of 20 years.

Employees with at least two years' continuous employment will receive a redundancy pay entitlement of:

0.5 week's pay for each full year of service while they were under 22

1 week's pay for each full year of service while they were 22 or older, but under 41

1.5 week's pay for each full year of service while they were 41 or older.

The Governing Body has resolved as the awarding body that it will propose that any member of staff who is made redundant should receive a redundancy payment based upon actual earnings.

A redundancy pay calculator can be found at the following link

http://www.derbyshire.gov.uk/working_for_us/leaving_us/redundancy/redundancy_calculation/default.asp

Naturally the Governors regret the situation in which the school has been placed and will do all that is possible during the consultation period to minimise the effects on staff, consistent with the needs of the school. Arrangements can be made through the Headteacher for reasonable time off with pay for the employee to seek alternative work or to make arrangements for training.

Governors wish that there should be as long a period of consultation as possible but would ask that either you let me have your written submissions by **<DATE> this date will normally be the same as the final consultation meeting date** and/or attend a meeting on **<DATE>** at **<TIME>** at the school with the Governing Board to consider the points raised during the consultation period. All expressions of interest in one of the voluntary options must be submitted in writing before this meeting. It is intended that meetings for staff are offered prior to the close of the consultation period to give the opportunity for individual and/or group response and to invite any written response to the contents of this letter and enclosures.

Yours sincerely

Chair of Governing Board

Enclosures:

Agreed redundancy and restructure policy and procedure
Redundancy timetable
Full budget breakdown

Redundancy selection criteria

Redundancy selection assessment form in relation to redundancy selection criteria

Current and proposed Curriculum plans (Secondary teachers only)

Equality Impact Assessment

- School's current budget report-financial year to date statement.
- Annex 1 current financial year end
- Annex 1 year end April Previous Year
- Financial outturn statement for previous financial year
- Annex 1 – projected year end following year with proposed changes
- Annex 1 – projected year end following year without proposed changes
- Teacher (if applicable)
- Support Staff (if applicable)
- Teacher (if applicable)
- Support Staff (if applicable)

REDUNDANCY CRITERIA FOR TEACHING STAFF

[NAME OF SCHOOL]

1. **Overriding Considerations**

The overriding considerations in the selection procedure are:-

- a) The curriculum, pastoral and management needs of the school in respect of meeting the demands of the National Curriculum and the School Improvement Plan.
- b) In order to meet the above and its statutory requirements, ***[Name of School]*** has determined the following to be essential posts within its existing staffing structure:-

In addition to the Head, the governors consider the posts of ***[Posts]*** as essential for the management of the school.

[This protection will normally be used to protect posts on the leadership spine and TLRs within the school's staffing structure. Schools may want to confine this protection to headteacher and deputy and are advised to discuss the implications of this choice with Children's Services HR.]

The Governors will consider whether the reductions in the school's staffing should be identified mainly within the provision of subject teaching or whether there is over capacity in posts of responsibility – either in number or salary weightings.

If this is the case the redundancy process may be linked to a staffing structure review.

NQTs should not be considered for potential redundancy if the date on which it would take effect would prevent them completing their induction year].

- c) All fixed term contracts of less than four years' continuous duration which have a termination date before the day on which any proposed redundancies will take place, should be confirmed as terminating on the end date of the contract, unless required to meet curriculum delivery

2. **Criteria**

The Governors will consider the following criteria in order to adjust staffing levels.

SECONDARY SECTOR

The Governing Board will identify a “pool” of posts as being potentially “at risk”. The criteria for establishing this pool will be as follows:

- (a) An assessment of the number of teacher periods necessary to deliver the school curriculum, pastoral and management model as identified in 1(a). An explanation and rationale for any changes to the Curriculum Model from that currently being used in the school will be included as part of the curriculum and Pastoral Plan.
- (b) The number of teachers available to deliver this model will then be determined by assessing which teachers in the school currently have the experience to deliver it, i.e. the model or responsibilities. Experience will refer to at least 0.2 of their available working week for 3 out of the previous 5 years (pro rata for teachers with less than 5 years’ service at the school). Having identified the number of fte teachers available to deliver the model, a comparison will be drawn with the number of teachers needed.
 - i. Where the number of teachers available is equal to or less than the number of teachers needed to deliver the model then the teachers identified will be regarded as essential to the delivery of the curriculum and removed from the pool of consideration for compulsory redundancy.
 - ii. Where the number of available teachers is greater than the number required to deliver the model then there is a pool of teachers who are potentially at risk of redundancy.

PRIMARY SECTOR

The Governing Board will identify a Curriculum, Management and Pastoral Model which determines the number of teachers required to satisfy the needs of the Foundation Stage, Key Stage 1 class size requirements, and the needs of the Key Stage 2 curriculum as identified in the Curriculum and Pastoral Model. The governors will then compare the number of teachers required to deliver this curriculum with the number of teachers in each Key Stage.

Governors will decide which of the following alternatives best suit the organisation of this school.

Either:

Where teachers regularly change year groups/Key Stages

- the criteria to determine whether a teacher can teach within a particular Key Stage will be determined by an experience criteria which is having taught in that Key Stage for at least 0.5 of their week for 3 out of the previous 5 years (or pro rata for teachers with less than 5 years’ service at the school or who are part-time).

If the above fails to establish a pool, the proportions stated above will be reduced until it identifies one or more teachers.

Or:

Where teachers traditionally stay with the same year group/Key Stage

- the criteria to determine whether a teacher can teach within a particular Key Stage will be determined by an experience criteria which is having taught that Key Stage in the current year.
- (i) When the number of teachers available within a particular Key Stage is less than or equal to the number of teachers required to teach that Key Stage then these teachers will be required as essential to the delivery of the curriculum and removed from the pool of consideration for compulsory redundancy.
- (ii) Where the number of available teachers is greater than the number of teachers required in a particular Key Stage, then these teachers will be potentially at risk and will form the pool of teachers from whom a selection will be made for compulsory redundancy.

SPECIAL SCHOOLS

The Governing Board will identify a curriculum, management and pastoral model which determines the number of teachers required within each 'sector' of the school. Depending on the key stages represented in the school, the nature of the Special Educational Needs catered for and the way education is delivered across the school, the Governing Board will determine the pool of 'at risk' teachers utilising either the Secondary Sector model or Primary Sector model or a combination of both for different areas within the school.

It is anticipated that the Governors will need to make particular use of the 'school specific' selection criteria to recognise necessary expertise, experience and/or qualifications required to meet the needs of pupils.

3. SELECTION CRITERIA

Teachers who do not have Qualified Teacher Status within the pool identified at risk of compulsory redundancy will be selected.

In the selection of an individual from the available pool to be identified for compulsory redundancy, governors are advised to choose **at least 4** of the selection criteria on which to award points and the points to be awarded in each case will be measured using the selection criteria assessment form provided. Selection criteria should be developed which avoids any indication of pre-selection.

Priority will be given to the on-going curriculum needs of the school, specific skills, essential qualifications or experience relevant to the needs of the school. Governors will choose some of the following criteria which will make up the majority of the points awarded.

a) Secondary Key Stage Taught

Teaching is defined as taking responsibility for lesson preparation, assessment, recording, contribution to reporting – not as supervision, of classes where the children's learning and progression is determined by other colleague(s).

Points will be awarded for each Secondary Key Stage taught. Governors will identify the time scale. This may be for example over the last 5 years on the selection criteria assessment form.

Key stages taught may be recognised as one or two points per qualification and a maximum of 10 points may be awarded

b) Primary Key Stage Taught

Teaching is defined as taking responsibility for lesson preparation, assessment, recording, contribution to reporting – not as supervision, of classes where the children's learning and progression is determined by other colleague(s).

Points will be awarded for each Key Stage taught. Governors will identify the time scale. This may be for example over the last 5 years on the selection criteria assessment form.

Key stages taught may be recognised as one or two points per qualification and a maximum of 6 points may be awarded

c) Successful leadership of SIP priority

Governors will identify the time scale. This may be for example over the last 3 years on the selection criteria assessment form.

Governors will access evidence of the lead role and successful outcomes as measured by the determined SIP criteria.

Governors may choose to award at least two points to an employee who provides evidence that they have successfully led a SIP priority.

d) Specific Training/ Preparation for leading a SIP priority

Governors will identify the time scale. This may be for the current year on the selection criteria assessment form.

This might include being part way through implementation of an improvement initiative, being trained as school lead for a strategy or other investment in the staff member so that they may lead development work.

Specific training/preparation may be recognised as one or two points for each and a maximum of 6 points may be awarded.

e) A specific school related criteria.

Governors will provide details and indicate how points will be awarded on the selection criteria assessment form.

f) A formal role in the professional development of other staff (e.g. coaching or mentoring).

Governors will identify the time scale. This may be for example over the last 5 years on the selection criteria assessment form.

Points will only be awarded where this is a formalised arrangement including agreed purpose, format and evaluated against clear development outcomes. Governors may choose to award at least two points to an employee who provides evidence that they have developed other staff.

g) The delivery or evidence of a discrete area of expertise which is key to the educational experience offered by the school.

The expertise outlined must be unique and contributes to the needs of the organisation. Account will be taken of whether or not the expertise can be provided by sufficient other existing staff.

Governors will provide details and indicate whether points will be awarded for delivery of or evidence of the skill/ area of expertise on the selection criteria assessment form.

Governors may choose to award at least two points to recognise each discrete expertise with a maximum of 6 points.

h) Teaching commitment.

Teaching is defined as taking responsibility for lesson preparation, assessment, recording, contribution to reporting – not as supervision, of classes where the children's learning and progression is determined by other colleague(s).

Please refer to the advice outlined on page 19 to ensure that the use of this criteria is non-discriminatory.

Governors may award points according to the number of teaching sessions delivered. Points will be awarded according to the % of contracted time taught.

NB points cannot be awarded in more than one category above for the same activity.

One or more of the following additional criteria are available for schools to use following advice from their HR provider.

- **Length of service**

Only service on a contract of employment of one term or more will be considered as contributing to the service.

On the selection criteria assessment form, Governors will identify how points will be awarded on the basis of:

- *Service in maintained sector only (Service in an academy following a TUPE transfer must be included as Local Authority service) or Service including service in academies*
- *Continuous service or aggregated service*

A maximum of 5 points will be awarded under this criteria.

Governors are advised to be conservative in the award of points for service.

- **Sickness Absence records**

Before using sickness as a criterion for selection, governors will ensure that the reasons for and extent of any absences is known. Absence related to an employee's disability will be discounted as will time taken off for maternity related sickness absence and medical appointments. Governors will ensure that they have robust processes and records and that they have consistently applied the schools procedures for managing sickness absence across the school.

In using this criteria, each employee completing the assessment form must be provided with a copy of their sickness absence record to check for accuracy and to highlight any disability/ pregnancy related absence.

A deduction of points is applied for 5 or more periods of sickness absence in a 12 month period. The maximum deduction under this criteria to be applied is -2 points.

Governors are advised to be conservative in the award of points for absence.

Applying the Criteria

Following selection of an individual, consideration will then be given to the impact of this decision on the curriculum. If an individual is selected and the consequence of his/her selection is that another area of the curriculum would not be able to be delivered, governors would then move to the next person using the criteria identified above.

The employee with the lowest number of points will be initially identified for redundancy.

There is a further generic tie breaker detailed below

PLEASE CHOOSE ONE OF THE FOLLOWING TIE BREAKERS TO BE APPLIED

EITHER

If this is not sufficient to enable the Governors to reach a decision, then last in, first out, will apply which will be interpreted as the total continuous teaching service at the school.

OR

If this is not sufficient to enable the governors to reach a decision, then last in, first out, will apply which be interpreted as the total continuous teaching service with Derbyshire Local Authority.

OR

If this is not sufficient to enable the governors to reach a decision, then last in, first out, will apply which be interpreted as the total continuous teaching service within the maintained sector.

In the event that applying one tie breaker does not enable governors to reach a decision, a secondary tie breaker will be applied.

REDUNDANCY CRITERIA – SUPPORT STAFF

[NAME OF SCHOOL]

1. Overriding Considerations

The Governors will first consider whether the need to identify staffing reductions should be linked to a review of the staffing structure.

The overriding considerations in the selection procedure are:-

- a) The curriculum, pastoral and management and administrative needs of the school in respect of meeting its statutory responsibilities including the School Improvement Plan.
- b) In order to meet the above and its statutory requirements, ***[Name of School]*** has determined the following to be essential posts within its existing staffing structure:-

(If this protection is used, the expectation is that it could be used in such instances as:-)

- ***Posts with line management responsibility.***
 - ***Teaching Assistant posts where there is an on-going contractual obligation which is linked to a statemented child.***
- c) All fixed term contracts of less than four years' continuous duration which have a termination date before the day on which any proposed redundancies will take place, should be confirmed as terminating on the end date of the contract, unless required to meet curriculum delivery

2. Criteria

The Governors will consider the following criteria in order to adjust staffing levels.

Model Selection Criteria

Governors will identify a staffing structure that determines the number of support staff/hours required for the school to meet the requirements of the national curriculum, the School Improvement Plan, the effective management of the school and/or to meet health and safety requirements and any statutory requirement for specifically qualified staff.

- i. When the number of **staff/hours** available in a particular **post/scale/level** is less than or equal to the **numbers/hours** required by the new structure, then these staff will be required as essential to the delivery of the **curriculum/school improvement plan/effective management/meeting health and safety requirements** of the school and removed from the pool of consideration for compulsory redundancy.

- ii. Where the number of available **staff/hours** in a particular **post/level/scale** is greater than the **number/hours** required by the new structure then these staff will be potentially at risk and will form the pool from whom a selection will be made for compulsory redundancy.

3 Selection Criteria

In the selection of an individual from the available pool to be identified for compulsory redundancy, governors are advised to choose **at least 4** of the selection criteria on which to award points and the points to be awarded in each case will be measured using the selection criteria assessment form provided. Selection criteria should be developed which avoids any indication of pre-selection.

Priority will be given to specific skills, essential qualifications or experience relevant to the needs of the school. Governors will choose some of the following criteria which will make up the majority of the points awarded.

- a) Recognised essential qualifications for the role/ establishment

Points will only be awarded for qualifications which are identified within the person specification for the post. i.e. Governors will list essential qualifications for each role in the selection pool on the selection criteria assessment form.

Essential qualifications may be recognised as one or two points per qualification and a maximum of 6 points may be awarded.

- b) Formal job related training undertaken.

Governors will provide examples of the formal training to be recognised and will identify the time scale. This may be for example over the last 3 years on the selection criteria assessment form.

Points will be awarded for any training undertaken which is significant i.e. one day or more and additional to training provided in school on inset/ twilight sessions.

Job related training may be recognised as one or two points for each additional training undertaken and a maximum of 6 points may be awarded.

- c) A specific criteria related to the specific job role.

Governors will provide details and indicate how points will be awarded on the selection criteria assessment form.

- d) A formal role in the training/ development of other staff (e.g. coaching or mentoring).

Governors will identify the time scale. This may be for example over the last 5 years on the selection criteria assessment form.

Points will only be awarded where this is a formalised arrangement including agreed purpose, format and evaluated against clear development outcomes.

Governors may choose to award at least two points to an employee who provides evidence that they have developed other staff.

- e) The delivery or evidence of a discrete area of expertise which is key to the educational experience offered by the school.

The expertise outlined must be unique and contributes to the needs of the organisation Account will be taken of whether or not the expertise can be provided by sufficient other existing staff.

Governors will provide details and indicate whether points will be awarded for delivery of or evidence of the skill/ area of expertise on the selection criteria assessment form.

Governors may choose to award at least two points to recognise each discrete expertise with a maximum of 6 points awarded.

- f) Experience of fulfilling a different role in school – or other setting providing a service for children.

Governors will consider carefully whether the experience contributes to the needs of the organisation and take into account whether or not it can be provided by sufficient other existing staff.

Details of how points will be awarded is provided on the selection criteria assessment form.

Governors may choose to award at least two points to recognise additional experience.

NB points cannot be awarded be awarded in more than one category above for the same activity.

One or more of the following additional criteria are available for schools to use following advice from their HR Provider.

- **Length of service**

Only service on a contract of employment of one term or more will be considered as contributing to the service

On the selection criteria assessment form, Governors will identify how points will be awarded on the basis of:

- *Service in maintained sector only (Service in an academy following a TUPE transfer must be included as Local Authority service) or Service including service in academies*
- *Continuous service or aggregated service*

A maximum of 5 points will be awarded under this criteria.

Governors are advised to be conservative in the award of points for service.

- **Sickness Absence records**

Before using sickness as a criterion for selection, Governors will ensure that the reasons for and extent of any absences is known. Absence related to an employee's disability will be discounted as will time taken off for maternity related sickness absence and medical appointments. Governors will ensure that they have robust processes and records and that they have consistently applied the schools procedures for managing sickness absence across the school.

In using this criteria, each employee completing the assessment form must be provided with a copy of their sickness absence record to check for accuracy and to highlight any disability/ pregnancy related absence.

A deduction of points is applied for 5 or more periods of sickness absence in a 12 month period. The maximum deduction under this criteria to be applied is -2 points

Governors are advised to be conservative in the award of points for absence

Applying the Criteria

Following selection of an individual, consideration will then be given to the impact of this decision on the curriculum and school management. If an individual is selected and the consequence of his/her selection is that an area of the curriculum and school management would not be able to be delivered, governors would then move to the next person using the criteria identified above.

The member of staff with the lowest number of points will be initially identified for redundancy.

There is a further generic tie breaker detailed below.

PLEASE CHOOSE ONE OF THE FOLLOWING TIE BREAKERS TO BE APPLIED

EITHER

If this is not sufficient to enable the Governors to reach a decision, then last in, first out, will apply which will be interpreted as the total cumulative service on a contract of employment (in whatever role) at the school.

OR

If this is not sufficient to enable the governors to reach a decision, then last in, first out, will apply which will be interpreted as the total cumulative service on a contract of employment (in whatever role) with Derbyshire Local Authority.

OR

If this is not sufficient to enable the governors to reach a decision, then last in, first out, will apply which will be interpreted as the total cumulative service on a contract of employment (in whatever role) with the maintained sector

In the event that applying one tie breaker does not enable governors to reach a decision, a secondary tie breaker will be applied.

This form must be completed as fully as possible and returned to:

----- by *(Date)*

SELECTION CRITERIA ASSESSMENT FORM.

TEACHING STAFF

Name _____ Post _____

Do you hold qualified teacher status Yes/ No

Please indicate areas covered by initial teacher training

Criteria	Details	To be completed						Points awarded	Total Score	Notes	Headteachers comments
			Current Year	Previous Year	Year 3	Year 2	Year 1				
Secondary Key Stage Taught	Please indicate areas taught in the last 5 years							1] point for each Secondary Key Stage taught in the last 5 years	(Max 5 Points)	Teaching is defined as taking responsibility for lesson preparation, assessment, recording, contribution to reporting. - not as supervision, of classes where the children's learning and progression is determined	
		Key Stage 3**									
		Key Stage 4**									
		Post 16**									
		Subject/ curriculum area/ pastoral**									
		**If employment is in more than one key stage please indicate clearly full-time equivalent for each stage									

	has been included in the SIP. Reference should be made to the specific SIP priority as outlined in the SIP documentation .				determined SIP criteria.	
Training / CPD	Please provide a description of any training / preparation undertaken which contributes to a SIP priority for the following year. Reference should be made to the specific SIP priority as outlined in the SIP documentation		[] point(s) for specific training/preparation for leading a SIP priority, in the coming year.	(Max Points)	This might include being part way through implementation of an improvement initiative, being trained as school lead for a strategy or other investment in the staff member so that they may lead development work.	

Coaching/ Developing other staff	Please describe any formal role that you have held in the professional development of other staff. Please include details of the category of staff receiving the training, dates and purpose of the development.		[] point(s) for a formal role in the professional development of other staff (e.g. coaching or mentoring within the last 5 years	(Max Points)	Points will only be awarded where this is a formalised arrangement including agreed purpose, format and to be evaluated against clear development outcomes.	
Discrete Skill or Expertise	Please provide a description of any expertise that you have which is key to the educational experience offered by the school		[] point(s) for the delivery of a discrete area of expertise in the last 3 years,	(Max Points)	Governors will consider carefully whether the expertise outlined is unique and take into account whether or not it can be provided by sufficient other existing staff School will need to state how points	

					<i>will be awarded if a member of staff is able to demonstrate that they have more than one unique area of expertise and whether they will award points in relation to the delivery of or evidence of a unique expertise</i>	
Teaching commitment (* Please refer to page 19)	Please provide details of the number of teaching sessions taught in the previous academic years as a proportion of your contractual hours		[] point(s)	(Max points)	Governors will award points for teaching sessions timetabled in the previous academic year as a % of the contractual hours.	

School specific criteria	School to provide detail		[] point(s)	(Max Points)	Governors are strongly advised to seek advice from HR in relation to this criteria and the measures surrounding the criteria.	
Sickness Record (To be provided by school for each employee confidentially for verification)	Have you had 5 or more periods of sickness absence in any one of the last 3 years from (date) to (date) If yes please provide details and highlight any absences related to absences covered by the equality act including Pregnancy/ disability/ante-natal as these will be discounted.		[0] points for none -1 point for 5 periods of absence in any one year -2 points for 6 or more periods of absence in any one year	(Max - 2 Points)	Schools are strongly advised to seek HR advice before using this criteria	

Service Criteria				Points	Total Score	Notes	Headteachers comments
LA/ Trust	School	From	To	[1] point for each year of service , up to 5 years,	(Max 5 Points)	Points will be awarded on the basis of: School to define <ul style="list-style-type: none"> • <i>Service in maintained sector only (Service in an academy following a TUPE transfer must be included as LA service) or Service including service in academies</i> • <i>Continuous service or aggregated service</i> Only service on a contract of employment of one term or more will be considered as contributing to the service	

SELECTION CRITERIA ASSESSMENT FORM.**SUPPORT STAFF**

This form must be completed as fully as possible and returned to:

----- by **(Date)**

Name _____ Post _____

<u>Present Post</u>	<u>Scale/ Level</u>	<u>Hours</u>	<u>Headteachers Comments</u>

If you have more than one post in the pool of staff from whom a selection will be made compulsory redundancy please use a separate line for each post

Criteria	Details	To be completed	Points	Total Score	Notes	Headteachers comments
Essential Qualifications	Please provide details of the essential qualifications that you hold in relation to the post/ establishment. Please include date of the award and awarding body		[1] point for each	(Max 3 Points)	Points will only be awarded for qualifications which are identified within the person specification for the post. i.e. school to list essential qualifications for each role in the selection pool	

Training / CPD	Please provide details of any formal job related training undertaken over the last ---- years		[] point(s) for each formal job related training undertaken in the last 2 years. Maximum of ----- training events	(Max Points)	School to provide examples of the formal training to be recognised Points will be awarded for any training undertaken which is significant i.e. one day or more and additional to training provided in school on inset/ twilight sessions	
Coaching/ Developing other staff	Please describe any formal role that you have held in the professional development of other staff. Please include details of the category of staff receiving the training, dates and purpose of the development.		[] point(s) for a formal role in the professional development of other staff (e.g. coaching or mentoring within the last 5 years	(Max Points)	Points will only be awarded where this is a formalised arrangement including agreed purpose, format and evaluated against clear development outcomes.	

Discrete Skill or Expertise	Please provide a description of skill/ area expertise that you have which is key to organisation.		[] point(s) for the delivery of or evidence of a discrete skill/ area of expertise.	(Max Points)	Governors will consider carefully whether the expertise outlined is unique, how it contributes to the needs of the organisation and take into account whether or not it can be provided by sufficient other existing staff School should provide details, and indicate whether points will be awarded for delivery of or evidence of the skill/ area of expertise	
Transferable skills	Please provide details of your experience of fulfilling a different role in school or other setting providing a service for schools including where and the timescale involved.		[] point(s) for each	(Max 3 Points)	Governors will consider carefully whether the experience contributes to the needs of the organisation and take into account whether or not it can be provided by sufficient other existing staff	

					School should provide details of how points will be awarded.	
School specific criteria	School to provide detail		[] point(s)	(Max Points)	Governors are strongly advised to seek advice from HR in relation to this criteria and the measures surrounding the criteria.	
Sickness Record (To be provided by school for each employee confidentially for verification)	Have you had 5 or more periods of sickness absence in any one of the last 3 years i.e. from (date) to (date) If yes please provide details and highlight absences covered by the equality act including those related to Pregnancy/ disability/ante-natal as these will be discounted.		[0] points for none -1 point for 5 periods of absence in any one year -2 points for 6 or more periods of absence in any one year	(Max - 2 Points)	Schools are strongly advised to seek HR advice before using this criteria	

Service Criteria					Points	Total Score	Notes	Headteachers comments
LA/ Trust	Role	School	From	To	[1] point for each year of service, up to 5 years	(Max 5 Points)	Points will be awarded on the basis of: School to define <ul style="list-style-type: none"> • <i>Service in maintained sector only (Service in an academy following a TUPE transfer must be included as LA service) or Service including service in academies</i> • <i>Continuous service or aggregated service</i> Only service on a contract of employment of one term or more will be considered as contributing to the service	

PART B
RESTRUCTURE WITH REDUNDANCY
CONSULTATION CHECKLIST

		Tick (when Complete)	
IX.	<p>Draft Consultation (section 188) letter (&HR1 if necessary)</p> <p>Including rationale for staffing structure review, the vision and pressures for change, in relation to meeting the current and future aspirations/needs of the school.</p> <p>To include Invitation for staff to express an interest in any voluntary options. & Safeguarding arrangements (current STPCD defines for teachers, DCC for support staff, unless school has adopted own salary protection policy.</p>		Amend appendix 4C
X.	Agreed redundancy and restructure policy and procedure		
XI.	Restructure and Redundancy timetable		Amend appendix 4b
XII.	Full budget breakdown showing previous year's expenditure, projection for following year & all other financial information figures with and without proposed savings and changes to structure including cost of each structure (new one with and without safeguarding costs) and future financial projections.		<p>School to provide* current budget report and</p> <ul style="list-style-type: none"> • Annex 1 current financial year end • Annex 1 year end April Previous Year • Financial outturn for statement for previous financial year. • Annex 1 – projected year end following year with proposed changes • Annex 1 – projected year end following year without proposed changes
XIII.	Redundancy selection criteria (where reduction can be achieved by application of redundancy criteria)		Amend appendix 4d, 4e as appropriate
XIV.	Redundancy selection assessment form in relation to redundancy selection criteria (where reduction can be achieved by application of redundancy criteria)		Amend appendix 4f, 4g, as appropriate.

XV.	Current staffing structure		Available from school
XVI.	Proposed staffing structure include job titles, levels of responsibility payments line management responsibility		School to provide
XVII.	Transition document Indicating which are new posts, which are largely unchanged and therefore slotted to existing post holders, which are ring fenced to a number of existing post holders Information on pools of staff at risk		Amend Appendix 6
XVIII.	Job descriptions and Person specifications for all posts or indication of where they can be found (ensuring that these can be accessed by all staff). (new support staff posts will normally need to be matched to existing profiles & job families and may need to be evaluated). Teacher Job descriptions need only cover the aspects of the post that attract the responsibility payment. Support staff job descriptions will need to identify pay grades, working hours and working weeks.		To be available in school
XIX.	Expression of interest form		Amend appendix 7
XX.	Schedule for interviews		School to provide
XXI.	Current and proposed Curriculum plans (Secondary teachers only)		School to provide
XXII.	Equality Impact Assessment		Amend appendix 9

*A delay in providing this information may result in a request to extend the consultation period.

PART B**RESTRUCTURE WITH REDUNDANCY****TIMETABLE**

		Timescale For implementation September	
1	Review of budget. Headteacher Identifies need for restructure, agrees need with Governing Board Committee		December January
2	Presentation to Staff – Drivers for Change	Following day	
3	Receipt of Feedback	In the next 5 working days	
4	Headteacher gathers relevant information and drafts revised Staffing structure and presents draft staffing structure to Governing Board	At least 5 working days after presentation	
5	Approval or amendment of draft consultation paper by Governing Board or Committee	At end of Governing Board meeting	
6	Headteacher to meet with staff representatives	Working day after approval	
7	Headteacher to issue proposed staffing structure to staff	Immediately following meeting with TU	
8	SLT to hold meetings with staff to discuss proposals	In the next 5 working days	
9	Possible further refinement to proposals following staff meetings Headteacher collates and produce documentation: New curriculum Plan Draft Consultation (S188) document and supporting information including budget information and timetable Current staffing structure Proposed revised staffing structure Proposed transition document Job descriptions	In the 5 working days following meetings/ consultation	February/March
10	Governing Board meet to meet to discuss structure/ restructuring information and delegate authority to the Staffing Committee to undertake Selection Process, authorise issue of Consultation (Section 188) Notice.	At least 5 working days following informal consultation	
11	Formal consultation with staff, Consultation (Section 188) Notice issued to i staff and Trade Unions including all documentation	As soon as possible after agreement of governors	

12	Complete initial discussions with staff, HR Consultant and TU's	At least 20* days	
13	Governors' meet to discuss consultation issues and finalise structure, selection process and documentation.	Last working day of consultation	
14	Individuals notified of provisional slot to a post or Issued with redundancy criteria staff profile forms or expression of interest forms for pools	Following working day	
15	Expression of interest forms are returned and individuals invited to interview	At least 2 working days	
16	Interviews are held	Following 5 working days	
17	First Committee meets to identify individual(s) following interview and/or undertake selection from skills audit forms. Confirm slots to posts.	Approx. 10 working days after end of consultation	
18	Individual(s) notified and advised of rights of Representation.	Following working day	
19	First Committee hears and considers Representation.	5 working days after notification	
20	Individual(s) notified of decision and right of Appeal.	Following working day	
21	Last date to receive Appeal.	10 working days after notification	
22	Agreed Panel hears Appeal.	5 working days after Appeal received	
23	Individual notified of outcome of Appeal	Following working day	
24	School to notify LA – Dismissal.	As soon as possible after notification	
25	Last date for LA to issue Notice	Within 14 calendar days of being notified	31 st May
26	School complete a leavers form to their payroll; provider stating that an individual will be leaving the school on 31 st August for reason of voluntary or compulsory redundancy		In time for August payroll
26	Date of Dismissal.		31 st August

* Minimum of 30 working days when 20 - 99 redundancies are being considered at an establishment.

NOTES

8. For the purpose of this procedure “working days” shall mean Monday to Friday excluding bank holidays and the time begins with the day of receipt but does not include the day of the hearing. “Working days” will be in term time
9. Notice periods are subject to length, and conditions, of service. For non-teaching employees notice would not necessarily coincide with the “end of term” dates applicable to teachers.
10. Governing Bodies should begin the procedure at the earliest opportunity to enable the maximum time for resolution.
11. The Strategic Director, Children’s Services or representative will provide advice and guidance where appropriate and will provide suggested latest dates for each stage in the redundancy procedure each year. These will be “suggested” as by negotiation and mutual agreement with employees, Trade Unions, Professional Associations and the LA it may be possible to vary dates for some actions.
12. It is important that Governing Boards clearly identify, in the appropriate year’s diary, the specific latest dates for each action which must be met to comply with the requirements of legislation avoiding weekends, school and statutory holidays.
13. In specifying key dates it will also be necessary to manage particular problem periods such as school holiday dates, with reference to the potential availability difficulties of governors and individual employees.
14. Each of these aspects may mean procedures need to start early in the term prior to that in which any redundancy will take effect.

To:
County Secretaries (Teaching and Non-Teaching)
and
Headteacher Associations

Dear <County Secretary>

Consultation Notice

I am writing to you concerning the proposal of the Governing Board to restructure and make reductions to the staffing establishment level at (NAME) School. The Governing Board resolved this course of action at its meeting on (DATE)

Include the following wording where 20-99 redundancies are being considered. (and in accordance with the statutory requirements (Section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992, as amended by Section 34 of the Trade Union Reform and Employment Rights Act 1993).

I have set out below the relevant information upon which I am required to consult with you and to invite your representations with a view to reaching agreement about the restructure and ways of avoiding dismissals as far as possible and mitigating the consequences of any dismissals. I am copying this letter to all relevant trade unions, and to all affected staff who are invited to make individual representations.

Reasons for the proposal

The school's budget position in (*current financial year*) will result in an expenditure of £<?? > compared with an income of £<??>. The position in the (*next financial year*) is estimated to be an expenditure of £<??> compared with an expected income of £<??>. In order to bring the budget into balance it has been necessary to consider action to reduce a number of heads of expenditure. The budget plan for the current and future year is attached. (*Be clear about any carry forward and estimate should show figures before any reductions made*).

Pupil Numbers (Autumn Census, then predictions)

List Number on Roll for each year, for the last few years and anticipated for the next year.

Proposed Action

List here any proposed actions planned to reduce expenditure other than the staffing reductions.

Following initial restructure consultation it is also proposed to reduce staff numbers in line with the proposed new staffing structure as reflected in the numbers below.

The number of teaching/support staff in the school is <TOTAL> plus Headteacher. The establishment required for the academic year (*current financial year*) is:

Headteacher + <??> FTE teaching staff
 Teaching Assistants/HLTAs/
 Special Needs Support Assistants <??>
 Clerical Assistant <?? HOURS. SCALE<??>
 Bursar>

Senior Midday Supervisor <??>
Caretaker <??>
Cleaner <??>

The requirements for *the next academic year* will be:

Headteacher + FTE teaching staff
Teaching Assistants
Special Needs Support Assistants <??> FTE
Clerical Assistant <??> HOURS. SCALE<??>
Bursar <??> HOURS. SCALE<??>
Senior Midday Supervisors <??>
Caretaker <??>
Cleaner <??>

This represents a reduction of <??> FTE teaching posts and <??> FTE support posts next year.
(*Take out any posts where staff are employed directly by DCC*).

Secondary Schools - you will need to make reference here to an appendix where the current and proposed curriculum plans are provided.

This letter is issued following an initial period of consultation in relation to the proposed structure and should be read in conjunction with all previous documentation.

Agency Workers

I am required to advise you of the number of agency workers and assignments in the school is <??>

Proposed method of selection

All staff will be informed of the situation and will receive a copy of this letter. The Governors will wish to explore initially all methods of resolving the situation without recourse to compulsory redundancy procedures – natural wastage, balancing the budget over more than one year, voluntary reduction in hours, job share, voluntary redeployment or voluntary early retirements with actuarially reduced benefits. Should the situation remain unresolved there may be consideration of applications for voluntary redundancy or voluntary early retirement.

It is proposed to populate posts in the new support staffing structure in accordance with the attached slotting and matching protocol.

The attached transition document outlines the schools intentions in detail and staff and your representations are invited as part of the consultative process.

It is proposed that, through a competitive matching process, there will be a reduction in the number of post holders for specific roles and if the necessary reductions cannot be made voluntarily it will be necessary to employ staffing selection criteria as determined by the Governing Board having regard to the principles outlined in the LA Redundancy Procedure. The criteria are enclosed and your representations are invited as part of the consultative process.

Please see appendices xxx for the staffing structure before and after the proposed staffing reductions.

Selection timetable

The selection of staff will be undertaken by the First Committee established by the Governing Board for the purpose and the timetable will be determined in accordance with the requirements of School Staffing Regulation 2003. Any appeal will be heard by the Second Committee and if appropriate the

Service Partner – Human Resources (Children’s Services Department) will be notified of the requirement to remove identified staff from the complement of the school.

Where the LA is the employer, the Service Partner – Human Resources (Children’s Services Department) will issue any redundancy notice on behalf of the LA but during the notice period will seek redeployment to other schools or establishments within the County Council where possible bearing in mind the powers of appointment given to Governing Boards under the School Staffing Regulations 2003. The proposed timetable is attached for consideration and comment.

Salary Safeguarding

Safeguarding provisions as outlined in the School Teachers Pay and Conditions Document currently in force will apply.

Pay Protection

Pay protection will apply for a member of support staff who, as a result of the restructure is slotted or appointed to a post where the new grade is lower than the current one. The basic pay will be protected for two years; after which the pay will go to the top point of your new grade.

In these circumstances these parts of your pay are protected:-

- Basic salary or hourly rate of pay.
- Basic contract hours including contracted overtime.
- Basic hourly rate for hours actually worked (this applies to relief employees only).

There is no protection for:-

- Additional hours worked over your minimum contracted hours.
- All pay-related allowances (for example stand-by) and enhancements (for example unsocial hours).
- Allowances that do not change your pay, for example annual leave.
- Changes to the hourly rate because of the standardisation of the working week or the number of working weeks per year.

Redundancy payments

Under the provision of the Employment Rights Act 1996 as amended by the Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order 2004 as amended, continuous employment by two or more employers referred to in the Order, shall be aggregated subject to a continuing maximum of 20 years.

Employees with at least two years' continuous employment will receive get a redundancy pay entitlement of:

0.5 week's pay for each full year of service while they were under 22

1 week's pay for each full year of service while they were 22 or older, but under 41

1.5 week's pay for each full year of service while they were 41 or older.

The Governing Board has resolved as the awarding body that it will propose that any member of staff who is made redundant should receive a redundancy payment based upon actual earnings.

A redundancy pay calculator can be found at the following link

http://www.derbyshire.gov.uk/working_for_us/leaving_us/redundancy/redundancy_calculation/default.asp

Naturally the Governors regret the situation in which the school has been placed and will do all that is possible during the consultation period to minimise the effects on staff, consistent with the needs of the school. Arrangements can be made through the Headteacher for reasonable time off with pay for the employee to seek alternative work or to make arrangements for training.

Governors wish that there should be as long a period of consultation as possible but would ask that either you let me have your written submissions by **(DATE) this date will normally be the same as the final consultation meeting date** and/or attend a meeting on **(DATE)** at **(TIME)** at the school with the Governing Board to consider the points raised during the consultation period. All expressions of interest in one of the voluntary options must be submitted in writing before this meeting. It is intended that meetings for staff are offered prior to the close of the consultation period to give the opportunity for individual and/or group response and to invite any written response to the contents of this letter and enclosures.

Yours sincerely

Chair of Governing Board

Enclosures:

Agreed redundancy and restructure policy and procedure
Redundancy and Restructure timetable
Full budget breakdown

Redundancy selection criteria (where reduction can be achieved by application of redundancy criteria)
Redundancy selection assessment form in relation to redundancy selection criteria (where reduction can be achieved by application of redundancy criteria)
Current Staffing structure
Proposed staffing structure
Transition document
Current and proposed Job descriptions and person specifications for all posts or indication of where they can be accessed.
Proposed expression of interest forms
Draft schedule of interviews
Current and proposed Curriculum plans (Secondary teachers only)
Equality Impact Assessment

- schools current budget report- financial year to date statement
- Annex 1 current financial year end
- Annex 1 year end April Previous Year
- Financial outturn statement for previous financial year
- Annex 1 – projected year end following year with proposed changes
- Annex 1 – projected year end following year without proposed changes
- Teacher (if applicable)
- Support Staff (if applicable)
- Teacher (if applicable)
- Support Staff (if applicable)

PART C
RESTRUCTURE ONLY (i.e. Without Redundancy)
CONSULTATION CHECKLIST

		Tick (when Complete)	
XIII.	Consultation letter		Amend appendix 5c
I.	Consultation Feedback form		Appendix 5d
II.	Proposed Restructure timetable		Amend appendix 5b
III.	Agreed redundancy and restructure policy and procedure		
IV.	Current staffing structure		School to provide
V.	Proposed staffing structure including job titles, levels of responsibility payments, line management responsibility or indication of where they can be found.		School to provide
VI.	Proposed Transition document Indicating which are new posts, which are largely unchanged and therefore slotted to existing post holders, which are ring fenced to a number of existing post holders		Amend Appendix 6
VII.	Draft Expression of interests form		Amend appendix 7
VIII.	Equality Impact Assessment		Amend Appendix 9
IX.	Budgetary information (if relevant i.e. if finance is a driver for the restructure)		School to provide * schools current budget report and <ul style="list-style-type: none"> • Annex 1 current financial year end • Annex 1 year end April Previous Year • Financial outturn statement for previous financial year • Annex 1 – projected year end following year with proposed changes

			Annex 1 – projected year end following year without proposed changes
X.	Current and proposed Curriculum plans (Secondary only)		School to provide

PART C**RESTRUCTURE ONLY (i.e. Without Redundancy)****TIMETABLE**

			Timescale for implementation September*
1	Headteacher Identifies need for restructure, agrees need with Governing Board		February
2	Presentation to Staff – Drivers for Change	Following day	
3	Receipt of Feedback	In the next 5 working days	
4	Headteacher gathers relevant information and drafts revised Staffing structure and presents draft staffing structure to pay committee of the Governing Board	At least 5 working days after presentation	
5	Approval or amendment of draft consultation paper by pay committee	At end of pay committee meeting	
Preliminary Stage of Consultation			
6	Headteacher to meet with staff representatives	Working day after approval	
7	Headteacher to issue proposed staffing structure to staff. Staff should be advised to contact their trade union	Immediately following meeting with TU	
8	SLT to hold meetings with staff to discuss proposals	In the next 2 weeks	
9	Possible further refinement to proposals following staff meetings. Headteacher collates and produce documentation: New curriculum Plan School Improvement Plan Current staffing structure Proposed revised staffing structure Proposed transition document Job descriptions	In the 10 working days following meetings/ consultation	February/March
10	Pay committee meet to meet to discuss structure/ restructuring information.	At least 10 working days following informal consultation	
Formal Stage of Consultation			

11	Formal consultation with staff, Draft Consultation and implementation plan issued to staff and County Official Trade Unions	As soon as possible after agreement of pay committee	
12	Complete initial discussions with staff, HR Consultant and TU's	Up to 20 days depending on the complexity	
13	Pay committee meet to discuss consultation issues and agree final structure	Last day of consultation	
14	Staff notified of outcome of consultations and where appropriate asked to complete an expression of interest form	Following day	
15	Individuals slotted or Interviewed for posts in the new structure.	5 days after end of consultation	
16	Individual(s) notified and where there is a contractual change notified in writing of the contractual variation to contract. Individuals asked to confirm acceptance of role Individual(s) notified of decision and right of Appeal.	By 31 st May for 1 st September change.	
17	Last date to receive Appeal.	10 days after notification	
18	Agreed Panel hears Appeal.	5 days after Appeal received	
19	Individual notified of outcome of Appeal	Following day	
20	School complete a adjustments form to their payroll provider		In time for August payroll
221	Date of changes.		1 st September

***More detailed indicative dates can be provided by your HR provided.**

NOTES

15. For the purpose of this procedure “working days” shall mean Monday to Friday excluding bank holidays and the time begins with the day of receipt but does not include the day of the hearing. “Working days” will be in term-time.
16. Notice periods for changes of contract are subject to length, and conditions, of service. For non-teaching employees notice would not necessarily coincide with the “end of term” dates applicable to teachers.
17. Governing Boards should begin the procedure at the earliest opportunity to enable the maximum time for resolution.

18. The Strategic Director, Children's Services or representative will provide advice and guidance where appropriate and the will provide suggested latest dates for each stage. These will be "suggested" as by negotiation and mutual agreement with employees, Trade Unions, Professional Associations and the LA it may be possible to vary dates for some actions.
19. It is important that the pay committee clearly identify, in the appropriate year's diary, the specific latest dates for each action which must be met avoiding weekends and statutory holidays.
20. In specifying key dates it will also be necessary to manage particular problem periods such as school holiday dates, with reference to the potential availability difficulties of governors and individual employees.

Notification of Formal Consultation to Trade Union and Professional Association representatives NB individual letters to each TU/PA

PRIVATE & CONFIDENTIAL

Insert Name

Address

Dear *Insert Name*

Formal Consultation in relation to the proposal to amend the staffing structure of XXXXXXXXX School due to *broad outline of the rationale*

I am writing to advise you that the Governing Board of XXXXXXXXX School proposes to enter a period of consultation prior to the implementation of a revised staffing structure.

Attached with this letter is a restructure proposal document giving full details of the restructure and the rationale behind it. A meeting has been arranged at **TIME** on **DAY DATE** at **LOCATION** to discuss this proposal more fully. If you have any comments you wish to make in advance of this meeting, please submit them in writing to the Headteacher at the school by no later than **TIME** on **DAY DATE**. A consultation feedback form is enclosed for ease of use.

If you have any queries on the content of this letter please do not hesitate to contact me on the above number.

Yours sincerely

Insert name of Headteacher responsible for the proposal

Suggested Consultation Feedback Form

CONSULTATION FEEDBACK FORM SCHOOL NAME, DATES OF CONSULTATION

Please use this form to indicate any comments which you would like to be considered or require a response to as part of the consultation process.

During the consultation you should consider:

- whether you are in agreement with the proposal
- whether you are in agreement with how we suggest to implement the proposal
- any other issues you wish to raise in relation to the proposals
- *Any specific questions which you want to ask within the consultation should be listed*

Name: _____ (Optional)

Signature: _____ (Optional)

Date: _____

Preliminary Restructure Proposal *

Template Consultation Document

Title of Proposal

- Rationale for the proposed change(s) and perceived benefits

Specify why the change is being proposed. What it is designed to achieve e.g. improved performance, increased efficiency, more streamlined structure, career pathways

- Structure prior to restructure together with existing job descriptions

Provide a clear hierarchy diagram of the current structure

- Proposed structure after restructure

Provide a clear hierarchy diagram of the proposed structure

- Cost of structure before and after the proposals take effect

Provide a spreadsheet which lists each job in the current structure and each job in the proposed structure. Allocate salary and on-costs against each post, current and proposed, to demonstrate the overall effect of the proposal.

Also specify any anticipated non salary costs or savings which would result from the proposal. Provide full budget information.

- Consultation timetable / Programme

Specify what length the consultation is proposed to be and what activities will be undertaken during consultation e.g. team meetings, one to ones

- A list of all jobs in the area of the restructure and the impact on each post

List all current posts in the structure and specify how the proposal would impact each e.g. deletion of post, development of post, no change, change of rota etc.

Also list all newly created posts which would be vacant.

- Job descriptions for all existing, new or revised posts (the proposed support staff job descriptions need to have been job evaluated to ensure that costs are accurate within the proposal)

Ensure job descriptions are attached within the pack. State that where applicable job descriptions have been evaluated. If there are changes to these as a result of consultation they will be re-evaluated only if this results in a significant change of duty. Job Descriptions for new TLR posts should include an indication of the initial management time allocated to the TLR post.

- Person specifications for all new posts

Ensure person specifications for all new posts which would be vacant are included.

- Implementation timescale and plan for the proposals

Specify when it is proposed that the changes would take effect and how they would be implemented e.g. any slotting in of staff that would need to take place, any training that would be required

- Next steps

The length of the consultation is * days (the consultation should be a minimum of 20 working days excluding school closure periods). Therefore the consultation period will be:

Specify start and end date

***Please Note:** Separate guidance and model documentation is available for schools issuing redundancy proposals.

Summary of Feedback and Response- Optional

Issue raised	Response	Action Agreed

(NAME) SCHOOL**PROPOSED TRANSITION DOCUMENT****POSTS TO BE SLOTTED**

POST TITLE	POST HOLDERS	NO OF POSTS
New post title	Existing post title	
<i>Head teacher</i>	<i>Head teacher</i>	1
<i>Deputy Head teacher</i>	<i>Deputy Head</i>	2
<i>Assistant Head teacher</i>	<i>Assistant Head teacher</i>	1
<i>Teacher – Maths</i>	<i>Maths Teacher</i>	2 f/t
	<i>Maths Teacher</i>	
	<i>Part-time Maths Teacher</i>	1p/t

POSTS TO BE SUBJECT TO REDUNDANCY SELECTION**Pool 1 (Selection via selection criteria and redundancy selection assessment form)****Post Title (number of posts available) e.g. MFL Teachers (3 posts available)**

Post title	Post holders
Current post 1 <i>e.g. Teacher</i>	2.5

POSTS TO BE RING FENCED

Pool 2 (Selection via competitive interview)

New Post Title (number of posts available) *e.g. Pastoral Support Manager (2 posts available)*

Post title	Post holders
Current post 1 <i>Inclusion Manager</i>	1
Current post 2 <i>TA (behaviour Support)</i>	2

POSTS TO BE DELETED

Post title	
	Vacant

VACANCIES

At the completion of the restructure process any outstanding vacancies will be advertised as follows:

Step 1 – any suitable provisionally displaced member of staff (appointment will be subject to suitability with reasonable training)

Step 2 – existing permanent staff in the school

Step 3 – temporary staff in the school

Step 4 – external

EXPRESSION OF INTEREST FORM RING FENCED COMPETITIVE INTERVIEW RESTRUCTURE PROCESS	
Name: _____ Current Post: _____	
The following roles are available as part of the new structure. It would be helpful if you could indicate your preferences prior to competitive interview. Please note this will not influence the decision made during the selection process. If you do not wish to be considered for a particular post, please do not indicate a preference.	
Position	Preference Please rank your preferences from 1 to 6 with 1 being the highest and 6 being the lowest

Please indicate below if you will be absent during the selection process:-

Maternity Leave _____ Dates of absence _____

Sick Leave _____ Dates of absence _____

Paternity Leave _____ Dates of absence _____

Any other absence _____ Dates of absence _____

Date: _____

Signature: _____

Please complete this form and either send or email to **XXXX** by **XXXX**.

Appeals Procedure

1. Chair of the Appeals Committee introduces everyone and confirms that it is an appeal hearing.
2. Employee/representative present their appeal.
3. The Appeals Committee ask questions of the employee/representative.
4. The Head/Chair of Selection Committee ask questions of the employee/representative.
5. The Head/Chair of Selection Committee presents their case.
6. The Appeals Committee ask questions of the Head/Chair of Selection Committee.
7. The employee/representative ask questions of the Head/Chair of Selection Committee.
8. The employee(s)/representative(s) sums up their case.
9. The Head/Chair of Selection Committee sums up his/her case.
10. The employee/representative/Head/Chair of Selection Committee all withdraw.

Equality Impact Assessment Redundancy Procedures

This document can be used to complete your Equality Impact Assessment. Any areas that are in italics are given as examples and will need to be modified to meet your own requirements.

It is necessary to carry out an Equality Impact Assessment for any potential redundancy procedure.

The law requires that public authorities pay “due regard” when taking financial decisions to the need to eliminate discrimination and provide equality with regard to the “protected characteristics”, which from April 2011, extend to cover all those included in the Equality Act 2010. When taking financial decisions this requirement to pay “due regard” needs to be demonstrated in the decision making process which takes place in formulating redundancy proposals.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion/belief, sex and sexual orientation.

An Equality Impact Assessment provides a process and record for discharging this duty.

1. Identify the policy/service/function to be assessed

Redundancy Procedure.

2. Scope the assessment/identify likely issues.

The following issues relating to staff, which may have an equalities perspective were identified:-

- accessibility to consultation on proposals by all staff – *The Governing Board have ensured that all staff have been informed of the redundancy procedures both informally and formally and provided with the opportunity to discuss the process*
- any assistance needed in comprehending or responding to the process - *The Headteacher has undertaken one to one discussions with staff requesting further clarification regarding the process*
- the identification of the pool(s) of “at risk” staff – *The Governing Board identified that in order to bring the budget into balance, a number of teaching hours have to be reduced OR The Governing Board identified that in order to bring the budget into balance, a number of TA hours have to be reduced OR The Governing Board identified the pool of ‘at risk’ staff based upon the withdrawal of funding relating to XXXXX provision - the impact of this related to the posts of 4 individuals delivering this service.*
- The formulation of redundancy selection criteria.

3. Assemble Relevant Data

Relevant data on the composition of staff across the **whole workforce**, in relation to the protected characteristics are as follows:

Characteristic	Whole Workforce
Gender	90% Female 10% Male
Race/Ethnicity	100% White British
Disability	None
Age	Insert percentages for the following groups, e.g: Under 30 – 0% 30-40 – 0% 40-50 66% 50-60 – 33% 61+ - 0%
Religion/Belief	No data held/Insert data where known
Sexual Orientation	No data held/Insert data where known
Gender Reassignment	None declared/Insert where known
Pregnancy/Maternity	None/Insert percentage
Part-time workers	33%

4. Identifying Specific Effects

Data comparing the **staff affected** to the total staff group, for each characteristic, is as follows:

Characteristic	'At Risk' Staff
Gender	100% Women 0% men
Race/Ethnicity	100% White British
Disability	None
Age	Under 30 -0)% 30-40 - 0% 40-50 - 66% 50-60 – 33% 61+ -0)%
Religion/Belief	No data held/Insert percentage of affected group
Sexual Orientation	No data held/Insert percentage of affected group
Gender Reassignment	None declared/ Insert percentage of affected group
Pregnancy/Maternity	None/ Insert percentage of affected group
Part-time workers	20%

Once you have assembled the relevant data, comment/identify on any areas where a protected group would/may be disproportionately affected, or require particular provision in relation to the process. For example:

- A higher proportion of women as a % of the total workforce are in “at risk” posts because the percentage of men represents only 5% of the whole workforce and the posts tend to attract women due to the nature of the work or the working hours/week involved.
- A higher proportion of individuals with White British Ethnicity as a 100% of the total workforce are in ‘at risk’ posts

- *A higher proportion of individuals aged above 40 as a 100% of the total workforce are in the 'at risk' posts given the age profile of the workforce.*
- *A higher proportion of full-time workers as 66% of the total workforce are in the 'at risk' posts.*

5. Reducing/removing the unwanted effects

- All staff subject to selection for potential redundancy will be assessed against consistent, fair criteria which will be the subject to consultation with staff/unions.
- Informal consultation meetings will be held during the school day at suitable times for affected employees, in addition to the formal consultation for unions and staff.
- Staff/unions will be given a contact to register any request for assistance in assessing and responding to the procedure.
- Assistance to be provided in seeking suitable alternative employment, in conjunction with Derbyshire County Council.