

Report of Chief Executive

**REDEPLOYMENT AND REDUNDANCY POLICY AND PROCEDURE
FOR SCHOOLS**

Background

1. Since the introduction of Local Financial Management for Schools (LFMS) in 1988 a Redundancy Procedure (Commentary on Reducing Staff Establishments) has been in place to assist schools in achieving the required reductions in staffing establishments as a result of budget difficulties.
2. The current Redundancy Procedure provides guidance on the essential stages of consultation and selection and includes sample letters for Governing Bodies to use. Since the introduction of LFMS schools in Cardiff have relied on this Redundancy Procedure to achieve staff reductions, which have in the main been achieved through natural wastage or Voluntary Early Retirement. There are also some examples of redeployment across schools to avoid compulsory redundancies.
3. As schools continue to regularly review their staffing requirements and budgets there is a need to ensure that the employment rights of staff, which have significantly changed since the current Redundancy Procedure was introduced in 1988, are respected. At the same time greater emphasis needs to be placed on achieving staffing reductions through redeployment.
4. Therefore the purpose of this report is to seek approval for a new Redeployment and Redundancy Policy and Procedure to be commended to school Governing Bodies.

Issues

5. The Redeployment and Redundancy Policy and Procedure describes the role and responsibilities of Governing Bodies in achieving reductions to school staffing establishments, including the appointment of relevant committees.
6. In the spirit of ensuring as far as possible the security of employment of school staff, the commitment of Governing Bodies to working in partnership with each other and the Council, is sought. This will include the early consideration of potentially redundant staff from schools for any vacancies other schools might have, subject to the specific requirements of the post (with training) being met, prior to the advertisement of such vacancies.

7. Where redeployment, or a reduction in staff is not achievable through voluntary means, the appointed committees of the Governing Bodies will undertake a timetabled process for selection, using standard pro-forma and documentation. The criteria for selection are consistent with the current Redundancy Procedure.
8. The requirement to consult fully with the trade unions and the role of the Diocesan Authorities is stated throughout the Redeployment and Redundancy Policy and Procedure, and the statutory entitlements of staff with more than one years service are observed.

Proposals

9. The Redeployment and Redundancy Policy and Procedure and supporting documentation be commended to school Governing Bodies for consideration and implementation.
10. Once agreed, Governing Bodies to commit to the principle of redeployment by working in partnership with each other and the Council. This will include the early consideration of potentially redundant staff from schools for any vacancies other schools might have, subject to the specific requirements of the post (with training) being met, prior to the advertisement of such vacancies.
11. Where redundancies are unavoidable, Governing Bodies to follow the process described in the Redeployment and Redundancy Policy and Procedure ensuring full and proper consultation with staff and trade unions.

Investment for Reform/Benefit to service user

12. The Redeployment and Redundancy Policy and Procedure will provide an improved framework for achieving reductions to staffing establishments in schools, through a positive approach to redeployment thereby ensuring that staff are not lost to the profession. The overall aim will be to reduce the need for Voluntary Early Retirement and compulsory redundancies, which will have both short term and long term financial benefits.

Council Policies Supported

13. This report supports the Council's commitment to redeployment as laid down in the corporate Redeployment Policy and Procedure.

Advice

14. This report has been prepared in consultation with relevant Corporate Managers and reflects their advice. It contains all the information necessary to allow Members to arrive at a reasonable view, taking into account the following advice.

Legal Implications

15. The Policy and Procedure will assist in ensuring that the Council is protected as far as possible from legal claims arising out of redundancy situations.

Financial Implications

16. The costs of the early retirement or redundancy of school based staff are funded by the Schools Service who will have to allocate additional resources to that budget as the impact of the falling pupil numbers in Cardiff schools are felt and more staff reductions to balance school budgets have to be made. It is not possible to quantify the cost of this as it will depend on the number of staff involved and their individual circumstances. A Redeployment and Redundancy Policy and Procedure that provides an improved framework for achieving reductions to staffing establishments in schools through a positive approach to redeployment will have both short term and long term financial benefits.

Human Resource Implications

17. The Redeployment and Redundancy Policy and Procedure provides an improved framework for reducing staffing establishments in schools with the consideration of redeployment options, and where required, a structured approach to compulsory redundancies.
18. In accordance with the Fixed Term Employees (Prevention of Less Favourable Treatment) regulations 2002, the employment rights of temporary staff with one year or more continuous service are recognised. The requirement to undertake a statutory consultation process is complied with and the statutory notice periods along with those determined by the Conditions of Service for School Teachers in England and Wales are observed.

Trade Union Comments

19. The Redeployment and Redundancy Policy and Procedure has been subject to extensive consultation with Governing Bodies, Headteachers, Diocesan Authorities for Voluntary Aided Schools and the trade unions.
20. Written responses have been received from the NUT, the ATL and the NASUWT. Comments made in relation to the statutory entitlements of temporary staff have been accepted and the draft report amended accordingly. Also, references to the role of the trade unions in supporting their members have been enhanced.
21. The trade unions also raised concern about proposals within the scoring system for selection to award points for 'extra curricular activities' on the grounds of equality of opportunity in that some staff with family caring responsibilities would not be in a position to involve themselves with such activities. As a consequence this proposal has been removed.
22. Finally, the NASUWT has confirmed its national stance that the criteria for selection should be LIFO (Last In First Out) as criteria based selection cannot be objective. On this basis, the NASUWT does not accept the table and grid referred to in paragraphs 45 and 48 of the report, and the associated Appendices. The position of the NASUWT in relation to LIFO has been maintained since the

current Redundancy Procedure was introduced in the late 1980s. It is recognised that the NASUWT reserves the right to undertake the appropriate trade union response to defend the interests of its members, where a Governing Body implements a redundancy policy or procedure which is contrary to the policy of the NASUWT.

23. The matter of the Redeployment and Redundancy Policy and Procedure for schools was further discussed at the Schools & Lifelong Learning trade union meeting on Wednesday 6th July. The trade unions collectively agreed it was essential that in advance of the Council's proposals regarding Schools' Organisation that Governing Bodies sign up to the redeployment aspects of the policy in order that the number of potential redundancies can be minimised.
24. With regards to the redundancy aspects of the policy the NASUWT reiterated its position with regard to LIFO. Both UNISON and the GMB also stated their preference for LIFO, although this had not previously been raised during the extensive consultation. It was recognised though that it was for the Council to confirm the approach used.
25. It was agreed that a representative group of trade unions and officers discuss further the application of the criteria and that this work would be concluded by the end of September 2005 and reported back to the Schools & Lifelong Learning trade union group. At that point, on the basis that ECC approve the Policy on 27th July, it can then be commended to Governing Bodies in the beginning of October.

RECOMMENDATION

It is recommended that the Redeployment and Redundancy Policy and Procedure be commended to school Governing Bodies for adoption.

BYRON DAVIES
CHIEF EXECUTIVE

Date: 22 July 2005

The following appendices are attached

Appendix 1 Redeployment and Redundancy Policy and Procedure with Appendices 1 to 4
Appendix 2 Sample letters

SCHOOL HEADED PAPER

LETTER 1

To: Staff and School Trade Union Representatives

Dear

(School Name) – REDUNDANCY PROPOSALS

Following careful consideration of the school's budget for the financial year __/__, the Governing Body is of the opinion that following consideration of the curriculum, management and organisational needs of the school and despite appropriate virement from other budget heads there is every likelihood of a need to reduce the complement of staff below existing levels for September ----.

The purpose of this letter is to notify you of the Governing Body's intention to seek means of achieving the required staff reduction voluntarily, but failing such voluntary reduction the Governing Body will be faced with the possibility of selecting a member or members of staff for redundancy. The school's Redeployment/Redundancy Policy and Procedure will apply in these circumstances.

The Governing Body appreciates that this period of uncertainty will be of a concern to staff. For this reason we are fully committed to communication with you and your trade union representatives. Any individual staff wishing to discuss matters may arrange to meet with the Headteacher, or may contact ----- from Human Resources on telephone number.....

The Branch Secretaries of the local trade unions will be advised of this situation.

The Governing Body will be meeting again on _____ and any comments or proposals you may wish to make should be notified to the Clerk to the Governors (name/address) prior to that date. At this meeting any representations made by the trade unions will also be considered.

Yours sincerely

Chair of Governors

Cc Chief Schools Officer

SCHOOL HEADED PAPER

LETTER 2

To: Branch Secretaries of relevant Trades Unions

Dear

(School Name) – REDUNDANCY PROPOSALS

On behalf of the Governing Body I write to inform you that, following careful consideration of the school's budget, it is apparent that a reduction in staff is required. Since the reduction cannot be achieved by natural turnover of staff a potential redundancy situation exists, about which the Governing Body wishes to consult with the recognised Trade Unions.

The number of employees who are affected by this redundancy proposal is _____ and the number of employees potentially affected will be _____.

It is proposed that the selection of staff for redundancy will be based on the following criteria:

- The management needs of the school
- The curricular needs of the school
- The pastoral needs of the school
- Qualifications/Training
- Length of service

The Determining Committee will require the Headteacher to submit information for their consideration to assist in the selection process. So far as is possible, the identity of individual staff will be protected.

It is the Governing Body's intention, if voluntary redundancy is not achievable, to declare a compulsory redundancy. Such a redundancy would take effect from _____.

The Governing Body would welcome your representations on this proposal within ten working days of the date of this letter. You should address your correspondence to the Clerk to the Governors (insert details)

A further meeting of the Governing Body has provisionally been arranged for _____ to consider any representations made and to consider whether or not to proceed. You are welcome to attend for the first part of this meeting.

Enclosed with this letter are copies of the school's formula budgets for the forthcoming financial year, and the current financial year; the existing and last year's staffing structure; the School Development Plan (plus any other information considered to be relevant).

If you have any query please do not hesitate to contact me.

Yours sincerely,

Chair of Governors

Cc Chief Schools Officer

SCHOOL HEADED PAPER

LETTER 3A

To: Branch Secretaries of relevant Trades Unions

Dear

(School Name) – REDUNDANCY PROPOSALS

Thank you for the representations you have made about the proposed redundancy at this school. The Governing Body have given careful consideration to the representations made by the Trade Unions and have decided to proceed with the redundancy procedure for the following reasons:

(Give here an itemised response to specific Union alternatives with reasons for the decision to continue)

- 1.
- 2.
- 3.
- 4.

Regretfully, the Determining Committee will be meeting on _____ to proceed with selection.

The staff of the school have been informed of this decision.

Yours sincerely

Chair of Governors

cc Chief Schools Officer

SCHOOL HEADED PAPER

LETTER 3B

To: Branch Secretaries of relevant Trades Unions

Dear

(School Name) – REDUNDANCY PROPOSALS

Thank you for the representations you have made about the proposed redundancy at _____ School.

The Governing Body have given careful consideration to all the representations made by the trade unions and have decided not to proceed with the proposed redundancy.

The staff of the school have been informed of this decision.

Yours sincerely

Chair of Governors

Cc Chief Schools Officer

SCHOOL HEADED PAPER

LETTER 4

To: Staff being considered for possible redundancy
Cc Trade Union Branch Secretary

Dear

(School Name) – REDUNDANCY PROPOSALS

As you are aware, the Governing Body has determined that the staff establishment must be reduced.

As a result of a meeting of the Determining Committee held on ----- I regret to inform you that have provisionally been nominated as the person to be made redundant.

The criteria used for the nomination were as follows:

- The management needs of the school
- The curricular needs of the school
- The pastoral needs of the school
- Qualifications/Training
- Length of service

You are invited to make representations against your nomination and you should do so immediately so that the Determining Committee can reach a decision on your selection. The Determining Committee will be available to consider your representations at (time) on (date within seven working days) at (place). You may be accompanied by a trade union representative or a work colleague at this meeting.

You are advised to discuss this matter with your trade union representative. You may also contact -----of Human Resources if you have any query in relation to this matter.

Yours sincerely

Clerk to the Governors

Cc Chief Schools Officer

SCHOOL HEADED PAPER

LETTER 5

To: Chief Schools Officer

Dear

(School Name) – REDUNDANCY PROPOSALS

As you will be aware the Governing Body has made the decision that the teaching/non-teaching establishment should be reduced from _____ to _____.

In accordance with the Redeployment and Redundancy Policy and Procedure, the Determining Committee have nominated _____ as the person to be dismissed on the grounds of redundancy. A copy of the letter sent is enclosed.

I should be grateful if you would use your best endeavours to find alternative employment for _____.

Yours sincerely

Clerk to the Governors

Cc Trade Union Branch Secretary
Cc Chief Schools Officer

SCHOOL HEADED PAPER

LETTER 6

TO BE ISSUED TO THE REDUNDANT MEMBER OF STAFF THE DAY AFTER
THE INITIAL NOMINATION HAS BEEN CONFIRMED

Dear

NOTICE OF TERMINATION OF EMPLOYMENT ON THE GROUNDS OF REDUNDANCY

As you are aware, the Governing Body have determined that the staffing establishment of the school must be reduced, and as a result the Determining Committee nominated you as the person to be made redundant.

The representations made on your behalf about your provisional nomination have been carefully considered by the Determining Committee, however, I regret that we must now formally confirm your nomination, and give you notice of the termination of your employment on the grounds of redundancy, to take effect on (insert date). In accordance with the provisions of your conditions of service you are entitled to paid notice of (insert weeks, or in the case of teachers give date to), and you will continue to receive payment of salary, as usual, to that date.

As previously notified, the criteria for selection were as follows:

- The management needs of the school
- The curricular needs of the school
- The pastoral needs of the school
- Qualifications/Training
- Length of service

If you wish to appeal against this decision, you should do so immediately. The Appeals Committee will be meeting on (specify date within seven working days) at (specify place) to consider your appeal if necessary. You may be accompanied by a trade union representative or a work colleague at this meeting. Failure to appeal will be taken as accepting the decision relating to your redundancy.

The Governing Body and the Council will continue to examine the opportunities available to identify alternative employment. You may be placed on the Council's register of relief staff who provide cover in schools, if you wish. In the meantime, the Governing Body have no option but to issue you with this formal notice of redundancy. It is with deep regret that the Governing Body has arrived at this decision.

You are advised to contact ----- in Human Resources for advice on pension rights and the other financial implications relating to this notice.

Yours sincerely

Clerk to the Governors

Cc Branch Trade Union Representative
Cc Chief Schools Officer

SCHOOL HEADED PAPER

LETTER 7A

To: Candidate selected for redundancy

Dear

NOTICE OF REDUNDANCY : OUTCOME OF APPEAL

I write to confirm the outcome of your appeal against your selection for termination of employment on the grounds of redundancy, from your post at this school.

The Appeals Committee gave careful consideration to the basis of your selection, and the grounds for your appeal. However, I regret that they have upheld the decision reached by the Determining Committee, and there confirm the decision that your employment be terminated on the grounds of redundancy with effect from (insert date).

The Chief Schools Officer will be asked to issue your formal notice of redundancy, which you will receive in due course. In the meantime, the Human Resources Service will continue to provide you with support in identifying further employment opportunities.

On behalf of the Governing Body, I would like to thank you for your hard work and commitment to the pupils of the school, and wish you every success for the future.

Yours sincerely

Clerk to the Governors

Cc Trade Union Branch Secretary
Cc Chief Schools Officer (*attached to letter 8*)

SCHOOL HEADED PAPER

LETTER 7B

To: Candidate selected for redundancy

Dear

NOTICE OF REDUNDANCY : OUTCOME OF APPEAL

I write to confirm the outcome of your appeal against your selection for termination of employment on the grounds of redundancy, from your post at this school.

The Appeals Committee gave careful consideration to the basis of your selection, and the grounds for your appeal. They decided that your appeal is upheld and your notice of redundancy is hereby withdrawn.

The Governors would like to take this opportunity to apologise to you for the difficult period to which you have been subjected, and would ask you to accept that we have acted throughout in good faith, bearing in mind the best interests of the children and the school.

Yours sincerely

Clerk to the Governors

Cc Trade Union Branch Secretary
Cc Chief Schools Officer

SCHOOL HEADED PAPER

LETTER 8

To Chief Schools Officer

Dear

NOTICE OF REDUNDANCY

Please find attached a copy of a letter sent to (insert name), advising of the conclusion of the Redundancy process, and confirming the decision that his/her employment be terminated on the grounds of redundancy.

I should be grateful if you would arrange for the formal notification of this decision, and in the meantime appreciate your efforts to identify suitable alternative employment for this member of staff.

Yours sincerely,

Clerk to the Governors

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Decision → Empowered to make decision → Appeal heard by

In the case of disciplinary decisions taken against any member of staff below the grade of Operational Manager, the authority levels and appeal arrangements are as follows:

Formal Verbal W. → Immediate Line Mgr/Supervisor → Operational Mgr

Written Warning → Operational Manager → Head of Service

Final WW → Head of Service → Corporate Manager

Dis/Relegation → Corporate Manager → Elected Members

In the case of disciplinary decisions taken against an Operational Manager, the authority levels and appeal arrangements are as follows:

Formal Verbal W → Head of Service → Corporate Manager

Written Warning → Head of Service → Corporate Manager

Final WW → Head of Service → Corporate Manager

Dis/Relegation → Corporate Manager → Elected Members

In the case of disciplinary decisions taken against a Head of Service, the authority levels and appeal arrangements are as follows:

Formal Verbal W → Corporate Manager → Chief Executive

Written Warning → Corporate Manager → Chief Executive

Final WW → Corporate Manager → Chief Executive

Dis/Relegation → Corporate Manager → Elected Members

Decision → Empowered

Decision Empowered to make decision Appeal heard by

In the case of disciplinary decisions taken against any member of staff below the grade of Operational Manager, the authority levels and appeal arrangements are as follows:

**Formal Verbal W. Immediate Line Mgr/Supervisor
Operational Mgr**

Written Warning Operational Manager Head of Service

**Final WW Head of Service
Corporate Manager**

**Dis/Relegation Corporate Manager
Elected Members**

In the case of disciplinary decisions taken against an Operational Manager, the authority levels and appeal arrangements are as follows:

**Formal Verbal W Head of Service
Corporate Manager**

**Written Warning Head of Service
Corporate Manager**

**Final WW Head of Service
Corporate Manager**

**Dis/Relegation Corporate Manager
Elected Members**

In the case of disciplinary decisions taken against a Head of Service, the authority levels and appeal arrangements are as follows:

**Formal Verbal W Corporate Manager
Chief Executive**

**Written Warning Corporate Manager
Chief Executive**

**Final WW Corporate Manager
Chief Executive**

**Dis/Relegation Corporate Manager
Elected Members**

**Decision Empowered to make decision Appeal heard
by**

**In the case of disciplinary decisions taken against a Corporate
Manager, the authority levels and appeal arrangements are as
follows:**

**Formal Verbal W Chief Executive Elected
Members**

**Written Warning Chief Executive Elected
Members**

**Final WW Chief Executive Elected
Members**

**Dis/Relegation Chief Executive Elected
Members**

CARDIFF COUNCIL

SCHOOL –REDEPLOYMENT/REDUNDANCY POLICY AND PROCEDURE

PREAMBLE

This is a model Redeployment/Redundancy Policy and Procedure recommended by the Council for adoption by Governing Bodies. It is underpinned by Conditions of Service and Statutory Redundancy requirements.

PURPOSE

1. The Governing Body may at times find itself having to address issues relating to staff cuts or reorganisation of the school establishment. Staff numbers for each academic year are based on anticipated pupil numbers and the curriculum, management and organisational needs as they relate to the School Development Plan.
2. The Council and the Governing Body recognises its duty of care to staff, and it is accepted that such circumstances will be of a serious concern to all, and for this reason, communication with staff and trade unions is vital. Staff will be able to seek advice and guidance from both the Headteacher and the Council's Human Resources Service. Trade union representatives may also offer assistance to their members.

SCOPE

3. This policy applies to all staff working in the school. It does not apply to Direct Services Unit staff i.e. catering, cleaning, grounds maintenance and repairs and buildings maintenance staff.
4. In the case of staff working wholly or primarily within schools, but appointed to centrally established posts (in Pupil Support/EMAS etc.), Council Policies and Procedures will apply. However, the Council is committed to the avoidance of compulsory redundancies, and will ensure that when necessary, school staff will be considered for vacant Schools Service central establishment posts, subject to the specific requirements of the specialist nature of the post (with a reasonable amount of training) being met.
5. The redeployment aspects of this policy will apply in cases of school reorganisation (amalgamation) or school closure.

KEY PRINCIPLES

6. The school budget is allocated on an annual basis and the Governing Body will compare the budget against the projected needs of the school. The Governing Body will give careful consideration to the advice of the Headteacher, and advice offered on behalf of the Chief Schools Officer, and also any advice provided by the Trade Unions.

7. On occasions, the school budget may bring about a revision to the size or structure of the school establishment, and in such circumstances the Governing Body may be faced with the possibility of declaring a member of staff surplus to the requirements of the school, and will need to undertake a full and proper consultation process.
8. This policy and procedure will ensure that in such circumstances, the Governing Body will first look at whether it will be possible to reduce staff numbers through natural turnover, or voluntary means. This will include:
 - Normal turnover of staff
 - Voluntary transfer of staff into other posts at the school
 - Voluntary transfer to part time working or job sharing arrangements
 - Voluntary Redeployment to another school, by working in partnership with other Governing Bodies. The Council will assist in any attempts to achieve redeployment.
 - Voluntary Early Retirement/Redundancy
9. The Governing Body, along with the Council, will seek to ensure, as far as possible, the security of employment of school staff. Experienced staff are the most valuable resource to the Education service and the Governing Body is committed to ensuring that staff are not needlessly lost. For this reason, the Governing Body is positively committed to working in partnership with the Council and other Governing Bodies, to ensure the success of any redeployment procedures. This will include the early consideration of potentially redundant staff from other schools for any vacancies the school may have, subject to the specific requirements of the post (with training) being met, prior to the advertisement of such vacancies.
10. At all stages of the application of this policy and procedure the Governing Body will ensure that it consults fully with the trade unions, which includes the school and the local representatives/branch secretaries. Contact details will be provided by the Human Resources Service of the Council.
11. Where a reduction in staff has not been achieved through natural or voluntary means, the Governing Body will review the number of staff on temporary contracts, who have continuous service of one year, or less. In order to achieve the required reduction in staff, the non renewal of such contracts will be assumed, subject to compliance with required notice periods. Where more than one member of staff is employed on a temporary contract, selection will be determined by length of service.
12. Staff employed on a temporary basis, who have continuous service of one year or more, will be treated on the same basis as permanent staff in the application of this policy and procedure.
13. Where there is a need to undertake a process of selection, the Governing Body will appoint a Determining Committee to fulfil this role. The Terms of Reference of the Committee agreed by the full Governing Body are as follows:
 - To undertake the Governing Body's responsibility to consult with trade unions and staff on the need to reduce the staff establishment, to ensure that the Redeployment and Redundancy Policy and Procedure, and the selection criteria therein, are complied with, and to identify a member(s) of staff for dismissal on the grounds of redundancy.

14. The Determining Committee will comprise no less than three and no more than five Governors, and will have full delegated powers.
15. The Governing Body will also appoint an Appeals Committee, which will comprise the same number of Governors as there were on the Determining Committee, but these must be different Governors to those who made the initial decision. Again, this Committee will have full delegated powers.
16. The Terms of Reference of the Appeals Committee are as follows:
 - To consider any appeal from a member(s) of staff identified for termination of employment on the grounds of redundancy in accordance with the Redeployment and Redundancy Policy and Procedure.
17. The Determining Committee will identify the category of staff where a reduction must take effect. It will then undertake a process of selection based on consideration of the following criteria:
 - The management needs of the school
 - The curricular needs of the school
 - The pastoral needs of the school
 - Qualifications/Training
 - Length of service
18. The Headteacher will provide staff details to the Determining Committee, under the categories described in paragraph 17 above. So far as is possible, the identity of individual staff will be protected.
19. The Governing Body is committed to equal opportunities and in no circumstances will a selection be made on the basis of racial or ethnic origins, gender, caring responsibilities, disability, age, marital status, sexuality, religious beliefs (**except where the law expressly permits such discrimination**), spent convictions.
20. Staff selected for redundancy have the right to make representations to the Determining Committee, and where necessary, the Appeals Committee, and may be accompanied by up to two trade union representatives, or a work colleague.
21. Any reference to 'days' in this policy and procedure mean working days from Monday to Friday, and does not include periods of school closure due to holidays.
22. The timescales outlined in the policy and procedure are to ensure that the Governing Body fully consults with staff and the trade unions, and also that the notice periods determined by Conditions of Service and the Statutory provisions are complied with.
23. The Governing Body will ensure that accurate records are kept of each stage of this procedure, and that trade unions are provided with documents, which include the School Development Plan, budget information and staff establishment information. Notes of meetings with trade unions and staff will be shared with those parties. All such records will be regarded as confidential and retained in accordance with the provisions of the Data Protection Act 1998.

24. The Governing Body will ensure that regular meetings are held with staff to keep them informed and updated on developments. This responsibility may be delegated to the Headteacher.
25. This policy and procedure will be reviewed in light of operational experience.

REDUNDANCY PROCEDURE

26. Having considered the options described in paragraph 8 above, the Governing Body may still be faced with the necessity of declaring a compulsory redundancy. In order to effect a reduction in the staffing establishment for the commencement of the new academic year, it will be necessary to conclude the process of selection and issue formal notice of termination by 31st May. In the case of teachers, if this timescale is not achieved, the redundancy can only take effect from the commencement of the following spring term. The Governing Body will need to be aware of the impact on the budget should this situation arise.
27. The declaring of a potential redundancy situation does not mean that a redundancy will actually occur, but unless a declaration is made at the correct time the process cannot be completed in sufficient time to comply with legislative requirements and statutory notice periods.
28. The Governing Body will respond to representations made by the trade unions and a meeting for that purpose will form part of the process. At this meeting alternative strategies may be agreed, which avoid the need for the redundancy but, failing that, the procedure described in Appendix 1 should be followed to select for redundancy.
29. The redundancy procedure described below will be followed:

Stage 1

30. The Governing body will meet to consider the school budget and agree proposed expenditure under the budget headings. Where the school budget does not meet the anticipated needs of the school, the Governing Body, after considering any other options, will determine a potential redundancy situation. Arrangements will be made to commence the Redundancy Procedure, determine the timescales for each of the stages and agree the composition of the required Committees. The timetable attached as Appendix 1 will be completed and a copy submitted to the Human Resources Service.
31. The advice and guidance of the Human Resources Service will be sought in the determination of the timetable, to ensure that sufficient time is allocated between the stages, and that the statutory notice provisions are observed.
32. The process is likely to involve the Determining Committee, and possibly the Appeals Committee, in a series of meetings over a short timescale, possibly with individual members of staff and their representatives. Committee members will need to ensure their availability at those agreed times.
33. Every support will be offered to the Committees by the Chief Schools Officer, or his representative, and the Human Resources Service.

Stage 2

34. Where possible, immediately following the Governing Body meeting at Stage 1, the Chair of Governors, and the Headteacher will meet staff to advise of the situation, the procedure to be followed and timescale involved. Staff will be informed that the Governing Body will consider whether it will be possible to achieve the required reduction through natural turnover, or voluntary means, and will be provided with details of the opportunities available. It is important that staff understand the timescales involved, so that where possible, any requests for Voluntary changes can be considered prior to the selection of a staff member. Staff will be provided with the contact details of an officer of the Human Resources Service, who will provide support in the consideration of options.
35. Staff will be advised that the trade unions will be fully consulted.

Stage 3

36. Staff will be formally notified of the potential redundancy situation (Letter 1). The trade union Branch Secretaries will be sent Letter 2, along with the appropriate enclosures. All will be advised of the deadline for the submission of representations, and the trade unions will be invited to meet with the Governing Body, (Stage 5). Staff and trade unions will have 10 working days to respond.

Stage 4

37. This will be the deadline for the submission of representations to the Governing Body. In determining this date, the Governing Body will consider if it is able to build in capacity to respond to any requests from the trade unions for further information.

Stage 5

38. The Governing Body will meet to consider the written representations made by the trade unions. If the trade unions attend the meeting there will be an opportunity for all present to explore any alternatives suggested.
39. Once the trade unions have left the meeting, the Governing Body will consider the representations in more detail and determine whether to proceed with the redundancy, or decide that other ways of achieving the reduction can be found.
40. Letter 3A or 3B will be issued.

Stage 6

41. The Determining Committee will meet to select a member(s) of staff for termination of employment on the grounds of redundancy. This meeting might immediately follow the Governing Body meeting held at Stage 5, provided the Headteacher has been able to provide information to assist with the selection process.
42. It is vital that the Determining Committee has available all appropriate information to assist with the selection process, and to ensure that any decision reached has a minimum impact on the pupils of the school.

43. So far as is possible, the identity of individual staff will be protected. Names or initials will not be used.
44. In Secondary Schools, the Headteacher will provide details of the anticipated timetable demands, alongside the total sessions available within the school.
45. In all schools, the Headteacher will provide details of the qualifications, experience and responsibilities of staff by completing the table attached as Appendix 2. This will be submitted to the Determining Committee. The Headteacher will also provide a short paper on the distribution of staff in the school and the impact a redundancy in each of the categories of staff.
46. The Headteacher may be invited to attend the first part of the meeting of the Determining Committee to give an explanation of the information submitted. The views of the Headteacher on individual staff will not be sought.
47. Representatives of the Chief Schools Officer and the Human Resources Service may be invited to attend the meeting to provide professional advice and guidance to the Determining Committee.
48. The Determining Committee will complete a Selection Grid, Appendix 3, using the information provided by the Headteacher. Notes of Guidance for the Determining Committee are attached as Appendix 4.
49. Once the selection has taken place, the arrangements for the communication to the Headteacher, and the member(s) of staff nominated for redundancy, will be agreed.
50. Letters 4 and 5 will be issued. Arrangements will be confirmed for the nominated member(s) of staff, and his/her trade union representative, to meet with the Determining Committee.

Stage 7

51. The Determining Committee will meet to consider any representations made by the nominated member(s) of staff. Either the representations will be accepted, in which case, the Determining Committee may have to make arrangements for another selection meeting, or, the original decision will be confirmed, and Letter 6 issued. In the case of the former, the Determining Committee will seek the advice of the Human Resources Service.
52. Letter 6 will advise the member(s) of staff of the right of appeal, and confirm the timescale for the Appeal Process.

Stage 8

53. The Appeal Committee will meet to hear any appeal against the decision of the Determining Committee. The selected member(s) of staff can attend the meeting, along with his/her trade union representative. The Chair of the Determining Committee may also attend to explain the process followed.

54. Following this, the Appeals Committee will review the documentation used and completed by the Determining Committee, and either confirm the original decision (Letter 7A) or overturn it (Letter 7B), in which case a further meeting of the Governing Body will be required to commence a new procedure.
55. Representatives of the Chief Schools Officer and the Human Resources Service may be invited to attend the meeting to provide professional advice and guidance to the Appeals Committee.
56. Letter 8 will be sent to the Chief Schools Officer (and in VA School, the relevant Diocesan Authority) to advise of the conclusion of the process, and request that the formal notice is given to the selected member(s) of staff, and that in the meantime, request that the Council make efforts to identify suitable alternative employment, within the Schools Service.
57. The Human Resources Service will make arrangement to meet with the selected member(s) of staff to discuss the options available, and prepare for redeployment opportunities.

Stage 9

58. A final notice of redundancy will be issued by the Chief Schools Officer.

REDEPLOYMENT PROCEDURE

59. Staff who have volunteered for redeployment, or have been selected for redundancy will be required to submit an up to date Curriculum Vitae to the Human Resources Service and a summary of information will be placed on the Cardiff Schools Redeployment Register.
60. The Council will give staff support, encouragement and help to identify what they can do: define their skills and abilities, (particularly transferable skills), and provide assistance for preparing for interviews.
61. The Cardiff Schools Redeployment Register will be coordinated by the Human Resources Service of the Council. The Headteacher will notify Human Resources of all vacancies, and prior to the advertisement of such vacancies, the Headteacher will have the delegated authority to consider the appointment of staff from the Redeployment Register. Final decisions will be taken in consultation with the Chair of Governors.
62. The Human Resources Service will notify the Headteacher immediately if the Redeployment Register includes an individual who should be considered for redeployment. The Headteacher will be provided with a copy of the Curriculum Vitae. Where the Redeployment Register has no individual for consideration, arrangements may be made to advertise the post.
63. Consideration of redeployment will be to posts of the same, or a lower grade. In the case of teachers, where redeployment is to a posts of a lower grade, the provisions of the School Teachers' Pay & Conditions Document will apply, and salaries will be protected. However, wherever possible, the teacher should be given responsibilities

commensurate with his/her grade. The Headteacher will discuss any financial consequences of such arrangements with the Human Resources Service.

64. The Headteacher, and where necessary, another member of the school management team, will arrange to meet the individual to determine his/her suitability for the vacant position. The Headteacher will confirm if redeployment is agreed, and the contract of employment will be issued immediately by the Human Resources Service.
65. If Redeployment is not possible, the Headteacher will notify Human Resources of the reasons for this. Individuals will be given feedback.
66. In some circumstances, where the Governing Body is willing to employ an individual from the Redeployment Register, a member of the school staff may be able to retire and access his/her accrued retirement benefits, with an appropriate redundancy payment, the financial consequences of which are covered by a specific budget held on behalf of schools, by the Council. Any such staff wishing to be released in these circumstances should advise the Headteacher. The Headteacher will advise the Human Resources Service of the request and confirm that the school is prepared to employ a suitable individual from the Redeployment Register.
67. The redeployment register will close at 31st August of each year, and those staff selected for redundancy will receive payment of their statutory entitlements. Staff can be transferred to the Council's pools of relief staff for schools.

CARDIFF COUNCIL

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| SCHOOL – REDEPLOYMENT/REDUNDANCY POLICY AND PROCEDURE |
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REDUNDANCY POLICY & PROCEDURE STAGES IN PROCEDURE

| |
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|--|

School

| STAGE | ACTION | DATE |
|----------------|---|------|
| STAGE 1 | Governing Body meet to consider the school budget and determine potential redundancy situation. Decision taken to commence redundancy procedure, and agree timescale for each of the stages. A copy of the timescale will be submitted to Human Resources. | |
| STAGE 2 | Headteacher/Chair of Governors meet staff to advise on situation, process involved and timescales. Inform staff that Trade Unions will be notified, and letters will be sent out to all parties. | |
| STAGE 3 | Staff are formally notified of the potential redundancy situation (Letter 1). Trade Union branch secretaries are sent Letter 2, which includes the deadline for representations, together with an invitation to meet with the Governing Body (Stage 5). (10 working days to respond to letter). | |
| STAGE 4 | Deadline for responses from Trade Unions. Where possible, the Governing Body may wish to allow time before Stage 5 to respond to any requests for further information from the Trade Unions. If this is the case, the timetable should take account of this. | |
| STAGE 5 | The Governing Body meet to consider the representations made by the Trade Unions. The Trade Unions may attend to make any verbal representations. Following this, the | |

| | | |
|----------------|--|--|
| | Governing Body will determine whether to proceed with redundancy and finalise date for selection <u>or</u> decide that other ways of achieving a reduction can be found. Letter 3A <u>or</u> 3B issued. | |
| STAGE 6 | The Determining Committee meets and selects for dismissal on the grounds of redundancy. Close attention will be paid to the selection criteria. The Headteacher will submit information for the consideration of the Determining Committee, and may attend to give an explanation of the information. However, the Headteacher is not entitled to be present during the selection. Letters 4 and 5 to be issued. (NB selected individuals to be given 7 working days to make representation). | |
| STAGE 7 | Determining Committee hears any representations from selected individuals and either accepts representation or confirms the original decision. If the original decision is confirmed Letter 6 is issued the day after this meeting. Date of Appeals Committee provisionally arranged for a date within 7 working days. If the original decision is overturned, staff and Trade Unions advised and a new selection process will be undertaken, commencing at Stage 6. In some cases, depending on the nature of the representations made by the Trade Unions, the matter may be referred back to a meeting of the Governing Body. | |
| STAGE 8 | The Appeals Committee hears any appeal against the decision of the Determining Committee and either confirms the original decision (Letter 7A) or overturns it (Letter 7B) in which case a further meeting of the Governors would be required to commence new procedures. | |
| STAGE 9 | A final notice of redundancy is issued by the Chief Schools Officer** by 31 st May **In the case of voluntary aided schools, the notice will be issued by the Governing Body | |

NOTE

Where an appeal against the decision of the Determining Committee is successful, the Governing Body will need to undertake another process of selection.

In determining the dates for each of the above stages, Governors should refer to the timetable options provided by Human Resources.

Redeployment/Redundancy Policy and Procedure

Assessment of Staff Qualifications, Skills and Experience

School:

Date:

| Staff indicator | DA | MA | EN | SC | WE | MU | AR | RE | DT | IT | PE | GE | HI | QU | AL | SE | PA | KS | EA | CS |
|-----------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| 1 | | | | | | | | | | | | | | | | | | | | |
| 2 | | | | | | | | | | | | | | | | | | | | |
| 3 | | | | | | | | | | | | | | | | | | | | |
| 4 | | | | | | | | | | | | | | | | | | | | |
| 5 | | | | | | | | | | | | | | | | | | | | |
| 6 | | | | | | | | | | | | | | | | | | | | |
| 7 | | | | | | | | | | | | | | | | | | | | |
| 8 | | | | | | | | | | | | | | | | | | | | |
| 9 | | | | | | | | | | | | | | | | | | | | |
| 10 | | | | | | | | | | | | | | | | | | | | |

Explanation of Codes used for Headings

| | | | | | |
|-----------|-------------|-----------|------------------------|-----------|-----------------------|
| DA | Date Appt | RE | Religious Education | AL | Allowance |
| MA | Mathematics | DT | Design Technology | SE | Special Needs Support |
| EN | English | IT | Information Technology | PA | Pastoral Needs |
| SC | Science | PE | Physical education | KS | KS 1/2 |
| WE | Welsh | GE | Geography | EA | Early Years |
| MU | Music | HI | History | CS | Continuous Service |
| AR | Art | QU | Qualifications | | |

Keys to be used by Headteacher under relevant Heading

| | | | | |
|---|--------------------|----|------------------|----------------------|
| E | Experience | CP | Child Protection | Completed by: |
| L | Leader | TL | Team Leader | |
| S | Subject Specialist | | | |
| | | | | Date: |

CARDIFF COUNCIL

Redeployment/Redundancy Policy and Procedure

Guidance Notes

1. The role of the Determining Committee is to identify, on behalf of the Governing Body, a member(s) of staff to be nominated for termination of employment on the grounds of redundancy.
2. Prior to any meetings, the Determining Committee members should familiarise themselves with the Redeployment/Redundancy Policy and Procedure.
3. The Determining Committee should identify a Governor who will undertake the role of chair and sign all appropriate correspondence.
4. The Determining Committee may request the attendance of an officer of the Human Resources Service at its meetings, to provide advice and guidance. A representative of the Chief Schools **Officer** *(and in VA schools the relevant Diocesan Authority)* may also be invited to attend.
5. The Headteacher will undertake an assessment of staff and submit this to the Determining Committee to assist in the selection process. So far as is possible, the identity of staff will be protected.
6. The Headteacher may meet with the Determining Committee to give an explanation of the information submitted. The Determining Committee will not seek the views of the Headteacher on any member of staff. The Headteacher is not entitled to be present when the Determining Committee undertakes the selection process.
7. Based on the information made available, the Determining Committee will undertake the process of selection by completing the Selection Grid (Appendix 4), having regard to the following:
 - **Experience**
1 point for each area of experience indicated
 - **Management**
1 point for each Lead role, management allowance (including Leadership position and SENCO)
 - **Curricular**
1 point for each subject specialism

- **Pastoral**

- 1 point for undertaking a pastoral role

- 1 point for fulfilling a specific pupil support role e.g. Child Protection

8. Once the Grid has been completed, it should be apparent to the Determining Committee which member(s) of staff will be nominated for redundancy. Where all else is equal, the member(s) of staff will be selected on the basis of length of service.
9. The Determining Committee must satisfy themselves that they have completed the selection process without bias. The Chair will inform the Headteacher and the nominated member(s) of staff of the decision reached.
10. Following selection, the Determining Committee will meet to consider any representations from the member(s) of staff and either accept the representations or confirm the original decision.
11. The Appeal Committee should ensure that it also is familiar with the process. At appeal stage, full consideration must be given to the basis for the appeal and a review of the documentation should take place.
12. In the event of a claim to an Employment Tribunal, all documentation used throughout the process would need to be disclosed.