
SAINT NICHOLAS SCHOOL

REDUNDANCY POLICY

Note: This policy applies to all sections of the school including EYFS

Reviewed Oct 2019

Review Date Oct 2021

INTRODUCTION

The biggest part of the school's expenditure is employees, therefore when facing budget cuts it is almost inevitable the reductions will need to be made in staffing. When considering such a course of action the Governors will use the following guidelines to help them through the process. Adherence to these guidelines will significantly reduce the risk of losing any industrial tribunal case and will also limit the likelihood of cases being taken to an industrial tribunal.

1. WHEN A POTENTIAL PROBLEM IS IDENTIFIED

- 1.1 Once a Governing Body has established the likelihood of reductions in staffing, it is good practice to let staff know in broad terms of the likelihood of budgetary problems and/or a reorganisation of staffing (see also 1.4 below).
- 1.2 To commence consultation a letter must be sent to the recognised unions, and made available to the affected staff, detailing the reasons for the proposals to reduce staff and the nature of any draft proposals. Comment should be invited from both unions and staff to help produce a constructive approach to the situation. Such a letter is required under Section 188 of the Trade Union and Labour Relations (Consolidation) Act of 1992. Failure to consult and consult 'meaningfully' will automatically lead to an award of compensation at an Industrial Tribunal.
- 1.3 **Important.** In order to demonstrate meaningful consultation, the process should begin as soon as proposals are formulated.
- 1.4 Governors must consider alternatives to compulsory redundancy such as voluntary redundancy, early retirement, non-filling of posts and redeployment.

The main principles that must be borne in mind at all times are:

- redundancy is dismissal in law and anyone who is dismissed for redundancy is able to complain to an industrial tribunal
- such a claim is unlikely to be successful provided consultation has taken place with staff and unions and the employer can demonstrate that they have taken into account such consultation
- the process for selecting staff for redundancies must use fair criteria fairly applied (see 2)
- the whole process must follow established procedures (as detailed in these guidelines) and should be fully documented.

2. CONSULTATION AND SELECTION

2.1 Governors must provide certain information by law:

- reasons for possible redundancy
- the number of potential redundancies and descriptions of posts
- the total number of staff employed in different categories (eg teachers/clerical assistants)
- how the employees will be selected

- when the redundancies will take place
- how redundancy pay is calculated

This minimum amount of information must be provided as part of the S188 letter (see 1.4 above), but as much information can be provided as governors wish. The more open, as a guide, the better.

- 2.2 When considering selection for redundancy a fundamental basis for this is that the ongoing needs and requirements of the school are of primary consideration. However, criteria for selection must be fair and must not take into account any gender or race related reasons or they will automatically be unfair.
- 2.3 The draft proposals, if any, established by the governors' first panel may identify specific posts as a result of, say, a management reorganisation and/or use a range of criteria spread across the affected groups of staff. The criteria must be reasonable and objective eg:

Criteria used could include –

- last in, first out
- non renewal of temporary or fixed term contracts, NB still a dismissal in law
- curriculum match (skills audit) – this requires accurate information about INSET etc
- cost of teacher

Other criteria can also be used and although legal, are more subjective

- contribution to broader 'life of the school'
- disciplinary record
- attendance record (not including maternity/paternity)

Governors need to consult over draft criteria and establish a scoring formula for the criteria.

Therefore unless the proposals for staffing reduction are self-selecting, it is recommended three or four criteria are used and weighted according to importance. It is also possible to give "plus points" to certain staff (eg postholders who may be expensive but are difficult to replace skills). Although it may be clear fairly quickly who the draft criteria has identified, this should not take place formally until consultation has taken place.

- 2.4 When a person has been identified as 'at risk' either through the application of the selection criteria or because a specific job has been identified they should be informed in as sympathetic and humane way as possible.

They should be notified in writing as being 'at risk' of redundancy and be informed of their rights to representation and their rights of appeal. Rights of representation are to a panel of governors and enables an individual to present a case against their selection.

3. REPRESENTATION MEETING

- 3.1 At least seven days written notice of a meeting must be provided and an individual must be informed of their rights to be accompanied by a friend or trade union representative.
- 3.2 Realistically unless there can be demonstrated to be a legal or procedural error in the process, it is unlikely the panel of governors will overturn the decision. The simple fact that the person does not like the outcome is not a good reason to overturn a decision.
- 3.3 The Head can act as adviser to the panel. Provided all processes and procedures have been fairly applied, it is most likely that most cases will end at this stage.
- 3.4 The panel should confirm to the individual in writing the decisions of the panel and inform them of the right of appeal to a second panel. It is recommended notes of the proceedings of the panel are kept.

4. APPEAL

- 4.1 At least 7 days notice of the meeting is required (reasonable requests to delay should be considered eg union representative unavailable).
- 4.2 The whole case is heard by a second panel. The presentation to the second panel, usually by the chair of the first panel, explains what the first panel did and why. The appellant then puts the case against. The appellant must have all relevant paperwork.
- 4.3 If the appeal is turned down a redundancy notice is now issued.
- 4.4 If the appellant is unsuccessful they can, if they wish, take out an application for a hearing at an Industrial Tribunal. Adherence to the correct procedures, timescale and the fairness of selection criteria will help ensure that this is unlikely and if it does happen, will reduce the risk of losing. Again it is recommended that notes of proceedings are kept.

5. REDEPLOYMENT

- 5.1 It is a statutory duty of every employer to seek to find somebody 'at risk' of redundancy suitable alternative employment. Should appropriate jobs become available prime consideration must be given to staff 'at risk' provided they meet the minimum criteria for selection.

6. TIMETABLE

- 6.1 Governors will realise that to follow all the procedures and comply with a 'reasonable' level of consultation will cover a considerable time span and it is therefore very important to begin the process at the earliest possible date. An example of a possible timetable is given below.

Dec	Determination of budgeting difficulties/loss of staff
Jan	Preliminary discussion with staff regarding redeployment, natural wastage, etc. Official notification to Unions (S188 letter) commencing formal consultation and discussion. Ask for volunteers for redundancy/early retirements.
March	Nomination of redundant staff
Before Mar 31	Notice of termination for teachers in order to terminate by 31 August.
Before June 9	Notice of termination for support staff
31 August	Date of termination of appointment