An Daras
Multi Academy Trust

An Daras Multi Academy Trust

Redundancy Policy and Procedure

The An Daras Multi Academy Trust (ADMAT) Company
An Exempt Charity Limited by Guarantee
Company Number/ 08156955.

Status: **Approved**	
Recommended	
Statutory	Yes
Version	LA Academy Model/Sept 2012
Adopted	**Oct 2014**
Reviewed	**1 Nov 2017**
Next Review	**Nov 2019**
Advisory Committee	RSS

An Daras Multi Academy Trust

Redundancy Policy and Procedure

Version: September 2012

Contents List

		Page
1	**Preamble**	2
2	**Purpose**	2 - 3
3	**Scope**	3
4	**Policy Statement**	3
5	**Procedure**	3-11
5.1	Avoiding Compulsory Redundancy	4
5.2	Identification of possible need for a redundancy	4-5
5.3	Governance Body ratification of decision to make a redundancy	5
5.4	Consultation with staff	5
5.5	Voluntary Redundancies	6
5.6	Determination of the redundancy selection criteria	7
5.7	Consultation with employee/trade union representatives	7-8
5.8	Application of the redundancy selection criteria	8
5.9	Appeals against redundancy	9
5.10	Dismissal	9
5.11	Support	9
5.12	Redeployment	9
5.13	Notification to Department for Work & Pensions	10
6	**Financial Matters**	10-11
6.1	Funding for redundancy costs	10
6.2	Redundancy benefits for teachers	11
6.3	Redundancy benefits for support staff	11

Appendices

1	Policy on Redundancy Criteria	12
2	Flowchart of Redundancy Procedure	13-14
3	Letter opening staff consultation with regard to potential redundancy	15
4	Letter confirming acceptance of request for voluntary redundancy	16
5	Model redundancy selection criteria	17-18
6	Letter notifying provisional selection for compulsory redundancy	19
7	Letter confirming selection for compulsory redundancy	20
8	Statutory redundancy payments	21
9	Redundancy chart from the Employment Rights Act 1996	22

Prepared by Cornwall Councils ER Team

ADMAT Redundancy Policy and Procedure

1 Preamble

1.1 This Academies Redundancy Procedure has been determined by the Human Resources officers representing the Academies in Cornwall and the recognised Trade Unions, Teacher Associations. This Procedure is recommended to Academies for adoption immediately. Should an Academy decide to develop their own procedure they will need to reopen consultation with Trade Unions.

1.2 'School/academy days' refers to days on which the Academy schools are open to pupils.

1.3 The Governance Bodies/Executive Head Teacher should seek advice on the application of this procedure from Cornwall Council Schools' Employee Relations Team at the earliest possible opportunity.

1.4 For the purposes of this procedure, redundancy generally refers to a ceasing or diminishing need for work of a particular kind, or the ceasing or diminishing of work in a particular location(s). In the light of formula-based budgets, it is accepted that considerable changes in Academy budgets cannot always be anticipated and can necessitate a staffing re-structure to cut back on staff costs which, in turn may lead to a redundancy. Guidance on the redundancy criteria is found in Appendix 1.

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

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

1.7 This procedure will be made known to every member of staff and will be contained within the academies recognised handbook/website of policies and procedures.

1.8 This procedure acknowledges the legal responsibilities of Executive Head teachers and Boards of Directors in relation to the management of potential redundancy situations, as well as promoting best practice in staff management. It is therefore strongly recommended that the procedure is followed in consultation with a representative from Human Resources in all cases of staff redundancy.

2 Purpose

2.1 Whilst ADMAT recognises that it has a responsibility to safeguard wherever possible the job security and prospects of its employees, it must have a procedure which enables it to cope with changed needs and priorities.

2.2 This procedure is intended to establish a process which provides for the fair and consistent treatment of staff in the event of a redundancy situation arising.

2.3 It sets out the responsibilities of the Board of Directors and the Executive Head teacher.

3 Scope

3.1 This procedure applies to all staff employed at ADMAT.

4 Policy Statement

4.1 This procedure establishes the means by which ADMAT should manage potential redundancy situations. In general Executive Head teachers and Board of Director members will wish to manage their resources in a manner designed to alleviate any risk of compulsory redundancy through effective forward planning. However, where circumstances are such that a redundancy situation is unavoidable in an Academy, wherever possible compulsory redundancies will be avoided and the ADMAT will implement relevant, appropriate and practicable measures to try and minimise the impact on all staff.

4.2 Staff and trade unions will be consulted when there is a potential redundancy situation and will be provided with relevant information. This procedure provides the right for any member of staff potentially redundant to make representations to the appropriate committee of directors of ADMAT and ultimately to make an appeal to the Staff Dismissal Appeals Committee.

4.3 The Board of Directors accepts that any decision taken under this procedure may involve some sensitive matters and it is critical that Board members demonstrate appropriate confidentiality in the management of the proceedings without compromising the requirement for full and open consultation with staff and trade unions. Matters dealt with by Board members under this procedure should be discussed formally at the recognised meetings.

4.4 Any employee who is facing potential redundancy has the right to be accompanied at all stages of this procedure by a workplace colleague or trade union representative.

5 Procedure

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

5.1 **Avoiding Compulsory Redundancy**

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

i achieving a reduction in the workforce through staff turnover and restrictions in recruitment;

ii restricting the use of agency services, casual staff, external consultants and volunteers where this work could be undertaken by existing ADMAT employees;

iii reducing overtime;

iv reducing working hours of staff employed on variable hours contracts as an alternative to redundancy;

v attempting to redeploy those who are at risk of being made redundant elsewhere in ADMAT;

vi Supporting employees potentially facing redundancy in seeking alternative employment opportunities by liaising with Cornwall Council Schools' Employee Relations Team, who will look to facilitate employees' awareness of employment opportunities in the wider school community in Cornwall.

vii retrain employees where employment opportunities elsewhere within ADMAT can be foreseen where practical;

viii explore the opportunities for voluntary reductions to hours from employees.

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

Please refer to Cornwall Council Schools' Employee Relations Team for further advice with regard to identifying ways in which the impact on staff may be minimised and compulsory redundancies avoided.

5.2 **Identification of possible need for a redundancy**

The Board of Directors is responsible for setting the staffing complement of the ADMAT and will decide when a redundancy might be necessary. If, after considering the various strategies for avoiding redundancy, the Executive Head teacher and/or representatives of the Board believe that a redundancy situation is likely, it is advised that they seek advice from Cornwall Council Schools' Employee Relations Team**.**

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

i falling Academy roll or other reasons which cause a reduction in funding;

ii diminished need for the requirement to carry out work of a particular field.

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

5.3 **Board of Director ratification of decision to make a redundancy**

Once the possible need for a redundancy in ADMAT has been identified the proposal must be endorsed by the Full Directors Board meeting. It will be necessary to have a minimum of two thirds

of the Full Directors Board present in making this decision. Staff directors are allowed to be present as the principle, not the detail, of declaring a redundancy should be discussed.

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

i detailed information of the ADMAT's circumstances relating to the proposal which may include Academy budget forecasts, current and predicted pupil on roll data, proposed changes to the structure of ADMAT etc.;

ii the number of redundancies and job type/s proposed;

iii the proposed effective date of the redundancy(ies);

iv election of a Staff Selection Committee of Directors;

v election of a Staff Selection Appeals Committee of Directors.

The Board of Directors is strongly recommended to seek advice from Cornwall Council Schools' Employee Relations Team at the early stages of this process. An ER officer from the Employee Relations Team may attend this meeting to provide advice on request.

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

5.4 **Consultation with staff**

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

i that a potential redundancy situation exists;

ii the reasons for this situation;

iii that volunteers for redundancy are being sought;

iv that Directors would welcome suggestions regarding alternative measures to avoid compulsory redundancy;

v redundancy compensation arrangements and how confidential estimates may be obtained;

vi timescales.

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

5.5 **Voluntary Redundancies**

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

Employees who may be interested in considering voluntary redundancy may confirm their interest to the Executive Head teacher who will contact Cornwall Council Schools' Employee Relations Team to arrange for a confidential redundancy financial estimate to be provided to the member of staff. Alternatively, the employee may contact Cornwall Council Schools' Employee Relations Team direct with a view to seeking this information.

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

Employees must have 2+ years service to be entitled to a redundancy payment. The amount of the payment is calculated by reference to the period of continuous local authority service with an employer(s) referred to in Schedule 1 and in the Appendix to Schedule 2 of The Redundancy Payments (Continuity of Employment in Local Government) (Modification) Order 1999 (as amended). Service which has been the subject of a previous redundancy payment will not count for this purpose. The maximum service that may be counted is 20 years. The statutory redundancy chart is shown at Appendix 9.

Should an employee wish to take voluntary redundancy, the request should be confirmed in writing to the Board of Directors through the Executive Head teacher. The Executive Head teacher should then discuss such requests with the Board of Directors prior to the Board confirming acceptance.

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

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

5.6 **Determination of the redundancy selection criteria**

Where there is a choice between employees for potential selection for redundancy, case law requires the selection to be fair and objective. Subjective decisions, without objective evidence, have been found to be unfair by Employment Tribunals. In addition, selection decisions taken by only one person are also likely to be deemed unfair.

Once a redundancy resolution has been made by the Full Board of Directors, the Staff Selection Committee of Directors will need to meet to identify the redundancy selection criteria. The Staff Selection Committee should comprise of not less than three members of the Board of Directors (unless this is not reasonably practicable in which case the committee may comprise of two members of the Directors e.g.: where there are vacancies on the Board) and should not include Staff Directors. Whilst the Executive Head teacher of the Academy shall not be a member of the Staff Selection Committee, he/she would normally attend the meeting to advise the Committee but would have no voting powers. It is strongly recommended that the Committee arrange for a HR representative to attend the meeting to provide advice on redundancy selection criteria.

As a starting point, it is recommended that the Board of Directors and Executive Head teacher prepare a "curriculum plan" and conduct, or update, a staff skills audit, in order to produce a clear statement of what ADMAT needs to continue to successfully deliver the curriculum.

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

5.7 **Consultation with employee/trade union representatives**

ADMAT will consult with the recognised trade unions on all redundancies in order to inform them of the potential redundancies and provide them with relevant information. The recognised employee representatives will be offered an opportunity to attend a meeting and/or to make verbal or written comments on the proposals.

The purpose of the trade union consultation meeting will be to discuss the following:

i that a potential redundancy situation exists;

ii the reasons for this situation;

iii the anticipated numbers of staff to be made redundant;

iv the anticipated areas of work from which staff will be affected;

v the proposed selection criteria are fair and objective;

vi that volunteers for redundancy are being sought and, where appropriate, the numbers of voluntary and compulsory redundancies anticipated;

vii that directors would welcome suggestions regarding alternative measures to avoid compulsory redundancy.

Cornwall Council Schools' Employee Relations Team will work with the Executive Head teacher to compile this information for distribution to the employee representatives two weeks in advance of the consultation meeting.

The Executive Head teacher and/or Chair of Directors are required to attend the consultation meeting to present the case and answer questions. The Executive Head teacher and/or Chair of Directors will be supported by a representative from Cornwall Council Schools' Employee Relations Team.

Where ADMAT is proposing to select a volunteer(s) for redundancy, it is unlikely that the Executive Head teacher will be required to attend the trade union consultation meeting.

5.8 **Application of the redundancy selection criteria**

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

Once the decision is made, the Chair of the Staff Selection Committee will make the necessary arrangements to inform the employee(s) provisionally selected of this decision. In accordance with

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

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

Following the meeting, the Staff Selection Committee will make a decision as to whether to confirm the proposal or review the application of the redundancy selection criteria. The outcome of the meeting shall be confirmed to the employee(s) in writing within 5 school days of the meeting of the Staff Selection Committee. A draft letter confirming the decision following the meeting is provided in Appendix 7 where the decision is to confirm the proposed compulsory redundancy.

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

5.9 **Appeals against redundancy**

Staff appeals against selection for redundancy should be heard by the Staff Selection Appeals Committee of Directors. The Committee should comprise of not less than three members of the Directors Board (unless this is not reasonably practicable in which case the Committee may comprise of two members of the Directors Board e.g.: where there are vacancies on the Board), who have not served on the original Staff Selection Committee. The Executive Head teacher of the ADMAT shall not be a member of the Staff Selection Appeals Committee, but may be required to attend the meeting and answer questions put by the Committee.

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

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

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

Cornwall Council Schools' Employee Relations Team should be informed of the outcome of the appeal at the earliest opportunity. If the outcome is to uphold the decision of the Staff Selection

Committee, will issue notice to the employee confirming the termination of employment on the grounds of redundancy. If the decision is overturned, the redundancy selection will be referred back to the Staff Selection Committee in order for the selection criteria to be reapplied.

5.10 **Dismissal**

Once the Staff Selection Committee of Directors has confirmed the selection of the employee(s) for redundancy in accordance with the agreed criteria, and the appeals process, where instigated, has resolved to uphold this decision, the Executive Head teacher or representative of the Board of Directors will write to the employee(s) to issue the appropriate notice of termination of employment.

5.11 **Support**

Directors should give consideration to any support which may be necessary given the circumstances. This may include counselling, pre-retirement courses and assistance in seeking alternative employment. In particular, Directors may request that the LA assists ADMAT by seeking opportunities for redeployment across all schools and academies within Cornwall.

5.12 **Redeployment**

Redeployment for the purposes of this procedure relates to seeking suitable alternative employment for an employee who has been selected for potential redundancy. Suitable alternative employment would typically relate to work within the employee's capability of a similar status on a comparable salary within ADMAT. ADMAT has a legal obligation to explore opportunities for suitable alternative employment within its organisation for employees facing potential loss of employment due to redundancy.

Where there are no opportunities for redeployment within ADMAT, it is recommended that the ADMAT contacts Cornwall Council with a view to exploring the availability of suitable alternative employment opportunities in the wider school community on behalf of the employee. The Local Authority has links with the wider school community and is able to contact other Academies and schools to explore the availability of vacant roles that may represent a suitable employment opportunity for an employee at risk of redundancy in ADMAT. The Local Authority is not able to instruct a Governing Body of an Academy or School with a potentially suitable vacancy to accept a potentially redundant employee from another Academy, however it is able to facilitate an employee's awareness and application for employment elsewhere where vacancies may exist, which will help to support an employee facing redundancy to secure ongoing employment.

For every employee provisionally selected for redundancy, it is recommended that the Chair of the Selection Committee or Executive Head teacher arranges for this support by writing to Cornwall Council Schools' Employee Relations Team to arrange for an application form to be sent to the employee for completion and return. Once Cornwall Council Schools' Employee Relations Team receives the completed application form, the details will be made available to those schools, academies and Council departments identified by the employee as preferable work locations.

5.13 **Notification to Department for Work & Pensions**

ADMAT, as the employer is required by law to notify the Department for Work and Pensions of the details of staff redundancies where 20 or more employees are made redundant.

6.0 Financial Matters

6.1 **Funding for redundancy costs**

In such circumstances where it is determined that a redundancy is necessary in order for ADMAT to meet its budget, the Executive Head teacher and Board of Directors are advised to seek further financial advice from the Academy's Accounting Technician or Bursar.

ADMAT and or the Education Funding Agency (EFA) will be responsible for meeting centrally all costs of the redundancy (including any costs associated with premature retirement where this forms part of the redundancy benefits) **,** Academy's are advised to seek the guidance from the EFA regarding any caveats associated with these costs.

Please be aware that if a redundant individual commences a new post in an organisation covered by the Redundancy Modification Order within 4 weeks of the termination date, they would forfeit their redundancy payments.

6.2 **Redundancy benefits for teachers**

Subject to eligibility (employees must have 2+ years service), all teachers are entitled to the following payments on the termination of employment in respect of their redundancy:-

(a) redundancy payment payable in all cases based on age and length of service (maximum service counted is 20 years);

AND subject to the Board of Director's agreement:-

(b) discretionary compensatory payment equal to the redundancy payment.

Teachers, with the agreement of the Board of Directors, are eligible for a discretionary compensatory payment equal to their redundancy payment as calculated using the redundancy chart at Appendix 9. This means that a teacher could receive up to a maximum of 60 weeks pay including the statutory redundancy payment.

6.3 **Redundancy benefits for support staff**

Subject to eligibility (employees must have 2+ years service), all support staff are entitled to the following payments on the termination of employment in respect of their redundancy:-

(a) redundancy payment payable in all cases based on age and length of service (maximum service counted is 20 years);

(b) employees over the age of 55, subject to eligibility (more than 3 months pensionable service) may be entitled to an immediate pension and lump sum payable by the Local Government Pension Scheme (LGPS);

AND subject to the Board of Directors' agreement:-

(c) discretionary compensatory payment equal to 75% of the redundancy payment.

The discretionary compensatory payment referred to in (c) above, where eligible, is calculated using the redundancy chart at Appendix 9. This means that a member of support staff could receive up to a maximum of 52½ weeks pay including the statutory redundancy payment.

Support staff who are members of the LGPS cannot access their pension benefits until the age of 55.

Appendix 1

ADMAT Policy on Redundancy Criteria

In coming to a decision as to whether a post is redundant or not, the Board of Directors and Executive Head teacher will need to be satisfied that:-

1 The following statutory redundancy criteria are met:-

Definition

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

(a) The employer has ceased, or intends to cease:

(i) to carry on the business for the purposes of which the employee was employed by him: or

(ii) to carry on the business in the place where the employee was so employed; or

(b) The requirements of the business for employees:

(i) to carry out work of a particular kind; or

(ii) to carry out work of a particular kind in the place where the employee was employed;

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

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

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

2 It is acknowledged that where an academies financial budget necessitates a reduction in costs which can only be achieved through a reduction in staffing.

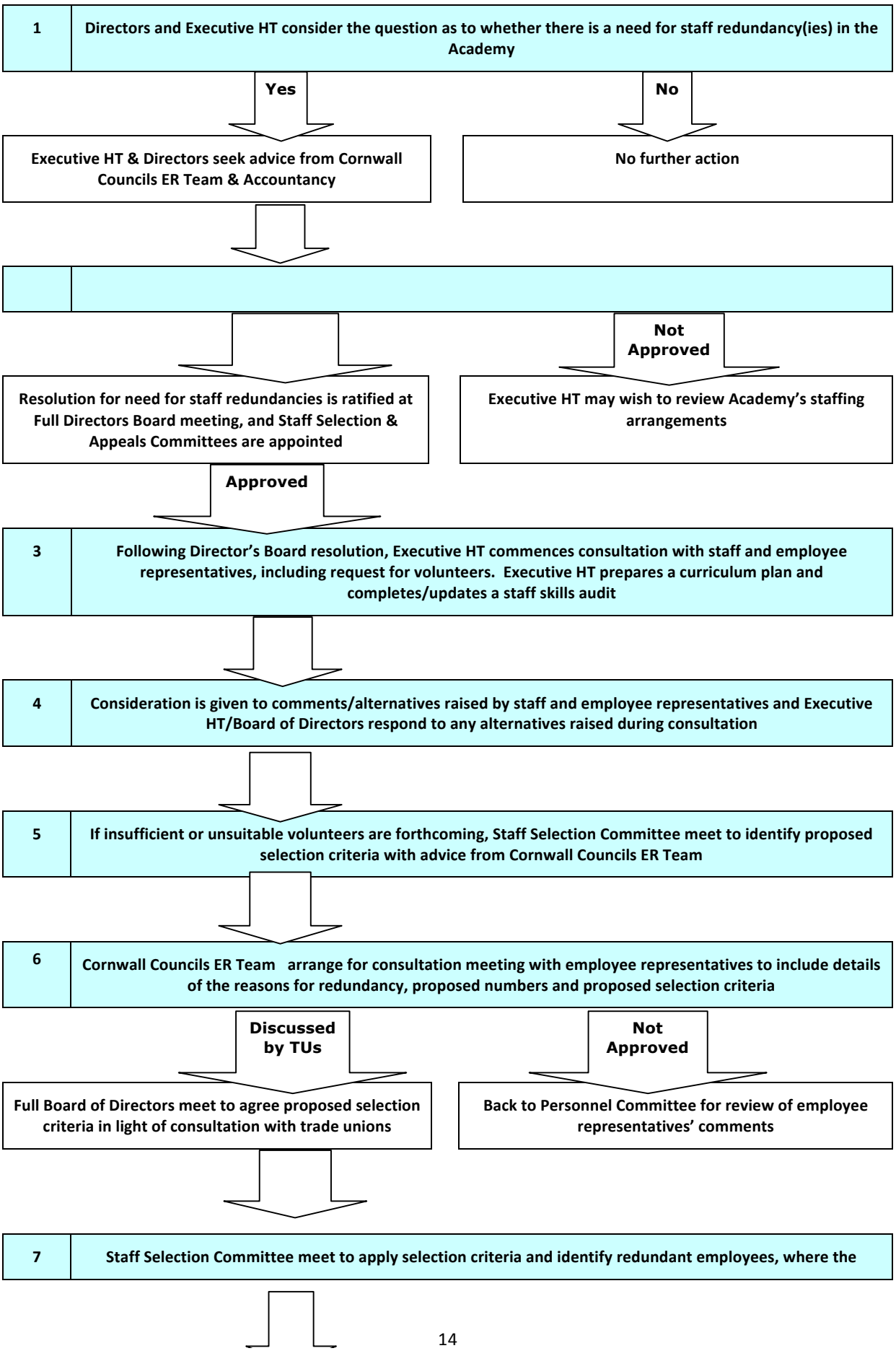
AND

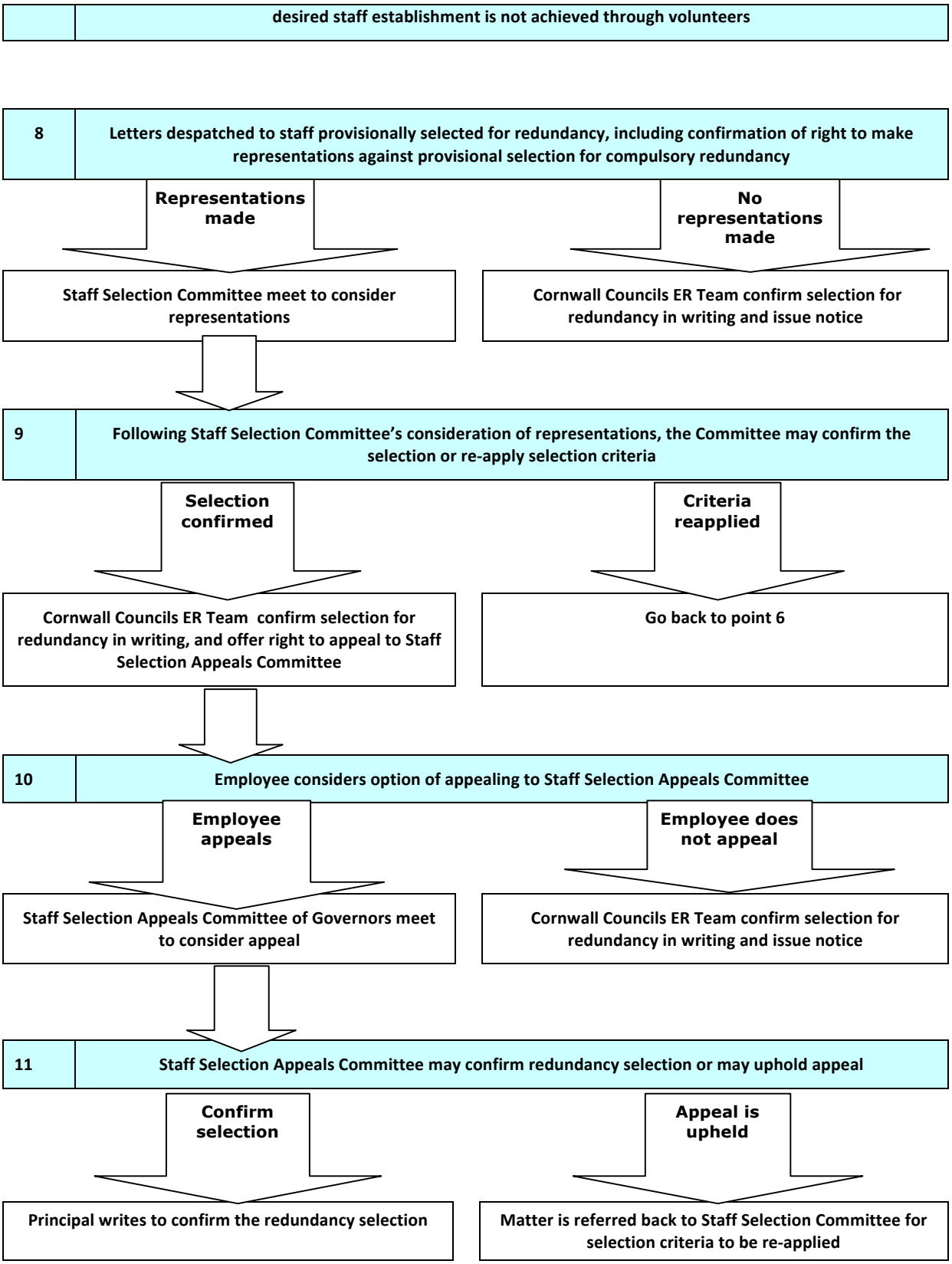
3 It is not practicable to avoid redundancies:

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

Appendix 2

Flowchart of Redundancy Procedure




desired staff establishment is not achieved through volunteers
8
Letters despatched to staff provisionally selected for redundancy, including confirmation of right to make representations against provisional selection for compulsory redundancy
Representations made
No representations made
Staff Selection Committee meet to consider representations
Cornwall Councils ER Team confirm selection for redundancy in writing and issue notice
9
Following Staff Selection Committee's consideration of representations, the Committee may confirm the selection or re-apply selection criteria
Selection confirmed
Criteria reapplied
Cornwall Councils ER Team confirm selection for redundancy in writing, and offer right to appeal to Staff Selection Appeals Committee
Go back to point 6
10
Employee considers option of appealing to Staff Selection Appeals Committee
Employee appeals
Employee does not appeal
Staff Selection Appeals Committee of Governors meet to consider appeal
Cornwall Councils ER Team confirm selection for redundancy in writing and issue notice
11
Staff Selection Appeals Committee may confirm redundancy selection or may uphold appeal
Confirm selection
Appeal is upheld
Principal writes to confirm the redundancy selection
Matter is referred back to Staff Selection Committee for selection criteria to be re-applied

Appendix 3

LETTER OPENING STAFF CONSULTATION
WITH REGARD TO POTENTIAL REDUNDANCY

PRIVATE & CONFIDENTIAL

Ref:
Direct Line:

Insert date

Dear

Redundancy Consultation

The Board of Directors has recently undertaken a review of the academies indicative financial position for 2012/2013. Subject to confirmation of this budget, it is anticipated that we will need to make a financial saving of approximately £xxxxx this year.

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

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

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

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

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

If you are interested in the possibility of volunteering for redundancy you may request an "estimate of benefits" confidentially by contacting Children, School's & Families Human Resources on (01872) 323795 or by e mailing ebuckley@cornwall.gov.uk making the decision as to whether you would wish to formally request consideration for voluntary redundancy. Please note that estimates of benefits are produced within 4 weeks of the date of request.

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

Yours sincerely

Executive Head teacher or Chair of Directors

Copy of this standard letter to:
1 Chair of Directors
2 Elaine Buckley, Children, School's & Families HR, Room G11, New County Hall, Truro, TR1 3AY
NB Cornwall Councils ER Team will send a copy to the trade union representatives

Appendix 4

LETTER CONFIRMING ACCEPTANCE
OF REQUEST FOR VOLUNTARY REDUNDANCY

PRIVATE & CONFIDENTIAL

Ref:
Direct Line:

insert date

Dear

Acceptance of Request for Voluntary Redundancy

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

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

In connection with this, the Academy is required to complete an instruction to dismiss form in mid May, advising the local authority that there have been no changes to the budget or staffing structure prior to the end of May. If this is the case, Children, Academy's & Families HR will release a dismissal on the grounds of redundancy letter to you at the end of May, confirming your cessation of employment on 31 August 2013.

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

Kind Regards

Executive Head teacher or Chair of Directors

Copies to:
1 Chair of Directors
2 Elaine Buckley, Children, School's & Families ER, G11, New County Hall, Truro, TR1 3AY
NB Cornwall Councils ER Team will send a copy to the trade union representative

Appendix 5

ADMAT Redundancy Selection Criteria

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

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

Request for Volunteers:

1 In all circumstances, Directors should seek volunteers from staff within the Academy. Directors will endeavour to meet the required decrease in staff through voluntary redundancies.

2 Where the number of volunteers within the Academy exceeds the requirement for redundancies, the Directors will select volunteers on the basis of the criteria outlined below so as to ensure the needs of the Academy continue to be best met.

3 In exceptional circumstances, the Directors reserve the right not to approve a request for voluntary redundancy in favour of a compulsory redundancy where selection of the volunteer would lead to the Academy being unable to deliver the curriculum.

Basis for selection for compulsory redundancy:

1 If acceptable volunteers are not forthcoming, Directors may apply the following criteria to determine the selection of staff for redundancy.

2 Where there is a recognised requirement to retain certain posts in relation to the necessary staffing structure of the Academy or delivery of the curriculum (e.g.: Executive Head teacher, Deputy or Assistant Heads(s) in some cases), Directors may consider the exclusion of job holders in such positions. In these circumstances, the Directors are required to provide written justification of the exclusion of any members of staff from the application of the selection criteria.

3 Directors must cross reference the curriculum plan produced by the Executive Head teacher with the selection criteria; in doing so the needs of the Academy will be uppermost in the process. Directors should also refer to the staff skills audit in order to be fully aware of the skills held by staff.

4 In the application, staff may be assessed against each point of the criteria which Directors have weighted by awarding points to reflect the relative importance of each factor. All staff (with the exception of those identified for exclusion from the selection criteria as outlined above) should be assessed against the criteria and a total point score awarded.

5 Those members of staff with the lowest point score are selected for redundancy.

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

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

Tie-Breaker:

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

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

Appendix 6

LETTER NOTIFYING PROVISIONAL SELECTION FOR COMPULSORY REDUNDANCY

PRIVATE & CONFIDENTIAL

Ref:
Direct Line:

Dear insert date

Notification of Provisional Selection for Redundancy

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

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

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

1 volunteers for redundancy have been sought in the first instance;

2 redundancy selection made on the basis of (provide details of selection criteria) or attach as additional document)

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

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

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

Yours sincerely

Chair of Staff Selection Committee

Copies to:

1 Chair of Directors

2 Elaine Buckley, Children, School's & Families HR, Room G11, New County Hall, Truro, TR1 3AY
NB Cornwall Councils ER Team will send a copy to the trade union representative

Appendix 7

LETTER CONFIRMING SELECTION
FOR COMPULSORY REDUNDANCY

PRIVATE & CONFIDENTIAL

Ref:
Direct Line:

insert date

Dear

Confirmation of Selection for Redundancy

Thank you for attending the meeting of the Staff Selection Committee of Directors this afternoon and making your representations with the support of your representative.
OR
I write further to my letter dated *insert date* and having received notification from you that you have chosen not to make representations to the Staff Selection Committee of Directors who provisionally selected you for redundancy.

if representations made use this paragraph (delete)
A second meeting of the Staff Selection Committee of Directors took place on *insert date* at which further consideration was given to your provisional selection for redundancy in light of your representations made at this meeting. Having carefully considered the points raised, I regret to inform you that the Directors have decided to confirm their decision of selecting you for redundancy with effect from *insert date*.
OR
if representations not made use this paragraph (delete)
A second meeting of the Staff Selection Committee of Directors took place on *insert date* at which further consideration was given to your provisional selection for redundancy. I regret to inform you that the Directors have decided to confirm their decision of selecting you for redundancy with effect from *insert date*.

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

In accordance with ADMAT redundancy procedure, if your appeal is not upheld or you choose not to appeal, the Directors will instruct the Executive Head teacher to issue you with notice of termination of employment on the grounds of redundancy.

Yours sincerely

Chair of Staff Selection Committee

Copies to:
1 Chair of Directors
2 Elaine Buckley, Children, School's & Families HR, Room G11, New County Hall, Truro, TR1 3AY
NB Cornwall Councils ER Team will send a copy to the trade union representative

Appendix 8

Statutory Redundancy Payments

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

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

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

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

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

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

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

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

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

Appendix 9

Compensation under the Employment Rights Act 1996

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

18* [1] - It is possible that an individual could start to build up continuous service before age 16, but this is likely to be rare, and therefore we have started Table 2 from age 18.61* [2] – The same figures should be used when calculating the redundancy payment for a person aged 61 and above.