



'Engaging learners to enhance their life opportunities and outcomes'



MANAGING REDUNDANCIES – GUIDELINES

Approved

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1. SUMMARY

Making staff reductions is one of the most difficult employment processes a school may have to carry out. At every stage, it requires professional HR advice and support and the full involvement of appropriate officers of the Trust. This note offers general guidance adapted from Suffolk County Council's guidance¹ on making staff reductions, including guidance on the costs of redundancy and the requirements of employment law and good practice, including consultation with staff and trade unions.

2. PLANNING FOR CHANGE

2.1 Anticipating Future Staffing Levels

In line with ESFA requirements, the Trust requires school Governing Bodies and School Improvement Boards, where in place, to plan their staffing levels at least two years ahead, so as to anticipate any changes and identify where circumstances may lead to staffing reductions, especially those created by foreseeable reductions in pupil numbers and / or High Needs Funding levels. This enables a school to take advantage of normal staff movement and adjust its staffing complement accordingly, where possible - including the distribution of promoted posts, (i.e. those within the Leadership Group or attracting Teaching and Learning Responsibility payments).

2.2 Redundancy Payments and Their Cost

Redundancy occurs when the requirement for "work of a particular kind" at an establishment has ceased or diminished or is about to cease or diminish. Employees who are dismissed by reason of redundancy are entitled to receive compensatory payments. The amount of those payments is governed by statute. In addition to a redundancy payment, any employee who is old enough to satisfy the requirements of his/her pension scheme may be entitled to take premature retirement and receive an immediate pension. The cost of the redundancy payment will usually be met by the school's budget. The school will need to fund the capital cost of the enhanced pension contribution for early retirement costs.

2.3 Trust Policy on Premature Retirement and Redundancy

The Trust's Organisational Change Management Policy August 2021 applies to staff in so far as school Governing Bodies have decision-making powers in respect of all staff employed at their own school. This policy sets out the procedural requirements, which in the Trust's view are necessary to ensure that the actions of a Governing Body in dismissing an employee by reason of redundancy will be deemed to be fair. If a Governing Body follows the Trust's procedural advice, as set out in its policy and seeks guidance from professional HR advisors, the cost of any compensatory payments awarded to an employee by an employment tribunal (if a tribunal, subsequently, finds that dismissal to be unfair) will be met by the Trust from outside the school's delegated budget.

3. CONSULTATION WITH EMPLOYEES AND TRADE UNIONS

3.1 Timescale for Consultation

If a reduction in staffing appears to be unavoidable, the school must declare this to employees at the school in sufficient time to allow full consultation with school staff and representative trade unions. This is required by employment law, as well as the Trust's policy and guidance. Schools are also expected to freeze recruitment (other than to temporary or strictly time-limited posts), as soon as, it is apparent that staff reductions may be necessary.

Where a potential redundancy situation is identified, it is important for school management to take account of the length of time necessary to complete the process fairly. The requirement for

¹ Suffolk County Council - SCC 026 Managing Redundancies G42 Guidance Nov 2020

full consultation with employees and their representative trade unions in these situations, combined with the requirement to give appropriate notice where dismissal by reason of redundancy is an outcome, will normally necessitate starting the procedure at least one and a half school terms before the staff reduction needs to take effect.

An illustrative timescale, showing the main stages of the procedure is set out at [Appendix A](#).

3.2 Starting Consultation - Writing to Trade Unions and Staff

Consultation must start at the earliest practicable opportunity. Governing Bodies will normally become aware of a need to make staffing reductions, which might involve redundancy through their budget planning process. If the need becomes clear, Governing Bodies should inform the Trust (CEO) and seek professional HR advice without delay. Initiating the procedure does not commit school management to carrying it through to completion. It is straightforward to withdraw the notification, if redundancy subsequently proves to be unnecessary or avoidable.

Formal consultation should not be pre-empted by informal discussions with staff. There should be a clear start to the consultation process. The first stage is to write a letter to the appropriate trade unions (i.e. if teachers are affected all teaching unions and, if support staff are affected, to UNISON), and to the appropriate school staff (i.e. teachers and/or support staff). Names and addresses of trade union County Secretaries will be supplied by your named HR Consultant. The letter should contain information prescribed in Section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992:

- the reason for the proposals,
- the extent of the staff reduction,
- the description of employees concerned and the number of such employees at the school,
- the proposed method of selecting those for redundancy,
- the proposed dismissal procedure,
- the proposed method of calculating any redundancy payments (other than those required by law) and,
- the proposed timing of any dismissals (with due regard to employees' contractual notice periods).

The school's HR Consultant will provide a suitable draft, and a sample consultation letter is set out in [Appendix B](#). Trade unions have the right to request relevant information and a list of supporting documents, which trade unions normally require access to in a redundancy situation, is given within the sample letter. These documents should, where possible, be sent out with the letter.

Any circulation of information for the purposes of consultation should also include staff who are away from the school on long term sickness, maternity/ paternity / adoption leave, secondment, or any other similar temporary absence.

3.3 Holding a Meeting with Staff and Trade Unions

The initial letter should be followed up, as soon as is reasonably possible, by convening a staff meeting to explain the situation more fully, what has led to it and how the school is proposing to resolve it. If both teaching and support staff may be dismissed, all school staff should be invited to attend. If the situation affects only teachers or only support staff, it may be appropriate to convene a meeting of the group affected only. Representatives of recognised trade unions representing the groups of staff invited to the meeting are entitled to attend, whether or not they have members in the school, and should be invited. The Headteacher will normally be the appropriate person to conduct the meeting, and s/he should take advice in planning it. An appropriate representative of

the Trust must be invited and will normally attend to provide both support to the Headteacher and information to staff and their representatives - including information about compensatory benefits available to employees. Employees may be invited to express an interest (without any obligation) in voluntary redundancy.

3.4 Response to Representations from Trade Unions and Staff

After writing a letter to staff and trade union representatives, providing relevant information and holding a staff meeting; schools must allow time for employees and their representatives to respond to the proposals. Schools may find that trade unions wish to explore the school's staffing situation in relation to its budget, challenge proposals, put forward their own proposals to avoid redundancy or reduce the number of dismissals, or seek further clarification. Amendments to the school's original proposals might include voluntary reductions in hours, discontinuing the use of contractors, etc. The Governing Body has a duty to consider any counter proposals, or modifications to its original proposals. It should arrange for a response to be made in writing to the trade union(s) concerned, giving reasons for accepting or not accepting any amendments. Schools should be prepared for further meetings with trade union representatives, if the process of consultation requires this.

3.5 Voluntary Redundancy

It is normal practice to invite employees to volunteer for dismissal before starting a process to select. Volunteers do not have to be accepted (their continuing employment may be essential to the school) but must always be considered carefully. If there are more volunteers than required, selection between volunteers may be required. The Trust will not normally agree to fund redundancy/premature retirement payments to a volunteer, where a volunteer whose leaving is less costly is available. It may be possible to accommodate a suitable volunteer by some reorganisation of the remaining staff and their duties. In such case, the Trust will require schools to do their utmost to manage the process in this way.

3.6 Consultation about Selection Criteria

If the school's proposals cannot be modified to avoid redundancy, and/or it is clear that the required staffing reductions cannot be achieved by voluntary means (including where appropriate voluntary redundancy), further consultation must take place with the trade unions in respect of the proposed criteria for the selection of those to be dismissed and how the criteria will be applied. Broad selection criteria (usually referring to the school's curricular and pastoral requirements) should already have been set out in the original consultative letter. It will now be necessary to establish, in practice, precisely how these will be interpreted and applied in the context of the school's future staffing needs (e.g. for experience and/or expertise in particular curricular areas). Schools should take professional HR advice in carrying out this process to ensure that the precise criteria are developed and applied in a fair, reasonable, and acceptable manner within the framework of discrimination legislation. Selection should not be made on the basis of any non-contractual extra-curricular activities carried out by an employee. Schools should aim to reach agreement with trade union representatives on the application of the criteria. If any disagreement cannot be resolved after consultation with trade unions, the Governing Body should be in a position to explain the rationale for the way in which it proposes to apply selection criteria.

Objective and appropriate selection criteria will be used. These should be designed to allow reasonable objectivity and could be weighted to the priorities for the restructure. Such criteria may include performance, attendance (disregarding pregnancy, caring for dependents or disability related absences); and disciplinary records. Use of the principle of "last in, first out" (LIFO) is not appropriate.

4. THE PROCESS OF SELECTION FOR DISMISSAL

4.1 The Selection Process

The selection process should be based on objective information. Schools are recommended to use a pro forma (example included as [Appendix C](#)) to gather this information. Completed forms, with names removed, should be assessed by a selection panel, which should, so far as is possible, consist of governors who have had no substantial previous involvement with the consultation process or drawing up selection criteria. The panel should judge each form submitted in the light of the pre-determined selection criteria and agree which employee(s) meet least well the school's future requirements. At this stage, the role of the Headteacher should be to advise the selection panel about the school's future requirements and in that role s/he should refrain from linking the anonymous forms with identified employees.

4.2 Communicating the Decision to Dismiss

The selection panel should have the delegated power to determine that an employee shall cease to work at the school. The panel should ensure that arrangements are made to communicate that decision and the reasons for it, sensitively, to any employees who are selected.

A formal meeting should be convened with the employee for that purpose at which his/her representative is also invited to be present. The meeting should be conducted by the Headteacher and/or the Chair of the selection panel, who should be in a position to describe to the employee selected, and answer questions about, the selection process and the rationale for the employee's selection. The employee should be allowed to make representations about his/her selection. Unless, as a result of this meeting, the panel agrees to reconsider its selection decision, the school should instruct the Trust to dismiss any employee who is selected to be dismissed.

4.3 Appeal Against Dismissal

An employee who is selected for dismissal must be offered the opportunity to appeal against the decision of the selection panel to an appeal panel of Governors. In practice, volunteers will not wish to appeal but should still be offered the option. The appeal panel should be constituted from Governors who have not had any part in the selection procedure. The panel should be conducted in the same manner, as an appeal against a dismissal on the grounds of conduct or capability.

4.4 Redeployment

The Governing Body's responsibilities do not end with a determination, which results in dismissal. There is a continuing responsibility to attempt to redeploy the employee selected. In the first instance, the school must consider any vacancy created by normal staff turnover, if necessary, with suitable training for the employee. The Trust will also use its best endeavours to bring the employee to the notice of its other schools, which have suitable vacancies. The Trust has schemes to assist employees with disturbance and travel costs. Receiving schools will be assisted by the Trust with the costs of any salary protection (where appropriate).

5. APPENDIX A - ILLUSTRATIVE TIMESCALES FOR AUGUST 31 STAFF REDUCTION

	Action	Last practicable date
1.	Initial letter of consultation	Before February half term
2.	Freeze recruitment to vacancies (if not already done)	Before February half term
3.	Staff meeting – invite expressions of interest in voluntary redundancy	Before end February
4.	Consideration of responses to the initial letter of consultation – provide more information where required and respond in writing to substantive counter proposals. Modify proposals, if appropriate	End of March
5.	Deadline for voluntary applications to be submitted	End of March
6.	Assess voluntary applications and respond with offers if appropriate. Review whether the requirements to reduce staff can be met by voluntary means	First week in April
7.	If insufficient firm volunteers, send (precise) selection criteria to trade unions	First week in April (depending on timing of the Easter break)
8.	Respond to observations/representation from trade unions about selection criteria. Finalize criteria. Issue pro forma to all staff who need to complete it	Third week of April (Allow time for response which accommodates the Easter break)
9.	Return of completed selection forms – selection committee meets to make its decision	First week in May
10.	Selection made and communicated – meeting with any employee selected – Trust instructed to dismiss (latest date for giving notice of dismissal 31 May)	Second week in May
11.	Monitor school staffing situation and look for alternatives for redeployment in the light of late staff changes	Ongoing to end of Summer Term
12.	Appeal committee hears any appeals	ASAP after half term break
13.	Dismissals take effect	31 August

6. APPENDIX B - SAMPLE LETTER OF CONSULTATION

Addressees: County secretaries of all teachers' trade unions and UNISON (names and addresses available from HR).

Dear

Proposal to carry out dismissals of [teaching and/or support] staff by reason of redundancy

I regret to inform you that the Governing Body of [name] School has resolved to reduce the number of [teaching/support] posts at the school with effect from [date e.g. 1 September 200-]. I am writing to provide you with the information specified in Section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992 in order to start the process of consultation on this proposal.

The reason for this proposal is [set out the changes e.g. in pupil roll, budget etc which give rise to the proposal – give as much detail as you reasonably can]. I enclose copies of:

[The trade unions normally ask for the following information:

Current year's budget, carry forward, reserves, renewals;

Next year's proposed budget (as available);

Pupil numbers in each year group for the last two years and projected numbers in each year group for next three years;

Group/class sizes;

Curriculum audit (current and projected);

Average salary (with on-costs) for relevant staff in current year and projections for next year if all existing staff are retained;

Details of vacancies;

Budget effect of discretionary pay rises recent years.]

There is still a possibility that the situation described may be alleviated by normal staff movement or by other means, but if that does not happen, the Governing Body will be obliged to carry out the proposal.

It is proposed to dismiss up to [x teachers/support staff] out of a total of [y teachers/support staff] employed at the school.

Selection of the [teachers/support staff] to be dismissed will be made with due regard to the requirements of the school to maintain a balanced and effective [teaching/work] force capable of carrying out the management and organisation of the school's activities, and fulfilling the curricular and pastoral requirements of the school. The Governing Body will assess how best the school's objectives can be met with a reduced [teaching/support] staff. It will assess the school's need to retain experienced senior staff to manage the school, direct its activities and develop its curriculum. It will also assess the school's need to retain a proper balance of qualified and experienced [teachers/support staff] to deliver the curriculum across the age range and subject specialisms within the school. Volunteers will be invited to offer themselves for selection and will be considered in the light of whether or not their leaving would meet the school's needs, either directly or indirectly, in conjunction with the redeployment of other staff within the school. If selection is necessary, the governors will send you more detailed proposals for selection criteria during the period of consultation. Both in considering volunteers and in making and selection for dismissal, the governors will consider the qualifications and experience of [teachers/support staff] and select for dismissal those whose qualifications and experience correspond least well with the school's future

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requirements. In the event that insufficient distinction between staff can be made on these criteria, the governors will select from among those whose qualifications and experience match the school's future requirements least well those with the shortest length of continuous service. In this case, breaks in service of five years or less for maternity reasons will be disregarded.

For staff with more than two years' service, redundancy payments (and where applicable, pension benefits) will be made to staff dismissed, in accordance with Trust policy. Redundancy payments will be calculated according to the statutory formula but a week's pay will be calculated by reference to an actual week's pay, where this exceeds the statutory maximum.

The Trust will be instructed to dismiss any staff selected for dismissal. Any staff chosen to be dismissed will have a right of appeal to an Appeal Panel of Governors.

We would like to meet with you to discuss these proposals. The consultation meeting will take place at [TIME] on [DATE] at [LOCATION] and you are invited to send a representative to this meeting. There will be the opportunity for you to meet with your members immediately following this meeting.

Yours sincerely,

Name

Position

7. APPENDIX C - SAMPLE PRO FORMA OF QUESTIONS WHICH MIGHT BE USEFUL IN SELECTION DECISIONS

Example Selection Criteria - Teaching Staff

When completing this form please:

- Give as much information as possible for the Selection Panel to consider, continuing on a separate sheet if necessary.
- Ensure the answers provided are relevant to the Job and Person Specification(s) you are being considered for.
- Remember that this form will be made anonymous before it is considered by the Selection Panel. This means that they will not have any personal information about you, other than what is contained in this form.

The following are example, generic criteria, and are not meant as an exhaustive list. In addition to those listed below, schools may want to set more definitive criteria that are appropriate to their school and/or in line with specific Job and person specifications.

If you would like any assistance in completing the form, please contact [insert name / post]

This form must be returned to the Headteacher, not later than [insert date]

To be complete by individual member of staff	Selection Panel Use
Qualification and Training	
Qualified Teacher Status (QTS) Yes <input type="checkbox"/> No <input type="checkbox"/> (Tick as appropriate)	
List any further professional or formal qualifications that you hold, e.g. higher degrees or specialist teaching qualifications)	
Teaching age ranges	
What age ranges do you currently teach (indicate proportion of time devoted to each if appropriate and length of experience with this/these age ranges)	

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Experience with other age ranges (indicate when, length of experience, giving dates where possible)	
Do you have experience of teaching mixed age groups? If so, please provide further details and give dates where possible.	
Specialist subject knowledge/experience	
Indicate areas of the curriculum where you have specialist interest and/or recognised expertise	
Curriculum responsibilities	
Indicate areas of special responsibility and whether you receive a TLR or SEN payment	
Whole school responsibilities	
State any whole school roles / responsibilities / tasks you have undertaken, eg membership of the leadership team, NQT coordinator, cross-curricular coordinator (giving dates where possible)	
Indicate any pastoral or other whole school responsibility not covered above (giving dates where possible)	

Training, CPD and other relevant professional qualifications	
List recent CPD, secondments, acting up, temporary responsibilities etc, given dates where possible.	

In the event of a tie break, the following desirable criteria will be evaluated:

List any other formal qualifications that you hold, e.g SEN, EAL etc	
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Please return this form to [insert name]:

If a tie break situation still exists after all the above criteria have been considered, then consideration will be given to:

- Length of service

If this doesn't resolve the tie break, there will be further discussion with HR, which may include consideration of:

- Attendance record (with reference to any Equality Act 2010 provision)
- Disciplinary record

All selection criteria will be applied in accordance with BEST's commitment to diversity and inclusion and will not discriminate on the grounds of disability, gender, race, colour, ethnic origin, religion, faith, beliefs, culture, nationality, age, sexuality, family circumstances, socio-economic status and trade union membership or non-membership.

Example Selection Criteria - Support Staff

When completing this form please:

- Give as much information as possible for the Selection Panel to consider, continuing on a separate sheet, if necessary.
- Ensure the answers provided are relevant to the Job and Person Specification(s) you are being considered for.
- Remember that this form will be made anonymous before it is considered by the Selection Panel. This means that they will not have any personal information about you, other than what is contained in this form.

The following are example, generic criteria, and are not meant as an exhaustive list. In addition to those listed below, schools may want to set more definitive criteria that are appropriate to their school and/or in line with specific Job and person specifications.

If you would like any assistance in completing the form, please contact [insert name / post].

This form must be returned to the Headteacher, not later than [date]

To be complete by individual member of staff	Selection Panel Use
Qualifications, Training & Experience	
List all relevant qualifications that you hold (these will be dependent on what's included in the job and person profile for your role)	
List all relevant, recent CPD, secondments, temporary responsibilities etc., giving dates where possible	
Give examples of how you have applied that training/experience (listed above) to your role, i.e. in the classroom	

List how your skills and experience compliment those required in the job description	
Mental Skills	
Give examples of the research and planning you have to undertake as part of your job, e.g. financial regulations, Health & safety, planning of school trips etc.	
Give examples of how you organise your workload and priorities, including examples of non-routine tasks and working collaboratively with others	
Interpersonal & Communications Skills	
Do you have line management responsibility? If yes, please give details	
Have you trained other colleagues, including informal training and coaching/mentoring? If yes, please give details	
Explain what support you have provided to the school by undertaking tasks and responsibilities not directly required by your job.	

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Physical Skills	
Give examples of the ICT programmes you use as part of your job, including the age groups you work with	
Give examples of the equipment/tools you use as part of your job	

Please return this form to [insert name]:

If a tie break situation exists after all the above criteria have been considered, then consideration will be given to:

- Length of service

If this doesn't resolve the tie break, there will be further discussion with HR, which may include consideration of:

- Attendance record (with reference to any Equality Act 2010 Provision)
- Disciplinary record

All selection criteria will be applied in accordance with BEST's commitment to diversity and inclusion and will not discriminate on the grounds of disability, gender, race, colour, ethnic origin, religion, faith, beliefs, culture, nationality, age, sexuality, family circumstances, socio-economic status and trade union membership or non-membership.

8. DOCUMENT HISTORY

Changes History

Version	Date	Amended By	Details of Change
v1.0	26/08/2021	Viv Hughes	Updated from SCC guidelines to align with schools being in BEST