



REDUNDANCY PROCEDURE

AUTUMN 2018

REVIEW 2019

ADOPTED BY THE GOVERNING BODY

SIGNED..... Chair of Governors

DATE.....

TO BE REVIEWED AUTUMN 2019

MODEL REDUNDANCY PROCEDURE RECOMMENDED TO SCHOOLS- 2011

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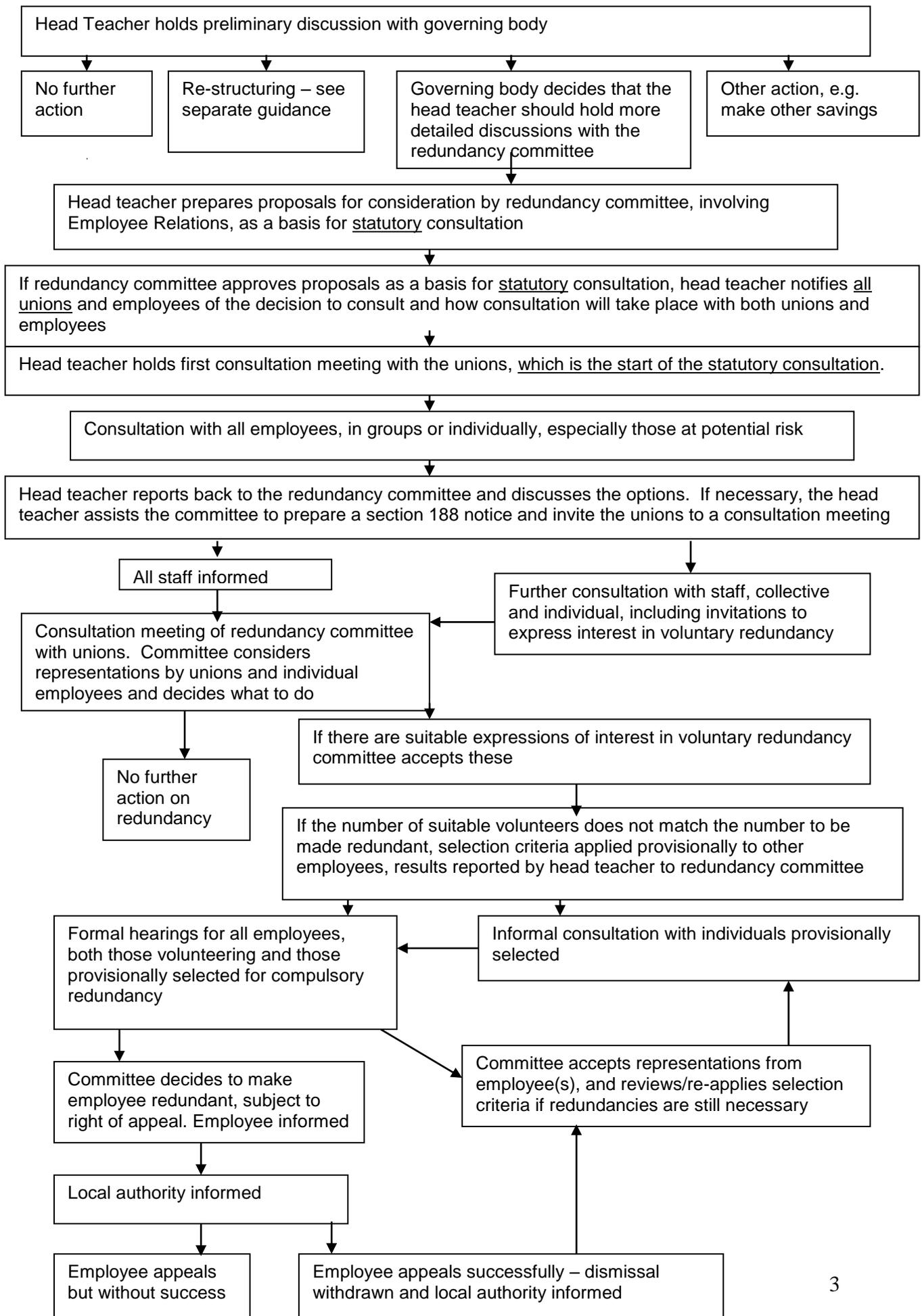
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DIAGRAM ILLUSTRATING REDUNDANCY PROCEDURE FOR SCHOOLS



MODEL REDUNDANCY PROCEDURE FOR SCHOOLS (2011)

1. Introduction

- 1.1 The following procedure has been adopted by the Governing Body of Colmers Farm Primary School on 27th September 2018 to comply with the requirements of employment law if redundancy appears to be a possibility and in pursuance of good personnel practice and employee relations.
- 1.2 It is the policy of this Governing Body by careful forward planning to ensure as far as possible security of employment for the employees at the school. However, it is recognised that there may be changes in the numbers of pupils, organisational requirements or other factors which affect staffing needs and which cannot be accommodated by movement of staff. In such cases the Governing Body, in consultation with the recognised trade unions, will seek to minimise the effect of redundancies by endeavouring to find alternative employment and, if selection for redundancy seems inevitable, handling the procedure in a fair, consistent and sympathetic manner. The governing body will expect the head teacher to have sought advice on managing organisational change and redeployment before discussing with the governing body the possibility of starting redundancy procedures.
- 1.3 The procedures will be applied in accordance with the Instrument of Government of the School and statutory requirements relating to employment in general and the management of schools in particular.
- 1.4 In these procedures:-

The 'Local Authority' or the 'Authority' means Birmingham City Council acting in its capacity as a local authority for schools.

References to a representative of the authority include any officer designated by the Strategic Director for Children, Young People and Families.

'Employee' means a person employed to work at the school.

Right to be accompanied

- 1.5 Although hearings held under this procedure are not disciplinary or grievance hearings and are therefore not subject to the provisions of the *Employment Relations Act 1999* as amended, nonetheless, having regard to the rights of union or workplace representatives to be consulted about prospective redundancies, this procedure provides for an employee to be accompanied at a hearing if he or she notifies the person calling the hearing that he or she will be accompanied in accordance with this procedure. The entitlement under this procedure will be limited to one companion who is chosen by the employee and is

either employed by a trade union as an official within the meaning of sections 1 and 119 of the *Trade Union and Labour Relations (Consolidation) Act 1992* or is an official of a trade union whom the union has reasonably certified in writing as having experience of, or as having received training in, acting as a worker's companion at disciplinary or grievance hearings, or is another of the employer's workers. Under these procedures such a companion or representative may be present at each stage of the procedure. Where an employee chooses to be accompanied or otherwise assisted by a representative in accordance with the legislation, the head teacher, or the clerk to the Governing Body as the case may be, will seek to arrange hearings, etc, in consultation with the chosen trade union official or chosen employee.

Notes of meetings

- 1.6 The governing body will require its clerk or an appropriate substitute to attend and make a full record of any meeting held by a committee under this procedure. Minutes of the meetings will be available to the employee or the employee's representative if requested and should normally be provided within five working days of the meeting. No participant should make a sound or video recording of a meeting without the consent of all the participants, including witnesses. If the content of the minutes is questioned, the person who wrote the minutes should check his or her notes of the meeting in question and, if no reason is apparent for altering them, refer the question to the committee for verification. If a disagreement over the content remains, then the employee may append his or version of the disputed part to the original minutes, which shall remain unaltered.

Who does the procedure apply to?

- 1.7 This procedure will apply to all employees at risk of redundancy regardless of length of service or type of contract, although the procedure makes special provisions for employees on temporary and fixed-term contracts.

Who is entitled to a redundancy payment?

- 1.8 It should be noted, however, that only those employees with at least two years' continuous service and who have not obtained alternative employment covered by the Modification Order at the date of termination of their employment will be entitled to a redundancy payment. This service may be as a result of a number of consecutive fixed term contracts or may result from an employee's earlier, unbroken service with an associated employer e.g. another Local Authority.

2. Procedure for deciding whether redundancies are a possibility including preparing proposals as the basis for consultation

- 2.1 In pursuance of its commitment to careful forward planning to ensure as far as possible security of employment for the employees at the school the governing body will authorise consultations under these procedures only after preliminary discussion with the head teacher and, where appropriate, with other relevant persons, including local authority representatives. These discussions, which may be initiated either by the head teacher or the governing body or a committee of the governing body, will take place before there is any consultation with unions or staff, because it is recognised that there is no point in starting consultation which might alarm employees unnecessarily.
- 2.2 The preliminary discussion should normally take place in a full governing body meeting, because the governing body will need to appoint or confirm the committee to deal with potential redundancy (to be described in this procedure as the redundancy committee). The preliminary discussion should fulfil the governing body's largely strategic role in the running of the school. It should cover the circumstances which have led the head teacher to consider the possibility of reducing the number of employees, for example, a fall in pupil numbers, an accumulated deficit in the budget, loss of external funding, or changes in the national curriculum. The head teacher should set down these reasons in a paper for the governing body. The changed circumstances described by the head teacher may lead the governing body to review the school's priorities in the school development plan. However, in order to ensure that subsequent redundancy proceedings are not compromised, the governing body should not enter into discussion on the ways in which the possible reduction in the number of employees might be achieved, but instead appoint a committee (in this procedure called the redundancy committee) and authorise the head teacher to prepare proposals for that committee, which would include ways of avoiding redundancy or mitigating its effects. The governing body may appoint a committee specifically to manage the potential redundancy situation or may add the remit to an existing committee, such as the finance committee. Suggested terms of reference for a redundancy committee are given in Appendix 2. The governing body's existing appeals committee is likely to have terms of reference which will cover appeals against redundancy (which is a dismissal), but its membership may need to be reviewed to ensure that no member is also a member of the redundancy committee.
- 2.3 The head teacher should then prepare detailed proposals for the redundancy committee, starting with the reasons why redundancy is a possibility (as discussed with the governing body), setting out ways in which redundancy might be avoided or mitigated and the areas in which the head teacher is recommending a reduction in the number of employees. A suggested outline for the head teacher's proposals is given in appendix 3. The proposals should be discussed with the Employee Relations Team.

2.4 The head teacher should present the proposals to the redundancy committee for approval as a basis for statutory consultation. The committee may decide on one or more of the following:-

- (i) That there is no possibility of redundancy (for example, because savings can be made in other ways) and that no further action should be taken under these procedures;
- (ii) To halt permanent recruitment for the time being and/or leave certain vacancies unfilled even on a temporary basis;
- (iii) To authorise the head teacher to prepare proposals for a re-structuring and to start consultation with staff and representatives of the recognised unions and teachers' associations on such proposals (this re-structuring may include temporary re-allocation of duties whilst certain posts remain unfilled), with the school following the authority's guidance on re-structuring;
- (iv) To authorise the head teacher to open consultation with the recognised unions and teachers' associations at city level about the possibility of redundancy, based on the proposals approved by the committee;
- (v) To authorise such other action as may be appropriate
- (vi) To reserve provisional dates for future meetings as required, including a meeting at which the head teacher will report back on consultations with the unions and employees, and, in the event of issuing a section 188 notice, a subsequent meeting between the redundancy committee and the unions.

First consultation meeting with trade unions and professional associations

2.5 If the head teacher has been authorised to open consultation with the recognised unions and teachers' associations at city level, the head teacher shall invite them to a meeting, giving them a choice of dates and times in normal working hours. All recognised unions are entitled to be present at such meetings if they so choose, even in those circumstances where it is not immediately apparent that their members are directly affected by the possibility of redundancy.

Consultation undertaken preparatory to internal re-structuring may reveal that the proposals for re-structuring are likely to involve potential redundancies. In such cases the consultation meeting with the unions about re-structuring may count as the first consultation meeting in this redundancy procedure.

- 2.6 The head teacher will send the recognised unions and teachers' associations the proposals which have been approved by the redundancy committee as a basis for consultation.
- 2.7 As soon as the governing body has referred the matter to a redundancy committee, the head teacher will tell all the staff of the school of the governing body's action and explain that they will be kept informed of the committee's decisions at each stage of the procedures. They must also be informed that the head teacher has been authorised to open statutory consultations with the recognised trade unions and teachers' associations and when that meeting will take place. The head teacher will also invite employees who may be at risk of redundancy to discuss their position either as a group or individually with the head teacher as soon as possible and assure them that there will be group and individual consultation as soon as the first consultation meeting has taken place with the unions and also subsequently in the event of the redundancy committee proceeding to issue a Section 188 notice. A copy of this redundancy procedure will be made available if employees have not seen it already.
- 2.8 Immediately before the announcement to staff that the governing body is considering the possibility of redundancy, it will be helpful for the head teacher to tell the school representatives of recognised trade unions and professional associations of the decision, so that they may alert the city representatives of their respective organisations.
- 2.9 On behalf of the governing body the head teacher will also inform the local authority (through the Employee Relations Team) of the actions taken to date, including the proposed date(s) for the first consultation meeting with the unions, the next meeting of the redundancy committee (at which the outcome of the first consultation meeting will be considered) and a consultation between the redundancy committee and the unions.
- 2.10 If at any time circumstances change, for example, there is an unexpected resignation from an employee or an employee is successful in obtaining a temporary placement at another school, for example, through voluntary redeployment, then these procedures can be terminated.
- 2.11 Employees who are absent from any consultation meetings (perhaps due to maternity leave, sickness, suspension, secondment or other commitments) must be included in the consultation process at all stages. This is particularly important for employees who are on maternity leave as it is automatically unfair to select a woman for redundancy simply because she is on maternity leave. The head teacher shall ensure that all the points covered in the meeting are reported to missing employees as soon as possible, by written communication if necessary. In addition, absent employees should be

offered the same opportunity to make representations and to appeal against the decision to end their contract as non-absent employees.

- 2.12 Whilst groups or individuals likely to be at risk of redundancy may express an interest in voluntary redundancy, flexible or phased retirement, or other opportunities for leaving the school temporarily or permanently and those expressions will be noted, an invitation to volunteer for such options cannot be issued by the redundancy committee unless and until it has decided, after its consultation meeting with the recognised unions and teachers' associations, that redundancy is unavoidable.

First consultation meeting

- 2.13 The first consultation meeting will start the statutory period of consultation, which must begin in good time and include consultation about ways of avoiding dismissals, reducing the number of employees whom it is proposed to dismiss and mitigating the consequences of the dismissals, i.e. it must be meaningful. The outcome is likely to be one of the following:

- Despite the original concerns, there does not now seem to be an immediate problem that cannot be dealt with by normal management action, movement of staff or voluntary changes in contracts;
- In view of the nature of the changes, including the possibility of major changes to contractual arrangements for staff as an alternative to redundancies, the head teacher and unions may agree that the head teacher should seek the agreement of the redundancy committee to start consultations with staff about re-structuring rather than continue with the redundancy procedure;
- As redundancy remains a possibility, the head teacher should consult with directly affected staff about the proposals immediately
- In the event of the third option being followed, discussing a possible date for a meeting between the unions and the redundancy committee.

Avoidance/Minimisation of compulsory redundancies through consultation with affected staff

- 2.14 If, following the consultations with the recognised unions and teachers' associations, the head teacher considers that redundancy remains a possibility, he or she shall consult with those groups of employees or individual employees likely to be directly affected and shall immediately make a copy of this redundancy procedure available, together with the proposals discussed with the unions, which will explain why there is a potential redundancy situation within the school, how staff are likely to be affected if the necessary savings or reductions cannot be made and ways in which redundancy might be avoided or mitigated. The head

should explain that he or she is at the start of the consultation process with staff and trade unions and encourage them to come forward during the consultation period with any suggestions that they may have as to how redundancies might be avoided, reduced or mitigated. A rough indication of timescales for completing the process should be given where possible and the head should undertake to keep staff informed on a regular basis as the process develops. To allow for individual consultation, the head teacher should invite staff to meet with him or her on an individual basis if they so wish.

Consultation with whole school staff

- 2.15 Once the head teacher has commenced consultation with directly affected staff, the governing body expects the head teacher to provide an update to the whole school by way of a group meeting. The head teacher should outline the points made to directly affected staff as set out in 2.8 above and give the same assurances about keeping staff informed on a regular basis as the process develops.

Procedure for deciding whether redundancies are still likely and invoking the rest of the redundancy procedure, including the issue of a Section 188 notice

- 3.1 After the consultation meeting with the recognised unions and teachers' associations and with those groups or individuals who may be directly affected by the possibility of redundancy, the head teacher shall report to the redundancy committee on the outcome of those consultations. A representative of the Employee Relations Team shall also be invited to the meeting. The head teacher should prepare an agenda for the meeting, including the various matters listed below, and, if the head teacher anticipates that the redundancy committee will decide to continue with the redundancy procedure, draft a section 188 notice in consultation with the Employee Relations Team.
- 3.2 The redundancy committee shall consider the outcome of the consultations undertaken by the head teacher. In particular it will:
- collect evidence, including action taken so far to avoid the need for redundancies, for example voluntary reduction in hours, steps taken to redeploy employees, job shares amongst existing employees, restricting recruitment and/or employee turnover and including any suggestions made at the consultation meeting with the unions in order to avoid compulsory redundancies and actions taken by the school in response to these suggestions;
 - decide how many redundancies need to be made within the overall staffing establishment and which roles are potentially redundant;
 - decide on the area(s) of work within which the redundancies would fall or whether subsequent internal re-organisation would permit a

redundancy elsewhere within the school (which might be voluntary and therefore mitigate the effects of redundancy);

- determine the criteria for selection for redundancy (see Appendix 4 for guidance);
- determine the date, subject to contractual and statutory notice periods, on which the redundancy is likely to take effect;
- produce a written summary of the discussion and conclusions on these matters;
- determine, with advice from the head teacher and/or employee relations representative, who is best placed to undertake the scoring assessment if compulsory redundancy proves necessary and whether a skills matrix will be used to help apply the selection criteria;
- if redundancies are still a possibility, draft a notice in accordance with the requirements of Section 188 of the *Trade Union and Labour Relations (Consolidation) Act 1992* to consult with the recognised trade unions and professional associations about proposed redundancies, and instruct the clerk to the governing body or the head teacher (as the committee may decide) to issue the notice which the committee has drafted in consultation with the head teacher, ensuring that the statutory requirements for a section 188 notice are met by following the format given in the model letter in Appendix 11. The governing body notes that any employer proposing to dismiss as compulsorily redundant 20 or more employees must notify the Secretary of State for Business, Innovation & Skills (BIS) of the proposals. Failure to do so can render the employer liable to a criminal conviction and a fine. The governing body notes that advice on any such notice will be provided by the Employee Relations team at the same time as the section 188 Notice is issued to trade unions.

3.3 The notice shall be sent, by the clerk to the governing body or head teacher as the committee may decide, to the local officers of all recognised trade unions and teachers' associations (regardless of whether or not a particular union or association has members at the school), with a copy to the Employee Relations Team. It shall be sent as soon as possible after the redundancy committee has concluded that a notice is necessary, in fulfilment of the legal requirement to start consultation "in good time".

3.4 In addition, the committee shall meet the requirement to disclose to the recognised trade unions, including teachers' associations, information which would assist meaningful consultation by providing the information which has been used in reaching the decision to propose redundancies. This information shall normally include those matters specified in the model section 188 notice – see Appendix 11. If the

required information has already been provided the notice should refer to that information rather than supply another copy.

- 3.5 The Section 188 notice shall be accompanied by an invitation to all the trade unions including teachers' associations to make comments in writing and also to meet the committee for the purpose of the required consultation meeting(s). Consultation must include discussions about ways of avoiding the dismissals, reducing the number of employees to be dismissed, and mitigating the consequences of the dismissals.
- 3.6 All the staff of the school shall be informed of the issue of the Section 188 notice and that there will be a consultation meeting with them, to follow the consultation meeting between the redundancy committee and the unions.

4 Consultation meeting between the redundancy committee and the recognised trade unions and teachers' associations

- 4.1 The consultation meeting between the redundancy committee and the recognised trade unions and teachers' associations will be held as soon as possible after the issue of the Section 188 notice, subject to consultation over a mutually convenient date and time. The purpose of the meeting will be for the redundancy committee to consult formally with the trade unions and teachers' associations on the contents of the Section 188 notice. The head teacher will provide an update on the consultation process with unions and staff since the informal consultation meeting and contribute to the discussions. A representative of the authority is also entitled to attend the meeting to advise the committee.
- 4.2 Before the redundancy committee meets the unions, its members shall read any written comments received from the unions or individual employees, to inform the formal consultations and enable them to make at least an initial response to the written comments during the formal consultation meeting. At the formal consultation meeting the committee will give the unions and teachers' associations the opportunity to present their issues and comments as a result of the consultation and respond to those points as far as they are able to do so at that time. The committee will consider its response to the questions and representations and decide, in the light of the comments received, the advice of the authority's representative and the advice of the head teacher:
- whether alternative options can be pursued which may avoid the need for compulsory redundancies or whether redundancies are necessary;
 - if redundancies are still necessary - how many are needed, whether the criteria identified in the Section 188 notice should be modified in the light of the consultations and advice received;

- if redundancies are necessary, whether to invite expressions of interest in voluntary redundancy from those groups of employees at risk of redundancy or from other people across the school whose role might offer suitable alternative employment for those at risk of redundancy and, in the event of the number of expressions of interest not matching the number of employees to be made redundant, whether to authorise the head teacher to make arrangements for provisional selection of employees for redundancy in accordance with the committee's selection criteria and method of applying those criteria;
- if redundancies are necessary, authorise the head teacher to continue to seek opportunities for redeploying employees at risk of redundancy.

N.B – The committee may either communicate its decisions on next steps to the unions at the end of the meeting or may wish to have some additional time to deliberate before doing so.

- 4.3 Unless its decisions are communicated to the unions at the meeting and therefore recorded in the minutes, which are sent to the unions, the redundancy committee shall send a separate, written communication about its decisions to the recognised unions and associations. It shall also ask the head teacher to inform all the staff of the school and, where appropriate, to invite expressions of interest in voluntary redundancy. The redundancy committee shall note that the minutes of its meetings are public documents and, if it deems any item as confidential, pass the necessary resolution to this effect but shall nonetheless make the minutes available to the parties involved, as distinct from the public.

The redundancy committee shall also indicate that it will hold further consultations with the trade unions and associations if necessary, having regard to the consultation with staff.

5. Consultations with staff

- 5.1 The consultation with staff will take place as soon as possible after the consultation between the redundancy committee and the trade unions and teachers' associations. It will be led either by the head teacher or an appropriate governor as the redundancy committee shall decide. It will cover the contents of the Section 188 notice and the outcome of the consultation between the redundancy committee and the trade unions and teachers' associations. Copies of the Section 188 Notice and attachments should be provided to the employees identified as at risk of redundancy.
- 5.2 There will also be individual consultation as soon as reasonably practicable with those employees who are at risk of redundancy, with representation if requested.

- 5.3 During the consultation with staff expressions of interest in voluntary redundancy will be invited from those employees who have been identified as being at risk of redundancy, confirming this invitation in writing and including those currently absent from the school (for reasons such as sickness, maternity, secondment etc.).

6. Dealing with expressions of interest in voluntary redundancy

- 6.1 Once the expressions of interest have been received, the head teacher should notify the local authority representative of those employees wishing to consider voluntary redundancy so that redundancy estimates can be prepared. Employees at risk of redundancy should be encouraged to seek information on the implications for their pension and, if they are 55 years of age or older, on the pension options available to them if made redundant.
- 6.2 Once the relevant employees have been provided with a redundancy estimate, the head teacher shall ask them to confirm whether or not they wish to proceed with their applications for voluntary redundancy.
- 6.3 The head teacher shall advise the chairperson of the redundancy committee of those employees who have confirmed their expressions of interest in voluntary redundancy. If the school receives more expressions of interest than the number of redundancies being proposed and the redundancy committee has authorised the head teacher in that event to arrange for the agreed selection criteria to be applied to those who have expressed an interest in voluntary redundancy, the head teacher should proceed to arrange this. If this authorisation has not been given, the head teacher should report back to the redundancy committee for further instructions. The local authority representative shall be entitled to advise the committee and/or the nominated selection panel on how to conduct the selection process. The committee should ensure that it can justify a failure to accept a volunteer for voluntary redundancy i.e. a school may have a Phase Leader with a particular responsibility for literacy and numeracy and feel that it could not justify releasing him or her by reason of voluntary redundancy because there is no-one else suitably qualified and experienced to undertake this role.
- 6.4 Once the expressions of interest have been considered by the head teacher and the redundancy committee, the clerk or other appropriate person should write to the employees confirming whether or not their expressions of interest in voluntary redundancy have been accepted by the redundancy committee.
- 6.5 The head teacher will ensure that employees who have been accepted for voluntary redundancy will receive written confirmation of the decision. The letter should also include confirmation of when the termination date will be and whether or not the employee is required to work his or her notice period or be paid in lieu of it. As a voluntary

redundancy is still a dismissal in law, employees accepted for voluntary redundancy should still be given a right of appeal before an impartial appeals committee.

7. Compulsory redundancies

- 7.1 If there is not a sufficient number of expressions of interest in voluntary redundancy, the head teacher shall select a panel of scorers who will be responsible for provisional selection of employees for compulsory redundancy. The panel will score those employees in the selection pool against the chosen selection criteria, having regard to the guidance in Appendix 1. A recommended form for recording scores appears at Appendix 4. The head teacher may decide to undertake a skills audit (see Appendices 2 and 3 for model forms) of those employees in the relevant selection pool before proceeding with the selection process.
- 7.2 Once the scoring process has been undertaken, the panel shall meet with the head teacher and explain how they undertook the scoring process, what evidence they took into account and which employees have been provisionally selected for redundancy. The head teacher will then meet with the redundancy committee to discuss the scoring. The redundancy committee may ask members of the panel to attend this meeting. The committee shall decide whether to accept the recommendations of the panel and who shall be selected provisionally for redundancy.

Hearing with redundancy committee to discuss provisional selection for redundancy

- 7.3 The head teacher shall write to all employees in the selection pool and confirm whether or not they have been provisionally selected for redundancy and what the next steps will be, including the right to a hearing before the redundancy committee to make representations about their selection. As part of the continuing consultation process with directly affected employees, the head teacher should disclose to each employee the score for that employee, explaining in each case how the score was reached. Employees may wish to call the chair of the scoring panel as a witness to this hearing. The hearing will usually cover the way in which the redundancy process was undertaken, including the selection criteria chosen or the way in which they were applied, although this list is not exhaustive. The employee has the right to see a copy of the selection matrix setting out the scores of all employees in the selection pool, but the name of each employee must be redacted for data protection purposes.
- 7.4 Each employee provisionally selected for redundancy will be invited to a hearing before the redundancy committee. In order to ensure that the employee has enough time to prepare his or her response to the proposed dismissal on grounds of redundancy reasonable notice of the

hearing should be given. This should be at least fifteen working days. It is helpful to agree a date with the employee's union/professional association if the employee wishes to be accompanied, before sending the formal notice to attend the hearing. The employee may suggest an alternative time and date as long as it is reasonable and is not more than five working days after the original date. The committee may reject this suggestion but will do so only if it is unreasonable, when they may proceed to hear the case in the absence of the employee or the employee's representative and will take advice from the Employee Relations Team on what is unreasonable. The committee has the discretion to defer the date of the hearing by a longer period in exceptional circumstances in order to reach mutual agreement on a convenient date, having particular regard to the availability of the employee's representative.

- 7.5 The letter should not only state the reason for the hearing but should also attach copies of any documents to be presented at the hearing, remind the employee of the right to be accompanied and/or represented, explain the procedures to be followed at the hearing and give the names of the committee. The employee should be asked to confirm that he/she will attend the hearing in person and to indicate whether he/she wishes to be accompanied by a representative (who must be either a trade union official or another of the employer's employees – see paragraph 1.4 of this procedure) and to call witnesses. He or she should be invited both to provide documentation and give the names of witnesses whom he or she has asked, or intends to ask, to appear on his or her behalf, at least seven working days before the hearing. There is no requirement on the employee to submit any documentation, other than a statement from any witness who may be called by the employee. However, if the employee does not intend to submit any documentation or call witnesses the employee should reply with a statement from the employee or the employee's representative to this effect. Should there be any witnesses from either side their names should be circulated in advance and any witness should be asked to provide a written statement for inclusion with the documents to be used at the hearing. A second set of papers should be enclosed for the employee's representative.
- 7.6 The clerk to the governing body is required to ensure that all parties to the hearing, including the local authority's representative where applicable, receive copies of all documents at least five working days before the hearing. Only evidence which could not be obtained at an earlier date may be provided after the times specified above, subject to agreement between the parties. Unless there are exceptional circumstances, neither side will be able to use at the hearing any evidence not previously provided.

Role of head teacher at hearing before redundancy committee

7.7 During the hearing, the head teacher shall present a statement of case setting out the following:

- the business reasons for invoking the redundancy procedure within the School at that time;
- A summary of the consultation process undertaken to date; and
- An explanation of the selection criteria applied and the reasons why the employee has been provisionally selected for redundancy

The head teacher may need to call as a witness the chair or other member of the selection panel to explain how the selection criteria were applied and why this employee has been provisionally selected for redundancy.

7.8 Under the service level agreement for schools, the head teacher and the local authority (through the Employee Relations Team) are entitled to attend, for the purpose of giving advice, all proceedings of the governing body (this includes committees of the governing body) which may relate to a determination that a person employed at the school should cease to work there. The governing body must consider any such advice. If a governing body fails to heed the advice of the local authority the authority may deem this failure to be a good reason to charge the school's budget with the costs of any redundancy. A head teacher wishing to give such advice should exercise this right only in the presence of the employee and the employee's representative, as giving advice in their absence could lead to a claim for unfair dismissal, or an appeal on the grounds of failure to follow the procedures. Head teachers and governors should minimise informal contact in the days preceding a hearing in order to prevent misconceptions about the purpose of such contact.

7.9 The hearing will follow the procedure set out in Appendix 5. The committee will have regard to any guidance issued from time to time by the local authority on conducting a hearing, including the current guidance on behaviour at meetings (see Appendix 7). On occasions, the parties may agree to adjourn the hearing to obtain further information on the application of the selection criteria to the employee in question.

Possible Outcomes

7.10 The committee has the following options and shall decide on one of them:

- determine that the employee should cease to work at the school - or be dismissed from employment at the school in the case of a voluntary aided or foundation school – on grounds of redundancy; or

- accept the employee's representations that he or she has been unfairly selected for redundancy and decide that he or she may continue in employment at the school.

If, as a consequence of deciding that a particular employee should not be made redundant, another employee is provisionally selected for redundancy, the redundancy committee should inform that employee in writing as soon as possible and give that person an opportunity to make representations before the redundancy committee as described above.

Announcing decision of redundancy committee to employee

- 7.11 The committee shall communicate the decision to the parties in person or subsequently in writing as the committee shall determine. An oral communication shall be confirmed in writing within ten working days, including the right of appeal.
- 7.12 A notification of a determination to cease to work at a community, community special, voluntary controlled or maintained nursery school shall include a statement that the local authority will be advised of the determination to enable it to issue a notice of dismissal as required by law. It shall state whether the employee is required to serve contractual notice or will be paid in lieu of notice and also give details of the right of appeal (see below). A notice of dismissal from a voluntary aided or foundation school shall state whether contractual notice is to be served or whether there will be pay in lieu of notice and shall give details of the right of appeal. N.B – The redundancy committee should not recommend that an employee ceases to work at a school prior to the conclusion of the consultation process as, if challenged by an employment tribunal, this might be taken as an indication that the consultation process has been a sham.

Notice periods and timescales

- 7.13 The governing body notes that the fair application of this procedure may take a variable amount of time to complete depending on the extent and the complexity of changes being proposed and will ensure that its procedures take into account the statutory and/or contractual notice periods for support staff and teachers alike. Employees are entitled to contractual notice or statutory notice, whichever is the greater. Statutory notice periods depend on length of continuous service at the date of termination i.e. 1 week for each completed year of service between one month and 2 years, one week for each complete year of continuous service between 2 and 12 years and 12 weeks for 12 or more complete years of continuous service.
- 7.14 In accordance with the Conditions of Service for School Teachers in England and Wales (the 'Burgundy Book') teaching staff are under a minimum of two months' contractual notice, and in the summer term

three months' notice, terminating at the end of the school term. If statutory notice is longer, it nonetheless must terminate at the end of a school term. In the case of head teachers, the notice period required is three months and four months' in the summer term.

- 7.15 Contractual notice periods for support staff are the same as the notice which an employee would be required to give in the event of resigning, i.e.

Grades 1, 2 and 3	1 calendar month's notice in writing
Grades 4 and 5	2 calendar months' notice in writing
Grades 6 and 7	3 calendar months' notice in writing

- 7.16 Providing that the timescales regarding appeals are adhered to, the committee in a community, voluntary controlled, community special or nursery school may delay notifying the local authority of its decision pending the outcome of any appeal. The committee of a voluntary aided or foundation school may delay the dismissal pending the outcome of any appeal. If the dismissal takes effect before the appeal (because of a short notice period) redundancy pay may be delayed until the appeal is heard.

Time off to look for other employment

- 7.17 An employee who has been issued with notice of dismissal for redundancy and has two years' continuous service by the expiry of the notice period has the right to take reasonable paid time off during working hours to look for new employment or to make arrangements for training for future employment. All requests for such time off must be agreed with the head teacher in advance. What is "reasonable" will depend on the individual circumstances of the case and relevant factors may include how difficult finding new employment is likely to be, the distance that the employee may have to travel in order to do so, and the needs of the school.

Appeal to appeals committee

- 7.18 An employee has the right of appeal against a determination to cease to work at the school, or a dismissal from the school as the case may be, on grounds of redundancy. An appeal shall be to the appeal committee established by the governing body.
- 7.19 An employee may appeal by giving written notice of the appeal and of all the grounds on which it is made to the clerk to the governing body within ten working days of receiving written confirmation of the decision. The grounds for the appeal should be accompanied by any additional evidence to be presented in support of the appeal. If the employee so wishes there is no requirement to submit any documentation, other than a statement from any witness who may be called by the employee. However, if the employee does not intend to

submit any documentation there should be a positive statement from the employee or the employee's representative to this effect and the employee will not be able to use at the hearing any evidence not previously provided.

- 7.20 The clerk to the governing body will immediately notify the representative of the committee which took the decision of all the grounds of appeal and any additional evidence, with a request to submit any additional papers in response to the clerk within seven working days.
- 7.21 The clerk to the governing body will then arrange an appeal committee hearing as quickly as possible, to take place, other than in exceptional circumstances, within twenty working days of receiving the employee's notice of appeal. The clerk should make every effort to agree a date with the employee's union/professional association if they are already involved in the case, before sending the formal instruction to attend the hearing. The employee may suggest an alternative time and date as long as it is reasonable and is not more than five working days after the original date. The committee may reject this suggestion if it is unreasonable and may proceed to hear the case in the absence of the employee or the employee's representative, but also has the discretion to defer the date of the hearing in order to reach mutual agreement on a convenient date, having particular regard to the availability of the employee's representative.
- 7.22 The clerk to the governing body will also seek advice from the Employee Relations Team on the procedure for the appeal hearing, having regard to the grounds for the appeal, and shall then advise the employee and the other parties to the hearing of the appropriate procedure according to whether the appellant is contesting particular aspects of the decision or asking for a re-hearing of the case on the grounds of additional evidence or other good reason. The formal notice of the hearing will include the procedure to be followed in the hearing, using Appendix 6 (unless there is to be a re-hearing at the appeal stage - see below).
- 7.23 The clerk to the committee shall give at least ten working days' formal notice of the hearing to all the participants, including the local authority's representative, and in the same letter shall set out the order of the proceedings, remind the employee of the employee's rights at the hearing, including the right to request to be accompanied by a representative of his or her choice who is either a union official or another of the employer's employees (see paragraph 1.4 above), list the members of the appeal committee, give the names of witnesses, and confirm the options for action which the appeal committee may take (see below). All documents relevant to an appeal hearing shall be enclosed with the letter.

- 7.24 The normal procedure for an appeal hearing is set out in Appendix 6. If there is to be a re-hearing at the appeal stage the procedure in Appendix 5 will be followed. The appeal committee will have regard to any guidance issued from time to time by the local authority on conducting an appeal hearing.
- 7.25 The head teacher and the local authority (through the Employee Relations Team) are entitled to attend, for the purpose of giving advice, all proceedings of the governing body (this includes committees of the governing body) which may relate to a determination that a person employed at the school should cease to work there. The governing body must consider any such advice. If a governing body fails to heed the advice of the local authority the authority may deem this failure to be a good reason to charge the school's budget with the costs of any redundancy. A head teacher wishing to give such advice should exercise this right only in the presence of the employee and the employee's representative, as giving advice in their absence could lead to a claim for unfair dismissal on the grounds of failure to follow the procedures. Head teachers and governors should minimise informal contact in the days preceding a hearing in order to prevent misconceptions about the purpose of such contact.

Possible outcomes of appeal hearing

- 7.26 The appeal committee may
- dismiss the appeal; or
 - uphold the appeal
- 7.27 The appellant may choose whether to hear the appeal committee's decision in person or receive it subsequently in writing, but this choice shall not prevent the committee from choosing to adjourn and reconvene before making a decision. An oral communication shall be confirmed in writing by the clerk to the governing body within ten working days of the hearing. If an appeal against a determination to cease to work at a community, community special, voluntary controlled or maintained nursery school is upheld, the letter of notification will state that the local authority will be notified immediately so that it can withdraw the letter of dismissal or re-instate the employee. If an appeal against dismissal from a voluntary aided or foundation school is upheld, the letter of notification will include a withdrawal of the dismissal or re-instatement of the employee.

Notification of conclusion of proceedings

- 7.28 At the end of the proceedings the head teacher will give Employee Relations and the unions a summary of the outcome of the proceedings, in the form of the number(s) of employees obtaining work

elsewhere, accepting variations in contracts, accepting voluntary redundancy or made redundant compulsorily.

Appendix 1 – why schools need a procedure and information on the law

1. If there is a possibility of redundancy at a school the governing body is required to follow the various laws dealing with redundancy and redundancy payments. If the governing body does not follow the law it will be open to claims of unfair dismissal at an employment tribunal. The governing body will also need to comply with relevant education law.
2. The model procedure has been prepared in consultation with the recognised unions and teachers' associations, and is commended to schools to help them manage this area of personnel work in compliance with the law. It is suitable for voluntary aided and foundation schools as well as community, community special, voluntary controlled and nursery schools.
3. The procedure will apply only if formally adopted by the governing body of the school. It is preferable to adopt the procedure along with all the other personnel procedures which a governing body is recommended to adopt rather than wait until there is a potential redundancy situation.
4. Schools may seek advice on the application of this procedure from the Employee Relations Team. There is also useful advice in a booklet produced by ACAS (the Advisory, Conciliation and Arbitration Service) called 'Handling Redundancy'.
<http://www.acas.org.uk/CHttpHandler.ashx?id=877&p=0>
5. This appendix explains not only the law around redundancy but also some of the practical implications for schools, such as the costs of redundancy.

The law on redundancy

6. Redundancy is defined in *Section 139(1) of the Employment Rights Act 1996*. Dismissal by reason of redundancy occurs when the dismissal is wholly or mainly for the following reasons:
 - a) the school has ceased or intends to cease to carry on the business for the purposes of which the employee was employed (known as "business redundancy" i.e. a school closure).
 - b) the school has ceased or intends to cease carrying on the business in the place in which the employee was employed (known as "place of work redundancy" i.e. a school with two sites needs to close one of its sites and employees' roles at a particular site are redundant).
 - c) the requirements of the school for employees to carry out work of a particular kind or for employees to carry out work of a particular kind in the place where the employee was so

employed by the employer has ceased or diminished or are expected to cease or diminish (known as “employee redundancy” e.g. a change of curriculum has led to a reduced need for modern language teachers).

7. In addition, “bumping” or “transferred redundancy” can occur where an employee whose job is not redundant is dismissed or “bumped” out of their job by another employee. This means that the bumped employee is the one who is actually made redundant. Case law establishes that bumping will only be fair if there is a genuine redundancy situation and if the dismissal is actually caused by that redundancy. In Birmingham schools this has occurred on occasions when an employee whose job is not redundant volunteers for redundancy and another employee, who might otherwise be redundant, has suitable skills and experience to be moved to that job.
8. Redundancy is potentially a fair reason for dismissal provided that a school can establish that an employee was dismissed by reason of redundancy and that it acted reasonably in treating redundancy as a sufficient reason for dismissal. Presuming that a tribunal is satisfied that the reason for an individual’s dismissal is redundancy, it will go on to consider whether or not the employer followed a fair procedure. In particular, it will wish to be satisfied that the employer warned and consulted with the employee, that the selection process was fair (e.g. that an appropriate selection pool was identified) and that the employer considered the question of alternative employment as a means of avoiding dismissals.
9. *The Trade Union and Labour Relations (Consolidation) Act 1992 (as amended)* (“the 1992 Act”) deals with consultations over collective redundancies. Sections 188-198 of the 1992 Act require the employer to consult with the employees’ trade union. The 1992 Act also requires consultation to “begin in good time”.
10. The 1992 Act states that consultation should cover ways of avoiding redundancies, reducing the number of dismissals and mitigating the consequences of the dismissals. Failure to consult could lead to a claim for compensation, known as a protective award of up to 90 days’ pay for each affected employee.
11. There is also a right not to be unfairly dismissed by reason of unfair selection for redundancy (*Trade Union and Labour Relations (Consolidation) Act and Employment Rights Act*). Therefore there is a general duty to consult an employee (and his or her trade union where there are recognised trade unions), in order to avoid unfair dismissal claims. Case law has shown that dismissals can be unfair if an employer fails to consult with an individual employee as well as with unions.

12. Although hearings held under this procedure are not disciplinary or grievance hearings and are therefore not subject to the provisions of the Employment Relations Act 1999 as amended, nonetheless under this procedure an employee is entitled to be accompanied at a hearing if he or she notifies the person calling the hearing that he or she will be accompanied in accordance with this procedure. The entitlement under this procedure will be limited to one companion who is chosen by the employee and is either employed by a trade union as an official within the meaning of sections 1 and 119 of the Trade Union and Labour Relations (Consolidation) Act 1992 or is an official of a trade union whom the union has reasonably certified in writing as having experience of, or as having received training in, acting as a worker's companion at disciplinary or grievance hearings, or is another of the employer's workers. For an employee in a community, community special, voluntary controlled or maintained nursery school another of the employer's workers will include anyone employed by Birmingham City Council. Under these procedures such a companion or representative may be present at each stage of the procedure. Where an employee chooses to be accompanied or otherwise assisted by a representative in accordance with the legislation, the head teacher, or the clerk to the governing body as the case may be, will seek to arrange hearings, etc, in consultation with the chosen trade union official or chosen employee.
13. There are provisions in the *Employment Rights Act 1996* giving redundant employees the right to time off to look for other work or make arrangements for training.

The law on the relationship between schools and the local authority in respect of redundancy

14. Redundancy payments are payable on dismissal for reason of redundancy in accordance with the *Employment Rights Act 1996* unless an employee is offered suitable alternative employment with the same employer, or an associated employer as defined in the relevant regulations (known as the 'Modification Order'), the offer being made before the termination of the old contract and taking effect within four weeks of the dismissal.
15. The employer may enhance the statutory redundancy payment, but the only enhancement for employees redundant from Birmingham schools is to calculate redundancy payments on actual gross weekly salary rather than to impose the statutory maximum limit on gross weekly pay.
16. Section 37 of the *Education Act 2002* provides for the local authority to meet the cost of redundancy or discretionary compensation on termination unless it has good reason to charge the school's budget with the costs. A good reason can be failure to comply with the law, unfair selection of staff for redundancy, failure to follow agreed procedures, or disregard of the authority's advice. The local authority

also has a responsibility not to make excessive payments out of public money and could be criticised for agreeing to meet costs when a much less expensive alternative is available. The authority will not meet the costs of redundancy if it considers that the governing body has not made all reasonable efforts to avoid redundancies. In particular the authority expects the governing body to follow its advice on redeployment. A governing body should therefore seek the advice of the local authority at each stage in these procedures, in order to ensure that it does not incur costs unnecessarily. Where an officer advises a governing body or a committee of that body against a particular course of action the officer will expect that advice to be recorded in the minutes of the proceedings and will confirm the advice in writing.

17. In order to provide consistency of advice to schools the authority expects them to follow advice and proper procedures as a condition of meeting the costs of redundancy.
18. The *Education Act 2002* also provides that costs incurred by the local authority in respect of any premature retirement shall be met from the school's budget share for one or more financial years except insofar as the authority agree with the governing body that they shall not be so met. Schools must not assume that the authority will be able to meet early retirement costs and should also enquire about the current rules on retirement, as it is possible that public sector pension schemes may be altered in the future. Employees at risk of redundancy should be encouraged to seek information on the implications for their pension and, if they are 55 years of age or older, on the pension options available to them if made redundant.
19. Employees dismissed by reason of redundancy are entitled to normal contractual notice on full pay.
20. Where schools have failed to follow the authority's advice and are challenged in an employment tribunal or the courts the authority reserves the right to require governing bodies to meet any costs arising from tribunal or court proceedings as a charge to the school's budget share.
21. The local authority also has the absolute right under the *School Staffing England Regulations 2009*, to attend and offer advice at all proceedings relating to the selection or dismissal of any teacher in a community, community special, voluntary controlled and maintained nursery school, and a similar right if there is a relevant agreement with the governing body of a voluntary aided or foundation school. The authority regards an agreement under which it provides personnel services as a relevant agreement. Under its service level agreement with schools the authority has the right to attend dismissal proceedings for any employee, including support staff.

Situations in which redundancy might be contemplated in schools

22. Examples of circumstances in which redundancy might be considered if alternative strategies such as employee turnover are not successful:
- a reduction in the number of pupils admitted to the school and a consequent reduction in the number of teachers and support staff needed to teach and support them;
 - a large accumulated financial deficit in the school's budget leading to decisions to provide education with fewer employees overall;
 - an unsustainable proportion of the school's budget committed to staffing costs;
 - changes in the curriculum of the school and a reduction in the need for teachers of a particular subject;
 - a long-term reduction in the number of pupils choosing a particular subject for study;
 - the closure of a school when there is no replacement school to which the employees will be transferred as part of a statutory re-organisation;
 - cessation of specific funding streams or external funding.

Internal re-organisation and redundancy

23. Internal re-organisation may or may not lead to a redundancy situation. In each case the legal tests of redundancy must be applied. The school must consider whether work is to be removed or diminished, or redistributed.
24. Head teachers should discuss in detail with Employee Relations any proposal involving the removal or reduction of teaching and learning responsibility payments, or ending the designation of the post of advanced skills teacher, or removing a post on the leadership spine, in order to determine whether or not a redundancy situation exists.

Consultation in schools

25. Schools are bound to consult with both recognised unions and the individuals concerned in order to avoid claims for unfair dismissal. In the interest of compliance with employment law, transparency and good employee relations the authority requires schools to consult as soon as it appears that a redundancy is a possibility. However, in order to balance this principle with the governing body's commitment to security of employment, the authority's model procedure provides for the governing body (or the relevant committee or chairperson as the case may be) to have a preliminary discussion with the head teacher about the situation before there is any consultation with unions or staff. There is no point in starting consultations which might alarm employees unnecessarily when a governing body might decide that it can deal with the situation with no question of redundancy. However, in order to ensure that subsequent redundancy proceedings are not

compromised the discussion should take place in general terms, with no reference to particular posts or individual employees.

26. The authority's model procedure also requires the head teacher, when authorised by the governing body (or relevant committee or chairperson, as the case may be), to undertake meaningful consultation with the recognised trade unions and teachers' associations with a view to avoiding redundancy. This consultation is intended to help the redundancy committee decide whether redundancy is a possibility, whether it can be avoided and whether or not the redundancy committee needs to continue with the procedure and issue a Section 188 notice.

Importance of fair selection criteria

27. Case law emphasises the crucial importance of fair selection for redundancy, namely the fair application of objective and non-discriminatory selection criteria. For this reason detailed guidance is appended to the model procedure.

Redeployment

28. The school will make every reasonable effort to redeploy an employee who has been selected for redundancy. Whilst redundancy is to be viewed as the last resort, it is recognised that neither the governing body nor the Local Authority has the power to redeploy staff between schools. However, schools in a redundancy situation are encouraged to seek the support of the Local Authority as well as their own contacts with other schools in recommending staff vulnerable to redundancy for consideration for suitable vacancies.

Time off to look for new employment

29. According to employment legislation, an employee who has been issued with notice of dismissal for redundancy and has two years' continuous service by the expiry of the notice period has the right to take reasonable paid time off during working hours to look for new employment or to make arrangements for training for future employment. All requests for such time off must be agreed with the head teacher in advance. What is "reasonable" will depend on the individual circumstances of the case and relevant factors may include how difficult finding new employment is likely to be, the distance that the employee may have to travel in order to do so, and the needs of the school.

Suitable Alternative Employment

30. Suitable alternative employment should be considered and offered where possible, right up to the date of dismissal. If such employment is offered and accepted, the employee concerned will have a statutory

right to a trial period of four weeks in the alternative job where the terms of the new contract differs from those of the original one. However, if the employer offers the redundant employee suitable alternative work and they unreasonably refuse this, then the employee will not be entitled to a redundancy payment.

31. Throughout the period that an employee is vulnerable to redundancy, the Head Teacher will ensure that the employee has reasonable access to any vacant posts within the school. The employee will be invited to alert the Head Teacher to any post for which they would like to be considered.
32. If the Head Teacher identifies a post within the school that he or she considers to be reasonable alternative employment, a meeting will be arranged to consider the employee's suitability for the post and to discuss whether any training would be appropriate.
33. Where it appears that the post may be a suitable alternative, a trial period will be arranged. The arrangements for the trial period, including its duration, must be specified in writing before its commencement.
34. If it appears that the post is suitable following the trial, a written offer of employment will be made to the employee. To preserve the employee's continuity of employment, the offer of the new job will be made before the redundancy takes effect and start no later than four weeks after the first job ended.
35. If the Head Teacher considers that the employee is not suitable for the post, s/he will write to the employee setting out the reasons for the decision.

Appendix 2 – suggested terms of reference for a redundancy committee and an appeals committee

A redundancy committee may be specially appointed for the purpose (in accordance with the school staffing regulations) or an existing committee. Under this procedure the committee is called “the redundancy committee” and its terms of reference are should include:

- considering the situation which has led the governing body to take the view that redundancies are a possibility;
- considering and responding to proposals put forward by employees or trade unions during the consultation period for avoiding or minimising the number of compulsory redundancies needed;
- considering in detail all alternatives to redundancies;
- deciding what action shall be taken in the event of any vacancies arising during the operation of these procedures;
- failing any suitable alternative, deciding how many redundancies need to be made and within which areas of work;
- determining the selection criteria for redundancy in consultation with the trade unions and professional associations;
- agreeing with the head teacher a timetable for completing the redundancy process, including determining, subject to contractual and statutory notice periods, the effective dates of termination;
- determining, where appropriate, that an employee should cease to work at the school and notifying him or her of the outcome in writing (or, in the case of a voluntary aided or foundation school, dismissing them from the employment of the governing body) by reason of redundancy;
- determining, with advice from the head teacher and employee relations representative, who is best placed to undertake the scoring assessment if compulsory redundancy proves necessary;
- the completion and issue of a section 188 notice;
- hearing representations from employees whose posts are provisionally selected for redundancy if an employee exercises that right;
- potentially acting as a witness at any subsequent appeal hearing(s) if employees exercise that right

The redundancy committee will comprise a minimum of 3 governors.

Appeals committee – terms of reference and constitution

All governing bodies should have a committee to deal with appeals, but the governing body may need to review the membership of that committee to ensure that no governor is a member of both the redundancy committee and the appeals committee. The terms of reference of the appeals committee must include:

- Hear and determine any appeals from employees who have been given notice of dismissal;
- Notify employees in writing of outcome of appeal hearing;

The appeals committee should be made up of a minimum of three governors. In order to ensure that the process remains impartial, no governor may be a member of both the redundancy committee and the appeals committee.

Appendix 3: recommended content for head teacher's proposals to the redundancy committee

N.B – Please note that this model is an example of what a proposal document should include. The actual content and level of detail will depend on the nature and extent of the potential redundancies. The head teacher should take advice from the Employee Relations team before presenting the proposals to the relevant committee.

Introduction

[Insert Name] School is consulting on a proposal [or proposals] to reduce the number of employees at the School

Background

This section of the report can be used as the basis for preliminary discussion with the governing body as set out in the redundancy procedure.

The background will outline the reasons why redundancy appears to be a possibility, for example,

- change in the school curriculum
- reductions in the number of pupils
- an accumulated financial deficit
- loss of external funding.

The report should give supporting details, such as budget figures and pupil numbers, current and forecast.

It should also consider any implications for the school development plan.

Details of Proposals

This section of the report should not be shared with the governing body in the preliminary discussion but should form part of the report to be approved by the redundancy committee as the basis for consultation.

The details of the proposals are likely to cover some or all of the following, including information which would have to be included in a section 188 notice in the event of the procedure reaching that stage and in particular the strategies for avoiding or mitigating redundancy.

- The level of savings to be achieved and the period over which this will be spread. It may be that savings can only be achieved part way through a financial year and therefore the governing body may need to fund a deficit for the first year until the full-year effect of savings is achieved in the subsequent year(s).

- The number and description of posts which at this stage it seems may be necessary to lose and the total number of employees of that description in the school, the area(s) from which they might come, having regard where appropriate to forecast pupil numbers, the school development plan, and the various options open to the school;
- Which posts have been funded, in whole or in part, by the grant which is ceasing and are therefore at risk unless the school wishes to give that area of work priority over certain other aspects of the work of the school;
- Which areas of the curriculum are to be changed or reduced, either because of changes in the national curriculum or because of reduced demand from pupils for certain subjects and the likely effect on the number of posts in those subject areas
- details from the school's financial management system of the school's budget and actual expenditure for the last year under budget headings;
- details from the school's financial management system of the school's budget and actual expenditure for the current year under budget headings, with the total indicative budgets for the following years where available;
- The proposed method of selecting the employees who may be dismissed and the method of dismissal
- The number of agency workers working temporarily for and under the supervision and direction of the school and the type of work they are undertaking
- The proposed method of calculating redundancy payments to be made to employees dismissed by reason of redundancy
- Strategies to be adopted to avoid or mitigate the effects of redundancy, which may include the following:
 - anticipating normal retirements and resignations;
 - voluntary reductions in hours of work, including sharing jobs;
 - voluntary, unpaid leave of absence for personal or professional development or other personal reasons;
 - retraining staff at risk of redundancy to carry out another type of work so that they can fill appropriate vacancies within the school (by way of voluntary transfer);
 - no available opportunities for further employment for employees currently on temporary or fixed-term contracts;

- voluntary change in contract to provide for sharing an employee amongst a group of schools, with the contract of employment remaining with the base school;
- redeployment to a vacancy in another school, either through the agency of the local authority or contacts between head teachers, including reference to the requirement on the governing body to comply with the authority's advice on redeployment as a condition of the authority meeting the costs of any redundancy which might take place;
- suspending recruitment into certain posts that become vacant;
- seeking voluntary redundancies (although the head teacher must stress that that any expression of interest in voluntary redundancy cannot be invited until the redundancy committee has concluded that redundancies appear to be unavoidable and has asked for expressions of interest).

Implementation Plan/Time-line

Include details of what will be done, when it will be done and by whom using headings such as "Date" and "Action". Steps should be listed in chronological order and should include each stage of the redundancy procedure.

In preparing the plan it is advisable to work backwards from the date by which notice of redundancy would be given, according to the contractual and statutory notice requirements for different categories of employee.

Allow enough time to prepare paperwork for meetings as well as giving adequate notice to the participants.

Suggested items for Implementation Plan/Time-line

Pre-consultation steps

- Discuss proposals with Employee Relations – [date(s)_____]
- Hold preliminary discussion with governing body and ensure that the governing body appoints a redundancy committee - [date(s)_____]
- Prepare detailed proposals for the redundancy committee
- Meeting of the relevant committee to present proposals and seek approval as a basis for consultation - [date_____]

Consultation

- meeting between head teacher and unions [date _____]
- consultation with groups and individuals at risk [from _____ to _____]
- consultation with all employees [date _____]
- report back to redundancy committee to discuss outcome of consultations and draft section 188 notice if necessary [date _____]
- consultation meeting between redundancy committee and unions [date _____]
- consultation meetings with employees, in groups and individually [from _____ to _____]

Redundancy selection

- Redundancy committee to meet and decide on any applications for voluntary redundancy and decide whether to proceed to selection for compulsory redundancy [date _____]
- Selection procedure for nomination for compulsory redundancy [from _____ to _____]
- Hearings for people selected for redundancy [date(s) _____]
- Appeals hearing(s) [date(s) _____]
- Arrangements for formal notice of dismissal on grounds of redundancy [date by which notice would have to be given]

Appendix 4 - Selection for Redundancy

If reductions cannot be effected by voluntary means, it may be necessary for compulsory redundancies to be undertaken by a school.

Identifying Employees at risk of redundancy

The head teacher and the redundancy committee will need to meet to finalise which roles are potentially redundant. This discussion should take place at a meeting following the consultation on the section 188 notice. The committee will first need to decide whether to accept any application(s) for voluntary redundancy and, depending on its decision, may need to select for compulsory redundancy.

Defining the redundancy selection pool

The head teacher and the redundancy committee will need to clearly identify the pool for selection, i.e. identify the group of employees from whom those are to be made redundant will be selected. For example, restructuring may reduce the need for administrative staff and the pool may therefore be all of the existing administration staff. Or a school may need to reduce the number of teachers in a particular department or generally across the whole school. In the case of a complete school closure, all of the affected employees will automatically be selected for redundancy i.e. their roles will be self-selecting. Provided that they have at least two years continuous service when notice of redundancy is given, they will be entitled to a redundancy payment.

Selection Criteria - General principles

The selection criteria to be determined by the redundancy committee should be:

- **clear, objective and precisely defined;**
- **applied to the selection pool in a reasonable, fair and objective manner;**
- **capable of being backed up with evidence and data;**
- **subject to consultation with trade unions and individual employees at risk of redundancy; and**
- **determined having regard to advice from the local authority.**

The redundancy committee is recommended to consider the guidance produced by ACAS (the Advisory, Conciliation and Arbitration Service) called 'Handling Redundancy'

<http://www.acas.org.uk/CHttpHandler.ashx?id=877&p=0>

Selection criteria

Before deciding on appropriate criteria, schools are advised to consider the job descriptions for the staff in the redundancy selection pool. Criteria may be

based on all and any of the following. Apart from the first criterion the criteria are not listed in order of priority.

- Willingness to accept voluntary redundancy (this criterion will always be applied first before moving on to compulsory redundancies);
- Curriculum needs of the school;
- Management and organisational needs of the school;
- Qualifications;
- Relevant experience;
- Future skill requirements;
- Standards of work, performance or aptitude for the work;
- Attendance record (provided that absences for maternity, paternity, hospitalisation, industrial injuries if the employer has accepted a claim, adoption or disability are not taken into account). Advice should be sought from the Employee Relations Team if this criterion is being used, as it is essential that sickness records are accurate and that the scorers identify the reasons for the absences in question;
- Disciplinary record, provided that only live formal warnings are taken into account (expired disciplinary warnings should not be counted);
- “Last In, First Out” provided that this is not the main or sole criterion, and that they can show that it is a proportionate means of achieving a legitimate aim i.e. to reward loyalty to longer-serving workers.

It is recommended that attendance, disciplinary record and “Last In, First Out” are used to determine the outcome of a selection exercise where employees have scored the same on other criteria. Schools should note that a good attendance or disciplinary record is favourable to the employee and should lead to a higher score.

Reasonable, fair and objective application of selection criteria

Even though the criteria may be objective, selection of an employee for redundancy may still be unfair if the criteria are carelessly or mistakenly applied.

For example, an employment tribunal found in favour of a man who claimed that he was treated less favourably than a female colleague on maternity leave, because the employer had artificially inflated an element of the performance-based scoring by giving the woman the maximum score possible instead of assessing her performance before she started maternity leave.

When an employee is disabled, the employer must ensure that the employee is not put at any disadvantage on account of the application of the selection criteria and will accordingly make reasonable adjustments to the selection procedure to remove any disadvantage that the disabled employee would otherwise have.

Those undertaking the selection should

- Ensure that there has been full consultation with the unions on the criteria, including the evidence to be used and the methods of assessment/scoring;
- Ensure that any attendance records used are accurate, including the reasons for absence;
- Determine whether any sickness absence is related to any of the factors listed above (and should therefore be excluded), taking the employee's evidence into account;
- Require those undertaking the assessment to agree on kinds of evidence used and the way in which the evidence is to be used to provide each assessment or score;
- Use more than one assessor and have a moderation process, for example, with checks on assessments or evaluations.

The head teacher and redundancy committee should consider and agree who the appropriate assessors should be. Assessors should have knowledge of the work of the employees at risk of redundancy but must not themselves be at risk of redundancy and should be seen as impartial. Usually the assessors will hold management positions within the school, but there may be circumstances in which some external advice is needed. Where possible three assessors should be chosen, but in small schools this may be difficult and in such cases at least two assessors should be chosen in order to reduce the possibility of allegations of bias. It is also preferable for a lead assessor to be nominated to act as moderator in the event that two employees receive the same score and to assist with the application of the selection criteria.

Evidence and data to support the selection criteria

It is good practice, although not obligatory, for the assessors to ask those employees who are at risk of redundancy to complete a skills audit form within a specified period before applying the selection criteria to those in the selection pool. The evidence provided by an employee at risk can help the scorer to make a more objective decision using the agreed selection criteria. Sample skills audit forms for support staff and teaching staff are attached as appendices 2 and 3. A reference number is used to preserve anonymity of employees and should be allocated to each employee by the assessors.

A model form for the assessors to record scores against chosen selection criteria is appended (Appendix 4). A form similar to this model should be completed for every employee by each assessor who has been involved in the process. Any number and combination of the criteria can be used to suit

the needs of the school – although it is advisable to use a mix of objective and selective criteria. Each assessor should award marks out of 4 for each of the chosen criteria, and the points awarded for each totalled. Certain criteria can be weighted if the school considers them to be more important than others, but the same level of weighting should be applied consistently to each assessment. Employees in the pool should then be able to be ranked according to points scored. Employees scoring the lowest marks will be those provisionally selected for redundancy.

It is prudent for scorers to refer to tangible documents such as appraisals, evidence of qualifications, attendance and disciplinary records, interviews or the results from skills audits before deciding whom to provisionally select for redundancy.

Care should be taken when awarding marks for an employee's competency to undertake his or her role. Any judgements should have regard to performance management assessments, so that employees should be aware already of any concerns about their competency. There should be no grounds for an employee to claim that redundancy is a pretext for dismissal for some other reason.

Consultation with trade unions and individual employees on selection criteria

It is preferable for selection criteria to be discussed and agreed with employees at risk of redundancy. However, there may be occasions where agreement cannot be reached.

Unfair selection criteria

Certain criteria have been defined as automatically unfair in law. For a full description of these please see page 16 in the guidance produced by ACAS (the Advisory, Conciliation and Arbitration Service) called 'Handling Redundancy' <http://www.acas.org.uk/CHttpHandler.ashx?id=877&p=0>

Temporary and fixed-term contracts

The position of employees on temporary or fixed-term contracts depends on the reason for the temporary nature of the contract. The advice of the Employee Relations Team should be taken in such cases.

If the employee is engaged for reasons such as

- a predicted fall in pupil numbers, for which there is sound statistical evidence, leading to a need to reduce the number of employees in the school within the next twelve months;
- a known, severe budgetary deficit, leading to a need to reduce the number of employees in the school within the next twelve months;
- to provide additional education or undertake a specific project for which special funding has been obtained for a known, limited period;

then it would be difficult for the employee to challenge a failure to offer further employment on the expiry of the contract. The school would follow its procedure for terminating temporary and fixed-term contracts (the authority has produced a model for schools to adopt), although the employee may be eligible for a redundancy payment. If that is the case, the redundancy payment should be calculated in the same way as for permanent employees.

The situation would be different for temporary or fixed-term employees covering for, say, maternity leave or long-term sickness or other long-term absence. Normally, such a contract would terminate by effluxion of time on the return of the absent employee (with the school following the normal procedure for terminating temporary and fixed-term contracts). It would be reasonable not to offer further employment on the expiry of a temporary or fixed-term contract on the grounds that the governing body has no current vacancies at that time. However, if the absence were protracted, with the possibility that the absent employee might not return, then the temporary employee should be treated in the same way as the other employees in that category and included in the selection pool with them.

It is also unfair to select an employee for redundancy during employment on a temporary or fixed-term contract simply because that person is temporary or fixed-term. In contrast to the situation at the end of a temporary or fixed-term contract, the school must follow the same redundancy procedures that apply to permanent employees and must ensure that fixed-term employees are not treated less favourably because of their fixed term status, unless the employer can justify this. This includes offering them the same support and consultation and giving them the opportunity to make representations to the redundancy committee and to appeal to an impartial appeals committee.

The authority has provided a model procedure for temporary and fixed-term contracts.

Employees made redundant whilst on maternity leave

Employees on maternity leave are entitled to priority as far as suitable alternative employment is concerned. Where an appropriate vacancy exists, an employee on maternity leave must be offered the alternative employment under a new contract that begins on the day immediately following the day on which her previous contract comes to an end. The new work must be suitable in relation to the employee and appropriate for her to do in the circumstances, and the new contract provisions must not be substantially less favourable than those of the previous contract. Case law suggests that, even if the only alternative employment available does not seem to be suitable, an employee on maternity leave should nonetheless be given the chance to consider it.

Where a suitable vacancy exists and the employer fails to offer it, the employee's dismissal will be automatically unfair. However, where the employee rejects the alternative employment, or no suitable vacancy exists, the employer is entitled to dismiss by reason of redundancy.

If a pregnant employee is made redundant **before** she starts her maternity leave, she does not have any special rights. An employer will be under an obligation to look for suitable alternative employment, in the same way as it would be if she were not pregnant, but it will not be under the strict obligation above to offer her any suitable alternative vacancy she can perform even if she is not the best candidate. This is triggered only if the woman is made redundant during maternity leave. Having said that, employers should always be cautious about dismissing pregnant employees because of the risk of a sex discrimination claim.

If an employee who is pregnant or on maternity or adoption leave is dismissed, they are entitled to a written statement of the reason for dismissal regardless of their length of service. This does not have to be requested by the employee.

Appendix 5 – Sample Skills Audit Form for Support Staff

SKILLS AUDIT – SUPPORT STAFF

This Skills Audit exercise will help you and your school identify which employees have the best match of skills to meet the school’s needs for the future. It should give details of your skills, abilities or experience in each of the listed areas and should include brief examples of what you have done. (These examples can be work, college or home life based.) This information may be used by designated assessors to make informed decisions when identifying nominations for redundancy based on agreed selection criteria. You are advised to ask for details of the selection criteria agreed by the redundancy committee if these have not been given to you. Some of the sections in this form may not be relevant to the selection criteria. You are not required to complete all the sections if you do not wish to do so.

If you have any queries or concerns over the completion of this form, then please raise these with your head teacher. Please return this form to [insert name of assessor] by [insert date].

Please attach extra sheets if you wish.

Name: _____

Reference number: (to be inserted by the assessors)

Present post: _____

I confirm that the information included in this form is accurate.

Signed

Date

This sheet will be removed **before the forms are copied for the Redundancy Committee.**

Reference number (to be inserted by the assessors)

Summary of current job:

Give details of the work you do in the classroom or elsewhere with pupils, or to support the administration of the school, or the maintenance of technical facilities or buildings, etc. and include the supervision of other employees. You may attach and refer to your current job description as appropriate.

Summary of any other posts held in schools

Qualifications:

Describe qualifications, such as childcare qualifications, or financial qualifications, etc.

Contribution to raising standards of education:

Give examples of ways in which you have contributed to the raising of standards in the school, helped to promote the well-being of pupils, demonstrated high expectations of pupils, supported other staff who work directly with pupils, etc.

Contribution to the good standing of the school in the community:

Give examples of ways in which you have helped the school to gain the respect and confidence of parents, governors and the wider community.

Professional relationships:

Give examples of the ways in which you have developed and maintained your professional relationships with pupils and colleagues at work.

Skills and competencies:

Give details of your specific skills and abilities which support the work of the school. Include supervisory skills, organisational skills, communication skills (oral and written), languages other than English, financial skills, childcare skills, keyboard skills, other practical skills, etc.

Transferable skills:

Give details of skills and abilities which may be useful in other roles or in supporting the school as it adapts to future change.

Professional self-development:

Include not only training which you have undertaken but also ways in which you have kept yourself informed about developments affecting your job, such as childcare or curriculum developments if you work with pupils, financial, personnel or administrative changes if you work in the school office, relevant technical matters if you are responsible for maintaining the building or its technical facilities, and developments in education if you contribute to the management of the school, etc.

Appendix 6 – Sample Skills Audit Form for Teachers

SKILLS AUDIT - TEACHERS

This Skills Audit exercise will help you and your school identify which employees have the best match of skills to meet the school's needs for the future. It should give details of your skills, abilities or experience in each of the listed areas and should include brief examples of what you have done. (These examples can be work, college or home life based.) This information may be used by designated assessors to make informed decisions when identifying nominations for redundancy based on agreed selection criteria. You are advised to ask for details of the selection criteria agreed by the redundancy committee if these have not been given to you. Some of the sections in this form may not be relevant to the selection criteria. You are not required to complete all the sections if you do not wish to do so.

If you have any queries or concerns over the completion of this form, then please raise these with your head teacher. Please return this form to [insert name of assessor] by [insert date].

Please attach extra sheets if you wish.

Name: _____

Reference number (to be inserted by the assessors)

Present post: _____

I confirm that the information included in this form is accurate.

Signed

Date

This sheet will be removed **before the forms are copied for the Redundancy Committee.**

Reference number (to be inserted by the assessors)

Summary of current job:

Give details such as year group(s) taught, subjects taught, additional responsibilities, etc. You may attach and refer to your current job description as appropriate.

Summary of any other posts held in schools

Qualifications:

Describe qualifications, e.g. QTS, NPQH, other professional qualifications

Contribution to raising standards of education:

Give examples of ways in which you have contributed to the raising of standards in the school, helped to promote the well-being of pupils, demonstrated high expectations of pupils, etc.

Contribution to the good standing of the school in the community:

Give examples of ways in which you have helped the school to gain the respect and confidence of parents, governors and the wider community.

Professional relationships:

Give examples of the ways in which you have developed and maintained your professional relationships with pupils and colleagues at work.

Skills and competencies:

Give details of specific skills and abilities which support the school's work with pupils. Include supervisory skills, organisational skills, communication skills (oral and written), languages other than English, financial skills, childcare skills, keyboard skills, other practical skills, etc.

Transferable skills:

Give details of skills and abilities which may be useful in other roles or in supporting the school as it adapts to future change.

Professional self-development:

Include not only training but also steps you have taken to keep yourself informed of curriculum developments and current issues in education to assist your understanding of the needs of the school and your contribution to them.

Appendix 7 – Model redundancy selection matrix

Redundancy selection assessment form						
Name of employee		Job title				
Department/section		Length of service in the school		Length of service in Birmingham maintained schools		
Name(s) of manager(s) making assessment						
Criterion	Score (1-4)	Weighting (1-4)	Total score	Scorer's comments, including evidence used		
Total score						
Signature of scorer		Date				

General comments on completing the assessment form

A matrix similar to the above should be completed by each scorer for each employee who is at risk of redundancy.

Any number and combination of selection criteria can be used. However, schools are advised to consider carefully relevant job descriptions and person specifications to ensure that they are tailored to their individual needs and so as to retain the most suitable staff in a redundancy situation. For further guidance please refer to Appendix 1.

In the example above, each scorer should award marks out of 4 for each of the chosen criteria, and the points awarded for each employee should be totalled. A suggested range for these scores might range from 4 for outstanding, to 1 for unsatisfactory.

Schools can weight criteria if some are considered to be more important than others, for example, 1 = not important through to 4 = extremely important. However, this is a more complicated process and not obligatory. If criteria are weighted, then the same weighting should be applied consistently, using the same level of importance when assessing each employee.

Employees scoring the lowest marks will be those provisionally selected for redundancy.

Appendix 8 – Procedure for hearing

1. The employee and his/her representative and the head teacher or other person presenting the case shall attend the hearing simultaneously to present their respective cases.
2. The chairperson of the committee will perform the necessary introductions.
3. The head teacher or other person presenting the management case will present that case and may call witnesses.
4. The employee and/or the employee's representative may question the head teacher or other person presenting the management case and any witnesses.
5. The committee, and the local authority's representative may question the head teacher or other person presenting the management case and any witnesses.
6. The employee and/or the employee's representative will present the employee's case and may call witnesses.
7. The head teacher or other person presenting the case may question the employee and/or the employee's representative and any witnesses.
8. The committee, or the head teacher (when the head teacher is hearing the case), and the local authority's representative may question the employee and/or the employee's representative and any witnesses.
9. The head teacher or other person presenting the management case will sum up the case presented and should ensure that any advice he or she wishes to give to the committee (and which a head teacher is entitled to give to a governing body or any of its committees) is given at this stage.
10. The employee and/or the employee's representative will sum up the employee's case.
11. The head teacher or other person presenting the management case and the employee and the employee's representative will withdraw from the hearing.
12. The committee, or the head teacher where the head teacher is hearing the case, will consider the evidence presented and take a decision.
13. The committee may recall the head teacher or other person presenting the management case and the employee with the employee's representative to clear points of uncertainty on the evidence given,

provided that both parties are recalled even if the point of uncertainty concerns the evidence of one party only.

Appendix 9 – Procedure for Appeal Hearing

1. The employee and his/her representative and the head teacher or other person presenting the management case shall attend the hearing simultaneously to present their respective cases.
2. The chairperson of the appeal committee will perform the necessary introductions.
3. The employee and/or the employee's representative will present the employee's appeal and may call witnesses.
4. The head teacher or other person presenting the management case may question the employee and/or the employee's representative and any witnesses.
5. The members of the appeal committee and the local authority's representative may question the employee and/or the employee's representative and any witnesses.
6. The head teacher or other person responding to the employee's appeal will present that case and may call witnesses.
7. The employee and/or the employee's representative may question the head teacher or other person presenting the management case and any witnesses.
8. The members of the appeal committee and the local authority's representative may question the head teacher or other person responding to the appeal and any witnesses.
9. The head teacher or other person responding to the appeal will sum up the case presented and should ensure that any advice he or she wishes to give to the committee (and which a head teacher is entitled to give to a governing body or any of its committees) is given at this stage.
10. The employee and/or the employee's representative will sum up the employee's case.
11. The head teacher or other person responding to the appeal and the employee and the employee's representative will withdraw from the hearing.
12. The appeal committee will consider the evidence presented and take a decision.
13. The committee may recall the head teacher or other person responding to the appeal and the employee with the employee's representative to clear points of uncertainty on the evidence given, provided that both

parties are recalled even if the point of uncertainty concerns the evidence of one party only.

Appendix 10: Guidance for Behaviour at Meetings and Hearings

Any person attending any kind of meeting or hearing in any capacity must comply with acceptable professional standards of behaviour and consequently should adhere to the following Code. Although this protocol is applicable to conduct within formal and informal meetings or hearings, the expectation is that the same standards will apply outside of meetings and hearings. One companion/ representative may accompany the employee and speak on his or her behalf at formal meetings and hearings. The agreement of the Chair is required if the employee seeks additional support (for example, with learning disabilities) or a request is made for an observer to attend.

1. Everyone due to attend the meeting/hearing must make every effort to be punctual in order that the meeting/hearing may begin promptly.
2. The meeting/hearing will be conducted in accordance with the relevant provisions of any procedure adopted by the governing body or by the general procedure for meetings for meetings as recommended by the Employee Relations Team unless the Committee, Head Teacher/Manager and Employee agree variations.
3. Whilst these meetings/hearings are conducted formally they form part of internal procedures not legal proceedings and therefore all persons present should avoid using legal terminology without providing an explanation understandable to a lay audience.
4. All statements, questions and responses must be addressed through the person chairing the meeting/hearing
5. Each person invited to speak by the Chair will be permitted to make his or her contribution uninterrupted by any other person present.
6. All persons present will act respectfully towards every other person present and will not act in a manner that demeans, insults, threatens or intimidates him or her including an attempt to make an audio or video recording of the proceedings. All statements, questions and responses, challenges to statements, complaints or criticisms must be made politely and quietly.
7. All statements, questions and responses must be related to the facts of the case and not be personal in nature. There should be no reference to personal views on any person or in relation to the issue nor should reference be made to previous issues that do not form part of the case under consideration.
8. The meeting/hearing will be conducted with due regard to the needs of the participants for refreshment and rest and will be adjourned as appropriate either for a short break or for conclusion on another day.

9. If any person present fails to comply with this Code then the Chair will warn him or her that further non-compliance may lead to him or her being asked to leave the meeting/hearing. Any further breach of the Code may then lead to the Chair [Committee] deciding that the person should be asked to leave the meeting/hearing or that the meeting/hearing should be adjourned for a period of time to be determined by the Chair [Committee].

Appendix 11 – Model Letters to be used with the model procedure for redundancy

- R1 Invitation to the recognised unions and teachers' associations to attend the first consultation meeting, with the head teacher
- R2 Section 188 notice
- R3 Letter confirming outcome of consultations between the redundancy committee and the recognised unions and teachers' associations
- R4 Invitation to express interest in voluntary redundancy
- R5 Letter to employee who has expressed an interest in voluntary redundancy
- R6 Letter to employee who has been provisionally selected for compulsory redundancy
- R7 Invitation to attend hearing conducted by committee
- R8 Outcome of hearing before committee – community, community special, voluntary controlled and maintained nursery schools
- R9 Letter to employee not exercising the right to make representations in community, community special, voluntary controlled and maintained nursery schools
- R10 Notification to Local Authority of a determination that an employee should cease to work at a community, community special, voluntary controlled or maintained nursery school
- R11 Outcome of hearing before committee – voluntary aided and foundation schools
- R12 Letter to employee not exercising the right to make representations in voluntary aided and foundation schools
- R13 Invitation to attend appeal hearing
- R14 Notification to Local Authority of a dismissal from a voluntary aided or foundation school
- R15 Outcome of appeal hearing
- R16 Notification to Local Authority of successful appeal

R1 – INVITATION TO THE RECOGNISED UNIONS AND TEACHERS' ASSOCIATIONS TO ATTEND THE FIRST CONSULTATION MEETING

Dear

Statutory consultation on possible redundancies

The Governing Body's redundancy committee has asked me to open statutory consultations with you on the basis of the attached proposals. I am therefore inviting you to a meeting for this purpose.

At the meeting I will be able to explain the details to you, answer questions and listen to any suggestions which you are able to make.

I can offer the following dates for this meeting and would be grateful if you could contact [insert – e.g. my secretary] on [insert telephone number] by no later than [Insert Date] to let him or her know which is the most convenient time and date for you:

[Insert a minimum of 3 dates and times].

As soon as I have heard from all recognised trade union and teacher association representatives [insert – e.g. my secretary] or I will contact you again to confirm the date and time of the meeting.

Yours sincerely

Head Teacher

R2 - OUTLINE SECTION 188 NOTICE

N.B. Please obtain advice from the Employee Relations Team before sending this letter.

To: representatives of the recognised unions including teachers' associations

[Date]

Dear Sir/Madam

Consultations in accordance with Section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992

In accordance with Section 188 (4) of the *Trade Union and Labour Relations (Consolidation) Act 1992*, I am writing formally to advise you that the Governors of this School are proposing, with effect from [insert proposed termination date or dates], to terminate the employment of [insert number of employees, specifying roles, e.g. two teaching assistants] on the grounds of redundancy.

For the purpose of consultation, I am required by Sections 188 to 194 of the Act and related regulations to provide the following information for trade union representatives. I have also attached

- a copy of the governing body's redundancy procedure [if not already supplied];
- a copy of the minutes of the meeting of the redundancy committee of the governing body held on [Date];
- a copy of the minutes from the informal consultation meeting with Unions, which was held on [Date].

[As the proposals arise from a general budget deficit or reduction, rather than the cessation of a specific grant, the following *are also attached/*have already been supplied to you

- the school improvement plan, particularly a curriculum breakdown for the current year and next year;
- details from the school's financial management system of the school's budget and actual expenditure for the last year under budget headings;
- details from the school's financial management system of the school's budget and actual expenditure for the current year under budget headings, with the total indicative budgets for the following years where available;
- present staffing structure, including salary grades, and a list of all appointments made in the last twelve months]

(a) The reason(s) for the proposals is/are as follows. [Insert]

e.g. falling school roles since [Date], reduced need for Modern Language teachers

- (b) The number and description of posts which are potentially at risk of redundancy [Insert]**
e.g. 5 full-time Teaching Assistants
- (c) The total number of employees of that description employed by the employer at the establishment in question [Insert]**
- (d) The proposed method of selecting the employees who may be dismissed**
 - Voluntary redundancy amongst employees of that description
 - Provisional selection by assessment undertaken by a moderated group against specified criteria – see appendix attached
- (e) The proposed method of selecting the employees to be dismissed by reason of redundancy and of carrying out the dismissals**
 - Application of listed criteria to people in selection pool
 - Hearing before the redundancy committee in accordance with the redundancy procedure adopted by the governing body
- (f) The proposed method of calculating redundancy payments to be made to employees dismissed by reason of redundancy**
 - In line with LA guidance, using actual weekly pay rather than the statutory maximum weekly limit, and the national formula based on age and length of continuous service
- (g) the number of agency workers working temporarily for and under the supervision and direction of the school and the type of work which they are undertaking**
- (h) Strategies to be adopted to mitigate the effects of the redundancy situation**
 - Redeployment

I hope that this information will provide the basis for continued discussion. In accordance with the redundancy procedure adopted by the governing body of the school, you are therefore invited to a consultation meeting with the governing body's redundancy committee at which you will have the opportunity to present a response to the proposals. During my meeting with you possible dates were discussed.

EITHER

I am able to confirm that the redundancy committee can make the following date [Insert date]. Please could you contact [name] by [date] to confirm that you will attend the meeting

OR

Unfortunately, the redundancy committee cannot make the dates discussed with you, but is offering the following dates and times [insert selection of dates and times]. Please could you contact [name] by [date] to indicate whether or not you wish to attend the meeting and whether or not the dates and times proposed are convenient for you.

If there is any matter which you would like to discuss before the meeting or any additional information you require beforehand, please let me know by [date].

Yours faithfully

Clerk to the Governing Body or Head Teacher

Copy to the Employee Relations Team

**R3 – LETTER CONFIRMING OUTCOME OF CONSULTATION MEETING
BETWEEN THE REDUNDANCY COMMITTEE AND THE RECOGNISED
TRADE UNIONS AND TEACHERS’ ASSOCIATIONS**

[Date]

Dear []

Outcome of consultation meeting with the Redundancy Committee

Thank you for all of your contributions at the recent consultation meeting with the redundancy committee. A copy of the minutes from that meeting is attached.

EITHER

In the light of the discussions at the consultation meetings, the Redundancy Committee has concluded that redundancies can be avoided at this stage because [insert reasons]. The Redundancy Committee would like to thank you for your contribution to these consultations to date.

OR

Although the Redundancy Committee remains committed to avoiding compulsory redundancies wherever possible, having considered very seriously all of the matters raised at the consultation meetings the Committee has reluctantly concluded at this stage that it needs to continue with the next stages of the redundancy process in accordance with the redundancy procedure adopted by the School.

I confirm, therefore, that the Head Teacher has been asked to write on behalf of the Committee to invite expressions of interest for voluntary redundancy from [insert group(s) of staff].

Once the expressions of interest have been received and reviewed, employees will be given an opportunity to receive their redundancy calculation and/or pension estimates and will then be asked to confirm whether or not they wish to opt for voluntary redundancy.

In the event that compulsory redundancies are still needed, a group of at least two assessors will meet to assess those employees at risk against the criteria agreed at the formal consultation meeting.

On behalf of the Redundancy Committee, I would like to thank you for your ongoing contribution to these matters during a particularly sensitive time.

Yours sincerely

Clerk to Governors

Copy - Employee Relations Team

R4 – INVITATION TO EXPRESS INTEREST IN VOLUNTARY REDUNDANCY

[Date]

Dear.....

Potential redundancy situation – expressions of interest in voluntary redundancy

As you are aware, we have been in discussion with staff and representatives from the Trade Unions and Professional Associations in order to consult upon the potential need to reduce the number of [Insert type of staff i.e. Teaching Assistants] in the school by [insert number, e.g. 3].

To date, it has not been possible to achieve the reduction through redeployment or movement of staff and therefore the School's Redundancy Committee ("the Committee") has concluded that it is necessary to proceed to the next stage of the redundancy process.

Whilst the Committee is hopeful that the necessary reduction in staffing can be achieved through voluntary means, it was agreed at the most recent consultation meeting, that [insert group(s) of staff] would be asked if they wished to express an interest in voluntary redundancy.

If you express an interest in voluntary redundancy, you will receive an estimate of the redundancy payment that you would be entitled to if you subsequently decide to apply for voluntary redundancy and that application is accepted by the School.

Any expressions of interest will be without commitment by either side and does not mean that there is any expectation that you will be applying for voluntary redundancy. Equally, by providing you with a redundancy estimate, the School is not committed to having to accept a request for voluntary redundancy.

A further copy of the school's redundancy procedure is attached.

You are encouraged to seek information on the implications for your pension and, if you are 55 years of age or older, on the pension options available to you if you were made redundant.

Should you wish to express an interest in voluntary redundancy and obtain an estimate of your redundancy pay please write to me requesting the estimate by [insert date].

After the redundancy estimate has been provided to you and you have had the opportunity to resolve any outstanding questions, those employees who have expressed an interest will be invited to confirm whether or not they wish to proceed with their applications based on the estimates received.

If an insufficient number of staff volunteer for redundancy then regrettably, the School will have to proceed to selection for compulsory redundancy. In consultation with the Trade Unions and Professional Associations, the Committee have agreed that the attached criteria will be used in the event that compulsory redundancies are needed [attach criteria that have been discussed with Trade Unions].

I know that this is a very difficult time for all of you and would like to thank you for your continuing professionalism and patience whilst we seek to resolve this matter.

Yours sincerely

Clerk to Governors

Copy – Employee Relations Team

R5 – LETTER TO EMPLOYEE WHO HAS EXPRESSED AN INTEREST IN VOLUNTARY REDUNDANCY

PRIVATE AND CONFIDENTIAL

Dear

Thank you for your recent expression of interest in voluntary redundancy.

Enclosed is an estimate of the redundancy payment which would be made to you if you were made redundant at the end of the [insert] term.

You should be aware that you would not be entitled to a redundancy payment if you are offered suitable alternative employment with the same employer, or an associated employer, the offer being made before the termination of your current contract and taking effect within four weeks of the dismissal. An associated employer would include any other maintained school, academy or local authority as well as certain other public bodies. Please let me know if you would like any further information.

I would be grateful if you could confirm in writing to me by no later than [Date] whether or not you still wish to be considered for voluntary redundancy. I will then discuss your application with the Redundancy Committee that has been appointed by the governing body of the school and confirm whether or not your application has been approved.

If you have any further queries in this regard, please feel free to contact me.

Yours sincerely

Head Teacher

R6 – LETTER TO EMPLOYEE PROVISIONALLY SELECTED FOR REDUNDANCY AND GIVING OPPORTUNITY TO HEARING BEFORE REDUNDANCY COMMITTEE

PRIVATE AND CONFIDENTIAL

[Date]

Dear

I am writing following the recent meeting in which staff were informed of the outcome of the consultations with the unions on the possibility of redundancy or redundancies. As explained at that meeting, the Redundancy Committee reluctantly reached the conclusion that redundancy appeared to be unavoidable and, although it would continue to look for ways of achieving the reduction in staff by voluntary means, it would continue with the redundancy procedure.

As you know, the Redundancy Committee established that the first criterion for selection for redundancy would be voluntary redundancy. However, an insufficient number of suitable volunteers came forward.

As a result, the staff whose jobs have been identified as being at risk of redundancy have now been assessed against the agreed criteria by a panel of scorers, using the scoring arrangement previously notified to you. At this stage, I regret to inform you that you have been given a score of [insert number] out of a possible maximum score of [insert number]. This means that you have been provisionally selected for redundancy.

A copy of your assessment documentation and individual score is attached. If you wish to be provided with an anonymised breakdown of other employees' scores within the selection pool, please let me know by [insert date].

You now have the option of attending a hearing before the Redundancy Committee opposing your provisional selection for redundancy. This will also give you an opportunity to discuss how your score was assessed by the panel. If you wish to exercise your right to make representations, you should write to me **within 5 working days** of receipt of this letter. If you do not exercise your right to make representations the Redundancy Committee will be asked to make you redundant.

The school has explored and will continue to explore, the options within the school for alternative employment for you. Unfortunately, as yet, the school has not been able to identify another position in which to accommodate you.

In the meantime, the local authority has been informed of the Redundancy Committee's decision, and will be writing to you to confirm the estimate of your entitlement to a redundancy payment. The Committee would also welcome any suggestions or proposals that you have to offer for avoiding your

redundancy and will continue to give due consideration to these during the consultation period.

Yours sincerely

Clerk to Governors

[Copy to Employee Relations]

R7 INVITATION TO ATTEND A HEARING BY A REDUNDANCY COMMITTEE

Date

Dear

I am writing to confirm that you are invited to attend a hearing on (date).....at.....a.m./p.m. The hearing will be held in [venue] and will be before the Redundancy Committee. The meeting will be chaired by [name] and other members of the committee will be [name] and [name].

The hearing will be conducted in accordance with the redundancy procedure adopted by the School, a copy of which is enclosed. The purpose of the hearing is to give you an opportunity to comment on the proposal to dismiss you on grounds of redundancy and to discuss possible alternatives.

A representative of the local authority will be in attendance.

The procedure to be used at the hearing and guidance on behaviour at meetings are included in the redundancy procedure. The Head Teacher [or], who will be presenting the case, intends to call (names)..... as witnesses.

You will need to send me copies of any documentation which you wish to use at the hearing **at least 10 working days** before the hearing. You will also need to notify me, **at least 10 working days** before the hearing, of the names of any witness(es) whom you have asked, or intend to ask, to appear on your behalf.

You have the right to request that you be accompanied by a representative of your choice who is either a trade union official or who is an employee of your employer. Please let me have this request **at least 10 working days** before the hearing. An additional copy of this letter and the documentation is enclosed for your representative's use.

Please confirm that you will attend at the time and date stated and whether or not you wish to be accompanied by a representative. You may suggest an alternative time and date as long as it is reasonable and is not more than 5 working days after the original date. The committee may reject your suggestion but will do so only if it is unreasonable. In that case the committee may proceed to hear the case in your absence or the absence of your representative.

Yours sincerely,

Clerk to the Governing Body
* delete as appropriate

[Copy to Employee Relations Team]

R8 LETTER TO EMPLOYEE CONFIRMING OUTCOME OF HEARING BEFORE REDUNDANCY COMMITTEE IN COMMUNITY, COMMUNITY SPECIAL, VOLUNTARY CONTROLLED AND MAINTAINED NURSERY SCHOOLS

[Date]

Dear

Representations before Redundancy Committee

Thank you for attending the hearing before the Redundancy Committee on [Date].

The purpose of the meeting was to enable you to make representations on the proposal that you should cease to work at the School on grounds of redundancy. EITHER You attended the meeting along with your Trade Union representative [Name] OR You were given the opportunity to be accompanied, but attended the hearing alone.

At the meeting [Summarise representations made by employee i.e. you raised a number of questions about the selection process and selection criteria and expressed your concerns that the process employed was unfair.] You also called [Name] as a witness.

The Head Teacher presented the statement of case and called [X] as a witness to answer questions on how the scoring process was undertaken.

The Redundancy Committee carefully considered your representations and the evidence heard from all of the witnesses. However, having considered all the available evidence, it has concluded that:

EITHER

[Your provisional selection for redundancy should be maintained and that you should cease to work for the School from [Insert Date] subject to your right of appeal. The Local Authority will be informed of this determination and within fourteen days, as required by regulation, will terminate your contract with due contractual notice.

You will be entitled to a redundancy payment estimated as [Amount]. This will be paid as soon as possible after the termination of your employment, unless you are offered suitable alternative employment with the same employer, or an associated employer before the termination of your contract, and taking effect within four weeks of the dismissal. You will also be [either] required to work your notice period [or] paid in lieu of your contractual or statutory notice period (whichever is the greater) which would have ended on [insert date].

Any pay for annual leave due and not taken before the termination date will also be paid to you.

You may appeal against this determination by notifying me, in writing, at the above address **within 10 working days** of receipt of this letter. You should state all of the grounds upon which the appeal is based. An appeal would be heard by the governing body's appeal committee.

OR

Your provisional selection for redundancy was unfair and that you should not be selected for redundancy at this stage. You will therefore remain in your post of [insert post title] pending a review by the Redundancy Committee of the selection criteria or the way the criteria were applied.

OR

Your proposed redundancy is no longer necessary in view of the change in circumstances at the school.

A copy of this letter is enclosed for your representative.

Yours sincerely

Clerk to the Governing Body

Copies – Head Teacher, Employee Relations team, Schools HR Services

R9 – LETTER TO EMPLOYEE NOT EXERCISING THE RIGHT TO MAKE REPRESENTATIONS ABOUT SELECTION FOR REDUNDANCY IN COMMUNITY, COMMUNITY SPECIAL, VOLUNTARY CONTROLLED AND MAINTAINED NURSERY SCHOOLS

[Date]

Dear

Redundancy

Following your confirmation that you did not wish to exercise your right to make representations over your provisional selection for redundancy I am writing to confirm that the Redundancy Committee has confirmed your selection and has determined that you should cease to work at the school with effect from [Insert Date] subject to your right of appeal. The Local Authority will be informed of this determination and within fourteen days, as required by regulation, will terminate your contract with due contractual notice.

You will be entitled to a redundancy payment estimated as [Amount]. This will be paid as soon as possible after the termination of your employment, unless you are offered suitable alternative employment with the same employer, or an associated employer before the termination of your contract, and taking effect within four weeks of the dismissal. You will also be [either] required to work your notice period [or] paid in lieu of your contractual or statutory notice period (whichever is the greater) which would have ended on [insert date]. Any pay for annual leave due and not taken before the termination date will also be paid to you.

You may appeal against this determination by notifying me, in writing, at the above address **within 10 working days** of receipt of this letter. You should state all of the grounds upon which the appeal is based. An appeal would be heard by the governing body's appeal committee.

A copy of this letter is enclosed for your representative.

Yours sincerely

Clerk to the Governing Body

Copies – Head Teacher, Employee Relations team, Schools HR Services

R10 - NOTIFICATION TO THE AUTHORITY OF A DETERMINATION THAT A PERSON SHOULD CEASE TO WORK AT A COMMUNITY, COMMUNITY SPECIAL, VOLUNTARY CONTROLLED OR MAINTAINED NURSERY SCHOOL

PRIVATE AND CONFIDENTIAL

To: Employee Relations Team for Schools

Date

Dear

Determination that an employee should cease to work at the school by reason of redundancy

I am writing to advise you that at a meeting of the Redundancy Committee of the Governing Body of (*name*) School held on (date) the Committee determined that (*name of employee*) should cease to work at the school by reason of redundancy.

I should be grateful if, in accordance with the School Staffing Regulations, you would terminate the contract of employment of (*name*) and make the necessary arrangements for a redundancy payment. The employee **will/*will* not be required to serve the appropriate notice period.

I will let you know if this employee appeals successfully against the determination that he/she should cease to work at the school.

Yours sincerely

Clerk to the Governing Body

**delete as appropriate*

R11 - OUTCOME OF HEARING - VOLUNTARY AIDED AND FOUNDATION SCHOOLS)

PRIVATE AND CONFIDENTIAL

Date

Dear

Redundancy hearing

Thank you for attending the hearing before the Redundancy Committee on [Date].

The purpose of the meeting was to enable you to make representations on the proposal that you should be dismissed from the school on grounds of redundancy. EITHER You attended the meeting along with your Trade Union representative [Name] OR You were given the opportunity to be accompanied, but attended the hearing alone.

At the meeting [Summarise representations made by employee i.e. you raised a number of questions about the selection process and selection criteria and expressed your concerns that the process employed was unfair.] You also called [Name] as a witness.

The Head Teacher presented his or her statement of case and called [X] as a witness to answer questions on how the scoring process was undertaken.

The Redundancy Committee carefully considered your representations and the evidence heard from all of the witnesses. However, having considered all the available evidence, it has concluded that:

EITHER

Your provisional selection for redundancy should be maintained and you should be dismissed from your employment at the school on grounds of redundancy, subject to the right of appeal. Accordingly your contract of employment is terminated and your last day of employment will be [insert date]. During the notice period, which will end on [date], you will continue to receive your normal salary payment.

You will be entitled to a redundancy payment estimated as [insert]. This will be paid as soon as possible after the termination of your employment, unless you are offered suitable alternative employment with the same employer, or an associated employer, the offer being made before the termination of your contract and taking effect within four weeks of the dismissal. You will also be [either] required to work your notice period [or] paid in lieu of your contractual or statutory notice period (whichever is the greater) which would have ended on [insert date]. Any pay for annual leave due and not taken before the

termination date will also be paid to you. Any outstanding debts will be deducted from the payment.

You may appeal against this decision by notifying me, in writing, at the above address **within 10 working days** of receipt of this letter. You should state all the grounds upon which the appeal is based. An appeal would be heard by the Governing Body's appeal committee.

OR

Your provisional selection for redundancy was unfair and that you should not be selected for redundancy at this stage. You will therefore remain in your post of [insert post title] pending a review by the Redundancy Committee of the selection criteria or the way the criteria were applied.

OR

Your proposed redundancy is no longer necessary in view of the change in circumstances at the school.

A copy of this letter is enclosed for your representative.

Yours sincerely

Clerk to the Governing Body

Copies – Head Teacher
– Employee Relations Team
– Schools HR Services

R12 – LETTER TO EMPLOYEE NOT EXERCISING THE RIGHT TO MAKE REPRESENTATIONS ABOUT SELECTION FOR REDUNDANCY IN VOLUNTARY AIDED AND FOUNDATION SCHOOLS

[Date]

Dear

Redundancy

Following your confirmation that you did not wish to exercise your right to make representations over your provisional selection for redundancy I am writing to confirm that the Redundancy Committee has confirmed your selection and has determined that you should be dismissed on grounds of redundancy with effect from [Insert Date] subject to your right of appeal.

You will be entitled to a redundancy payment estimated as [Amount]. This will be paid as soon as possible after the termination of your employment, unless you are offered suitable alternative employment with the same employer, or an associated employer before the termination of your contract, and taking effect within four weeks of the dismissal. You will also be [either] required to work your notice period [or] paid in lieu of your contractual or statutory notice period (whichever is the greater) which would have ended on [insert date]. Any pay for annual leave due and not taken before the termination date will also be paid to you. Any outstanding debts will be deducted from the payment.

You may appeal against this dismissal by notifying me, in writing, at the above address **within 10 working days** of receipt of this letter. You should state all of the grounds upon which the appeal is based. An appeal would be heard by the governing body's appeal committee.

A copy of this letter is enclosed for your representative.

Yours sincerely

Clerk to the Governing Body

Copies – Head Teacher, Employee Relations team, Schools HR Services

R13 - INVITATION TO A HEARING BY APPEAL COMMITTEE

PRIVATE AND CONFIDENTIAL

Date

Dear

Appeal hearing

I am writing to confirm the invitation to an appeal hearing on (*date*)..... ata.m./p.m. The hearing will be held in (*venue*)..... and will be before the Appeal Committee of the Governing Body. The meeting will be chaired by (*name*) and other members of the committee will be (*name*) and (*name*)

The hearing will be conducted in accordance with the redundancy procedure adopted by the School. The purpose of the meeting is to give you an opportunity to appeal against *[the determination that you should cease to work at the School] *[the decision to dismiss you from your employment at the School] on the grounds of redundancy.

A representative of the local authority will be in attendance.

I enclose a copy of the documentation to be presented in response to your appeal. The procedure to be used at the appeal hearing and guidance on behaviour at meetings are included in the procedure. The Head Teacher [or], who will be responding to your appeal, intends to call (*names*)..... as witnesses.

You will need to send me copies of any documentation which you wish to use at the hearing at least **10 working days before** the hearing. You will also need to notify me, at least **10 working days before** the hearing, of the names of any witness(es) whom you have asked, or intend to ask, to appear on your behalf.

You have the right to request that you be accompanied by a representative of your choice who is either a trade union official or who is an employee of your employer. Please let me have this request at least **10 working days before** the hearing. An additional copy of this letter and the documentation is enclosed for your representative's use.

Please confirm that you will attend at the time and date stated and whether or not you wish to be accompanied by a representative. You may suggest an alternative time and date as long as it is reasonable and is not more than 5 working days after the original date. The committee may reject your suggestion but will do so only if it is unreasonable. In that case the committee may proceed to hear the case in your absence or the absence of your representative.

Yours sincerely

Clerk to the Governing Body

* delete as appropriate

Copy to Employee Relations Team

R14 - NOTIFICATION TO LOCAL AUTHORITY OF A DISMISSAL FROM A VOLUNTARY AIDED OR FOUNDATION SCHOOL

PRIVATE AND CONFIDENTIAL

To: Employee Relations Team for Schools

Date

Dear

Termination of employment

I am writing to advise you that at a meeting of the Redundancy Committee of the Governing Body of (*name*) School held on (*date*) the Committee determined that (*name of employee*) should be dismissed from the school by reason of redundancy.

The contract of employment will terminate on (*date*). Please make the necessary arrangements for the redundancy payment.

I will let you know if the employee appeals successfully against the dismissal.

Yours sincerely

Clerk to the Governing Body

* delete as appropriate

Copies to Schools HR Services

R15 OUTCOME OF APPEAL

PRIVATE AND CONFIDENTIAL

Date

Dear

Outcome of appeal hearing

I am writing to confirm that at the meeting held on (*date*) the Appeal Committee of the Governing Body of the School having given careful consideration to the circumstances and evidence laid before them determined that:

EITHER

- (i) Your appeal against the decision that you should *[cease to work at the school] *[be dismissed] is upheld and your letter of dismissal will be withdrawn.

OR

- (ii) Your appeal against the decision on (*date*) that you should cease to work at the school is rejected and the notice of dismissal therefore remains in effect.

Yours sincerely

Clerk to the Governing Body

* delete as appropriate

Copies to Schools HR Services
and Employee Relations Team

R16 – NOTIFICATION TO LOCAL AUTHORITY OF SUCCESSFUL APPEAL

PRIVATE AND CONFIDENTIAL

To: Employee Relations Team for Schools

Date

Dear

Successful appeal against termination of employment

Further to my letter of [date] I have to inform you that the Governing Body's Appeals Committee, at its meeting held on [date] upheld the appeal from [name] against termination of employment on grounds of redundancy.

EITHER (community schools etc.)

I should be grateful, therefore, if you could withdraw the letter of dismissal and take any other necessary action as the employer.

OR (voluntary aided and foundation schools)

I should be grateful, therefore, if you could continue to pay this employee and ensure that the redundancy payment is not made.

Yours sincerely

Clerk to Governing Body or Head Teacher