Scarning VC Primary School

Staffing adjustment policy and procedure 2026

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Staffing adjustment policy and procedure P318

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This model policy is designed for use in maintained schools or academies as follows:-

i) In maintained schools, Governing Boards have the option of adopting this model policy or developing their own. Any school choosing not to adopt this model must ensure that any local policy complies with the requirements of statute and any relevant national or local conditions of service. A local policy would need to be the subject of full consultation with all the recognised trade unions before adoption. Furthermore, any school seeking support from the local authority in funding redundancy and related costs must follow the relevant sections of this model policy. Where local authority support for funding is agreed, that funding will not go beyond the provisions in the Staffing Adjustment Scheme at Appendix A.

ii) Academies may choose to utilise this model policy by removing the paragraphs that relate only to maintained schools. There would need to be full consultation with recognised trade unions before adoption and implementation. Academies may also include the Staffing Adjustment Scheme at Appendix A or develop an alternative. Again, consultation would be required before implementation. Advice on the potential impact of different options within the Staffing Adjustment Scheme can be obtained from the allocated HR Consultant. Where reference in the policy is made to “Headteacher”, this may be changed to read “Principal” if appropriate. Where reference is made to “Governing Board”, this may be changed to read “Academy Trust” or whatever alternative is deemed appropriate.

Please note that ‘school’ in this document refers to any maintained school and ‘academy’ means any academy or free school. It is likely that an academy Trust will want to determine a policy to be applied equally across any academies it is responsible for. Equally, any schools that are joined together under one Governing Board should have one policy covering all employees. However, where TUPE applies any contractual terms and

conditions, which may affect this policy, should continue to apply to the group(s) of staff who have TUPE transferred.

This model has been the subject of consultation with the recognised trade unions at County level. Any school or academy looking to adopt, or adapt and adopt, as their own should consult recognised trade unions at local level.

1. Equal opportunities and scope

1.1 Staffing adjustment can involve many dimensions; this policy and procedure relates to posts no longer needed at the school or roles that need to be adjusted (e.g. change of hours, duties and/or grade). It provides for redeployment within the school or to another establishment or for employment to end on the grounds of redundancy (which may be through voluntary or compulsory selection).

1.2 The same general policy and procedure should be applied to both teaching and support staff adjustments although some slight differences will arise relative to the specific employee groups.

1.3 *Maintained schools only:* The Local Authority will make a judgement on which staffing adjustments it will support financially on the basis of the criteria given in this policy and in the Staffing Adjustment Scheme but also on the basis of the relative cost effectiveness of the solution(s) proposed. The Local Authority, in considering whether to support a maintained school financially in a staffing adjustment, will have regard to whether the approach detailed in this policy and procedure has been followed.

1.3 Headteachers and other employees must adhere to this policy in line with their obligations under equality legislation. Headteachers must ensure that all reasonable adjustments or supportive measures are considered to allow equality of access and opportunity regardless of age, gender, ethnicity, sexual orientation, disability, faith or religion, gender identity, pregnancy or marital status.

1.4 Through the implementation of this policy and procedure, the Governing Board will be mindful of the employer obligation to seek to maintain and protect the mental health and wellbeing of all staff as far as is reasonably practicable.

2. Decision making

2.1 Staffing adjustments, which may include proposals for redundancy, need to be considered within a legal framework. The Governing Board is accountable at law for any decision to dismiss an employee by reason of redundancy.

2.2 The following points around decision making should be noted:-

- Decisions about staffing structures and dismissal of employees, rest with the Governing Board of the school.
- Compulsory redundancy should be avoided if reasonably practicable.
- A good, consistent approach to resource planning as part of the Governing Board's medium and long term budget management can often avoid an overstaffing situation from arising.

- *Maintained schools only:* Governors (and Headteachers where the authority to dismiss has been delegated) of Community/Voluntary Controlled schools must consider the advice of the Director of Children's Services or their representative in potential dismissal situations. Governors (and Headteachers where the authority to dismiss has been delegated) of Foundation/Voluntary Aided/Trust schools who have granted advisory rights in respect of dismissal must also consider the advice of the Director of Children's Services or their representative. The Director of Children's Services will normally provide advice through an appropriate officer which would be a senior member of the Education**HR** Team or the HR Business Partner (Schools).
- Staffing adjustments do not always have to be resolved through redundancy, for example a reduction in hours for one or more employees in a group may avoid the need for the removal of a whole post, or an individual could be redeployed to another post to avoid redundancy. Such options may be put forward by the school as the proposed solution or raised by staff or trade unions as a counter proposal to avoid redundancy. Either way, they would need to be the subject of consultation unless they are being achieved through agreement in advance of any formal staffing adjustment process.
- Some dismissal decisions may be delegated to the Headteacher but, in such situations, the Governing Board remains legally accountable.
- All efforts will be made to redeploy any employee selected for redundancy.

3. Staffing Adjustment Framework

3.1 The Staffing Adjustment Framework has the following elements:-

- A **planning stage** which involves careful consideration of the school's current and forecast budget situation together with anticipated curriculum demands, pupil numbers, etc.
- A **consultation stage** involving communication with affected staff groups including where necessary formal (Section 188 of the Trade Union and Labour Relations Act) consultation with recognised trade unions and a search for voluntary solutions to any identified problems. This stage should also include clarity about who has authority within the school to make the initial dismissal decision and how appeals against dismissal will be heard.
- A **selection stage** which sees the school identifying an employee whose post is redundant (as defined by statute), though a fair and transparent process, whilst still seeking to solve the problem by voluntary means.
- An **implementation stage** which sees the changes being put into force at the appropriate time, including (where appropriate) revised contracts or termination of employment with associated payments.

3.2 This policy and procedure is based around these four stages. Each stage involves a number of tasks which may differ in complexity and in the amount of time needed to carry them out, dependant on the extent of the adjustment being made.

3.3 To assist with the process, the following documents are available on InfoSpace:-

- *Staffing adjustment - role of Governors G318f*
- *Staffing adjustment – an overview G318d*
- *Staffing adjustment – beginning the process – information to share G318c*
- *Staffing adjustment consultation template guidance G318e*

4. Planning

Rolling three year staffing plan

4.1 In line with arrangements for budget forecasting, the Governing Board and Headteacher will operate rolling three year staffing plans linked to the school development and improvement plan, reviewing annually to take into account the following non-exhaustive list of factors:-

- demographic changes in the community;
- anticipated demand for pupil places;
- curriculum requirements;
- budgetary adjustments (termly reviews and annual allocations);
- expected natural turnover of employees (e.g. known retirement, career moves);
- significant temporary absences of employees (e.g. secondment, maternity absence, ill-health);
- career moves within the school;
- the extent to which temporary appointments are used and can be ended fairly;
- the availability of appropriate specialist staff, especially in key curriculum areas;
- the extent to which INSET of individual teachers may help meet curriculum needs;
- other factors such as physical changes to the school.

Annual review of the staffing plan

4.2 An annual review of the staffing plan should be undertaken in the Autumn term during which curricular requirements and options, draft financial, demographic and employee information are reviewed. The revised staffing plan for the coming three academic year period should be set towards the end of the Autumn term or beginning of the Spring term.

4.3 The Governing Board will need to be able to justify the current and projected budget position that proposals are based on. An extract of the Governing Board's minutes confirming the precise budget position that has been used as the basis for subsequent discussion and decision making on the proposals for change will need to be available. This should include a copy of the three year budget plan mirroring the figures recorded in the minutes.

4.4 Education**HR** can support the school through the whole staffing adjustment process and can be contacted by telephone on 01603 307760 or by emailing EHRenquiries@norfolk.gov.uk.

Confirmation of the school's financial position

4.5 *Maintained schools only:* On initial contact, Education**HR** will liaise with Education**Finance** to confirm the financial position of the school. This will result in a view being reached, based on the financial RAG (for staffing adjustments) rating, as to whether the school is likely to be supported with the potential redundancy costs arising out of a staffing adjustment.

4.6 *Maintained schools only:* The RAG rating works as follows:-

A GREEN rating will indicate that the school's finances are manageable without the need for staffing adjustments and so the Local Authority will not support the school with redundancy costs unless the financial position worsens significantly.

An AMBER rating will mean it is currently unclear as to whether the Local Authority will support with the costs of redundancy. Staffing adjustment processes can begin but the financial position must be regularly reviewed until a position is reached where a RED or GREEN rating is achieved.

A RED rating will indicate that the school must make adjustments in order to achieve a satisfactory budget position going forward and so the Local Authority will support the school with reasonable redundancy costs unless the financial position improves significantly.

4.7 *Maintained schools only:* If the view is reached that the school does need to adjust staffing levels in order to secure the financial position, the indication of likely financial support will be given. Any support provided by Education**HR** will then be in line with this policy and procedure and the attached Staffing Adjustment Scheme.

If the view is reached that the school does not need to make reductions in staff levels for financial reasons, clarity will be provided to the school about redundancy costs having to be met from the school's own budget unless Education**Finance** indicate later that the school's financial position has significantly worsened. Any school seeking to make adjustments for reasons other than to balance the budget may be required to demonstrate that any spend on redundancy costs is good use of public funds.

4.8 *Academies only:* Consideration should be given to any requirements in the Academies Financial Handbook (published by the Education Funding Agency) in relation to payments made to an individual which go beyond a statutory level. Whilst redundancy is a statutory payment, most employers (and reflected in the Model Staffing Adjustment Scheme) pay redundancy at an enhanced level. In addition, some employers may choose to release pension benefits where there is no statutory requirement to do so. With this in mind, and where the total value of redundancy package goes beyond £50,000, there may be a requirement for the academy to seek approval from the Education Funding Agency (EFA). Even if there is no requirement for EFA approval, the Academies Financial Handbook requirements for the Trust to satisfy itself on value for money may still apply.

Regular review of the school's financial position

4.9 Any school initiating a staffing adjustment process should ensure ongoing review of its position throughout the consultation and selection stages, particularly if the budget is the driver for change. Any changes to the school's anticipated position should trigger a review of the need for reductions to be made.

4.10 Where staffing adjustments are planned following the Autumn term budget revision:

- a third revision will need to take place in the Spring term with staffing adjustment proposals being amended if appropriate;

- the school's position regarding adjustments will need to be reviewed when confirmation of the coming year's budget allocation is provided and again when the end of year balance is known;
- a school making reductions through compulsory redundancy selection should review its financial position prior to taking a decision to dismiss on grounds of redundancy. This will ensure avoidable redundancies are identified and that dismissal decisions are not taken on out-dated financial information;

4.11 Although most staffing adjustment situations will arise out of this annual review of budget and staffing plans, some will be generated through other circumstances and will need to be considered accordingly. This will mean that the timing of certain steps may be different to those outlined. The *Staffing adjustment – an overview G318d* will be useful in identifying necessary timescales for various stages.

Regular review of the Local Authority's intention to support financially

4.12 *Maintained schools only:* Where financial support for redundancy costs has been indicated, Education**HR** will work closely with the school and Education**Finance** to ensure regular reviews are undertaken (4.10 above). If any review results in a change in the schools RAG (for staffing adjustment) rating the school will be notified that the Local Authority will no longer support with redundancy costs. Judgements will be made by the Local Authority on the basis of acceptable levels of risk.

Decision by a school to continue with adjustments in the absence of financial support for redundancy costs

4.13 *Maintained schools only:* When it is indicated that Local Authority financial support for redundancy costs will not be available, the school will need to consider whether or not the staffing adjustment is to continue. If the Governing Board decides to continue with the adjustments, the reasoning for reducing staffing levels (if not to secure the budget) will need to be communicated to the affected staff group(s) and their recognised trade unions/professional associations. It is possible for schools to make changes to their staffing establishment for reasons other than financial ones, but careful consideration will need to be given to such adjustments, particularly where the school may be obliged to spend considerable sums on redundancy (or related) payments.

Approaches to assist the avoidance of redundancy

4.14 Schools should also consider the following principles when reviewing staffing levels:-

Retention	Where possible, use staff flexibly and avoid situations where recruitment and redundancy are happening concurrently in different parts of the school for the same group of staff.
Recruitment	Consider redeployment into vacancies from your or another school. If a staffing adjustment is anticipated, think carefully before recruiting on anything other than a short-term, temporary or fixed term basis.
Staff development	Anticipate potential changes in need and provide development opportunities to ensure existing staff can meet those changing needs.
Motivation and morale	Use open and transparent process to reassure staff that employment practices are fair, sensitive and supportive.

Determining where the reductions will occur

4.15 Schools that have identified the need to make reductions or other adjustments in staffing levels will need to plan for appropriate implementation. If the timetable suggested above is adopted, then by the end of the Autumn Term, the Governing Board will know:-

- which area(s) of the school or staff group(s) needs to reduce its staffing and by how much;
- what scope exists for assisting this by natural turnover or other voluntary means.

Delegation of authority to dismiss

4.16 *Maintained schools only:* The Governing Board is responsible for making decisions about staffing levels and for consultation with recognised trade unions and professional associations over proposals for change. Legislation allows for dismissal decisions to be made by:-

- one or more governors
- the Headteacher
- one or more governors with the Headteacher

4.17 The Governing Board should discuss and agree prior to formal consultation where responsibility for dismissal of staff on grounds of redundancy will fall. Their decision must be formally recorded in the minutes of the full Governing Board meeting and included in the formal consultation document to ensure transparency for affected employees.

4.18 Appeals against dismissal will always be heard by a panel of governors.

Preparing to consult

4.19 Unless an early solution to the problem is found through agreement, formal consultation will need to take place with affected staff groups and their recognised trade unions and/or professional associations. By the end of the planning stage, the Governing Board will need to be clear on a number of issues which will form the basis of the formal consultation. These are:-

- The reasons for the proposed changes;
- The number and descriptions of posts it is proposed should be dismissed (i.e. the selection pool);
- The total number of employees employed by the school in such posts (i.e. size of the selection pool);
- The selection criteria to be used including the method of applying the criteria and any weightings (*see 7 below*);
- The method of carrying out the dismissals, including any agreed procedure and the intended date of dismissal;
- Ways in which the impact and number of redundancies can be reduced;
- The proposed method of calculating redundancy pay.

5. Seeking voluntary solutions

5.1 Through this policy and procedure, schools should encourage resolution by voluntary means. This should include the seeking of suitable redeployment where potential redundancy situations could arise and individuals are willing to participate. Education**HR** can provide direct support in the search for redeployment opportunities.

5.2 There are a number of possible measures to assist in avoiding compulsory redundancy through voluntary solutions:-

5.2.1 Teaching staff

Option	Elements	Limitations
Redeployment	A move to a different role may involve a trial period to ensure the appointment is suitable from the perspective of both the employee and the employing school.	None
Secondment	This may allow a temporary solution to a problem or could allow effective management of an anticipated temporary reduction in staffing requirements.	None
Leave of absence	In some situations, approving a request for extended leave of absence may allow effective management of an anticipated temporary reduction in staffing requirements.	None
Voluntary redundancy	Redundancy payment with no retirement benefits.	Two years continuous service
Voluntary redundancy with actuarially adjusted benefits (AAB)	Redundancy payment with actuarially adjusted retirement benefits	Two years continuous service for redundancy. AAB for those aged 55 - 60 (or 65*) years only
Voluntary redundancy with age retirement	Redundancy payment with age retirement benefits	Two years continuous service for redundancy. Age retirement for those 60 (or 65*) years + only
Reduction in hours	If achievable through agreement between school and employee(s), a reduction in hours of one or more posts can achieve the required savings. This may include part-time working and job share arrangements.	None
Reduction in hours with flexible retirement	Flexible retirement benefits may be accessible for an employee taking a reduction in hours	55 years + only
Premature retirement**	Release of accrued benefits without actuarial reduction	55 years + to 60 (or 65*) years only

Notes: Retirement options are only available if scheme membership exists and age and service criteria are met.

* Age limit depends on date of entry to the scheme as age retirement date can be either 60 or 65.

** Premature retirement is only supported by the Local Authority in very exceptional circumstances and availability as an option would need to be established before employees are advised. Governing Boards can grant early retirement but this comes with a long-term financial commitment on the school's budget.

5.2.2 Support staff

Option	Elements	Limitations
Redeployment	A move to a different role may involve a trial period to ensure the appointment is suitable from the perspective of both the employee and the employing school.	None
Secondment	This may allow a temporary solution to a problem or could allow effective management of an anticipated temporary reduction in staffing requirements.	None
Leave of absence	In some situations, approving a request for extended leave of absence may allow effective management of an anticipated temporary reduction in staffing requirements.	None
Voluntary redundancy	Redundancy payment with no retirement benefits	Two years continuous service for redundancy. Under 55 years (or over 55 years if not LGPS member or insufficient service to qualify)*
Voluntary redundancy with early retirement	Redundancy payment with release of accrued retirement benefits.	Two years continuous service for redundancy. 55 years + (If LGPS member with qualifying service)*
Reduction in hours. This may include part-time working and job share arrangements.	If achievable through agreement between school and employee(s), a reduction in hours of one or more posts can achieve the required savings.	None
	Flexible retirement benefits may be accessible for an employee taking a reduction in hours	55 years + (If qualifying service requirement met)

* Note - Qualifying service for LGPS is two years.

5.3 Consideration should be given to appropriate training to increase the chances of redeployment. All relevant information regarding terms of redeployment are contained in the Staffing Adjustment Scheme at Appendix A.

5.4 It will be essential to provide information to employees interested in a voluntary option to enable them to make an informed decision. A request for information does not commit an employee and will not be taken into consideration should compulsory redundancy selection become necessary.

5.5 Employees considering voluntary options should be encouraged to take advice from their trade union or professional association.

5.6 When faced with probable staffing adjustments, employees in the affected group should be asked without obligation if any are interested in any of the available voluntary options. This process should be part a policy of transparency regarding staffing issues.

Funding premature retirement

5.7 No entitlement exists for teachers to take early retirement benefits in a redundancy situation. The authority to decide whether to award early retirement to teaching staff lies with the Governing Board (as the 'Deciding Authority'). The Local Authority (as the 'Compensating Authority') can choose whether or not to fund the retirement. Norfolk County Council (NCC) has taken the policy decision to generally not support early retirement for teaching staff (from September 2011), even in compulsory redundancy situations. A Governing Board should ensure a clear understanding of the long term cost implications of awarding early retirement before moving away from the Local Authority policy. It would be difficult to justify awarding a costly discretionary early retirement in a school with financial difficulties.

5.8 Support staff who are members of the Local Government Pension Scheme aged 55 years or more and have more than 2 years membership of the scheme are entitled to receive their unreduced pension (and lump sum where applicable) if they are made redundant. Early retirement under LGPS will usually involve a strain cost.

5.9 *Maintained schools only:* The Local Authority may support the school with funding of early retirement strain costs. This will be considered along with the question of redundancy costs explained above. An application for support with costs would need to be submitted to the Assistant Director of Children's Services via the HR Business Partner (Schools).

5.10 Following the abolition of the statutory retirement age in April 2011, the initiative for retirement at any age must come from the employee. It is no longer possible to force the retirement of any employee regardless of their age.

5.11 More information on voluntary options is given in the Staffing Adjustment Scheme at Appendix A.

6. Consultation

6.1 If the Governing Board deem a staffing adjustment is required, then information on the reasons for reductions, the proposals for change and timescale must be shared with affected staff and recognised trade unions.

6.2 Where multiple redundancies are involved, additional legal requirements may come into play. If the proposal is to make in excess of 20 employees redundant from one establishment within a 90 day period then it is mandatory for the employer to consult both the affected employees and the representatives of any recognised trade union or any other employee representatives who may be elected for the purposes of the redundancy exercise in question. It would be exceptional for such significant numbers to be dismissed on grounds of redundancy in a school situation (other than on the closure of a school) but Headteachers and Governors ought to be aware of the particular considerations that apply. However, it is good practice to follow these full consultation procedures where fewer than 20 staff are involved.

6.3 Headteachers and Governors should be aware that consultation with affected staff is a legal requirement in all cases of staffing adjustment where a redundancy dismissal may result. The proactive inclusion of trade unions in consultation relating to redundancy involving fewer than 20 posts reflects good employer practice and goes a considerable way to avoid problems later in the process.

6.4 Consultation with affected staff and their recognised professional associations/trade unions should take place where the staffing structure of the school is being adjusted even if redundancy dismissal may not be involved (e.g. removal of Teaching and Learning Responsibility Payments, restructure of a group of support staff, etc) and governing boards are advised to carry this out. The staffing structure must be appended to the school's pay policy and therefore when changes are made to the structure, these will need to be reflected appropriately within the pay policy.

6.5 The purpose of consultation is to:-

- make the affected employee group and their recognised trade unions/professional associations aware of the problem
- provide information to help them understand why change needs to happen
- share the Governing Board's proposals for solving the problem
- consider any counter-proposals for resolving the problem
- clarify any uncertainties and to reply fully to any written responses to the consultation.

Whilst Governing Boards will think carefully about their proposed means of solving the problem, other better solutions or reasonable amendments to proposals may be identified through the consultation. It is essential that commitment is given to the consultation process to ensure avoidable issues do not arise later that could cause delay to the process or distress to individuals who find themselves selected for redundancy.

6.6 Formal consultation with the County/Branch Secretaries of the recognised professional associations and trade unions for the affected group(s) of employees should take place if no early solution to the problem (i.e. avoiding the need for 'forced' changes) can be identified.

6.7 Normally, formal consultation and the search for voluntary solutions will take place concurrently. In some cases, it may be possible to identify voluntary solutions early on, avoiding the need for a formal process to take place. Examples of this might include an approach from an employee to reduce their hours, an employee who

indicates they do not wish to return to work following a period of maternity leave or a decision by an employee to resign or retire.

6.8 Statute determines the type of information that needs to be provided by the employer through consultation as summarised in 4.19 above. Education**HR** can provide a template consultation document and related advice.

6.9 It has been agreed with County/Branch Secretaries that consultation can take place via e-mail rather than on paper. The template consultation document reflects this. If it is not possible for a school to send documents via e-mail, then consultation by letter is acceptable. Contact names and e-mail addresses (postal addresses) of County/Branch Secretaries are available on InfoSpace in *Trade Unions and Professional Associations for Schools G402a*.

6.10 In order that consultation is deemed meaningful, selection for redundancy should take place only when the consultation process has been completed (i.e. the formal consultation period has ended and any responses received have been considered and responded to). In managing this process, it is necessary to set a closing date for the completion of the consultation period and a period of four clear term-time weeks is deemed reasonable.

Failure to consult properly

6.11 A failure to consult with employees in the affected group, particularly any individual who is subsequently selected for redundancy, will likely render the selection unfair even if consultation with trade unions has taken place.

6.12 With a view to seeking agreement on how to proceed with an adjustment, the Governing Board must consider any formal representations made by the trade unions, respond and, if any suggestions are rejected, give reasons. Trade unions and employees may complain to the Employment Tribunal about a breach of these requirements and the Tribunal can require the whole process to stop until the omission has been corrected. There may be financial implications in respect of breaches of this requirement through a protective award which may be 90 days pay per employee at their actual pay rate.

6.13 *Maintained schools only:* The Local Authority retains the right to withhold indemnity in respect of the protective awards mentioned in 6.12, if schools have failed in their duty to consult and/or to take advice.

7. Selection

7.1 In most circumstances, permanent employees should only be selected for compulsory redundancy after all temporary/fixed term contracts of less than two years and without previous continuous service by the redundancy date, have already been terminated in the affected areas. Schools are reminded that individuals employed under temporary and fixed term contracts do have rights and so before any decision is taken to end the contract as part of a redundancy process, advice should be taken from Education**HR**. Equally, if the Governing Board believes justification exists for pursuing redundancy of permanent staff where

relatively short-term temporary employees are engaged, advice should be taken before starting any consultation process.

7.2 If the problem is not resolvable through ending of short-term temporary or fixed term contracts and no suitable volunteer appears, the Governing Board will need to move to select from the 'at risk group(s)' by applying the selection criteria established through the consultation process.

Selection criteria

7.3 The Governing Board must consult on the proposed criteria to be used to select an individual (or a number of individuals) from the wider 'at risk' group. This will form part of the main consultation as outlined above. Only once consultation has ended can the process of selection be applied.

7.3.1 The recommended options for selection processes are as follows:-

- The Education**HR** model skills audit for teachers in primary phase schools is appropriate to the selection of a teacher (or number of teachers) from a wider group of 'at risk' teachers. This includes the general requirements of class teaching (specific to the Key Stages), subject leadership and management roles.
- The secondary schools version of the model skills audit for teachers is appropriate for use in a setting where reductions need to be made from specific subject/curriculum areas.
- The Education**HR** model skills audits for selection of a teaching assistant from the wider teaching assistant group. These are based on model job descriptions for different levels of teaching assistant posts but scores can be adjusted to reflect priorities for the school and identified future needs (individual schools may use teaching assistants in different ways thus affecting the relative importance of the different criteria). Any consultation would need to include the proposed criteria and scoring mechanism.
- In other circumstances, for example where the administrative function of a high school is being restructured to make efficiency savings, it may be more appropriate to design a new structure with draft new job descriptions with the proposal for selection put forward for consultation being the appointment of existing staff to that new structure. At the end of the appointment process, any individual not appointed to a post will be selected for redundancy. Appointment to the structure could be through a variety of means depending on the comparison between old and new roles (duties and grades). It could involve slotting in (where the grade is the same or lower and the duties are 50% or more unchanged – unless more people would have slotting in rights than there are appropriate posts in the new structure), prior consideration (where a post has 50% or more duties the same but the grade is higher) or competitive interview (for posts that attract no slotting in or prior consideration. Sufficient detail would need to be covered in the consultation document that individuals can understand their position.

7.3.2 In cases where the 'at risk' group consists of only one employee, or the number of posts to be removed equals or is more than the number of individuals in the 'at risk' group, the proposal will normally be made through consultation that selection will be based on nothing more than occupancy of the post to be removed. Examples of where such a selection process might apply include:-

- A specific grant funded post, occupied by one individual, which has continued for a significant period of time but is ending because the grant is to cease.
- A one-off post in the school which is deemed to no longer be required and is to be removed from the structure.

7.4 It is strongly recommended that advice is taken from Education**HR** on the proposed selection criteria and whether any selection arising out of application of the criteria is likely to be 'fair' within the requirements of employment legislation.

Selection criteria not identifying an individual

7.5 In some cases, the application of the chosen criteria does not achieve a clear selection. Application of the criteria may result in two individuals being at risk but they cannot be separated. Where this happens, it would be appropriate for selection to be made between those two individuals on the basis of the cost of redundancy dismissal (i.e. the costs of redundancy are kept to a minimum).

Unfair selection for redundancy

7.6 It would be unfair to select an employee for redundancy on grounds of age, gender, ethnicity, sexual orientation, disability, faith or religion, gender identity, marital status or pregnancy. Protection of employees against redundancy selection also extends to those taking periods of maternity, paternity, adoption, shared parental leave or parental leave and to trade union membership or activity. This does not mean it is unfair to select for redundancy an employee who falls under one of these criteria, but the reason for selection must not be the stated criteria. Any individual selected for redundancy whilst on maternity leave does have additional rights (see 10.2) and significant care needs to be taken in these situations.

7.7 Any other redundancy dismissal may be unfair if it is not achieved through proper application of a fair procedure – e.g. if the selection criteria are deemed to be unfair or if they are misapplied.

Provisional selection

7.8 Successful application of the criteria will result in a 'provisional selection' for redundancy.

7.9 Once an individual has been provisionally selected for redundancy s/he should be informed without delay. The individual will need to be informed that a redundancy selection meeting or hearing will be held at which s/he has a right to be accompanied by a trade union representative or work colleague. The decision taken by the Governing Board at the planning stage will determine whether this will be a meeting will be with the Headteacher or with the Headteacher and a Governor, or a hearing with a panel of Governors. The employee must be informed that they will have the right to make representations at that meeting which will be given proper consideration before a decision about redundancy dismissal is taken.

Redundancy selection meeting or hearing

7.10 Arrangements will need to be made to ensure appropriate individuals can be present for the redundancy selection meeting or hearing.

7.11 *Maintained schools only:* In a Community or VC school, arrangements will need to be made through Education**HR** for the Director of Children's Services to be represented. For Foundation or Aided schools who have granted advisory rights, the same arrangements will need to be made.

7.12 The provisionally selected individual should be asked who they wish to be supported by at the meeting or hearing so they can be approached about their availability.

7.13 Once a suitable date has been identified, a formal call-up letter must be issued to the provisionally selected individual providing the following:-

- who will hear the case;
- date, time and place of the hearing;
- reference to any key documents that may form part of the hearing. This would include copies of consultation and selection stage documentation;
- the right of the employee to be accompanied by a trade union representative or work colleague;
- a statement about the possible outcomes of the hearing.

7.14 The employee must receive this letter at least five working days in advance of the meeting taking place.

7.15 Where the individual has provided details of their trade union representative or work colleague who will attend the meeting or hearing with them, a full set of documents must also be issued to that representative or colleague at least five days in advance of the meeting or hearing taking place.

7.16 Where the matter is to be heard by a panel of Governors, or by the Headteacher and a Governor together, a full set of documents must be issued to the Governor(s).

7.17 A full set of documents must also be issued to the Director of Children's Services representative (where appropriate) at least five days in advance.

Procedure at a redundancy selection meeting or hearing

7.18 Redundancy selection meetings and hearings should be conducted in accordance with the relevant procedure:-

- Where the Governing Board has delegated dismissal to the Headteacher, or to the Headteacher and a Governor, the *Redundancy Meetings (being heard by an individual) procedure G318h* should be followed.
- Where the Governing Board has not delegated dismissal, the matter will be heard by a Governors' Committee and the *Redundancy and appeal panel hearings procedure G318g* will be followed.

Advice from the Director of Children's Services and implications

7.19 When considering the possibility of dismissal arising out of a staffing adjustment, the Governing Board and Headteacher must be aware that if the employee

concerned subsequently claims unfair dismissal at the Employment Tribunal, the Governing Board would be the respondent to the case. If a compensation award was made by the Employment Tribunal in a case where the Director of Children's Services representative had advised against dismissal, or advice had not been sought by a Foundation or Aided school or was sought but not followed, then the Local Authority might choose to pass all or part of the costs to the school's budget share. In such circumstances, the Local Authority is unlikely to support with the legal costs or any penalties incurred in defending such a claim.

Reduction in hours

7.20 Following the precedent set in case law *Packham Lucas Associate v Fauchon UKEAT/0017/12* it is viewed that a substantial reduction in hours is likely to constitute redundancy if agreement for adjusted hours cannot be reached. Any dismissal linked to a reduction in hours, therefore, should involve a redundancy payment (subject to qualifying service) where an offer of re-engagement on reduced hours is not accepted.

7.21 Where there is a need to reduce hours, please see the following options:-

a) If the employee's contract contains a specific clause that allows for variation of hours, it may be possible to achieve the required change without the need for a formal staffing adjustment process. Where the required changes go beyond any stated limits for variation in the contract (or contracts), however, a formal consultation will be required unless changes can be achieved by mutual consent;
b) If agreement can be reached between the Headteacher and an employee (or employees) to vary the contract by mutual consent, the Headteacher can go ahead and make the change(s) without the need for a full staffing adjustment process;
c) If there is no agreement to vary the hours of the contract by mutual consent and no clause in contracts of employment to all variation of hours, a staffing adjustment process will be required. This process will need to involve normal consultation on proposed changes including how individuals will be selected. Any employee (or employees) selected for a reduction in hours should have the option of accepting the reduction in hours by agreement otherwise the appropriate means of achieving the change will be to dismiss on grounds of redundancy and to offer re-engagement on the new hours. A redundancy payment is then payable if the alternative employment (i.e. the reduced hours contract) is not accepted.

7.22 Care should be taken to avoid discrimination against part-time employees when exploring reductions in hours as this may result in an indirect sex discrimination claim being brought against the school.

Removing Teaching and Learning Responsibility Payments (TLR)

7.23 Where a post with a TLR is being removed from the structure and replaced with a lower TLR or a post with no TLR, there must be a clear reduction in the responsibilities attached to the post.

7.24 It is essential to ensure that the requirements of the School Teachers Pay & Conditions Document relating to the removal of a TLR are met.

7.25 The nature and extent of consultation required under the staffing adjustment policy will be affected by the amount of change involved in the wider school structure.

8. Dismissal

8.1 Dismissal decisions must be confirmed in writing through an outcome statement to the employee within five working days of the Redundancy Selection Meeting or Hearing taking place.

8.2 *Community and VC schools only:* The outcome statement needs to be accompanied by a formal letter that provides information on the process for appeals and advises the employee that Norfolk County Council will write separately to issue formal notice and provide redundancy pay information. Simultaneously, the decision to dismiss needs to be communicated to the County Council (through Education**HR**) so that formal notice can be served on the employee with information about redundancy pay (and any other entitlements) and the search for redeployment.

Foundation and Aided schools and Academies only: The outcome statement needs to be accompanied by a formal letter that serves notice of dismissal and provides information on redundancy pay, the search for redeployment and the process for appeals.

8.3 Where it is decided that the individual is to be dismissed, there is a requirement for the School to notify the Department for Business, Energy & Industrial Strategy through the prescribed HR1 form before the employee is given notice of dismissal. The HR1 form can be found on gov.uk

Notice

8.4 Any employee dismissed on grounds of redundancy is entitled to the period of notice provided by their contract or current employment legislation, whichever is the greater.

9. Appeal

9.1 An employee who wants to appeal against redundancy dismissal should inform the Headteacher within five working days of receiving the decision in writing. The employee must state the grounds for their appeal.

9.2 The purpose of an appeal is:

- to review the decision taken by the Headteacher, Headteacher and a Governor or Redundancy Selection Committee;
- to consider whether the procedure has been followed correctly.

9.3 An appeal could be held as a re-hearing of the case or as a more focused review of particular elements of the process, depending on the nature of the appeal.

9.4 The employee will be given at least five days' notice of the appeal hearing and will be given the following information in the call up letter:

- who will hear the appeal,

- date, time and place of the appeal hearing,
- a reference to any key documents that may form part of the hearing and, if appropriate, copies of these,
- the right of the employee to be accompanied by a companion,
- a statement that the employee must take all reasonable steps to attend the meeting,
- a statement of the possible outcomes of the hearing.

9.5 An appeal against redundancy dismissal will be heard by a panel of three governors who have not previously been involved in the case. The appeal will normally take place within six working weeks of the appeal request being received by the Headteacher.

9.6 *Community and VC schools only:* At an appeal hearing against dismissal, a representative of the Director of Children's Services must be present to advise the Governors' Appeals Panel. This will normally be a senior member of Education**HR** or the HR Business Partner (Schools).

Foundation and Aided schools only: At an appeal hearing against dismissal where advisory rights have been given to the Local Authority, a representative of the Director of Children's Services must be present to advise the Governors' Appeals Panel. This will normally be a senior member of Education**HR** or the HR Business Partner (Schools).

9.7 *Redundancy and appeal panel hearings procedure G318g* will be followed for those appeals that are considered appropriate for a re-hearing of the case. Where an appeal is entered focusing on specific elements of the process, an alternative procedure may be determined by the Appeals Panel.

9.8 The Headteacher will present the case at any appeals hearing.

9.9 The Chair of the Appeals Panel must confirm the decision of the Panel in writing to the employee within five working days.

10. Subsequent obligations

Search for redeployment

10.1 Any employee selected for redundancy must be offered support in the search for alternative employment. If alternative employment arises at the employing school, consideration must be given to the redundant employee before any other recruitment exercise begins. Vacant posts must not be advertised until such time as it is determined with the employee that the post is not suitable alternative employment for them or that they do not possess appropriate skills, qualifications or knowledge to be appointed to the post.

10.2 If an employee's post becomes redundant while they are on maternity, adoption, shared parental or parental leave, they must be offered any suitable alternative post which is available in the school even if this would mean recruiting a temporary replacement to that alternative post until their return from maternity, adoption, parental or shared parental leave.

10.3 Education**HR** will assist in the search for alternative employment in other Norfolk schools for employees at risk, or under notice of, redundancy. Employees facing redundancy will be asked to complete or provide a generic application form as part of this process. The search for redeployment will continue until suitable alternative employment is found or the notice period expires, whichever comes first.

10.4 In order to allow further time to achieve redeployment in some cases (e.g. where the cost of redundancy may be high), it may be appropriate to defer redundancy dismissal by a term to allow an extended search to take place. Deferral would need to be agreed between the school and the individual (and the Local Authority where funding support is being provided).

Time off during the period of notice to seek alternative employment

10.5 While an employee is under notice of dismissal on grounds of redundancy, they are entitled to reasonable time off with pay for job hunting, interviews, etc and for arranging further training, etc. 'Reasonable' in this situation would mean allowing time off for all interviews that may lead to the individual securing alternative employment unless a high number of interviews causes difficulties for the school in providing a good level of education for pupils. Failure to allow this can be challenged before the Employment Tribunal.

Trial periods

10.6 Redeployment within the school or to another school can be agreed on the basis that a trial period will take place. Such arrangements help the employee and the school assess whether the redeployee is suited to the alternative role but without necessarily removing the employee's entitlement to redundancy pay should the role prove to not be suitable. The length of a trial period would need to be determined but for teachers are likely to be a term in length so that if the trial period fails, employment can end at the end of the notional term as required by teacher notice provisions.

10.7 Where redeployment involves a trial period, there needs to be clarity as to who will fund the redundancy payment if the trial period is not successful. Normally, the redundancy payment would fall on the school from where the employee was made redundant unless there was commitment from the Local Authority to fund the payment.

10.8 If an employee chooses to leave following the trial period, redundancy will only be withheld if the employee is deemed to have unreasonably refused suitable alternative employment. In withholding any redundancy, the employer would need to demonstrate that the employment was suitable and that the refusal by the employee was unreasonable (see 10.12).

Leaving before the end of the notice period

10.9 Consideration must to be given to any requests received from employees to leave before their notice period expires where alternative employment is found that has a start date before the planned redundancy date. Normally such requests would be

accommodated unless the early departure of the individual is likely to have a significant detrimental effect on the work of the school, particularly the care and education of pupils.

Salary safeguarding

10.10 Employees who are redeployed within the same school may be eligible for salary safeguarding if their new post attracts a lower salary than their redundant post. For teachers, this would be determined in accordance with the School Teachers Pay and Conditions Document. For support staff, safeguarding will be considered in line with the Staffing Adjustment Scheme (Appendix A). It is unlikely that the same safeguarding eligibility will exist where an alternative role is found in a different school or academy.

Excess travel support

10.11 Employees who are successfully redeployed may be eligible for excess travel support. See Staffing Adjustment Scheme (Appendix A) for more information.

Refusal by an employee to accept suitable alternative employment

10.12 It is normal practice under this policy to pay redundancy based on actual weekly earnings rather than applying the statutory maximum weekly pay. If an employee declines an offer of suitable alternative employment without good cause they may forfeit the entitlement to redundancy pay. As an alternative, consideration may be given to paying redundancy at the statutory maximum weekly pay rate (where this is less than actual weekly pay).

Pension impact where there is a drop in pay (support staff)

10.13 Employees who are current members of the LGPS and have membership prior to April 2014, have a couple of options they can consider if their rate of pay is reduced or increased. Contact the Norfolk Pension Fund by telephone on 01603 495923 for more information.

If the employee is in a different pension scheme, they can contact their scheme administrator to find out what options are available.

11. Implementation

11.1 Once the dismissal process is concluded and appropriate notice issued to the employee, it is essential that Education**HR** are informed so the following arrangements can be made:-

- Employment terminated (including closing payroll records, issuing P45, etc)
- Redundancy payment can be paid where appropriate;
- Where the employee is a member of the Local Government Pension Scheme, the scheme can be informed of the ending of the employment (NB – Members of the Teacher's Pension Scheme should complete the appropriate form and follow the submission process if they wish to access their benefits);

Some of these actions, for example, payment of redundancy will be subject to the outcome of any appeals process.

Redundancy Pay

11.2 Employees with more than two years' continuous service are entitled to a redundancy payment on dismissal for redundancy, except for a number of excluded categories.

11.3 Payments are calculated on the number of years' continuous employment. For school employees who have continuous employment for redundancy purposes, all service is counted although special calculation arrangements may apply for employees with multiple employment (see guidance on continuous service for employees with multiple employment). Each completed year of service, up to a maximum of 20, after the age of 18 counts for payment on the following scale:-

from age 41, but under 65:	1.5 weeks' pay
from age 22, but under 41:	1.0 week's pay
from age 18, but under 22:	0.5 week's pay

11.4 NCC's practice is to pay redundancy using actual weekly pay other than in exceptional circumstances (see note on refusal of suitable alternative employment) and where a school has been informed that the Local Authority will support redundancy costs for a particular staffing adjustment, funding will be in line with the actual weekly pay calculation, not the statutory maximum. Historically, schools have operated the same arrangement, although Governing Boards do have the option of using the statutory formula for a week's pay which is often a maximum amount lower than actual earnings (particularly for teaching staff). This model policy and scheme reflect NCC's practice and if the Governing Board wishes to move away to using only the statutory formula, they will need to go through a formal consultation with staff and trade unions. Further information regarding this may be obtained from Education**HR**.

11.5 Redundancy pay is free of deductions but HMRC regulations come into force for payments over £30,000.

11.6 Redundant employees will be entitled to redundancy pay provided they meet length of service criteria and have not found alternative employment covered by the Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999 - known as the Modification Order. All employees must sign a Modification Order form to confirm they do not have alternative employment, with another Modification Order Body, to go to that begins within four weeks of their current employment ending. The requirement for the employer to withhold redundancy pay if an employee obtains alternative employment only applies if there has been an offer of employment to begin within 28 days of the termination of contract and the offer is made before the termination of contract.

11.7 It is not permissible for redundant employees or other employers (covered by the Modification Order) to seek to falsely create breaks in continuous employment in order to allow a redundancy payment to be made. For example, if a redundant employee finds an alternative post that would normally start immediately following the date of redundancy, the receiving school should not allow a later start date purely to allow a break in service. If these circumstances are created, redundancy payment may be withheld.

Redundancy and maternity pay

11.8 Special arrangements apply for employees who are made redundant whilst on maternity leave. Guidance should be sought from Education**HR** to ensure the employee is aware of her options and entitlements.

11.9 If an employee on maternity leave is unable to return to work (for all or part of the 13 week return to work period) because she has been dismissed for redundancy, her entitlement to receive full occupational maternity pay will not be removed. The employee would receive her entitlement to occupational maternity leave in full in these circumstances. The only exceptions to this rule would be where the employee indicated at the outset that she did not intend to return to work following her maternity leave period or where suitable alternative employment has been offered but declined.

12. Data Protection

The school processes any personal data collected during the staffing adjustment process in accordance with its data protection policy. Any data collected is held securely and accessed by, and disclosed to, individuals only for the purposes of completing the staffing adjustment process. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the school's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the school's disciplinary procedure.

Appendix A – Staffing Adjustment Scheme

The following scheme came into effect on 12 December 2016 and followed formal consultation with stakeholder representatives on both employer and employee sides.

1. Purpose and scope

1.1 This document sets out the ways in which the Local Authority will support schools and school employees in staffing adjustment situations where agreement has been given to meet reasonable costs associated with redundancy because:
i) the school is judged to be red RAG rated for staffing adjustments;
OR
ii) the school is closing or reorganising as a result of a decision taken by the County Council.

1.2 Where 1.1 above does not apply, this document is a model staffing adjustment scheme which the school can consider adopting. Any intention to move away from the provisions of this model scheme must be the subject of consultation with staff and trade unions in advance of the commencement of any staffing adjustment process.

1.3 In each of these situations, the methods available to achieve the required adjustments are:-

Redeployment – where an employee moves from a post in one school to a similar post in another school or moves from one post to a different type of post within the same school.

Stepping down – where an employee moves from their post to a different post at a lower level of responsibility.

Redundancy – where a post is removed from the structure and an employee's employment ends as a result.

Early retirement – where an employee is given access to their pension benefits before normal retirement age (i.e. the age at which they could normally take their pension without penalty)

Reductions in hours – where an employee remains in their post but the weekly hours are reduced

Other opportunities may allow a school to avoid or delay redundancy decisions. For example, the secondment of a permanent employee may allow the school to make savings over a period of time during which natural turnover may occur to avoid a compulsory redundancy having to take place.

In some situations, the options summarised above may be combined.

1.4 Compulsory redundancy should be avoided wherever possible.

1.5 This scheme applies to both teaching and non-teaching employees in schools.

2. Roles, financial responsibilities and support

2.1 The Governing Board is responsible for all staffing adjustment decisions affecting its school.

2.2 The school's budget will need to meet the costs arising from a staffing adjustment except where:-

(i) the school is deemed to require a staffing adjustment in order to secure its budget position as identified through the RAG rating process outlined in the model policy and procedure document. In these situations, the Local Authority must be consulted in advance. Normally, the HR Consultant supporting the school will liaise with the Local Authority on behalf of the school. No assumption should be made about the level of funding that may be provided and any payments must be consistent with this scheme;

OR

(ii) the staffing adjustment is a direct result of a Local Authority led school reorganisation and a commitment to funding support has been given.

2.3 Support is available to schools through traded service arrangements, particularly through:-

EducationFinance – who can assist with budget setting and identifying where reductions can be made in order to effectively manage the budget over time. Education**Finance** also assess schools against the RAG rating system

EducationHR – who can assist in the whole staffing adjustment process through to redundancy dismissal (if unavoidable) and provide advice on related management issues, employment law, HR procedures and interpretation of this scheme.

2.4 Schools will need to be clear about their financial position (and RAG rating) and take advice on staffing adjustment processes before putting forward proposals for staffing adjustments through formal consultation.

3. Staffing adjustment scheme provisions

3.1 <u>Redeployment</u>

3.1.1 Education**HR** will provide specialist support in the search for redeployment opportunities.

Salary safeguarding

c.1.2 Where redeployment to a different post in the same school is achieved, salary safeguarding will apply where the new post is a lower paid role. In these cases:-

- for teaching staff, salary safeguarding will be as determined by the School Teachers' Pay and Conditions Document.

OR

- for non-teaching staff, salary compensation will be 12 months of compensation based on the difference in pay between new salary and old but capped at two grades difference or 20% of the old salary, whichever is lower.

Excess travel

c.1.3 Where an alternative post is secured in a different school, no financial support will be provided to the redeployee in respect of excess travel other than:-

- where the move occurs as a result of a Local Authority led school reorganisation and a commitment to excess travel funding has been given by the Local Authority.

OR

- either the redeploying school, receiving school or the local authority exercise discretion to support excess travel payments.

Where excess travel allowances are agreed, they will be paid in line with Norfolk County Council's *Business Travel expenses policy P304*, with the exception that reimbursement will be calculated taking into account the actual number of weeks the individual employee works which may be less than the maximum 45.6 weeks per year stated in the policy.

Trial periods

c.1.4 Where it is agreed that a trial period is appropriate to assess the suitability of the role for the employee and the employee to the role, details of the terms of the trial will need to be clarified at the outset and may be specific to the individual's circumstances.

A trial period for a teacher will not normally exceed one term and for non-teaching staff will be no less than four weeks and no longer than one term.

Any agreement on a trial period will need to make clear the obligations on the Governing Board of the schools involved should the trial period prove unsuccessful.

Where redeployment is a voluntary option, it would not normally involve a trial period. Where an employee who has been selected for compulsory redundancy has found a redeployment opportunity and a trial period is agreed, it will need to be clear for that employee what their position will be should the trial period prove unsuccessful. Normally in such circumstances, a further search for redeployment will be appropriate before redundancy benefits are released.

3.2 <u>Stepping down</u>

It may be possible for an employee in a senior position to step down into a lower paid post (vacancy) to avoid a redundancy. In such cases the employee will need to take advice on the impact of such a change on their pension. If the stepping down is to avoid redundancy, salary safeguarding (as outlined above) will still apply.

3.3 Redundancy

3.3.1 Whether paid as a voluntary option or as a result of compulsory redundancy selection and dismissal, redundancy is normally paid using the statutory redundancy calculator and taking into account the employee's actual week's pay (i.e. not capped at the statutory maximum weekly pay).

Should an employee who has been selected for compulsory redundancy refuse to cooperate with a search for alternative employment, it may be deemed appropriate to either cap weekly pay at the statutory maximum when calculating redundancy or to not pay any redundancy.

Redundancy payments can only be released to an employee if the requirements of the Redundancy Payments Modification Order are met. The employee will be asked to sign a *Redundancy payment form F318* to confirm their entitlement.

3.4 Early retirement

3.4.1 *Teachers* - Early retirement (i.e. where an employee is given access to their pension benefits before normal retirement age but without penalty) is not available for members of the Teachers' Pension Scheme under current Local Authority policy other than in very exceptional circumstances (and approved by the Assistant Director of Children's Services). Normally, redundancy will not trigger approval for early retirement. Some retirement options remain available for teachers aged 55 year and over including Actuarially Adjusted Benefits, Phased Retirement and Age Retirement. More information on these options can be found on the Teachers' Pensions website.

3.4.2 *Non-teaching staff* – Early retirement (i.e. early release of accrued benefits without penalty) is a statutory entitlement for members of the Local Government Pension Scheme aged 55 years and over with more than 2 years membership of the scheme, if their employment ends through redundancy. In these cases, unreduced retirement benefits would be released in addition to redundancy pay.

Any early retirement involves a cost for the employer. Those costs will fall on the school unless express approval for funding from the Local Authority has been given.

3.5 Reductions in hours

3.5.1 Reductions in hours can arise either from proposals from the Governing Board to reduce the number of hours per week allocated to particular roles, or through employees offering reductions in hours as a means of avoiding whole post reductions.

3.5.2 Where reductions in hours are agreed between the school and the employee, the contract of employment and salary will be adjusted accordingly. No compensation is payable.

3.5.3 Where a school seeks to reduce the working hours of a particular post but the employee does not agree, dismissal on grounds of redundancy with an offer of re-engagement on the new (reduced working hours) terms of employment. If the

employee accepts the offer of re-engagement, no compensation is payable. If the employee refuses the offer of re-engagement redundancy is payable when the employment ends. Notice, in accordance with the employee's contract, will need to be given.

4. Compulsory redundancy

4.1 In situations where voluntary measures have failed, employees will only be selected after all temporary/fixed term contracts (for genuine temporary reasons unless the employee is protected in law from being pre-selected) have been terminated in the affected areas. Appropriate selection methods as outlined in the Staffing Adjustment Policy and Procedure will be used.

4.2 If the application of primary selection criteria does not achieve a selection, then cost of redundancy arrangements will be used to finalise selection.

Appendix B – Table of changes

Date of change	Paragraphs affected	Summary of update
18/11/2021	1.4	Additional paragraph to include consideration for employees with mental health issues.
15/02/2021	4.9, 4.10, 4.11, 4.12	Updated to remove information regarding the 95k exit payment cap
26/11/2020	4.9, 4.10, 4.11, 4.12	Updated to include details regarding the new 95k exit payment cap
17/12/2019	8	New para added to say there is a requirement for the School to notify the Department for Business, Energy & Industrial Strategy through form HR1 before the employee is given notice of dismissal.
25/05/2018	12	New para added to take account of the General data protection regulations in force from 25 May 2018.
09/01/2018	7.1	Change from one year to two years for employees with temporary/fixed term contracts.
04/08/2017	11.1	Amended to make it clearer that once an employee is dismissed notice must be given. The employer does not have to wait for conclusion of appeal to give notice.
25/07/2017	7.6, 10.2 and 11.8.	Employees on maternity and adoption leave detailed as protected in terms of redundancy selection – shared parental leave now also added to this list.
01/03/2017	All	New formatting due to launch of new HR website, HR InfoSpace – no change to content