

**LONDON BOROUGH  
OF  
BARKING AND DAGENHAM**

**Children's Services Department**

**PROCEDURE FOR  
HANDLING REDUNDANCIES IN  
SCHOOLS**

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## **INTRODUCTION**

As an employer, the Education Authority offers advice to Governing Bodies with a view to establishing best practice, maintaining job security in its workforce and with the objective of avoiding compulsory redundancies where possible.

## **PLANNING AND CONSULTATION**

A significant step in this process is that sensible human resources planning should be established in each school so that there is protection for the jobs of those already employed at the School. Good practice indicates that part of the planning process is an ongoing process of consultation with recognised union representatives.

ACAS advise that:

- (i) *Effective manpower planning helps to determine existing and future staffing needs. In turn, this can lead to an improvement in job security for employees and to the avoidance of short term solutions which are inconsistent with longer term needs;*
- (ii) *Management should consult recognised trade unions about any staffing measures designed to improve efficiency and this should be done through a joint consultative committee where such exists. Matters for discussion are staffing levels; expansion or rationalisation plans. The committee would meet regularly and consider the organisation's current performance and future plans to enable the trade union representatives to monitor the need for changes in the size of the workforce.*

## **LEGAL REQUIREMENTS**

The major pieces of legislation concerning redundancy are the 1993 Trade Union Reform and Employment Rights Act and the 1995 Employment Rights Act.

- Governing Bodies have a statutory duty to consult trade unions at the earliest opportunity even if it is not certain that redundancies are likely to be necessary.  
Failure to consult could lead to a claim for compensation (known as a 'protective award').
- Governing Bodies should ensure that staff are made aware of the agreed procedure and of the opportunities available for consultation and for making representations.
- Governing Bodies should also consult directly with the proposed group or individuals who are likely to be made redundant. These people have the right of appeal.
- Governing Bodies should notify the employee and trade unions in writing, giving due notice of the reason for the proposals; this should include the way in which selection for redundancy may be made and the period of notice.

Selection criteria should be developed objectively, fairly and consistently. The most appropriate criteria will depend on the circumstances of each case. However, the following are examples of criteria which may be used:

- the needs of the curriculum;
  - individuals' skills and experience;
  - level of uncertificated sickness absence.
- Governing Bodies need to make the decision for dismissal by reason of redundancy and agree the amount of severance pay (**NB**: redundancy payments have to be formally authorised by a Sub-Committee of the Council – see *STAGE TEN below*).
  - There is an obligation to seek to mitigate the effect of redundancy by considering the prospects for suitable alternative employment within the school or within the Borough, with retraining if appropriate.
  - Governing Bodies should allow a reasonable trial period if the employee is offered redeployment into suitable alternative work.
  - Governing Bodies should grant reasonable paid time off to look for another job or to arrange training.

Measures Governing Bodies could take to reduce the impact of redundancies include:

- the freezing of all vacancies;
- posts carrying responsibility allowances being filled internally;
- any unfrozen post being filled by a temporary appointment (this will apply in circumstances where a target reduction is achieved in one financial year, but it is known that further reductions will be needed in the next financial year);
- offers of premature retirement to all eligible staff;
- offers of voluntary part-time contracts;
- job share arrangements;
- dismissal of employees over age 65.

Staff will need to be flexible and be prepared to transfer teaching responsibilities within schools.

## **PROCEDURE FOR DEALING WITH A REDUCTION IN THE WORKFORCE**

To ensure good practice in schools the LEA has agreed with the recognised unions a procedure for use in the event of an identified need to reduce the teaching staff establishment of a school. It is designed to avoid the many pitfalls of poor practice and is based on the existing legal framework and ACAS advice.

## **REDUNDANCY PROCEDURE**

The attached flow chart summarises the procedure which needs to be followed.  
**Governing Bodies are strongly urged to seek advice from the Education Personnel team as soon as the possibility of redundancies arises and before embarking on this procedure.**

### **STAGE ONE**

Any proposals to reduce staff numbers need to be discussed initially with the Personnel/Staffing Sub-Committee of the Governing Body. Consideration should be given to alternatives that could avoid compulsory redundancy. A staff audit may be needed for this purpose.

### **STAGE TWO**

If the Sub-Committee decides to pursue the proposed redundancies, at least one term in advance of the date upon which any reductions would take effect, letters should be sent to all staff and to their Borough-wide union representatives, and copies to the Chief Education Officer, with the following information:

- the fact that redundancies may be necessary and why this situation has arisen;
- some indication of the total number of staff involved, if possible;
- the suggested criteria for use when selecting staff to be declared redundant;
- the date when the redundancies are likely to take effect;
- the committee process which will be followed to implement the redundancies;
- advice to staff to contact their representative;
- invitation to staff and their Borough-wide union representatives to comment on proposals;
- invitation to union representatives to meet with the Headteacher and Education Personnel to discuss proposals.

If appropriate, the letter could ask staff over 50 to indicate whether they wished to volunteer for early retirement on the grounds of redundancy.

### **STAGE THREE**

The Personnel/Staffing Sub-Committee should make a report to the Governing Body (excluding the Dismissals and Appeals Sub-Committees) regarding:

- the need for redundancies to take place;
- proposals for selection criteria to be used in identifying staff to be declared redundant.

Staff representatives should have the opportunity to make representations to the meeting, either in person or in writing.

#### STAGE FOUR

The Headteacher should apply the selection criteria to identify individuals to be declared redundant and prepare a report to the Dismissals Sub-Committee which should comprise three Governors.

#### STAGE FIVE

A meeting of the Dismissals Sub-Committee should be called. Staff identified by the Headteacher must be given at least seven working days' notice of their right to attend to make representations. The LEA will provide estimates of the redundancy benefits payable. The staff representatives will also be notified of their right to make representations to the meeting.

#### STAGE SIX

A Dismissals Sub-Committee should meet to:

- a) consider Headteacher's report and any representations from staff and/or their representatives;
- b) decide whether or not to accept Headteacher's recommendations regarding which staff should be declared redundant;
- c) confirm the level of redundancy payments to be made.

#### STAGE SEVEN

A letter should be sent to those staff who are identified as redundant, advising them of the Dismissals Sub-Committee's decision and informing them of the right of appeal against this decision. **NB:** This is not the letter which gives individuals formal notice that they will be declared redundant on a specific date. School and borough-wide union representatives should be notified of the details of the preliminary selection.

#### STAGE EIGHT

If the individual appeals against the decision to declare them redundant, a meeting of the Appeals Sub-Committee should be convened. The member of staff concerned should be given 7 working days' notice of the meeting and should have

the right to make representations in person and/or be represented by their trade union official. The Governing Body should write formally, confirming the outcome of the Appeal.

#### STAGE NINE

If the individuals choose not to appeal or if any appeal is turned down, the LEA interviews the individuals concerned, explains their entitlement to redundancy pay and explores possibilities for redeployment. Where it is not possible to redeploy staff within the Education Department, a Council-wide “redeployment trawl” can take place. Even after an individual has been issued with formal notice of redundancy, this notice can be withdrawn if suitable alternative employment becomes available.

#### STAGE TEN

If the Appeals Sub-Committee decides that the redundancies are to proceed, the LEA makes a report to the Council’s Finance (Manpower and Resources) Sub-Committee. This Sub-Committee needs to ratify the Governing Body’s decision and to approve the payment of redundancy benefits. Staff representatives are entitled to make representations to this meeting, either in writing or in person.

#### STAGE ELEVEN

If the Finance (Manpower and Resources) Sub-Committee confirms the redundancies, the Chief Executive’s Department sends the statutory notification to staff representatives, inviting their comments on the proposed redundancies.

Approximately a week has to be allowed for staff representatives to respond to this letter. The LEA can then issue letters giving staff notice that they will be declared redundant on a certain date. For teaching staff, there are very clear rules about when this written notice has to be given.

For example, the rules for teachers are as follows:

<u>Effective date of redundancy</u>	<u>Date of which notice must be given</u>
30 April	28/29 February
31 August	31 May
31 December	31 October

**NB:** Where a member of staff has been continuously employed for more than 8 years, s/he is entitled to receive additional notice up to a maximum of 12 weeks, depending on length of service.

The following slightly different dates apply to Headteachers.

<u>Effective date of redundancy</u>	<u>Date of which notice must be given</u>
30 April	31 January
31 August	30 April
31 December	30 September



## REDUNDANCY FLOW CHART

<b>Advice and Support from:</b>	<b>ACTIONS</b>	<b>Notes</b>	<b>Time-scale</b>
<i>Headteacher with advice from Education Finance / LMS Team</i>	Possible overspend identified.	Alternatives to redundancy should be considered at this stage.	
Headteacher	Headteacher approaches Education Personnel for advice and support. Headteacher approaches TU representatives for preliminary discussion on means of avoiding redundancies.		ASAP
<i>Headteacher with advice from Education Personnel</i>	Proposals to reduce staff numbers put to the Personnel/Staffing Sub-Committee of the Governing Body.	They agree in principle the suggested criteria for use when selecting staff to be declared redundant.	ASAP



<i>Headteacher with advice from Education Personnel</i>	<b>Consultation with staff and Union Representatives.</b>	<p>Letters sent to all staff and to their Borough-wide union representatives with the following information:</p> <ul style="list-style-type: none"><li>• the fact that redundancies may be necessary and why this situation has arisen;</li><li>• some indication of the total number of staff involved, if possible;</li><li>• the suggested criteria for use when selecting staff to be declared redundant;</li><li>• the date when the redundancies are likely to take effect;</li><li>• the committee process which will be followed to implement the redundancies;</li><li>• advice to staff to contact their representative;</li><li>• invitation to staff and their Borough-wide union representatives to comment on proposals;</li><li>• invitation to union representatives to meet with Headteacher and Education Personnel to discuss proposals.</li></ul> <p>Staff over 50 asked to indicate whether they wish to volunteer for early retirement on the grounds of redundancy.</p>	Allow 4 weeks for reply
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	<p>Responses considered by Personnel/Staffing Sub-Committee.</p>	<p>Any proposals should be seriously considered and consultation undertaken with a view to reaching agreement.</p>	
<i>Headteacher with advice from Education Personnel</i>	<p>Report prepared by Personnel/Staffing Sub-Committee</p>		1 week
<i>Clerked by Personnel Manager</i>	<p>Governing Body (excluding the Dismissals and Appeals Sub-Committees) agrees</p> <ul style="list-style-type: none"> <li>• in principle to the redundancies</li> <li>• the selection criteria to be applied</li> </ul> <p>Staff representatives should have the opportunity to make representations to the meeting, either in person or in writing.</p>	<p>Report from Personnel/Staffing Sub-Committee - regarding the need for redundancies to take place;</p> <ul style="list-style-type: none"> <li>• proposals for selection criteria to be used in identifying staff to be declared redundant.</li> </ul>	two weeks

<i>Headteacher with advice from Education Personnel</i>	Headteacher applies the selection criteria to identify individuals to be declared redundant and prepares a report to Dismissals Sub-Committee.		1 day
<i>Clerked by Personnel Manager</i>	<ul style="list-style-type: none"> <li>Meeting of Dismissal Sub-Committee is called. Staff identified by Headteacher are given at least seven working days' notice of their right to attend and to make representations.</li> </ul>	The LEA will provide estimates of the redundancy benefits payable	2 weeks
<i>Headteacher with advice from Education Personnel</i>	Letters to redundant staff	<p>A letter should be sent to those staff who are identified as redundant, advising them of the Dismissal Sub-Committee's decision and informing them of the right of appeal against this decision.</p> <p><b>NB:</b> This is <u>not</u> the letter which gives individuals formal notice that they will be declared redundant on a specific date.</p>	



<b>A</b> <i>Clerked by Personnel Manager</i>	Appeal process.	If the individual appeals against the decision to declare them redundant, a meeting of the Appeals Sub-Committee should be convened. The member of staff concerned should be given 7 working days' notice of the meeting and should have the right to make representations in person and/or be represented by their trade union official. The Governing Body should write formally, confirming the outcome of the Appeal	3 weeks
<b>B</b> <i>LEA</i>		If the Appeals Sub-Committee decides that the redundancies are to proceed, or there are no Appeals.	
<i>By LEA</i>	If any of the individuals choose not to appeal or if any appeal is turned down.	The LEA <ul style="list-style-type: none"><li>• interviews the individuals concerned,</li><li>• explains their entitlement to redundancy pay and explores possibilities for redeployment.</li><li>• where it is not possible to redeploy staff within the Education Department, a Council-wide “redeployment trawl” can take place.</li></ul> <p>Even after an individual has been issued with formal notice of redundancy, this notice can be withdrawn if suitable alternative employment becomes available.</p>	3 weeks

<i>By LEA</i>	Report to the Council's Finance (Manpower and Resources) Sub-Committee	This Sub-Committee needs to ratify the Governing Body's decision and to approve the payment of redundancy benefits. Staff representatives are entitled to make representations to this meeting, either in writing or in person.	3 weeks
<i>By Central Personnel</i>	Formal Consultation.	If the Finance (Manpower and Resources) Sub-Committee confirms the redundancies, the Chief Executive's Department sends the statutory notification to staff representatives, inviting their comments on the proposed redundancies.  Approximately a week has to be allowed for staff representatives to respond to this letter.	2 weeks
<i>By LEA</i>	Formal notice of termination.	The LEA can then issue letters giving staff notice that they will be declared redundant on a certain date. For teaching staff, there are very clear rules about when this written notice has to be given.	formal notice period - 2/3 months