


# Barncroft Primary School



## Restructure and Redundancy Procedure

Document Information			
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### Procedure for the management of Restructures and Reductions in School Staffing

This procedure is made up of four main parts:

1. introduction
2. over-riding principles
3. steps for handling restructures and reductions in school staffing
4. Appendices

This procedure applies to all reorganisations, restructures and redundancies in a schools' staffing establishment

This procedure does not form part of any employee's contractual terms and conditions and any links within this document to other documents are for ease of use and do not form part of this procedure.

## 1. Introduction

- a. **Definition of Restructure** - for the purposes of this procedure, this means any organisational change within a school staffing establishment that might affect the terms and conditions of employees, for example
- i. a change in the working arrangements e.g. change of shift pattern or working hours, or
  - ii. a change of roles or responsibilities within a group of staff (which may or may not affect pay), or
  - iii. a reduction in the number of staff of a particular type which may involve the termination of employment of staff as a result of redundancy
- b. **Specific exclusions** - this procedure specifically excludes other types of major reorganisations in or across schools such as school mergers and school closures (see [School Closures – A suggested approach to personnel procedures](#)) The procedures for these are the subject of separate procedures designed to meet those specific circumstances.
- c. **Aim** - the aim of this procedure is to provide a framework for the management of the personnel aspects of a restructure/staffing reductions of one or more groups of staff, for whatever reason, within a school.
- d. **Purpose** – the purpose of this procedure is to ensure that any changes are implemented in an orderly and efficient manner and specifically to ensure that:
- i. Full consultation takes place with those employees affected together with the appropriate trade unions and professional associations
  - ii. All employees potentially affected are aware of this procedure
  - iii. Each individual's wishes are fully considered as well as the educational and operational efficiency of the school
  - iv. The period of uncertainty for each employee is kept to a minimum whilst balancing this consideration against the commitment to provide as much notice of the changes as possible, allowing for voluntary solutions.
  - v. The relevant employment legislation requirements are met

## e. Explanation of Terms

**'representative'** in this procedure means a representative of a professional association or trade union who is accredited to accompany a member when the member is subject to formal procedures where they are entitled to be represented.

**'manager'** in this procedure, for teaching staff refers to a manager on the Leadership spine and for support staff either a manager on the leadership spine or the appropriate manager identified in the support staff structure.

## 2. Over-riding principles

- a. The first priority in any restructure process is to enable as many staff as possible to remain in employment in the school. The process should focus on accommodating all existing staff wherever possible in accordance with their skills, qualifications and expertise.
- b. The second priority, is to assist those who have been identified for potential redundancy to seek suitable alternative employment.
- c. Once the need for a restructure has been identified the manager should ensure that every effort is made to try to anticipate possible future changes and so reduce the disruption to staff on implementation. These measures will include the making of temporary appointments or other temporary arrangements, subject to the specific needs of the school.
- d. A copy of this procedure shall be provided to any member of staff who is directly affected by its provisions.
- e. The manager will enable any member of staff who is directly affected by the provisions of this procedure to access appropriate advice i.e. facilitate meetings with union representatives minimising any disruption to the education of pupils.
- f. This procedure gives a priority to the identification of voluntary solutions prior to the implementation of any compulsory redundancy. Voluntary solutions do not include volunteering for redundancy.
- g. Any individual who offers themselves for redeployment on a voluntary basis under Step 2 of this procedure will not be disadvantaged in any way in a subsequent compulsory selection process under this procedure.
- h. If an employee feels he/she has been **unfairly treated** as a result of any part of this procedure, he/she should raise the matter with their Manager in the first instance and with his/her Trade Union/Professional Association where appropriate.
- i. In some circumstances, particularly where the timescales available to implement the procedure are limited, some stages will have to operate in parallel with the exploration of voluntary solutions. Voluntary solutions which meet the needs of the school will always be considered before a compulsory selection for redundancy.
- j. Before any of the steps set out below begin, it is essential that the relevant manager confirms with the governing body that a budget or organisational issue within the school requires a review of staffing structures or levels to be undertaken and gains further approval to progress the matter.
- k. The audio or video recording of any meetings or hearings held under this

procedure is not permitted. Where an employee is unable to take his or her own notes of a meeting due to a physical, sensory or mental impairment, it is expected that the employee's representative will take notes on their behalf and/or alternative options will be considered to remove any potential disadvantage that an employee may have. Only in exceptional cases may an employee request an audio or video recording of the meeting as an alternative. In such cases, consideration will be given as to whether or not recording the meeting is appropriate in all the circumstances, including an assessment of whether other options have been considered as above.

### **3. Steps for handling restructures or reductions in school staffing**

#### **Step 1 - Initial Consultation with staff**

The manager will meet with staff at the earliest opportunity to inform them of the issues which may give rise to the restructure or reductions in staffing. In any restructure that could lead to potential staffing reductions, this consultation should be "whole school" and the manager must also seek voluntary solutions from staff. Consultation should include the following:

- i. The reason behind the restructure and which groups of staff are likely to be affected
- ii. The proposed timescales including the Governing Body meeting at which a decision will be made and proposed implementation date
- iii. Where there is to be a reduction in staff, a request to staff to consider whether there are any voluntary solutions that would resolve the need for reductions (see 2, below)
- iv. Who in the school will be the point of contact for any questions or concerns

In the case of a removal or reduction of one or more allowances, or in the case of a reduction in the range of a Leading Practitioner or member of the Leadership Group, the consultation should first take place with those staff who will be directly affected. Following this, all staff and school based trade union representatives should be informed of the proposed change. The information should include:

- i. The proposed change to the staffing structure and a brief rationale for the change
- ii. The proposed timescales, including the date of the Governing Body meeting and proposed implementation date
- iii. Who in the school will be the point of contact for any questions or concerns

Where any proposed restructure (whether or not there may be a need to reduce staff numbers) needs to occur, the manager will liaise with Education Personnel Services at the earliest possible date. Education Personnel Services will be able to advise the manager at an early stage of the procedure applicable to the school's particular restructure and the pre-determined consultation days with unions (if required). This will be in accordance with a pre-determined timeline and

will take account of school holidays.

After the initial consultation with staff the Manager should clarify the contractual position of all staff. It is important to do this very early on in the procedure to ensure staff are treated appropriately. The following staff groupings are important in terms of the procedure to be followed:

Staff on permanent contracts, regardless of length of continuous service	Are all treated as one group of staff “ <b>Group One</b> employees”
Staff on fixed term or temporary contracts who <ul style="list-style-type: none"> <li>▪ have <b>at least 4 years’</b> continuous service, regardless of the reason for the fixed term/temporary contract</li> </ul>	
Staff on fixed term or temporary contracts who <ul style="list-style-type: none"> <li>▪ have <b>less than 4 year’s</b> continuous service</li> <li>▪ whose contract is NOT linked to the need to restructure, for example, to cover sickness or maternity leave</li> </ul>	
Staff on fixed term or temporary contracts who <ul style="list-style-type: none"> <li>▪ have less than 4 year’s continuous service,</li> <li>▪ whose contract is linked to the need to restructure, for example, budgetary needs or anticipated reduction in school staffing</li> </ul>	Are treated as a separate group of staff “ <b>Group Two</b> employees”

**Please note that where Hampshire County Council is the employer in the school, the 4 years continuous service may have been accumulated in another school or department within Hampshire County Council.**

## Step 2 - Seeking voluntary solutions

In the case of a restructure that is likely to result in a reduction in staffing, the manager must seek at the earliest possible opportunity, thoughts and ideas from staff on solutions which may avoid the need to make any redundancies. Such solutions are termed “voluntary solutions”.

Such voluntary solutions may be retirement at normal pensionable age, flexible or phased retirement, a collective reduction in hours, alternative delivery methods, income raising opportunities, job shares, staff voluntarily seeking opportunities elsewhere etc.

Staff cannot “volunteer” to accept redundancy because of the substantial cost to the employer associated with the payment of redundancy compensation (and potentially pension benefits). Redundancy compensation will only be payable where that person has been formally selected for redundancy and it has not been possible to provide that person with suitable alternative employment.

Where an employee chooses to explore opportunities elsewhere, they should seek advice from their union/professional association. If the employee then makes the manager aware, governing bodies in those schools within the geographical limitations specified by the employee will be urged by the manager to give priority consideration to those staff for suitable posts. The principle will also be extended to staff in Aided, Foundation and Trust Schools and Academy schools.

### **Step 3 – Notice of ending of fixed term or temporary contracts**

If, having sought voluntary solutions, there is still a need to reduce staffing, then the manager will meet those staff in “group two” (step 1) and follow the procedure in Appendix 1.

### **Step 4 - Agreement at a Full Governing Body meeting**

#### **a) In the case of restructure resulting in a change, reduction or removal of posts/hours from the staffing structure**

- The Manager will produce a report which outlines:
  - i. the rationale for the need to reorganise
  - ii. the current and proposed staffing structure
  - iii. the categories of staff that may be affected and to what extent,
  - iv. the proposed timescale for achieving the restructure
  - v. the method by which restructure will be achieved (see step 5)
  - vi. the extent to which - having regard to the need to maintain a balance of teacher and/or support staff expertise in the establishment - it is likely that the revised staffing level will be achieved by either normal staff resignations or other voluntary solutions

NB It is not appropriate for Governors to agree any selection criteria which may be used.

- A copy of this report will be provided to staff (and governors) at least 5 working days in advance of the governing body meeting at which it is being presented, to enable staff representatives to prepare a response at the meeting. The school staff representatives will be given the opportunity to attend any meeting of the governing body at which proposals for restructure and/or reductions are being presented for approval. Affected staff who want to attend and make personal representations would not be unreasonably refused the right to do so. They will be able to contribute their views for the consideration of the governing body but must withdraw after their representations have been made. All staff who were initially consulted should be notified in writing of the outcome of the governing body’s decision at the same time.

#### **b) In the case of a removal or reduction of one or more**

### **allowances/reduction in range for Leading Practitioner or member of Leadership Group (teaching staff)**

The manager will produce a report which outlines:

- i. the rationale for the need to remove or reduce the allowance(s)
- ii. the current and proposed staffing structure
- iii. the implementation date (which will ordinarily be the start of the next term following the date on which the decision is made by the governing body)

A copy of this report will be provided to governors and directly affected staff at least 5 working days in advance of the governing body meeting at which it is being presented, to enable staff representatives to prepare a response at the meeting. A copy shall also be made available for all staff to view at the same time. Staff representatives will be given the opportunity to attend any meeting of the governing body at which proposals for restructure are being presented for approval. Affected staff who want to attend and make personal representations would not be unreasonably refused the right to do so. They will be able to contribute their views for the consideration of the governing body but must withdraw after their representations have been made.

The outcome of the governing body meeting will be communicated in writing to all staff affected at the same time.

Within one month of the governing body's decision, the manager must write to each affected member of staff, informing them of:

- (a) the reason for the decision;
- (b) the date on which the teacher's allowance is to be withdrawn altogether or replaced with a new lower allowance, as the case may be (the "relevant date")
- (c) *if applicable* where the old allowance was awarded for a fixed period, the date the fixed period expires;
- (d) *if applicable* where the old allowance was awarded to a teacher employed under a fixed-term contract, the date on which that fixed-term contract expires;
- (e) the value of the safeguarded sum (unless the allowance was for a fixed period);
- (f) the last date on which the safeguarding period could end (i.e. maximum of 3 years from the relevant date);
- (g) the value of the teacher's basic salary immediately before the relevant date and the value of the teacher's basic salary on the relevant date
- (h) the details of where a copy of the school's staffing structure and pay policy may be inspected.

This will be the end of the procedure for restructures involving reduction or removal of one or more allowances / reduction in range for Leading Practitioner or member of Leadership Group.

**c) In the case of an increase in the value of a Teaching and Learning Responsibility (TLR) payment currently in the staffing structure, or the introduction of a new TLR (including TLR3), or introduction of a new post**

The manager will produce a report which outlines:

- i. the rationale for the need to increase the allowance(s), or introduce the new allowance or post
- ii. the current and proposed staffing structure
- iii. the implementation date (which will ordinarily be the start of the next term following the date on which the decision is made by the governing body)
- iv. The selection process (see step 5) that will be undertaken to select who should be appointed to the new post or who will be awarded the TLR3. In the case of an increase in value of an existing TLR that is currently occupied, it is unlikely that a selection process would be required. If this is the determination of the manager, this determination should be stated in the report.

If there are any staff directly affected by this change, they shall be provided with a copy of the report 5 days in advance of the Governing Body meeting at which it will be considered (the governors will also receive a copy 5 days in advance of the meeting). A copy shall also be made available for all staff to view at the same time. Staff representatives will be given the opportunity to attend any meeting of the governing body at which proposals are being presented for approval. Affected staff that want to attend and make personal representations would not be unreasonably refused the right to do so. They will be able to contribute their views for the consideration of the governing body but must withdraw after their representations have been made.

The outcome of the governing body meeting will be communicated in writing to all staff affected at the same time.

In the case of an increase in the value of an existing TLR currently in payment, where the manager has determined no selection process is required, the headteacher should write to the employee to confirm their new post title, their new job description and the start date. This would then be the end of the procedure in this type of restructure.

Where a selection process is required, the manager must complete that selection process in accordance with step 8.

## **Step 5 – Determine the selection process**



If the governing body makes an “in principle” decision in relation to the proposals to restructure, then the manager will need to determine (if applicable) what selection criteria will be used and what paperwork will be issued to staff prior to the formal consultation meeting with unions (see step 6, below).

The selection process that will be used depends on the type of proposals that are being made.

**(a) in the case of a reduction in hours (or full time equivalents) from a particular category of staff**

In this case, the manager will need to ask all staff in the particular category of staff (or “pool” of staff) to complete a skills audit which asks for evidence that the employee meets a defined set of criteria. The manager will need to set the criteria in accordance with Appendix 3, 4 or 5.

**(b) in the case of the removal of one or more defined posts from the structure without any new posts being introduced**

In this case, the removal of the post from the structure identifies that post holder for potential redundancy. There is no selection required. However the manager should continue to seek voluntary solutions up to the proposed date of redundancy. In addition the employee will be entitled to redeployment support as outlined in Appendix 6.

**(c) in the case of a removal of one or more posts and the introduction of similar or new posts**

In this case, the manager must consider what selection methods are appropriate, depending on the circumstances of the reorganisation. There is no set approach, but the principles that should be followed are defined in Appendix 2.

**(d) In the case of an increase in the value of a Teaching and Learning Responsibility (TLR) payment currently in the staffing structure or the introduction of a new TLR (including TLR3), or introduction of a new post**

Where a new post or TLR3 is being introduced, the manager must consider what selection methods are appropriate. In the case of an increase in a TLR already in payment, the manager may consider, in accordance with the principles in Appendix 2 that selection is not appropriate. There is no set approach, but the principles that should be followed are defined in Appendix 2.

## **Step 6 - Formal Consultation with Unions**

If it becomes apparent at any stage of this process that there is potential for staff reductions arising out of the process, formal consultations will take place with the County and Local Secretaries of the recognised teacher associations and/or officers of trade unions

Where possible, consultation will happen on the pre-determined days which have been agreed in advance between EPS and recognised unions. These dates are available from EPS.

For Academies, this consultation will need to take place with the Academy school's own negotiating body and Local Secretaries and/or officials of the recognised unions.

Paperwork will be received by the County Secretaries of the recognised unions at least 5 working days in advance of the meeting.

Consultation with recognised professional association or trade union representatives will be meaningful, open and undertaken with a view to reaching agreement and will include the following. It should be noted that with the exception of (iv) the report to the Governing Body (step 4) will already contain this information and can be used for the consultation paperwork

- i. The rationale for the proposals including any budgetary considerations.
- ii. The numbers and descriptions of employees whom it is proposed to be dismissed as redundant i.e. the "pool" of staff who may be required to undergo selection (where appropriate)
- iii. The total number of employees of any such description employed by the employer at the establishment
- iv. The proposed method of selecting the employees who may be dismissed (including any selection criteria that will be used (Step 5))
- v. The proposed method of carrying out the dismissals, with due regard to any agreed procedure, including the period over which the dismissal are to take effect
- vi. ways of avoiding dismissals
- vii. ways of reducing the numbers to be dismissed
- viii. ways of mitigating the consequences of the dismissals.
- ix. whether the school engages any agency workers and if so, how many and what category of staff they are

Following the consultation meeting, the manager will produce a summary of key discussion points and share this with employees that were initially consulted in step 1 above. This will include contact telephone numbers and emails of local union representatives. EPS can provide these details.

Where no unions are able to attend the meeting, the manager will write to all staff

to confirm this position and will provide contact telephone numbers and emails of local union representatives. EPS can provide these details.

### **Step 7 - Ongoing information and support to staff**

#### **(a) in the case of a reduction of hours (or full time equivalents) from a category of staff e.g. classroom support or teaching staff**

Where there is a gap between formal consultation with unions and any selection process, staff will need to be kept informed of the timescales that will be followed, or the next key steps in the process for the school. Any time between the consultation meeting and selection will be an uncertain time; however this has to be balanced with the need to seek alternative solutions to avoid having to make a selection. Keeping communication channels open will help reduce anxiety.

The manager must proactively give all staff access to job websites and allow reasonable time off to allow staff to apply and attend for any interviews. The manager should regularly seek, at staff meetings, any suggestions for any voluntary solutions which may resolve the need to make reductions, and document that this has been requested.

#### **(b) in the case of a restructure of posts in the staffing establishment (including removal of posts without replacement)**

The selection process should happen as soon as practically possible following consultation with unions. The sooner slotting in or competitive interviews (step 5) take place, the sooner individuals are able to make informed decisions about whether to accept new posts in the structure. Completion of the process will identify whether any staff are in a potential redundancy situation.

### **Step 8 - Identification process**

The manager will follow through the selection process identified in step 5 above. It is important that the timescales set are adhered to, or if there is slippage, that staff are informed. Where dismissals are a likely outcome, the manager must bear in mind the contractual notice periods for staff and the dismissal notice requirements for teachers, which only allow termination to take effect on 3 days in the year (see the manual of personnel practice for advice on contracts and notice periods: <http://www3.hants.gov.uk/education/mopp/manage-staff/eps-resignations.htm>). Failure to issue notice by one of these three dates will require the continued employment of the teacher for the following term.

#### **(a) in the case of a reduction in hours (or full time equivalents) from a particular category of staff**

The manager must collate the skills audits together and “mark” whether staff

have met or not met each of the criteria. The process of describing how an employee is selected is described in Appendix 3, 4 or 5. It is strongly advised that the manager scores the audits and transfers them to the matrix with a governor (or where possible, another senior manager). If a governor is involved, this precludes them from being a governor on a dismissal or appeal panel for this process.

**(b) in the case of the removal of one or more defined posts from the structure without any new posts being introduced**

Where a specific defined post has been removed from the structure without replacement, there is no need for an identification process.

**(c) in the case of a removal of one or more posts and the introduction of similar and/or new posts**

The individual employees who have undergone selection in accordance with Appendix 2, must know the outcomes of their selection as soon as possible. In the case of successful appointment, this should include their new post title, job description/role profile, new hours and date of change. In the case of unsuccessful appointment the manager should offer feedback and inform the employee of other vacancies within the school as well as offer redeployment in accordance with Appendix 6.

**(d) in the case of an increase in the value of a Teaching and Learning Responsibility (TLR) payment currently in the staffing structure or the introduction of a new TLR (including TLR3), or introduction of a new post**

Where a selection process has been necessary, this will be completed as stated in the report to the Governing Body. In the case of successful appointment, the employee must be notified in writing of their new post title, job description/role profile, and date of change. In the case of unsuccessful appointment the manager should offer feedback to the employee and ensure this feedback is addressed in the performance review process.

This will be the end of the procedure for restructures involving an increase in value of an existing TLR, or the introduction of a new TLR or new post where a selection process was required.

## **Step 9 - Notification of selection/outcome to employees**

**(a) in the case of a reduction in hours (or full time equivalents) from a particular category of staff**

The manager must meet on a one-to-one basis with the employee and explain how the manager has scored that employee. The manager should refer to a copy of the employee's skills audit and a copy of an anonymised skills matrix to ensure that the employee concurs with the assessment of how they have been scored. If there are any major issues raised, the manager should adjourn the meeting and seek advice from EPS. However if there are no issues raised,

the manager should inform the employee that they

- i. are in a potential redundancy situation
- ii. will have this confirmed in writing
- iii. will receive a letter from EPS (where EPS is your personnel provider) setting out support which is available
- iv. have a right to attend a formal hearing at which their selection will be considered, but also have a right to waive their right to a hearing (see step 11)
- v. should contact their union/professional association for support and advice

**(b) in the case of a removal of one or more defined posts from the structure without any new posts being introduced**

The manager will have already informed the employee of the governors' decision at step 4 and of the outcome of the formal consultation at step 6. The manager should meet with the employee again however, to inform the employee formally that they

- i. are in a potential redundancy situation
- ii. will have this confirmed in writing
- iii. will receive a letter from EPS (where EPS is your personnel provider) setting out support which is available
- iv. have a right to attend a formal hearing at which their selection will be considered
- v. should contact their union/professional association for support and advice

**(c) in the case of a removal of one or more posts and the introduction of similar and/or new posts**

The employees will have been notified of the outcome of any slotting in or competitive interview processes as they have been conducted under step 8. If there are any employees who have not been successfully appointed to any post in the new structure, then as soon as possible after completion of this process, the manager must meet with the employee on a one to one basis to inform them that they

- i. are in a potential redundancy situation
- ii. will have this confirmed in writing
- iii. will receive a letter from EPS (where EPS is your personnel provider) setting out support which is available
- iv. have a right to attend a formal hearing at which their selection will be considered
- v. should contact their union/professional association for support and advice

**Step 10 - Ongoing information and support to staff**

The manager must continue to seek voluntary or other solutions to avoid the need to make redundancies. This exploration of alternatives continues until the end of the notice period of any employee who is issued notice of redundancy in step 13 below. Any voluntary solution that presents itself will halt the redundancy process or rescind any termination notices already issued.

In addition the manager will nominate a suitable manager from within the school to provide redeployment support. This redeployment support will continue until the last day of employment i.e. the last day of the employee's notice period issued in step 13 below. That redeployment manager will then provide redeployment support in accordance with Appendix 6.

### **Step 11 - Dismissal decision/hearing**

Until this point, the employees identified through this process are only "at risk" of redundancy. The manager who has made the selection must make a formal recommendation at a dismissal hearing regarding the selection process undertaken before formal notice of redundancy can be issued.

In a school where the Headteacher has had powers of dismissal delegated to them and where the Headteacher has had no involvement in the selection process, the manager can make a recommendation to the headteacher in a dismissal hearing and the Headteacher will make a decision as to whether dismissal is fair in all the circumstances of the case. Where either the Headteacher has not had powers delegated to them, or they have been involved in the selection process, then the recommendation would be made by the Manager (who may be the Headteacher) to the dismissal committee of the Governing Body. This committee will then make the decision as to whether dismissal is fair in all the circumstances of the case.

Where Hampshire County Council is the employer, the Local Authority has a statutory right to be present at this meeting to advise on the proceedings. Where the Governing Body is the employer, it is strongly recommended that a member of EPS be present in order to advise the Headteacher or Governors' committee on the proceedings. The procedure for such a hearing is defined in the Manual of Personnel Practice under the Procedure for a Headteacher or Governors' Committee Hearing.

The employee will be given no less than 7 working days notice of this hearing. The employee must be given the right to attend the meeting at which the issue is being considered, make representations and be accompanied by a trade union/professional association representative or a work colleague of their choice.

The employee can waive their right to a hearing, in which case such a hearing does not need to take place. However a decision must still be made about the dismissal of the employee by the headteacher (where the headteacher has had

powers of dismissal delegated to them) or a committee of governors where the headteacher has been involved in the procedure and that decision must still be communicated to the employee in accordance with step 12 below. Waiving rights to a dismissal hearing does not waive rights to an appeal hearing.

It is the employee's responsibility to arrange their own companion and advise management of this. If the employee, or their companion, is unable, for good reason, to attend a meeting, an alternative date will be arranged, once only, normally within 5 working days of the original meeting.

### **Step 12 - Communication of decision**

The decision regarding dismissal must be communicated in writing to the employee normally within **five working days** of the meeting/decision. If it is necessary to vary this timescale the employee will be notified at the conclusion of the hearing. This letter is not issuing notice of redundancy.

The employee must also be given a right of appeal against the decision. This appeal must be lodged within 10 working days of the date on this letter. The employee has the right to appeal even if they chose to waive their rights in step 11 above.

### **Step 13 - Issuing notice of redundancy**

If the decision was to dismiss on the grounds of redundancy, then notice of redundancy must be issued as follows;

- Where Hampshire County Council is the employer, the Manager or Chair of Governors must notify Education Personnel Services of the need to dismiss the employee and EPS will arrange, on behalf of the Director of Children's Services, for notice of termination of employment to be issued within 14 calendar days.
- Where the Governing Body is the employer (for example in a Voluntary Aided, Foundation, Trust or Academy school) the Chair of Governors must issue notice of termination of employment within two working days of the meeting or as soon as possible after the meeting.

### **Step 14 - Appeal Hearing**

If the employee appeals against any aspect of the decision to dismiss on the grounds of redundancy, this appeal must be heard by a governors appeal committee .

At the meeting of the Appeals Committee, the employee must be given the same rights as for the main hearing in step 11. Where Hampshire County Council is the employer the Local Authority has a statutory right to be present at this meeting to

advise on the proceedings. Where the Governing Body is the employer, it is strongly recommended that a member of EPS be present in order to advise the manager or governors' committee on the proceedings. If the appeal is upheld, the notice of termination of employment will be rescinded.

### **Step 15 - Ongoing information and support for the employee**

The relevant manager (or redeployment manager) will keep in contact with the employee and his/her representative throughout the notice period and continue to explore all options to avoid redundancy up to the date of termination.

Employees have a separate legal entitlement to be offered any suitable alternative work that is available if they are made redundant while on maternity leave (see Appendix 6).



## **Appendix 1 – Ending fixed term or temporary contracts**

This Appendix must only be used for those employees who are Group Two employees, i.e. those who have:

- i. a fixed term or temporary contract and
- ii. less than 4 years' continuous service with their employer and
- iii. a contract linked to the need to restructure or make staffing reductions, for example, where the fixed term contract is linked to budgetary needs or was issued in anticipation of the need to restructure or make staffing reductions.

### **Employees with more than two years' of continuous service with the employer at the date the contract will be ending**

#### **1. In the case of a removal of one or more posts and the introduction of similar and/or new posts**

The Headteacher must meet with each affected employee to confirm their understanding of their contractual position. The employee must be given the right to be accompanied by a Trade Union/Professional Association Representative or work colleague of their choice. At least 7 working days' notice of the meeting must be given to the employee.

- a. At the meeting the Headteacher will:
  - i. Explain that their fixed term or temporary contract is due to cease and confirm, where appropriate, the date that it is due to cease. The expectation is that, in the case of fixed term contracts, this date will be in line with the date in the contract as originally issued, or as previously extended.
  - ii. Confirm that the contract is not expected to be renewed and explain the reasons for the non-renewal. These reasons should have been clearly stated in the appointment letter and/or contract from the outset and should be linked to the restructure. If this is not the case then advice should be sought from Education Personnel Services before proceeding.
  - iii. Offer the employee the opportunity to respond and comment on the situation.
  - iv. If appropriate, adjourn to consider the issues raised by the employee prior to reaching a decision or recommendation.
  - v. Discuss whether there are alternative employment options within the school and whether these are viable options.
  - vi. Discuss access to vacancy information via Hampshire County Council's web pages and any other support that may be required by the employee in seeking alternative employment. (It is the responsibility of the Headteacher to consider if redeployment support needs to be referred to Education Personnel Services).

- vii. If the right to dismiss is delegated to the Headteacher and it is appropriate, confirm the decision to cease or not renew the fixed-term or temporary contract.
- viii. If the employee fully accepts the ending of their contract and does not wish to challenge this, pursue a mutual agreement with the employee.
  - i. If the right to dismiss is not delegated to the Headteacher and there is no written mutual agreement to end the contract, the Headteacher should make a recommendation to refer to a [governors appeal committee](#).
  - ix. If the Headteacher has taken the decision, confirm the right of appeal.
- b. The Headteacher must explain the process that will be followed in relation to selection for posts in the new structure and the date by which this process will be completed. This will follow the steps outlined in step 8 of the main procedure.
- c. The Headteacher must explain that if there are any vacancies at the end of the selection process referred to in step 1(b) above then the employee will have the opportunity to apply.
- d. If, following completion of step 1(b), there are no vacancies, OR if, following step 1(c), the employee is unsuccessful then the Headteacher must follow Step 2(b) below.

## **2. In the case of a reduction in hours (or full time equivalents) from a particular category of staff**

The Headteacher must meet with each affected employee to confirm their understanding of their contractual position. The employee must be given the right to be accompanied by a Trade Union/Professional Association Representative or work colleague of their choice. At least 7 working days' notice of the meeting must be given to the employee.

- a. At the meeting the Headteacher will:
  - i. Explain that their fixed term or temporary contract is due to cease and confirm, where appropriate, the date that it is due to cease. The expectation is that, in the case of fixed term contracts, this date will be in line with the date in the contract as originally issued, or as previously extended or agreed.
  - ii. Confirm that the contract is not expected to be renewed and explain the reasons for the non-renewal. These reasons should have been clearly stated in the appointment letter and/or contract from the outset and should be linked to the need to make reductions in staffing. If this is not the case then advice should be sought from Education Personnel Services before proceeding.

- iii. Offer the employee the opportunity respond and comment on the situation.
  - iv. If appropriate, adjourn to consider the issues raised by the employee prior to reaching a decision or recommendation.
  - v. Discuss whether there are alternative employment options within the school and whether these are viable options.
  - vi. Discuss access to vacancy information via Hampshire County Council's web pages and any other support that may be required by the employee in seeking alternative employment. (It is the responsibility of the Headteacher to consider if redeployment support needs to be referred to Education Personnel Services).
  - vii. If the right to dismiss is delegated to the Headteacher and it is appropriate, confirm the decision to cease or not renew the fixed-term or temporary contract.
  - viii. If the employee fully accepts the ending of their contract and does not wish to challenge this, pursue a mutual agreement with the employee.
    - ii. If the right to dismiss is not delegated to the Headteacher and there is no written mutual agreement to end the contract, the Headteacher should make a recommendation to refer to a [governors appeal committee](#).
  - ix. .
  - x. If the Headteacher has taken the decision, confirm the right of appeal.
- b. The Headteacher must write to the employee and the letter should include:
- iii. confirmation that the employee's fixed-term or temporary contract is due to cease and confirm where appropriate, the date that it is due to cease;
  - iv. confirmation that the contract is not expected to be renewed and explain the reasons for the non-renewal;
  - v. confirmation of whether the employee is prepared to reach a mutual agreement with the school in relation to the ending of their employment;
  - vi. confirmation of the employee's right of appeal to a [governors appeal committee](#).
- vii.

**Employees with less than two years' continuous service with their employer at the date the contract will be ending**

- i. Are not entitled to a formal meeting with the Headteacher or Governors Committee, nor do they have the right of appeal. However, the Headteacher should still meet with the employee to discuss their position and confirm in writing that their contract will not be renewed and the reasons for the non-renewal. These reasons should have been clearly stated in the appointment letter and/or contract from the outset and should be linked to the restructure or the need to make reductions

- in staffing. If this is not the case then advice should be sought from Education Personnel Services before proceeding.
- ii. Where there is any likelihood of a discrimination claim being made the employee does not require two or more years' continuous service. In such circumstances, advice must be sought from Education Personnel Services.

## **Appendix 2 – Implementing the new staff structure - slotting in and methods of selection**

There are a number of approaches to achieving a new structure. The aim in whatever approach the manager deems appropriate should be two fold:

- i. to achieve the structure that delivers the needs of the school going forward taking account of its statutory obligations and school specific priorities as identified in the school improvement plan, and
- ii. to retain as many staff as possible within the new structure

### **The following principles should be adhered to:**

- i. no appointment or selection decision will be made on a basis which would be in breach of the school's equal opportunities policy
- ii. no employee will be promoted without an assessment process to judge the employee's suitability for the new post (for the purposes of this procedure, an increase in value of an existing TLR in payment is not deemed a promotion)
- iii. decisions about how employees will be placed in the new structure will normally be made prior to consultation with the Governing Body (step 4 of the main procedure)
- iv. posts will normally be filled from the highest grade to the lowest
- v. "group one" employees will be considered first and any remaining posts will then be offered to "group two" employees using one of the methods identified below
- vi. in placing an employee in the new structure, regard should be given to the skills and experience of the employee and the needs of the post. Training should always be considered to support the employee with developing new skills
- vii. an employee has the right to turn down the offer of a job in the new structure. Where this new job is deemed suitable alternative employment, this may jeopardise payment of redundancy benefits
- viii. the manager may apply a mixture of approaches to achieve the new structure however an employee would not normally be expected to undertake several approaches for the one post i.e. a selection decision for each individual post will be made on the basis of one of the approaches below, not more
- ix. No post will be advertised externally until all employees in a potential redundancy situation have been offered the vacancy

### **Approaches to achieve the new structure**

There are three main methods for managers to consider.

- i. the 'slotting in' of employees to posts which are largely the same or which are deemed to be suitable alternative employment
- ii. Competitive interviews against pre-determined selection criteria from the job description/role profile
- iii. Use of skills audits or preference forms to assess evidence against pre-determined criteria from the job description/role profile

The method chosen will depend on the extent and type of reorganisation and the practicalities of each of the methods in the circumstances.

### **Appendix 3 – Selection Criteria for Support Staff Reductions**

Having determined that staffing reductions will not be achieved by voluntary solutions, an analysis will be conducted by comparing the skills and expertise of existing staff against agreed selection criteria. These selection criteria must be objective and measurable, and based on the schools' development plan. Unless a deviation from this procedure has been previously consulted upon with a view to reaching agreement, this analysis will be carried out in up to four stages (defined below), using a skills audit and matrix previously consulted upon.

This analysis will only be carried out on the “pool” of staff that have previously been identified for potential redundancy. This analysis should be conducted by an appropriate relevant manager. Where that relevant manager is the Headteacher, any subsequent dismissal hearing must be conducted by a committee of governors. It is recommended that another relevant manager or governor checks the transfer of skills from the skills audits to the matrix to ensure criteria have been applied fairly and consistently.

#### **Stage 1 – Core Requirements**

First, the school will stipulate its core organisational and leadership requirements for the relevant group of staff and the staff it needs to retain to deliver these. They will include those holding managerial or supervisory responsibility.

Any member of staff who meets more criteria in the “core” requirements than other staff will be retained and removed from further selection. Where this identifies the required numbers of staff for potential redundancy, the selection process will end here without further analysis.

#### **Stage 2 – Specialist requirements**

Second, the school will stipulate its specialist requirements within the relevant group of staff and the staff it needs to retain to deliver these. It would be relevant to consider aspects such as relevant experience, qualifications or training.

Any member of staff who meets more criteria in the “specialist” requirements than other staff will be retained and removed from further selection. Where this identifies the required numbers of staff for potential redundancy, the selection process will end here without further analysis.

#### **Stage 3 – Generalist requirements**

Third, the school will consider its general needs in the staff grouping concerned. This may include any other relevant experience or training received.

Any member of staff who meets more criteria in the “generalist” requirements than other staff will be retained. This means that the member(s) of staff who meet the least criteria will be selected for potential redundancy.

If, as a result of this third stage, there are still more staff subject to potential redundancy than the number of posts/hours needing to be lost, the school will use the criteria identified in Stage 4.

#### **Stage 4 – Formal Procedures**

Where analysis in the previous three stages means there are still more staff subject to potential redundancy than the number of posts/hours needing to be lost, it may be justifiable to use additional criteria relating to sickness absence and performance. However, this should only relate to **formal procedures** e.g. in relation to absence, capability or conduct. In this case, any employees who were **not** subject to these procedures would receive a higher score for that particular part of the criteria than those who were.

#### **Stage 5 – Length of Service**

If, having taken the above formal procedures into account, there are still staff who remain with an equal score, the school will use the criterion of the shortest length of continuous service in the school to make the selection decision. Where length of continuous service is equal for two or more staff, then where HCC is the employer, length of continuous HCC service will be the deciding factor.

Selection on this basis is considered to be a last resort and will not normally be necessary. Where this is the case, Education Personnel Services should be closely involved in advising the school.



## Appendix 4 - Selection Criteria for Primary School Teaching Staff Reductions

Having determined that staffing reductions will not be achieved by voluntary solutions an analysis will be conducted by comparing the skills and expertise of existing staff against agreed selection criteria. These selection criteria must be objective and measurable, and based on the schools' development plan. Unless a deviation from this procedure has been previously consulted upon with a view to reaching agreement, this analysis will be carried out in up to four stages (defined below), using a skills audit and matrix previously consulted upon.

This analysis will only be carried out on the "pool" of staff that have been previously identified for potential redundancy. This analysis should be conducted by an appropriate relevant manager. Where that relevant manager is the Headteacher, any subsequent dismissal hearing must be conducted by a committee of governors. It is recommended that another relevant manager or governor checks the transfer of skills from the skills audits to the matrix to ensure criteria have been applied consistently and fairly.

### Stage 1 – Core Requirements

First, the school will stipulate its core requirements and the staff it needs to retain and deliver these. They are likely to include those holding leadership responsibility e.g. Headteacher, Deputy Headteacher.

Any member of staff who meets more criteria in the "core" requirements than other staff will be retained and removed from further selection. Where this identifies the required numbers of staff for potential redundancy, the selection process will end here without further analysis.

### Stage 2 – "Specialist requirements"

Second, the school will stipulate its specialist requirements and the staff it needs to retain to deliver these. These are likely to be focused mainly on the *core* curriculum subjects but might also include other cross-school responsibilities e.g. staff with responsibilities for Infant/Junior departments or Key Stage 1 and 2 and could also incorporate those with school-wide functional (not national curriculum) responsibilities (e.g. Special Needs Co-ordinator). Where staff have undertaken specialist training to meet these specialist requirements, this would reinforce the need to retain them.

It would be relevant to consider the range of subject expertise of individual teachers against their:

- current teaching and/or
- recent past teaching experience and/or
- recent in-service training.

Any member of staff who meets more criteria in the “specialist” requirements than other staff will be retained and removed from further selection. Where this identifies the required numbers of staff for potential redundancy, the selection process will end here without further analysis

### **Stage 3 – Generalist Requirements**

Third, the school will consider its generalist needs with particular reference to the experience of the remaining teachers in teaching children over a wide age range and/or co-ordinating a number of curriculum areas as evidenced by measures such as:

- current teaching and/or
- recent teaching and/or
- recent in-service training, where this is related to their specific roles and responsibilities in the school.

Any member of staff who meets more criteria in the “generalist” requirements than other staff will be retained. This means that the member(s) of staff who meet the least criteria will be selected for potential redundancy

If, as a result of this third stage analysis, there are still more teachers subject to potential designation than the number of posts needing to be lost, the school will use the criteria identified in stage 4.

### **Stage 4 – Formal Procedures**

Where analysis in the previous three stages means there are still more staff subject to potential redundancy than the number of posts/hours needing to be lost, it may be justifiable to use additional criteria relating to sickness absence and performance. However, this should only relate to **formal procedures** e.g. in relation to absence, capability or conduct. In this case, any employees who were **not** subject to these procedures would receive a higher score for that particular part of the criteria than those who were.

### **Stage 5 – Length of Service**

If, having taken the above formal procedures into account, there are still staff who remain with an equal score, the school will use the criterion of the shortest length of continuous service in the school to make the selection decision. Where length of continuous service is equal for two or more staff, then where HCC is the employer, length of continuous HCC service will be the deciding factor.

Selection on this basis is considered to be a last resort and will not normally be necessary. Where this is the case, Education Personnel Services should be closely involved in advising the school.

## **Appendix 5 - Selection Criteria for Secondary School Teaching Staff Reductions**

Having determined that staffing reductions will not be achieved by voluntary solutions, an analysis will be conducted by comparing the skills and expertise of existing staff against agreed selection criteria. These selection criteria must be objective and measurable, and based on the schools' development plan. Unless a deviation from this procedure has been previously consulted upon with a view to reaching agreement, this analysis will be carried out in up to four stages (defined below), using a skills audit and matrix previously consulted upon.

This analysis will only be carried out on the "pool" of staff that have previously been identified for potential redundancy. This analysis should be conducted by an appropriate relevant manager. Where that relevant manager is the Headteacher, any subsequent dismissal hearing must be conducted by a committee of governors. It is recommended that another relevant manager or governor checks the transfer of skills from the skills audits to the matrix to ensure criteria have been applied consistently and fairly.

### **Stage 1 – Core Requirements**

First, the school will stipulate its core organisational and leadership requirements in the area or department concerned and the staff it needs to retain and deliver these. They will include those holding management responsibility and might also incorporate those working in the department or area with school-wide functional responsibilities.

Any member of staff who meets more criteria in the "core" requirements than other staff will be retained and removed from further selection. Where this identifies the required numbers of staff for potential redundancy, the selection process will end here without further analysis

### **Stage 2 – Specialist Requirements**

Second, the school will stipulate its specialist requirements in the department or area concerned and the staff it needs to retain to deliver these. It would be relevant to consider the range of subject expertise of individual teachers against their:

- current teaching, and/or
- recent past teaching experience and/or
- specialist qualifications
- recent in-service training.

Any member of staff who meets more criteria in the "specialist" requirements than other staff will be retained and removed from further selection. Where this identifies the required numbers of staff for potential redundancy, the selection process will end here without further analysis

### Stage 3 – Generalist Requirements

Third, the school will consider its general needs in the area or department concerned but also in the context of requirements in the whole school with particular reference to the experience of the remaining teachers in teaching children over a wide age range and/or spectrum of curriculum areas as evidenced by measures such as:

- current teaching and/or
- recent teaching and/or
- recent in-service experience.

Any member of staff who meets more criteria in the “generalist” requirements than other staff will be retained. This means that the member(s) of staff who meet the least criteria will be selected for potential redundancy.

If, as a result of this third stage analysis there are still more teachers subject to potential redundancy than the number of posts needing to be lost, the school will use the criteria identified in stage 4

### Stage 4 – Formal Procedures

Where analysis in the previous three stages means there are still more staff subject to potential redundancy than the number of posts/hours needing to be lost, it may be justifiable to use additional criteria relating to sickness absence and performance. However, this should only relate to **formal procedures** e.g. in relation to absence, capability or conduct. In this case, any employees who were **not** subject to these procedures would receive a higher score for that particular part of the criteria than those who were.

### Stage 5 – Length of Service

If, having taken the above formal procedures into account, there are still staff who remain with an equal score, the school will use the criterion of the shortest length of continuous service in the school to make the selection decision. Where length of continuous service is equal for two or more staff, then where HCC is the employer, length of continuous HCC service will be the deciding factor.

Selection on this basis is considered to be a last resort and will not normally be necessary. Where this is the case, Education Personnel Services should be closely involved in advising the school.

## Appendix 6 - Redeployment Support and salary protection

Where staff are displaced as a result of a restructure in a school, the employer has a responsibility to ensure that redeployment support is provided. Where Hampshire County Council is the employer, an employee should also be directed to vacancies in departments. Where EPS is the HR provider, EPS will also assist individuals in seeking redeployment.

Employees have a separate legal entitlement to be offered any suitable alternative work that is available if they are made redundant while on maternity leave. EPS can advise further on this point, should it apply.

Reasonable time off with full pay will be provided to any employee seeking redeployment, to attend interviews and make enquiries into finding alternative employment. Such employees will also be entitled to travel expenses for attending interviews or informal discussions relating to a redeployment opportunity. Expenses will be paid by the school in accordance with the current rates.

As soon as practicably possible after the employee has been informed they are in a potential redundancy situation, the redeployment manager should meet with the employee (who may choose to bring a Trade Union/Professional Association representative or work colleague if they wish) to:

- i. explain that they (on behalf of the employer) will make every effort to encourage governing bodies to give priority consideration to him/her/them for any suitable posts at alternative establishments, but make the employee aware that redeployment is dependent on the recruitment decisions of each school following a recruitment process
- ii. discuss his or her particular circumstances - including career development and ease of travel to alternative establishments
- iii. discuss whether there is any form of viable re-training which might assist the employee to gain alternative employment and ascertain whether this can be supported by the employer
- iv. discuss whether the employee has interest in non-school based and/or non-teaching alternative employment
- v. support the individual to complete their candidate profile
- vi. ensure that the employee has access to the relevant weekly vacancy webpages
- vii. provide advice on the availability of other sources of support.

The relevant manager shall then enable each potentially redundant member of staff to visit other establishments (during school hours, and with essential travel expenses met) to discuss vacancies that might be suitable for them

**a) Applications for potential suitable alternative posts**

When an employee has applied for possible alternative posts the redeployment manager will contact the potential receiving school(s) to see whether there is any prospect of appointment. The employee will be expected to accept a reasonable offer of suitable alternative employment. An employee shall not be compelled to accept a post which is not a suitable alternative post having regard to his/her qualifications, experience and personal circumstances. However if an employee rejects an offer of suitable alternative employment, this may jeopardize their entitlement to redundancy benefits

**b) Employees on maternity leave and employees with a disability**

Employees have a separate legal entitlement to be offered any suitable alternative work that is available if they are made redundant while on maternity leave or if they have a disability, without the need to apply for that post. Advice should be sought from Education Personnel Services if either a disabled employee or an employee on maternity leave has been made redundant to ensure these entitlements have been met.

**c) Successful redeployment:**

Where an employee is successfully redeployed, the employee concerned has a statutory right to a four-week trial period to see if they are satisfied with the redeployment. If it is reasonably decided that the alternative job is not suitable, other employment options will be discussed with the individual and their representative. If no suitable job can be found, redundancy pay is due and will be paid for by the previous employing department or school.

If an employee is redeployed, he/she may qualify for assistance in accordance with their contract of employment as detailed below;

**d) Travel Expenses – Support Staff**

For support staff employed on EHCC 2007 terms and conditions, certain travel expenses shall be paid to a member of staff who:

- i. transfers to another establishment in accordance with this Procedure; *and*
- ii. thereby incurs additional travel expenses (i.e. travel expenses in excess of those for his or her journey to the existing place of work); *and*
- iii. is not, on transfer, appointed to a post of a higher salary scale

The travel expenses that shall be paid, in these circumstances, are the additional travel expenses that are thereby incurred - on the following basis:

- i. The expenses shall be paid for the period (up to a maximum of two years from the date of transfer) during which the additional travel is undertaken.
- ii. For travel by car, the additional expenses shall be paid at the excess travel rate under the Employment in Hampshire County Council (EHCC) agreement.

- iii. For travel by public transport, the excess cost shall be paid at the prevailing public-transport rate.
- iv. Travel expenses will cease before the 2 year duration if the redeployee is promoted at the receiving establishment.

Where an employee is redeployed between Hampshire County Council schools/departments the cost of travel expenses is paid by the receiving school/department.

For employees who have previously been employed by Hampshire County Council who take up posts in schools where the Governing Body are the employer (Foundation, Trust, Voluntary Aided or Academy schools), these travel expense payments do not apply unless the receiving school wishes to pay them. The same applies for employees moving from schools where the Governing Body are the employer to schools where HCC is the employer.

#### **e) Travel expenses – Teachers**

There are no statutory entitlements to travel expenses for teachers. However EPS recommend that the principles of the travel expenses for support staff (above) are applied to teaching staff to assist in their redeployment.

#### **f) Salary Protection - Teachers**

For teachers who are paid in accordance with the statutory teachers pay and conditions document, this document sets out whether any salary protection/safeguarding shall apply. For teachers who are paid on locally determined terms and conditions, the local pay policy will set out whether any salary protection/safeguarding shall apply.

#### **g) Salary Protection – Support staff**

Support staff paid on EHCC 2007 terms and conditions are entitled to salary protection in accordance with the HCC salary policy which is part of the EHCC 2007 agreement.

Where an employee is redeployed between Hampshire County Council schools/departments the cost of protection is paid by the receiving school/department.

For employees who have previously been employed by Hampshire County Council who take up posts in schools where the Governing Body are the employer (Foundation, Trust, Voluntary Aided or Academy schools), this protection does not apply unless the receiving school wishes to pay it. The same applies for employees moving from schools where the Governing Body are the employer to schools where HCC is the employer.

Support staff will have their existing basic salary (providing it does not exceed the salary range maximum of one grade higher than the role they are redeployed to)

protected for a period of up to 2 years. This period of up to 2 years will take effect from the date the employee transfers into the redeployed post and will be referred to as the 'pay protection period'

The salary on appointment to a redeployed role will be the top of the salary range for the role appointed to. The department/school into which the employee is redeployed will 'finance' the difference between the salary on appointment and the employee's protected pay during this period. Pay protection will cease before the 2 year protection period if the redeployee is promoted within their new role.

The employee's existing annual leave entitlements will be protected for two years, after which the employee will move to the annual leave entitlement for the grade of the redeployed role.

Payment of any allowances relating to obligations or additional payments in relation to the former role will cease from the appointment date, if not required in relation to the new role and any additional payment relating to the new role will commence.

However, there should be no overall financial advantage. In this situation the amount of protection should be reduced to take account of any additional pay above their current salary.

During the pay protection period the employee's salary will be frozen, and therefore the employee will not be eligible to receive the financial benefit of any pay award or pay progression, until their salary falls within the salary range of the grade for that role. The salary ranges will be reviewed each year to take account of the value of any pay award. This may result in the frozen salary moving closer to the salary range maximum. If as a result of this the employee's pay falls within the salary range during the protection period the salary will be placed at the top of the salary range and then be treated in the same way as other employees at that salary.

If by the end of the pay protection period the employee's pay is still above that of the salary range maximum of the redeployed post, it will reduce to the top of the salary range of the redeployed post.

If the employee transfers into the redeployed post between 1 January and 31 March inclusive, the employee will receive any pay award and be eligible for step progression on 1<sup>st</sup> April in the first year of their redeployment.



## Appendix 7 - Calculating the Redundancy Payment

To qualify for a redundancy payment, an employee must have two years' continuous local government service. Service with employers listed on the Redundancy Modifications Order counts, providing it is continuous. All maintained schools and Academy schools are on that order, as are local authorities. The following website has a useful list: [www.lge.gov.uk](http://www.lge.gov.uk)

### Compulsory Redundancy (unenhanced)

<b>Age Groupings</b>	<b>Weeks Redundancy Pay Per complete year of Service</b>
Service accrued up to and inc. 21	0.5
Service accrued between 22 – 40	1.0
Service accrued age 41 and above	1.5
<b>Maximum number of weeks of compulsory redundancy pay.</b>	<b>30</b>

Each completed year of continuous service up to a maximum of 20 years' service will count towards the calculation.

Under the Statutory Redundancy Pay Scheme, a week's pay is currently capped at £525 (as at 6 April 2019). Further details are available on the government web site: <https://www.gov.uk/staff-redundant/redundancy-pay> However, under the HCC scheme redundancy benefits are based on gross weekly contractual pay.

The calculation of a week's gross contractual pay will vary depending on whether pay changes from month to month because of when it is worked, for example night working. If pay does not change, a week's gross contractual pay is calculated on contractual pay the day before the statutory notice period starts (the 'calculation date'). If pay does change, then a week's gross contractual pay is an average of contractual pay over the relevant 12-week period before the calculation date.

The relevant 12-week period will be the 12-weeks up to and including the calculation date, where the calculation date is a Saturday. Otherwise, it will be the 12-weeks ending the Saturday before the calculation date.

If pay reduces during the relevant 12-week period, for example due to family friendly leave or sickness absence, then the week(s) in which pay is reduced will be excluded

from the calculation and the same number of weeks immediately preceding the 12-week period will be used instead.

If redundancy pay is calculated on contractual pay on the calculation date and pay is reduced on this day, then normal pay will be used (as if pay had not been reduced).

Statutory notice period may be different to contractual notice. Statutory notice is the minimum legal notice that must be given by an employer. Statutory notice is based on the duration of employment and is 1 week for each completed year of continuous employment, with a minimum of 2 weeks and up to a maximum of 12 weeks. Both notice periods will always finish on the same date, but as statutory notice may be less than contractual notice they may start on different dates.

Overtime payments are not included in the calculation unless the employer is contractually bound to provide it and the employee to work it.

Academies may have chosen to cap redundancy pay at the statutory level for new staff. However, academies will need to be mindful that transferred staff will be protected under TUPE.

Her Majesty's Revenue and Customs do not currently tax Redundancy payments of up to £30,000.

Employees must be given a statement detailing how their redundancy payment has been calculated. EPS will calculate the benefits due and communicate this to the employee.