

## REDUNDANCY & REORGANISATION POLICY for School Based Employees



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## 1. Purpose

- 1.1 This policy outlines the processes and principles to be adopted by Governors / Headteachers in Community and Voluntary Controlled (VC) schools when undertaking restructures and redundancies in Central Bedfordshire Council. A key aim of the policy is to ensure, as far as possible, that Schools needs are met whilst ensuring that employees affected by organisational change are treated fairly and consistently.
- 1.2 The 2002 Education Act is clear in stating that for all Maintained schools the school is responsible for making redundancy payments and the Council is responsible for funding the school's costs. This means the Council is responsible for funding redundancy payments where it is not the employer. For pension costs please see 2.3 below.
- 1.3 Considering the above the Council insists that information is shared by Foundation and Voluntary Aided (VA) schools as early as possible when planning to restructure so the Council can forecast its budget accordingly. Information can be shared with the Schools Statutory HR Manager Tel 0300 300 6053.

## 2. Scope of the policy which applies to Community & Voluntary Controlled Schools

- 2.1 This policy applies to teaching and support staff at risk of redundancy / reorganisation regardless of length of service or type of contract.
- 2.2 This policy is maintained and administered by the Central Bedfordshire Schools Statutory HR team.
- 2.3 Schools may be at risk of redundancy pay costs being delegated to their school budget if they act outside this redundancy policy as outlined in the Central Bedfordshire Council Scheme for Financing schools:

### **11.11 Redundancy/early retirement costs**

Section 37 of the 2002 Education Act sets out how premature retirement and redundancy costs should normally be funded. The default position is that premature retirement costs must be charged to the schools delegated budget, while redundancy costs must be charged to the LA's budget.

However, redundancy costs will be charged to delegated schools budget if:

- A school has decided to offer more generous terms than the authority's policy.
- A school acts outside the authorities policy
- The LA believes the redundancy is not necessary to either set a balanced budget or meet the conditions of a licensed deficit
- The staffing reduction has arisen from a deficit caused by factors within the school's control
- A school has excess surplus balances and no agreed plan to use these balances
- A school has refused to engage with the LA's redeployment policy

Costs of new early retirements or redundancies may only be charged to the central part of the Schools Budget where the expenditure is to be incurred as a result of decisions made before 1st April 2013. Costs may not exceed the amount budgeted in previous financial year.

### 3 Definition of Redundancy

3.1 As laid down in Section 139 of the Employment Rights) Act 1996, an employee who is dismissed shall be taken to be dismissed by reason of redundancy if the dismissal is attributable wholly or mainly to:

- (a) the fact that the employer has ceased, or intends to cease, to carry on the business for the purposes of which the employee was employed, or has ceased, or intends to cease to carry on that business in the place where the employee was so employed, or
- (b) the fact that the requirements of that business for employees to carry out work of a particular kind, or for employees to carry out work of a particular kind in the place where the employee was so employed, have ceased or diminished, or are expected to cease or diminish.

3.2 In the case of a school, the employer is effectively represented by the governing body, and the circumstances outlined above could mean the following redundancy scenarios in schools:

- A reduction in the number of employees is required;
- A substantial change to the duties and responsibilities of a post occurs;
- A post is no longer required

### 4 Planning to avoid redundancy

4.1 The Governing Body should consider alternatives to redundancy / reorganisation as part of its development planning process. The following strategies should be considered:

- Natural wastage
- The ending of temporary contracts. *Specialist advice must be sought from your HR provider when it is proposed to terminate a temporary contract, as the reason for, and the terms contained within the contract, need to be considered*
- Terminating engagement of casual staff and staff employed via agencies
- Considering whether volunteers for voluntary redundancy can be sought taking into account the retention of a viable, skilled and experienced workforce and the financial implications
- Voluntary reduction of hours
- Filling vacancies from existing employees
- Job sharing
- Redeployment
- Considering suggestions from Trade Unions / Employees
- Trying to make savings in other areas

### 5 Procedures for redundancy

5.1 Redundancy should only be considered as the last resort if the school is unable to reduce its staffing level sufficiently by some other means. Where all measures in paragraph 4.1 have failed or been considered unsuitable, the governing body will need to determine the number and type of posts that may be surplus to the establishment's requirements under their responsibilities for determining the required staffing complement for the school.

5.2 There is a requirement for a three stage process comprising:

a) Consultation with the Council, unions/professional associations and employees (which may include informal as well as formal consultation)

b) Provisional selection for redundancy and

c) Appeals to the Appeals Committee (which is formed of 3 members of the Governing Body)

5.3 The School Staffing (England) Regulations 2009

<http://www.legislation.gov.uk/ukxi/2009/2680/contents/made> allow for the headteacher to have delegated responsibility in respect of the initial decision to dismiss following which there would be an opportunity to appeal to a panel of governors.

5.4 Any decision to delegate the initial decision to dismiss to the headteacher should be considered by the whole governing body and formally agreed (and minuted) by them. Such a decision will also have implications for the consultation with the trade unions and professional associations

5.5 Alternatively (and more usually) the Head Teacher will lead on Consultation with a Nominating Committee of Governors making any selection decisions and a separate Appeals Committee assembled to consider any appeals. (See terms of reference at Appendix 1). The headteacher would then be in a position to advise the governors at the nominating committee meeting as the 'Educational Expert'.

Note: The governors on the appeals committee must not have not been involved in any previous action or decision connected with the dismissal.

5.6 The governing body may wish for their HR provider to attend the Nominating Committee meeting. A representative from the Council may attend the Nominating Committee meeting to exercise the statutory right to provide advice.

## 6 Roles and responsibilities

6.1 As outlined in 5.2 – 5.4 the person / committee undertaking the initial decision to dismiss can either be the headteacher or a nominating committee formed of 3 governors.

6.2 In the rest of this policy this person will be referred to as the Nominator.

6.3 Where the Nominator is the Nominating Committee they may delegate consultation with employees and trade unions to the headteacher.

## 7 Equality Impact Assessment (EIA)

7.1 Public authorities have a statutory duty to have 'due regard' to the need to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and to foster good relations in respect of the protected characteristics contained within the Equality Act 2010 (<http://www.legislation.gov.uk/ukpga/2010/15/contents>) .

7.2 'Due regard' means consciously thinking about the three aims of the Equality Duty 2011 (<https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty>) as part of the process of decision-making. For example:

- Across all employment practices
- Policy development, evaluation and review

- Service design, delivery and evaluation
- Commissioning and procurement practices

7.3 Central Bedfordshire Council wants to ensure that it provides services which address the needs of all members of the community and employs a workforce that at all levels is representative of the community it serves. Fair recruitment, selection, training and promotion processes must be adopted to support us to appoint the best people for the job and to develop and maintain the highest standards of skills and expertise.

7.4 The Council conducts equality impact assessments (EIAs) as strategies, policies and services are developed to:

- obtain a clearer understanding of how different groups may be affected;
- identify changes which may need to be built into an initiative as it is developed; and
- comply with the Equality Duty 2011

7.5 In order to comply with the Equality Duty 2011 and the Council's aims schools must complete EIAs when considering a restructure or redundancies.

7.6 A draft EIA can be found at Appendix 8 and this should be completed by the headteacher or nominator at this stage.

## 8 Consultation on redundancy / restructure

8.1 Formal and informal consultation is an essential stage in undertaking restructures and redundancy processes affecting groups of employees. There are statutory processes that need to be incorporated in consultation exercises. Outside of these statutory requirements, effective consultation is a key management and leadership tool to enable change to be implemented successfully.

8.2 The headteacher or nominator must undertake meaningful consultation, at the earliest opportunity, with employees who are directly affected by the proposed redundancies / restructures and the Council's recognised trade unions before any decisions are made. Effective consultation can only occur where employees and their representatives are given detailed, clear and good-quality information with enough time to allow them to respond to management proposals before decisions are made.

### Consultation with the Council

8.3 Where a governing body contemplates:

- that a reduction in staff is potentially necessary
- the school may need to amend contracts of employment
- school staff may need to move locations
- the school may need to make changes to Local Agreements
- the school may need to restructure

the headteacher or nominator should inform the Schools Statutory HR Manager in writing of the situation specifying the circumstances, the reasons for the circumstances, the numbers of staff involved and the planned timescales.

- 8.4 If the circumstances relate to a potential reduction in teaching staff, information about the curriculum review which has been undertaken to assess future staff needs should also be provided to the Council. Individuals should not be identified at this stage.
- 8.5 It is important for headteachers / governing bodies to be aware that where consultation with the council relates to potential redundancies (and these are unavoidable as a result of budgetary pressures), the Council will only pay redundancy compensation where it has agreed to the potential costs at this early stage. Therefore consultation with the Council at an early stage is vital.
- 8.6 Proposed redundancies that may result from internal staff reorganisation, but are not essential for budgetary reasons, will not normally be funded by the Council.
- 8.7 The headteacher / governing body may wish to speak to their HR provider so their provider can offer informed advice at the outset of the process.

### **Informal consultation with the recognised Trade Unions**

- 8.8 Following consultation with the Council about the potential redundancies / restructure headteachers should commence informal consultation with the trade unions as soon as possible, providing them with as much detail as is known at that time to give them the opportunity to have an influence on any outcome.
- 8.9 If the matter relates to redundancy it is a legal requirement under 'Section 188' of the Trade Union and Labour Relations (Consolidation) Act 1992, for employers to formally consult recognised trade unions about proposed redundancies before individual redundancies are implemented. Headteachers must formally consult with the trade unions regardless of whether the employee or groups of employees are members of a trade union. It does not matter if the number of redundancies is unknown at this stage.
- 8.10 Headteachers must issue formal notice (Section 188 notification) to the recognised trade unions indicating:
- Numbers of staff involved
  - Reason for the proposed redundancies
  - Categories of staff
  - Total number of staff by category
  - The effective date
  - How redundancy pay will be calculated
  - Criteria for selection
  - Number of agency workers temporarily working for the School in the relevant area and the type of work being undertaken

A model letter can be found at Appendix 2.

- 8.11 Headteachers are advised to involve their HR provider when issuing the Section 188 notification to the trade unions.
- 8.12 In accordance with Central Bedfordshire Council's practice, a Section 188 notification is still required even if only one employee is to be made redundant. A Section 188 notification is also required if there are voluntary redundancies.
- 8.13 Headteachers should invite the Council representative to the informal consultation meeting with the trade unions who may wish to attend. Headteachers may wish to invite their HR representative to this meeting as well.

## Formal consultation with Employees

- 8.14 Good practice is to ensure the matters discussed at the formal consultation meeting with employees do not come as a complete surprise to them. The headteacher / nominator may choose to share documentation with the staff group on an informal basis before the formal consultation meeting.
- 8.15 A formal consultation meeting will be convened by the headteacher / nominator for all staff to directly inform them of the situation. Trade union representatives should be invited to attend this meeting alongside the Council representative. This initial meeting with staff is critical to the successful implementation of the potential redundancy / reorganisation.
- 8.16 The meeting should take place at the earliest opportunity and, wherever possible, at least one term in advance of the date upon which any potential redundancies / new structure are due to take effect.
- 8.17 If the meeting relates to potential redundancies the issues to be addressed at the formal consultation meeting are:
- The reason for the proposed redundancies
  - What consideration has been given to possible ways to avoid or reduce the need for redundancies
  - The circumstances that have led to the need to consider redundancies
  - The number of agency workers, the type of work they are doing and if this will continue
  - The potential level of staff reductions
  - The proposed method of selecting the employees who may be at risk of redundancy
  - The method of calculating redundancy payments
  - The proposed procedure for carrying out the redundancy dismissals, including the period over which the dismissals will take effect

Note: Individual members of staff must not be named or consulted at this stage. Headteacher / nominator should also have available full information on budgetary shortfall, curriculum and other statutory requirements and pupil trends.

- 8.18 If the meeting relates to redundancy another purpose of the consultation meeting will be to explore ways to:
- avoid any dismissals
  - reduce the numbers of employees that could be dismissed
  - mitigate the consequences of the dismissals
- 8.19 If the meeting relates to potential restructure the issues to be addressed at the formal consultation meeting are:
- The proposed new structure
  - The circumstances that have led to the need to reorganise
  - Any potential level of staff reductions
  - The likely date of implementation
  - The process for appointing to staff in the new structure

## Consultation period

- 8.20 If the formal consultation relates to all matters not related to redundancy consultation *will be at least 30 days*.
- 8.21 For formal redundancy consultation, the below timescales should be applied as a minimum before any notices of redundancy are issued. Where earlier agreement is reached between the trade unions, employees and the schools, then these consultation timelines may be reduced.

No of employees affected at the school	Consultation Period
0 – 99	30 days
100 or more	45 days

- 8.22 In both circumstances at least one 1:1 meeting should be undertaken during the consultation period with each member of staff affected by the proposals, in addition to group consultation meetings. You will be required to give the employee reasonable notice of the 1:1 meeting and offer them the opportunity to be accompanied by a Trade Union / Professional Association representative/ work colleague. The 1:1 template document to support with the discussion can be found in Appendix 7.

## 9 Voluntary redundancy requests following redundancy consultation

- 9.1 Where the formal consultation meeting referred to above relates to potential redundancies employees may be given the opportunity to volunteer for redundancy. Before volunteering employees can request to receive details such as a redundancy forecast (requests should be made to the headteacher), a pensions estimate from the relevant pension scheme (where appropriate), and the date when the redundancy would become effective. Employees are encouraged to seek support and guidance from their Trade Union / Professional Association representative if they are considering voluntary redundancy.
- 9.2 If an employee wishes to volunteer for voluntary redundancy the application should be submitted to the headteacher. Any applications received will be considered in the light of avoiding compulsory redundancy, taking into consideration the operational needs of the school for particular types of employee with specific skills and experience. It should be noted however, that applications for voluntary redundancy are not automatically accepted.
- 9.3 If the number of volunteers exceeds the number of posts surplus to requirements, the governing body will establish an objective criteria by which to select an appropriate number of volunteers for redundancy. The criteria will take into consideration the business rationale when making this decision.



## 10 School reorganisation

### Appointing to positions in a new structure

- 10.1 After the reorganisation consultation period has concluded, the headteacher, assisted by their HR provider must write to all employees affected outlining how they align with the new structure being taken forward.
- 10.2 The letter will:
- Specify the total number of, and which, posts where the duties and responsibilities remain the same or broadly similar and into which individuals will be assimilated. Members of staff who are to be assimilated will **not** be required to apply for their post. (See Appendix 3 & 4)
- or**
- Advise those employees whose substantive post has changed significantly, or where duties of the post remain the same or broadly similar but the number of posts have been reduced and inform them they will be declared 'at risk'. These employees will be advised in writing of the posts for which they are eligible to apply and informed that they are in a ring fence. (See Appendix 4)
- or**
- Advise those employees whose substantive posts will disappear and inform them of the intention to issue them with notice of redundancy. (See Appendix 5)
- 10.3 Schools should consider placing restrictions on the use of agency or other contract staff in order to maximise the opportunities for redeployment of displaced staff.
- 10.4 In order to secure an appointment in the new structure, employees will be subject to the following process, provided they are in a permanent post or on a fixed term contract:
- (a) New non teaching positions**
- For new non teaching positions created through a restructure, a [Job Description questionnaire](#) will need to be produced alongside a job description. Once evaluated and graded the post will be shared to the employees affected by the restructure.
- (b) New teaching positions**
- For Leadership or Leading Practitioner teaching positions created through a restructure, a job description will need to be created.
- For both non teaching and teaching positions selection will be in accordance with normal recruitment procedures such as interviewing.
- If any vacancies are not filled by existing school staff affected by the restructure, the normal recruitment and selection procedure will be followed.
- 10.5 **Assimilation (Job matching without selection)**
- Assimilation will occur when there is a post in the new structure which is the same or broadly similar to a post in the previous structure. Normally a post will be deemed as being broadly similar if the nature of the post and level of responsibility remain much

the same. In some circumstances an individual in a non teaching role may be assimilated into a post of a lower level.

Where only one employee has met the criteria for assimilation, that employee will be slotted into that post.

When there is a reduction in the number of posts and more than one employee is eligible for assimilation, those employees who meet the criteria for assimilation will be 'ring fenced' and the decision as to which employee is to be assimilated will be made through a competitive selection process.

Employees who have been Assimilated into posts are not therefore at risk of redundancy. They will not be eligible to apply for any other new posts in the structure until other employees who are at risk have been considered.

## 10.6 Ring-Fence (Job matching with selection)

Ring fencing is used where there are more employees than posts, or where the duties of the post in the new structure are not the same nor broadly similar to those in the old structure. The posts in the new structure can be ring fenced in the first instance to a single employee or a defined group of employees, based upon the degree to which the responsibilities of their current job description have transferred to the job description for the new post.

The ring fence will be determined by the headteacher in consultation with their HR provider.

Employees who have been ring fenced to more than one post will be asked to express their preference and will be subject to a selection process.

If suitable alternative employment is offered and the employee unreasonably rejects that offer they forfeit the right to a redundancy payment.

The normal recruitment and selection procedure will be used to fill any jobs which cannot be filled from within the ring fence. All other school employees will have the opportunity to apply at this stage of the process.

Where employees are not successfully matched to new posts they will be eligible for redeployment opportunities in line with the [School Redeployment Policy](#).

## 11 Compulsory redundancy

11.1 If the voluntary measures outlined above are successful in avoiding compulsory redundancies, trade unions will be informed accordingly and consultation can be concluded. If compulsory measures are required then employees will be selected on a fair, consistent, objective, non-discriminatory basis, using measurable criteria agreed by the governing body. The governing body must meet to agree the draft criteria which will be subject to consultation with the trade unions and, again, at the end of the consultation process, to formally approve the criteria which emerge from consultation. Measures to avoid redundancy will continue to be pursued and these will also form part of the consultation with the trades unions.

11.2 Examples of selection criteria which have been used previously are:

- Curriculum needs of the school
- Management and organisational needs of the school
- Qualifications

- Experience
- Future skill requirements

11.3 It should be noted that trades unions have their own views on criteria that may be adopted by governing bodies and how those criteria should be applied. The Schools HR Provider will be able to offer advice to governing bodies on criteria for selecting employees for redundancy.

## 12 Nominator undertaking provision selection for redundancy

12.1 Using the selection criteria that has been agreed the nominator will apply the criteria to determine those staff that should be selected for dismissal on grounds of redundancy.

12.2 The postholder(s) will be notified in writing of the provisional decision to select them for redundancy, setting out the reasons why they have been identified for proposed redundancy, and giving them an option to meet with the nominator to discuss the circumstances before any decision is made.

12.3 Following the employee's request for a meeting, at least 5 working days' notice of this meeting will be given, and the employee will be informed of their right to be accompanied by a trade union rep or workplace colleague. The postholder(s) can choose to not have a meeting with the nominator if they wish.

12.4 At the meeting the process will be as follows:

- The nominator will set out the reasons why the employee has been identified for proposed redundancy
- The employee will have the opportunity to question the nominator and any witnesses produced by the nominator, which may include the headteacher
- The nominator may ask questions of the employee
- The employee will have the opportunity to make a personal representations to the nominator
- Both parties will have the opportunity to sum up with the employee doing so last
- The employee and their representatives should then withdraw
- The nominator, together with the Council representative who may be present for the purposes of giving advice only, shall deliberate in private

12.5 Within 5 working days of this meeting, the affected employee will be informed in writing of the outcome. If the employee has been selected for redundancy, the letter will:

- inform them of the circumstances leading to the decision to make redundancies
- set out a summary of the action taken by the school and an account of the selection processes used
- explain why the employee has been selected for redundancy
- set out details of their entitlement to a redundancy payment (if applicable)
- formally serve notice of redundancy
- provide details of the redeployment policy and a copy of the redeployment career profile form
- notify them of their right to appeal

## 13 Employees on Maternity, Adoption or Shared Parental leave

- 13.1 The basic position is that an employee on maternity, adoption or shared parental leave can initially be treated the same as other employees in the pool for selection for redundancy. However, if such employees are selected, special provisions concerning offering alternative employment apply to protect them.
- 13.2 As long as a fair selection process is applied across the pool for selection it is possible that a pregnant employee or an employee on maternity, adoption or shared parental leave may be selected for dismissal by reason of redundancy.
- 13.3 Employees who are pregnant or on maternity, adoption or shared parental leave must be notified of the redundancy process, invited to redundancy consultation meetings, included in the pool and considered for redeployment in the usual way.
- 13.4 However, if employees who have actually commenced their maternity, adoption or shared parental leave are selected for redundancy then special provisions apply to them. They must be given first refusal on any available suitable alternative employment. This means that such an employee will be treated more favourably than any other potentially redundant employees.
- 13.5 There would be no need for an employee absent on maternity, adoption or shared parental leave to compete for an suitable alternative post. This gives the employee priority over other employees who are at risk of redundancy, even if they are better qualified. Points to note concerning this right include the following:
- This applies only to terminations by reason of redundancy and not dismissals for other reasons.
  - Any alternative work offered must be suitable for the employee and on terms not substantially less favourable than their existing employment.
- 13.6 If an employer dismisses an employee on maternity, adoption or shared parental leave without offering a suitable alternative vacancy then the dismissal is automatically unfair.

#### **14 Notice of dismissal on the grounds of redundancy**

- 14.1 The headteacher should immediately notify their HR provider and the Council representative in writing of the staff that have been dismissed on the grounds of redundancy. The Council will provide the template dismissal letter to the headteacher and the schools HR provider and this must be used in accordance with the School Staffing regulations 2009 and be issued to the relevant staff within 14 days.
- 14.2 The employee will be paid for the remainder of their notice period. The notice period will either be contractual or statutory which equates to 1 week for each completed year of service with the Council up to a maximum of 12 weeks, whichever is the longest (this applies to both Teaching staff and Support staff). The notice period will run from the date of the decision of the nominating committee as notified to the employee in writing.

14.3 Teachers can only be dismissed on the grounds of redundancy in accordance with their contract at three dates in the year i.e. the national end of each term 31 August, 31 December or 30 April. For a dismissal to take effect on these dates a teacher must be served notice on the grounds of redundancy on the following dates:

- 31 May for a dismissal to take effect on 31 August
- 31 October for a dismissal to take effect on 31 December
- Last day in February for a dismissal to take effect on 30 April

14.4 Employees not entitled to a redundancy payment as a result of not meeting the qualifying service must still be issued notice of dismissal on the grounds of redundancy.

**15 Appeal against selection for dismissal on the grounds of redundancy (the same process will also be followed for appeals against Assimilation / Ring Fencing)**

15.1 If the employee is dissatisfied with the outcome they can appeal within 5 working days from the date of the outcome letter. The employee should submit their grounds of appeal in writing and addressed to the headteacher. There should be a minimum of 10 days between the meeting and appeal hearing, during which time all relevant documentation should be shared between all parties.

15.2 The appeal will be heard by 3 governors which form the Appeal Committee.

15.3 The process at the appeal hearing will be as follows:

- The employee (or their representative) shall make an opening address explaining their case
- The employee (or their representative) may call on any witnesses who can be questioned by all parties
- All parties can question the employee
- The chairperson of the nominating committee shall make an opening address explaining their decision
- The chairperson may call on any witnesses who can be questioned by all parties
- The employee can question all parties
- Both parties (or their representative) shall then have an opportunity to sum up their case, with the employee doing so last
- The employee (and their representatives) and the chairperson should then withdraw
- The nominating committee, together with the Council representative who may be present for the purposes of giving advice only, shall deliberate in private

15.4 Within 5 working days of the appeal hearing the employee will be given written notice of the outcome with reasons for the decision.

15.5 The decision of the appeals committee is final and binding on all parties.

## 16 Seeking alternative employment

- 16.1 The governing body shares responsibility with the Council for seeking suitable alternative employment for staff under notice of redundancy.
- Suitable alternative employment could relate to work that is similar to the employees current job
  - the terms of the job being offered
  - the employee's skills, abilities and circumstances in relation to the job
  - the pay (including benefits), status, hours and location
- 16.2 The Council has produced a Schools Redeployment Policy to try and seek suitable alternative employment for school based staff and this can be found [here](#).
- 16.3 Schools are required by the Council to promote their redeployees for any vacancies that they are aware of in their federation or pyramid and to also consider appointing redeployees from others schools before commencing recruitment from other sources.
- 16.4 For redeployment to be effective, information about staff that are available for redeployment must be shared with the Council as soon as possible. Once an employee has been served notice of redundancy the headteacher should provide the employee with a copy of the [career profile - schools](#) to complete and return to [recruitment@centralbedfordshire.gov.uk](mailto:recruitment@centralbedfordshire.gov.uk).
- 16.5 Once an employee returns their career profile they will be placed on the redeployment list and matched against Council vacancies daily for the remainder of their notice period.
- 16.6 If any employee is successful in securing alternative employment during their notice period through:
- being matched against a council vacancy
  - through an introduction to another school
  - through successful interview with an organisation covered by the Redundancy Payments Modification Order (RPMO)
- they will no longer be at risk of redundancy and no longer eligible for any redundancy payment.
- 16.7 Where an employee accepts an offer of a job with a body covered by the RPMO the timing of the job offer is crucial. If the offer is made **after** the contract with the Council ends, then the entitlement to a redundancy payment remains. If the offer is made **before** the contract ends, there must be a 4 week break in service, or there is no entitlement to a redundancy payment. Bodies covered by the RPMO can be found here:  
<http://www.legislation.gov.uk/ukxi/1999/2277/schedule/1/made>

## 17 Compensation payments for redundancy

- 17.1 All employees with 2 years' or more years continuous service are eligible for a redundancy payment. For the purposes of calculating redundancy payments, an

employee's reckonable continuous service under the Redundancy Payments Modification Order (RPMO) will be used as the basis for the calculation of entitlement. Although an employee with less than 2 years' service is not entitled to a redundancy payment, they still have the right to be consulted and be served notice of redundancy.

17.2 The Council will normally fund severance in redundancy situations based upon the Statutory Redundancy Payment Scheme i.e. up to a maximum of 30 weeks redundancy payment based upon the age/length of service calculator. (See Ready Reckoner, Appendix 6)

17.3 For each completed year's service this equates to:

<b>Service when aged</b>	<b>Entitlement</b>
18 to 21	Half a week's pay per year.
22 to 40	One week's pay per year.
41 to 65	One and a half week's pay per year.

17.4 A week's pay is that which the employee is entitled to under his or her terms of the contract at the date on which the school gives the employee notice of dismissal on the grounds of redundancy. If the pay varies (e.g. through supply work), the amount of the week's pay is averaged over the 12 weeks prior to the 'calculation date'.

17.5 A week's pay is made up of basic salary and any allowances that the employee is in receipt of at the 'calculation date'.

17.6 The Council uses its discretion for Community and Voluntary Controlled Schools to base redundancy payments on an employee's actual weekly pay at the date that redundancy notice is served instead of the [statutory maximum weekly pay](#).

17.7 For Foundation, (including Trust) Schools and Voluntarily Aided Schools where the Council is satisfied that the redundancies have been caused due to budget pressures the redundancies will be funded by the Council using the criteria outlined in 17.10.

17.8 Headteachers will need to ensure that the required redundancy payments are paid to individuals being made redundant.

17.9 Once the Council has been informed that the required redundancy payments have been paid the Council will reimburse the schools redundancy costs where it has agreed to do this.

17.10 For Foundation, (including Trust) Schools and Voluntarily Aided Schools the redundancy payments will be based on the [statutory maximum weekly pay](#). To calculate the payment please visit <https://www.gov.uk/calculate-your-redundancy-pay>

17.11 Foundation, (including Trust) Schools and Voluntarily Aided Schools will then have the option to decide if they wish to 'top up' their employee's redundancy payment from their own budget so it is based on their employee's actual weekly pay at the date that redundancy notice is served.

## 18 Pensions

### Pension entitlements for Teaching Staff

- 18.1 Where a teacher is aged 55 or over and is made redundant, if they are a member of the Teachers' Pension Scheme they may be awarded early payment of pension and lump sum benefits based on length of pensionable service up until the date of redundancy.
- 18.2 As outlined in paragraph 2.3 *'the default position is that premature retirement costs must be charged to the schools delegated budget'*.
- 18.3 Headteachers will confirm during the consultation process whether they will fund the cost of early pension release for any teaching staff who are subsequently made redundant.
- 18.4 Where the school will not fund the early release of a redundant Teachers' pension, the employee may wish to explore Actuarially Adjusted Benefits (AAB). Further details can be found on the Teachers' Pensions [website](#).

### Pension entitlements for Support Staff

- 18.5 The current Local Government Pension Scheme (LGPS) regulations allow for an employee to take their full retirement benefits, based on length of pensionable service up until the date of redundancy, where they are aged 55 or over and made redundant.

### The payment of Enhanced Severance Payments for Teaching and Support Staff

- 18.6 Each case of redundancy is considered by the Redundancy Panel which consists of the Executive Member for Children's Services and the Assistant Director for Learning, Commissioning and Partnerships.
- 18.7 When considering compensation or enhancement the Redundancy Panel uses the following criteria:
- The overall requirement is to identify the most advantageous option to the Council
  - The severance terms will deliver an outcome of savings to the Council and these savings must be achieved within a realistic pay back period (3-5 years)
- 18.8 It is not possible to award compensatory added years for those in the LGPS. It is possible to award compensatory added years for those in the teachers pension scheme but this discretion will only be exercised in the most exceptional circumstances by the Redundancy Panel of the Council. The teachers' pension Regulations allow for up to 104 weeks severance pay but the Council has determined to retain the current policy with regard to severance pay as detailed above in paragraph 17.1 – 17.6.

## 19 Support for employees

- 19.1 Employees who are under notice of redundancy, and who qualify for a statutory redundancy payment, have a statutory entitlement to reasonable time off with pay to look for another job or to arrange training. This must be allowed before the



notice period expires. If possible this assistance will be extended to all potentially redundant employees.

19.2 Headteachers should make employees aware of any Occupational Health or Employee Support Service that the school offers.

19.3 The Redundancy support pages on the Schools Portal can be accessed [here](#)