

Ysgol Aberconwy



Redundancy Policy

POLICY DOCUMENT NO: 30

ISSUE NO: 5

THIS POLICY HAS BEEN APPROVED BY THE FULL GOVERNING BODY

Signed:

Date: 11/07/23

Review due date : 01/07/24 LT Link : IG

INTRODUCTION :

1. The Governing Body is individually responsible for ensuring that any necessary staffing reductions are achieved fairly and equitably and in compliance with a variety of legislative provision relating to Employment Rights and in compliance with the Conditions of Service and Contracts of Employment of the employees.
2. These Procedures (for dealing with Redundancy Situations) have been the subject of consultation with the recognised Trade Unions representing Teaching and Support Staff.
3. These Procedures have been adopted by the Governing Body on the basis that:
 - the procedures comply with all aspects of current Employment Legislation
 - their formal adoption will avoid the need for a Governing Body to establish its own procedures for dealing with a redundancy situation
 - adherence to the procedures contained within the document will provide a high level of protection against any subsequent claim of unfair dismissal being submitted to an Employment Tribunal
4. These Procedures provide for all parties a process that will be understood by all concerned and which is founded on the following principles:
 - a commitment by the Governing Body to take all reasonable steps to avoid a compulsory redundancy of any staff member
 - a full and meaningful consultation with all staff and their trade unions
 - an openness and transparency at all stages of the process
 - a right of appeal against an individual's selection as an employee whose contract of employment cannot be maintained beyond a specified date
 - a right for individual employees to be accompanied/represented by a work colleague or Trade Union Representative when attending meetings of the Staffing and Appeals Committees

STAFF PLANNING

The Governing Body accepts that it can contribute significantly towards maintaining a security of employment for its staff through forward planning and the prudent management of its budgetary resources.

Staffing Reviews

The Governing Body will instigate regular reviews of its staffing levels and consider making staffing adjustments in anticipation of and in advance of any projected financial difficulties, ie take reasonable preventative measures when opportunities present themselves such as normal staff turnover, promotions and retirements, etc.

The Governing Body will ensure that all staff are kept informed and updated with regard to all matters affecting the school's staffing and budgetary arrangements.

The Governing Body will of necessity have regard to the School's Development Plan when undertaking any review of its staffing arrangements.

Incorporated into these arrangements will be a process of maintaining and updating at school level an audit of the range of skills, qualifications and experience of all staff.

CONSULTATION

Preliminary Identification of potential Staffing Reductions

When the Governing Body identifies the probability or certainty of staffing levels needing to be reduced (and there appearing to be no alternative strategy available to it) the Governing Body will immediately inform and consult with:

- the staff at the school - at a staff meeting convened for the purpose
- the Trade Union representatives at the school
- the County Secretaries of each of the Trade Unions representing staff at the school

The Governing Body will also ensure that such consultation with staff will include those employees absent from school on maternity leave, sick leave, etc.

When informing the above parties of the situation, the Governing Body will provide an appropriate level of data and information in order to share 'openly' the rationale for beginning its process of consultation, eg

- the existing and proposed/projected staffing levels ie relating to the category of staff affected (eg teachers/ administrative staffs /teaching assistants)
- the reasons for the Governing Body having to make the declaration
- the total numbers of staff employed at the school (all categories)

During this period of consultation the Governing Body will continue to give consideration to various ways and means of avoiding compulsory redundancies, these will include:

- natural wastage - non replacement/replacement at reduced hours/non renewal of temporary contracts, etc.
- transfer / alternative deployment of staff within the school

- voluntary requests for a reduction in working hours - either for a fixed term period or on a permanent basis
- voluntary early retirement requests (subject to consultation with the LA)
- voluntary redundancy requests

END OF CONSULTATION PERIOD regarding POTENTIAL OR CERTAIN STAFF REDUCTIONS

At the close of its initial consultation period, the Governing Body will re-examine its position and consider each response/submission made either by individual members of staff or by the Trade Unions.

The Governing Body will then make a final decision on:

- the school's staffing levels from a given date
- whether the proposed staffing level can be achieved in full or part by any specific proposal from an individual member (or members) of staff, eg by a voluntary reduction in working hours

This information will need to be conveyed to staff and in writing to Trade Unions, viz:

- the staff at the school - at a meeting convened for this purpose (or in writing to any employee absent on maternity leave or sick leave, etc.)
- in writing to the Trade Union representatives at the school
- in writing to the County Secretaries of each of the Trade Unions representing staff at the school

The minutes of the Governing Body meeting at which these decisions are made will illustrate that the final decision on staffing levels was taken after consideration of all the comments and responses received during the consultation process.

The Governing Body will, if necessary, also make it clear to all parties that a selection process will need to be invoked for the purpose of identifying which member(s) of staff will be nominated to the LA as an employee(s) whose contract(s) of employment cannot be maintained beyond a specified date.

This communication of the Governing Body's final position will show:

- existing staffing levels and the finalised staffing levels determined for the category of staff affected, ie as determined after the initial consultation period
- the reasons for the Governing Body having to alter its staffing levels
- the total numbers of staff employed at the school (all categories)
- the proposed method of selection - including a draft of the selection criteria to be used
- the proposed timescales/timetable involved

SELECTION - "POOL" OF LABOUR

The Governing Body will identify at the outset the 'pool of labour' from which a selection will be made and to whom the selection criteria will be applied. This will comprise of all staff (in the category affected) who are employed on permanent contracts.

Temporary Contracts

In certain circumstances staff employed on temporary contracts must be regarded as having acquired statutory employment rights and therefore included within a school's selection procedures.

The school will discuss their specific situations with the Education Personnel Unit.

Deputy Headteacher(s)

If there is to be a selection procedure affecting the teaching staff, the Governing Body will firstly determine whether or not it intends to retain its existing Management Structure - at the Deputy Headteacher tier.

In cases where a decision is made to retain its Deputy Headteacher role, the person occupying that post will be excluded from the pool of labour to whom the selection criteria will be applied.

Should the Governing Body decide not to retain its Deputy Headteacher position and as a result of applying the selection criteria the person occupying that post is selected for redundancy, the school will be prevented from proceeding thereafter to re-instate the post by issuing the necessary open advertisement for a Deputy Headship.

SELECTION CRITERIA (see Appendix A - page 9)

The selection criteria will be drafted to construct an objective and measurable means of identifying in an order of priority those members of staff whose combination of skills, qualifications and experience, etc. need to be retained in order to best deliver the curriculum or respective school support service.

The finalised criteria will be:

- adopted and applied only after consultation with staff and the Trade Unions
- published in advance of being applied by the Staffing Committee
- fair and entirely objective (based upon measurable indicators)
- non discriminatory - avoiding any direct or indirect discrimination on grounds of gender, marital status, race, national or ethnic origins, religion, disability, age, sexual orientation or trade union activity
- in keeping with the School Development Plan / Action Plan
- designed to avoid any judgement upon a staff member's professional capability (unless the employee concerned is currently the subject of a formal capability /disciplinary procedure)

A reasonable period of time will be afforded for the Staff and Trade Unions to respond in writing and Governing Bodies will need to ensure that all responses and comments relating to the draft selection criteria are considered before their final adoption.

The Draft Selection Criteria will be drawn up by the Governing Body or by the Staffing Committee, but the final version of the Selection Criteria will be confirmed by the Governing Body before being applied by the Staffing Committee

IDENTIFICATION OF STAFF AS REDUNDANT

The Governing Body will have established two sub-committees viz:

- a "Staffing Selection Committee" who will apply the selection criteria **and**
- an "Appeals Committee" to whom a staff member can appeal against his or her selection for redundancy

FIRST MEETING OF THE STAFFING SELECTION COMMITTEE (see appendix - B - page 10 - Procedure at first meeting of Staffing Selection Committee)

All staff will have been notified of the date and time of the Staffing Selection Committee and appropriate measures will be in place to inform staff sensitively of the outcome.

The Headteacher will be present throughout the meeting (and the second meeting of the Staffing Selection Committee) to offer information and advice on matters relating to:

- the School Development Plan
- the information provided by Staff during the Staff Review/Audit

The Chief Education Officer (or his representative) shall be invited to attend the meeting (and the second meeting of the Staffing Selection Committee) and can be present throughout its deliberations.

The employee whose employment contract cannot be maintained beyond a stated date will also be provided with written confirmation of the Staffing Selection Committee's decision.

No general staff announcements will be made until the employee(s) identified have been informed.

SECOND MEETING OF THE STAFFING SELECTION COMMITTEE (see appendix C - page 12 - Procedure at second meeting of Staffing Committee)

A date will already have been scheduled for the Staffing Selection Committee to meet with the employee(s) 'selected' for the purpose of:

- informing the employee of how the selection was arrived at and (if it is the wish of the employee)
- to provide an opportunity for the employee to make representations against his/her selection

If representations are made, the Staffing Selection Committee will need to withdraw to consider in detail the employee's submissions and arrive at a decision as to whether the selection remains in place or whether the selection is withdrawn.

a. Selection withdrawn

Should the Staffing Selection Committee concur with the representations made against the employee's selection, the meeting will thereafter repeat the selection process (ie revert to its previous status as "First meeting of the Staffing Selection Committee").

b. Selection confirmed

Where the decision of the Staffing Selection Committee is that the 'selection' remains in place, the employee will also be informed that he/she can exercise a right of appeal to the Appeals Committee of the Governing Body.

Informing the employee of the decision

The Chair of the Staffing Selection Committee will inform the employee accordingly of the Committee's decision and this will be confirmed in writing.

APPEALS COMMITTEE (see appendix D - page 14 - Procedure at meeting of Appeals Committee)

If the employee intends to appeal against his/her 'selection', he/she must notify the Chair of the Appeals Committee in writing within five working days of having received the written confirmation of the decision taken by the Staffing Selection Committee, ie following its second meeting (and where representations may have been made).

At least five working days' notice will have been given to the employee of the time and place of the appeal hearing.

The Chief Education Officer (or his representative) shall be invited to attend the meeting and can be present throughout its deliberations.

The Headteacher shall be available to be called upon to provide any relevant factual information relating to any of the issues arising within the appeal.

The Chair of the Staffing Committee will be available to be called upon to provide the Appeals Committee with information relating to how the decision of the Staffing Committee was arrived at.

All members of the Appeals Committee will have received copies of the minutes of the Staffing Committee (and if appropriate the minutes of the meeting that may have considered any representations against selection).

The Chair of the Appeals Committee will inform the appellant of the decision of the Appeals Committee and this will be confirmed in writing.

The LA will also be notified in writing of the decision taken by the Appeals Committee.

The basic resolutions of the Staffing Committee and Appeals Committee will in due course be presented for information to the next meeting of the Governing Body.

IF THE APPEAL IS UPHeld

If the appeal is upheld, the matter will be referred back to the Staffing Committee who will re-convene as a "First Meeting" and re-apply the agreed criteria to the "pool" of employees (but excluding the appellant)

SAFEGUARDS FOR EMPLOYEES (as provided by the County Borough Council's Redundancy Policy)

The following provisions will apply in the case of a member of staff having been selected by a Governing Body as an employee whose contract of employment cannot be maintained from a declared date:

Redeployment : Alternative Employment

Where vacancies arise in schools within the County, the LA has the statutory right to approach those schools and request that consideration be given to the appointment of a member of staff nominated for redundancy by another school.

LA Officers will do their utmost to facilitate a redeployment in this manner but it is important to recognise the limitations of the LA's authority - school Governing Bodies are not obliged to accept the LA's nominations.

However, it is hoped that Governing Bodies will co-operate to the extent of guaranteeing at least a formal interview to those nominated employees who satisfy the requirements as stated in the job descriptions attached to the vacancies concerned.

Redundancy Payments

Where the Council is required to issue a compulsory redundancy notice, the calculation of the redundancy payment will be made in accordance with the actual salary of the employee (ie it will not be restricted to the statutory maximum weekly payment)

APPENDIX A

SELECTION CRITERIA

The selection criteria will provide for the Staffing Committee a means of recognising and noting on a matrix grid for each member of staff, those areas of skills, qualifications and experience assessed as being necessary to retain and to what level within the reduced complement of staff.

Individual components depicting the level of skills, experience and qualifications needing to be retained to continue to meet the school's curriculum needs, etc need to be prioritised and allocated different weightings as the Governing Body/Staffing Committee deem to be appropriate.

The Headteacher will play an important role in advising on these matters and the School's Development Plan will also provide an indication of the skills, qualification and experience required in relation to curriculum priority areas, action plans, etc.

The following basic principles must also be applied:

- criteria should be fair and entirely objective (based upon measurable indicators) and applied equally to full and part time staff
- criteria must be non discriminatory - avoiding any direct or indirect discrimination on grounds of gender, marital status, race, national or ethnic origins, religion, disability, age, sexual orientation or trade union activity
- criteria must be in keeping with the School Development Plan/Action Plan
- criteria must be designed to avoid any judgement upon a staff member's professional capability (unless the employee concerned is currently the subject of a formal capability /disciplinary procedure)
- criteria should normally exclude issues relating to sickness/maternity absence

Application of Criteria

In advance of the meeting of the Staffing Committee, staff should be afforded an opportunity of providing an update of their skills qualification and experience in a format that will assist the Staffing Committee in constructing its matrix which will ultimately provide a comparative picture of all the staff from whom a selection is to be made.

This process should allow for an objective 'scoring' to take place in respect of each individual and establish thereafter a clear priority order of staff needing to be retained on the basis of their individual combination of the skills, experience and qualifications as matched and evaluated against each of the selection criteria. The individual with the lowest match (the lowest scoring) will thereby have been selected objectively as the employee whose cessation of employment at the school will have the least detrimental impact.

Length of Service

Governing Bodies are advised that the use of this as a criteria should be resorted to only where the application of the adopted criteria fails to distinguish between two members of staff as to who shall be nominated.

Anonymity

Individual staff details acquired from the skills audit/updating exercise will be anonymised when presented to the Staffing Committee for this exercise. The identification of the staff member concerned will only be revealed when the process of allocating scores has been completed and checked and has provided a clear picture as to the priority order.

APPENDIX B

Procedure at First meeting of Staffing Selection Committee

Staffing Committee - composition

The Staffing Selection Committee must have a minimum of three members and the Governing Body will ensure that excluded from membership will be any person who has a pecuniary interest or personal interest in the matters to be determined.

All staff will have been notified of the date and time of the Staffing Selection Committee and appropriate measures will be in place to inform staff sensitively of the outcome. The employee 'selected' will also be provided with written confirmation of the Staffing Committee's decision.

The Headteacher will be present throughout the meeting (and Second Meeting of the Staffing Selection Committee) and be available to offer information and advice on matters relating to:

- the School Development Plan
- the information provided during the Staff Review/Audit

The Chief Education Officer (or his representative) shall be invited to attend the meeting (and the Second Meeting of the Staffing Selection Committee) and can be present throughout its deliberations.

No general staff announcements will be made until the employee(s) identified have been informed.

It will be necessary for minutes to be prepared as a record of the proceedings.

The following documentation will be made available to the Staffing Selection Committee;

- a copy of the selection criteria indicating clearly the marking/weighting to be allocated in each respective category
- a matrix listing (on an anonymous basis) each member of staff to whom the criteria is to be applied and listing each of the criteria to be assessed against his/her qualifications, skills, experience, etc.
- access to the submission of each individual employee in response to the skills audit / updating exercise undertaken - this will also be provided on an anonymous basis, eg employee A, B, etc.

The Staffing Selection Committee will apply each category of the selection criteria to each staff member and apply any weightings as provided for within the criteria. This will be done by reference to the individual's skills audit submission and where appropriate by reference to any factual information provided by the Headteacher and/or the Chief Education Officer or LA Representative.

The Staffing Selection Committee cannot modify, extend or re-write the Selection Criteria in any way.

When the exercise has been completed, the scores of each individual should be totalled.

It is recommended that the process be "checked" to ascertain that all aspects of the exercise have been applied consistently and accurately.

It is at this point that the identity of the staff member to be nominated is revealed.

A final check should be carried out to ensure that the cessation of that employee's employment at the given date will produce the budgetary savings required.

The selected employee will receive written confirmation of his/her selection and informed of date arranged for meeting with Staffing Selection Committee (ie second Meeting of Staffing Selection Committee)

SUMMARY

Membership of Staffing Selection Committee:

minimum of 3 governors

also in attendance Headteacher
 Chief Education Officer or LA representative

Documentation

Selection Criteria

Staffing Matrix - listing each employee (on an anonymised basis) in "selection pool" from which selection is to be made and to whom criteria is to be applied

Skills Audit Information - if possible, as submitted by individual employees (again on an anonymised basis)

Minutes

Minutes will be prepared as a record of the meeting

Informing Selected Employee

This will be pre-arranged in advance of the meeting - selected employee to be informed in advance of others in the "selection pool".

All staff to be informed in a sensitive and caring manner.

No general announcements until all staff in "selection pool" have been informed

Written confirmation to be given to employee nominated, confirming also date of Second Meeting of Staffing Selection Committee

APPENDIX C

Procedure at Second meeting of Staffing Selection Committee

Arrangements will already have been made for the Staffing Selection Committee to meet with the employee selected for the purpose of:

informing the nominated employee of how the selection was arrived at

and (if it is the wish of the employee)

to provide an opportunity for the employee to make representations against his/her selection

informing the employee of how the selection was arrived at

In advance of the meeting, the employee will have been provided with a copy of the final staffing matrix, showing how each individual's scores (ie still anonymised) had been allocated within the respective categories of the Selection Criteria.

The Chair of the Staffing Selection Committee will:

- provide a resumé of the situation that had been faced by the school and refer to the consultation process that had taken place prior to the Selection Procedure commencing.
- explain the method used by the Staffing Selection Committee and illustrating by reference to the matrix how the 'selection' was arrived at
- ascertain from the employee whether it is his/her wish to proceed to make representations against the Staffing Committee's decision

If the employee expresses a wish to make representations against his/her selection

The Chair of the Staffing Selection Committee will afford the employee the opportunity to do so.

The employee will have been informed that his/her representation can be supported by documentary evidence and or the calling of witnesses (* witnesses can be cross examined by members of the Staffing Selection Committee before they withdraw from the meeting).

Any documentary evidence submitted in support of the representation will have been made available to members of the Staffing Committee at least 48 hours in advance of the second meeting.

Following the representations being made, the Employee and his/her Representative will withdraw whilst the Staffing Selection Committee considers in detail the employee's submissions. (The Headteacher / Chief Education Officer or his representative will remain in attendance throughout).

A decision will be taken as to whether the selection remains in place or whether the selection is withdrawn.

Selection withdrawn

Should the Staffing Selection Committee concur with the representations made against the employee's selection, the meeting will thereafter repeat the selection process (ie revert to a "First meeting of the Staffing Selection Committee").

Selection confirmed

Where the decision of the Staffing Selection Committee is that the 'selection' remains in place, the employee will also be informed that he/she can exercise a right of appeal to the Appeals Committee of the Governing Body.

Informing the employee of the decision

The Chair of the Staffing Selection Committee will inform the employee accordingly of the Committee's decision and this will be confirmed in writing.

SUMMARY

Membership: Staffing Selection Committee

minimum of 3 governors

also in attendance Headteacher
 Chief Education Officer or LA representative

employee "selected" with colleague or Trade Union representative

Documentation - to be provided also to "selected" employee in advance of the meeting

Staffing Matrix - listing each employee (on an anonymised basis) in "selection pool" from which selection was made and to whom criteria were applied - illustrating the finalised scores/weightings/totals for each employee

Procedure

1. Chair to:
 - recap on general background, etc leading up to Staff reduction and Staff selection process
 - recap on application of criteria and selection of employee - by reference to documentation provided
 - invite comments and to establish whether employee wishes to make representations against selection
 - if employee wishes to make representation, invite employee/or employee's Representative to submit case against selection and call witnesses, etc.
2. Staffing Selection Committee to consider representations and decide whether selection is confirmed or withdrawn
3. Chair to inform employee of Staffing Selection Committee's decision

APPENDIX D

Procedure at Appeals Committee

The Appeals Committee must have a minimum of three members and no fewer members than the Staffing Selection Committee.

No member of the Appeals Committee shall have participated in the earlier stages of the selection process.

The Chief Education Officer (or his representative) shall be invited to attend the meeting and can be present throughout its deliberations.

The Headteacher shall be available to be called upon to provide any relevant factual information relating to any of the issues arising within the appeal.

The Chair of the Staffing Selection Committee (or if Chair unavailable a member of the Staffing Selection Committee) shall be available to be called upon to provide the Appeals Committee with information relating to how the decision of the Staffing Selection Committee was arrived at.

The Appeals Committee has the responsibility of making a judgement as to whether the Staffing Selection Committee applied the agreed selection criteria accurately, fairly and equitably.

The Appeals Committee cannot modify, extend or re-write the Selection Criteria in any way.

All members of the Appeals Committee will have received copies of:

- the minutes of the Staffing Selection Committee (both First and Second Meetings).
- copies of the staffing matrix - illustrating the scores/weightings as recorded for each individual employee (ie remaining on an anonymised basis)

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Procedure:

1. the Chair of the Appeals Committee will open the meeting and invite the appellant and/or his/her Representative to present the case as submitted by the appellant against the selection decision taken by the Staffing Selection Committee

* witnesses may be called by the appellant and will withdraw from the meeting when they have provided their evidence and have responded to any questions from any member of the Appeals Committee
2. Members of the Appeals Committee can ask questions of the appellant, the the Chief Education Officer or his representative and can call upon the Chairman of the Staffing Selection Committee and/or the Headteacher individually to provide any further information.
3. The appellant and his/her representative will withdraw from the meeting whilst the Appeals Committee considers the appeal (in the presence of the Chief Education Officer or his representative).

Should the Appeals Committee require any further information from the Headteacher or the Chair of Staffing Selection Committee such discussions will be conducted in the presence of the appellant and his/her representative

4. The Chair of the Appeals Committee will inform the appellant of the decision of the Appeals Committee and this will be confirmed in writing as soon as possible thereafter.
5. The LA will be notified in writing of the decision.

SUMMARY

Membership:

Appeals Committee - minimum of 3 governors but no fewer than Staffing Committee

also in attendance Chief Education Officer or LA representative
employee "selected" with colleague or Trade Union representative

and available to provide information if requested by the Appeals Committee:

the Headteacher
the Chair of the Staffing Committee

Documentation - ****already provided to "selected" employee in advance of the meeting**

Staffing Matrix - listing each employee (on an anonymised basis) in "selection pool" from which selection was made and to whom criteria was applied - illustrating the finalised scores/weightings/totals for each employee

Minutes of Staffing Committee - Second Meeting * to be provided in advance to appellant

Procedure

1. Chair to:
invite appellant and/or Representative to submit case for appeal
2. Appeals Committee to decide whether any further information/clarification is required from Headteacher/Chair of Staffing Committee
3. Appeals Committee to consider appeal
4. Chair to inform employee of Appeal Committee's decision

APPENDIX E

SAFEGUARDS FOR EMPLOYEES (as provided by the County Borough Council's Redundancy Policy)

The following provisions will apply in the case of a member of staff having been selected by a Governing Body as an employee whose contract of employment cannot be maintained from a declared date:

Redeployment

Alternative Employment

Where vacancies arise in schools within the County, the LA has the statutory right to approach those schools and request that consideration be given to the appointment of a member of staff nominated for redundancy by another school.

LA Officers will do their utmost to facilitate a redeployment in this manner but it is important to recognise the limitations of the LA's authority - school Governing Bodies are not obliged to accept the LA's nominations.

However, it is hoped that Governing Bodies will co-operate to the extent of guaranteeing at least a formal interview to those nominated employees who satisfy the requirements as stated in the job descriptions attached to the vacancies concerned.

Redundancy Payments

Where the Council is required to issue a compulsory redundancy notice, the calculation of the redundancy payment will be made in accordance with the actual salary of the employee (ie it will not be restricted to the statutory maximum weekly payment)