



ORGANISATIONAL CHANGE POLICY

**For schools and educational settings in
the London Borough of Hackney**

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Hackney Education

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About this policy

Purpose

This document describes the policy and procedure for schools to follow when dealing with organisational change (including redundancy). Refer to the table of contents, below, for a full list of topics covered. Please use this document in conjunction with the [Guidance and Templates document](#), which supports this policy.

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Version control

The table below shows the history of the document and the changes that were made at each version:

Version	Date	Summary of changes
1.0	May 2008	First published version.
2.0	July 2008	Section 15.1 'Calculation of Payments' changed to bring it in line with Hackney.
3.0	December 2011	Changes to section 11.2.2 'Competitive assimilation' and to the guidance on including pregnant employees and those on maternity or adoption in the redundancy consultation and selection processes (section 11.1.1).
4.0	November 2012	Clarification on dealing with employees on maternity and adoption leave. 'The Learning Trust' changed to 'Hackney Learning Trust' and logo changed.
5.0	January 2017	Re-format to HLT style, replace secretary of state with redundancy payments service and addition of section on responsibility of costs.
6.0	July 2018	Section 2: Legal background redundancy pay
7.0	July 2020	Section 11: Notice of dismissal extended to 12 weeks.
8.0	April 2020	Document rebranded to reflect Hackney Education name change and branding. Addition of reference to staff on shared parental leave

Next major release

Although this document will be updated as legislation or procedures change, the next major review date will normally be scheduled for three years after the last release.

Distribution

This policy is available on the Hackney Education Services for Schools website.

1. Introduction

Change in organisation structure, services and processes is often a necessary step to ensure the school meets its organisational goals and provides the best service possible for the children of Hackney.

The biggest part of a school's expenditure is its employees, therefore when facing budget cuts it is almost inevitable that reductions will need to be made in staffing. When considering such a course of action, it is important that schools use the following procedures and guidelines in order to treat employees fairly, adhere to equal opportunities and reduce the risk of claims to Employment Tribunals.

Under the School Staffing (England) Regulations 2003, unless particular circumstances apply, the Headteacher should have the delegated responsibility to make initial dismissal decisions (IDD), following which there will be an opportunity to appeal to a panel of governors. Hackney Education recommends to schools that dismissal decisions made in relation to redundancy are handled by a panel of governors, as detailed in this procedure, as the Headteacher is likely to have already had a major input into the process.

Hackney Education has a responsibility to ensure employees are treated in a fair and consistent manner and therefore recommends this procedure for adoption by the Governing Body. It is an agreed document between Hackney Education and the unions which represent staff in schools and must be made available to all affected staff.

Schools are advised to seek guidance from Hackney Education HR Team or their own HR provider as early as possible where it is identified that there may be potential redundancies in the school.

1.1 Definition of organisational change

Organisational Change takes place when services or the provision of service is altered from the existing establishment. This includes the addition or deletion of posts, relocation of services or fundamental changes to roles and responsibilities, and redundancy.

This document covers organisational change, including restructures and redundancy.

2. The Legal Background

Redundancy is a dismissal, caused by the employer requiring fewer people to do a particular kind of work at the place they are employed or where the employer no longer requires anyone to do a particular job.

The legal background to handling redundancies is aimed at making sure that the employer does not make any redundancies without thoroughly considering alternatives (or prior to discussions with affected staff).

There are three areas of the law to consider:

- The need to treat each individual employee fairly – this means making sure all redundancies are bona fide and handled sensitively. This will ensure compliance with the right not to be unfairly dismissed.
- The need to consult with recognised Trade Unions about the proposals – this is aimed at trying to avoid redundancies in the first place.

3. Scope of the policy

This policy applies to all teaching and support staff in schools, regardless of grade or position, hours worked per week or whether the contract is permanent, temporary or fixed-term.

4. Principles

- All employees have the right to be accompanied by a Trade Union representative or a work colleague throughout the process.
- All employees selected for redundancy have the right to appeal against an actual decision to dismiss and should use the appeals mechanism contained within this policy.
- Every effort will be made to redeploy an employee who has been selected for redundancy.
- All those involved in carrying out the redundancy selection process will maintain strict confidentiality at all times.

5. Equal Opportunities

With advice from the human resources provider:

- The school is committed to promoting equalities in all areas of employment and to challenging discrimination.
- The school seeks to ensure that no staff are discriminated against or victimised for any reason.
- The school will make every effort to address the needs of those with disabilities and make any reasonable adjustments necessary in order to overcome barriers of access.

6. Summary of roles and responsibilities

6.1. Headteacher

The Headteacher is responsible for the management of the school and therefore has a key role to play throughout the redundancy process. In the absence of the Headteacher this responsibility would be delegated to the most senior nominated person:

- With the provision of information to the unions.
- With consultation with staff and union representatives.
- In making recommendations relating to selection criteria to be used in the event of compulsory redundancy.
- By presenting the management's case to a hearing of the Redundancy Committee.
- By accompanying the Chair of the Redundancy Committee to any appeal hearing.

6.2. Human Resources

The HR provider will provide advice and guidance on all related organisational processes such as consultation arrangements, redeployment procedure and requirements and redundancy policy and procedure.

6.3. Governing Body

The procedure should be formally adopted by the Governing Body and copies of the procedure should be made readily available within the school. **It is strongly recommended that governing bodies follow this procedure when they are faced with the possibility of making staff redundant. Failure to follow these procedures or failure to seek and follow appropriate advice could potentially render the school liable for costs of redundancy, early retirement and costs relating to employment tribunals.**

Any action taken by the governors must be fair and consistent and only carried out after close consultation with staff and the recognised Trade Unions.

At the earliest opportunity and before any formal procedures are started, governing bodies should notify Hackney Education of the possibility of reductions in staffing levels. Governing bodies should seek professional advice from their HR provider and, where appropriate, the School's Finance Officer. Where there is a potential impact on the standards of education, the School Improvement Partner should also be notified.

Governing bodies will need to set up two panels consisting of at least three governors on each, to serve on the redundancy committee and the dismissal appeal hearing committee. It is not appropriate for staff governors to be members and no one can serve on both panels.

The redundancy committee has the responsibility for the process and would normally delegate the consultation exercise with staff and unions to the Headteacher. The Headteacher may be supported by the Chair of Governors or a representative of the redundancy committee during the consultation process.

The committees have fully delegated powers of decision in matters relating to formal hearings dealing with staff issues. All matters relating to a hearing are treated as strictly confidential to the members of the committee.

If governing bodies have difficulty in setting up panels they should seek advice from Governors' Services at Hackney Education.

7. Definition of Redundancy

An employee is redundant if the employer has:

- Closed or intends to close the school where the employee is employed,
- Ceased or intends to cease the particular kind of work for which the employee is employed; or
- Reduced (or intends on reducing) the number of posts in the school establishment.

Situations which may result in the need for redundancies could include:

- School closure/amalgamation.
- Falling rolls.
- Amalgamation or closure of facilities/departments.
- Budgetary problems.
- A change in the demand from certain subject areas or job requirements.
- Reorganisation of management or departmental structures.

8. Organisation Change Procedure (Involving Restructures)

Organisational change involving restructures can also lead to redundancy situations, examples can include where roles and responsibilities change substantially and posts are relocated and deleted. It is good practice to involve the team, staff and other stakeholders likely to be affected by change, in any reviews of service provision prior to contemplating options of organisational change. Staff can be involved through participating in organisational reviews, team meetings, and project teams, or through school briefings.

Once a change is contemplated, the Headteacher should contact Hackney Education HR Team or their HR provider for advice and guidance.

The Headteacher must ensure that an equalities impact assessment is completed and advice sought where needed.

9. Consultation

Consultation must be undertaken for any change that may result in redundancies or a restructure. The consultation process for both situations is as detailed in the procedure and should be followed. The obligations will depend on whether more than 20 employees are likely to be made redundant.

9.1 Consultation procedure

The Headteacher, with advice from Hackney Education HR Team or their own HR provider, will then construct a briefing document which should outline the following:

- Background.
- Reason for change.
- Options proposed.
- Potential impact on staff.
- The existing structure profiled against the proposed structure(s).
- Impact on budget.
- Draft Job Descriptions for new posts (with indicative or final grades following job evaluation).
- Timescales including formal consultation meetings, 1-1s and the date the new structure is proposed to come into effect.
- FAQ factsheet.
- Contact details for consultation.

The document, once agreed, should be forwarded to the Governing Body for further discussion and approval.

Once the document has been approved, the Headteacher should arrange to meet with staff affected to outline the briefing document as soon as practicable and invite Trade Union representatives to attend.

Should the proposed change put staff at risk of redundancy, the Headteacher must follow the notification and consultation guidelines as stated in this document and ensure all staff are written to separately and confidentially.

9.1.1. The consultation meeting

The briefing document should be circulated to Trade Union representatives prior to the meeting.

Formal consultation should be held as soon as practicable and should be chaired by the Headteacher with the support of Hackney Education HR Team or their own HR provider.

All affected staff should be invited to the consultation meeting.

The Headteacher should outline the briefing document and field any questions from staff and Trade Union representatives.

The Headteacher should conclude by outlining the length of the consultation period (not normally less than 2 weeks) which may include further consultation and/or 1-1 meetings with staff.

Staff who are absent from work on maternity/adoption /shared parental leave or long term sick leave should be included in consultation and selection processes in the same way as other affected members of staff, although it may be necessary to change how they are consulted if they are absent from work. Failure to properly consult a member of staff on maternity/adoption leave/shared parental leave or other types of long term leave about possible redundancy is likely to be unlawful discrimination.

9.1.2. During consultation

The Headteacher should ensure that all staff have an opportunity to be consulted and make comments on the proposed changes by whatever means possible. This could include but not be limited to the staff noticeboard, the Intranet, team briefings, further meetings with staff, etc.

All new posts should be evaluated by the Hackney Education HR team where possible prior to consultation commencing. Therefore adequate time should be allowed for this during the planning stages.

9.1.3. Conclusion of the consultation period

At the end of the consultation period, the Headteacher should consider any additional proposals and comments with the support of Hackney Education HR Team or their own provider. Headteachers should ensure that the relevant committee of the Governing Body meet to consider any alternatives and review all comments before a final briefing document is prepared.

The Headteacher should then draft a final briefing document outlining the options proposed and explain reasons for the preferred option. An implementation plan should be drawn up which may include timescales for interviews.

The final briefing document should also be shared with the union representatives.

9.2. Assimilation

Headteachers will need to determine whether staff will have assimilation rights to any posts in the new structure. Assimilation would occur where there is a high match between the post in the current structure and the post proposed in the new structure. A match would occur where the new post is of the same grade, position and a high match in terms of job content.

There are two categories of assimilation: job matching and competitive assimilation. Ring-fenced interviews may be appropriate in a particular area.

9.2.1. Job matching

In some cases it may be appropriate to match employees to new posts without the need to apply the full redundancy and redeployment procedures.

Matching is likely to arise where:

- there is a high degree of similarity between the existing job profile and the job profile in the new structure; and
- there is no reduction in the number of jobs.

Specific matching proposals should be discussed with a view to reaching agreement in each case with the union representative.

Headteachers, with advice from Hackney Education HR Team or their own HR provider, should use the Job Description to identify those jobs in the new structure which are sufficiently comparable to jobs in the old structure for job matching to occur. Sufficiently comparable means that:

- There is at least a 70% match between the essential requirements of the old and new job.
- The new role is at the same grade and location as the current role.

9.2.2. Competitive assimilation

Competitive assimilation is where there is a job match but there are more staff than jobs available. Selection in these circumstances is by competitive interview between staff with assimilation rights. An appointment must be made to all posts as a result of this exercise.

Schools must ensure that the selection criteria are objective and non-discriminatory to avoid claims of discrimination and unfair dismissal, and ensure that the criteria are applied fairly.

Selection of pregnant employees and women on maternity leave

Schools must prioritise employees on maternity or adoption leave who are under notice of redundancy for offers of suitable alternative employment where these exist. They do not need to apply for roles.

These employees must be treated more favourably during their redundancy notice period than any other redundant employees, even those who are better qualified. A failure to meet this obligation could result in the dismissal being automatically unfair as well as being unlawful discrimination.

However, if there are no suitable alternative vacancies, an employee may be made redundant during or after maternity leave providing:

- There is a genuine redundancy situation.
- There is no suitable alternative work available.
- Redeployment has been considered.
- The correct procedures have been followed.

Please consult your HR Advisor for further support and refer to the ACAS Guidance on [Managing Redundancy for Pregnant Employees or those on Maternity Leave](#).

Shared parental leave

There's extra protection for employees being made redundant while they're on Shared Parental Leave. It's the same as when an employee is pregnant or on maternity leave.

9.2.3. Ring-fenced interview

This occurs when the essential requirements of the new and old job do not match but there are some similarities in the new job. All staff within the affected group should be interviewed. There is no requirement for appointments to be made to the new posts. As above, staff on maternity/shared parental leave are entitled to be offered new posts if considered suitable and having followed a due process.

Ring-fencing may be applied during restructuring when;

- job vacancies in the new structure are similar to those currently carried out by the employees affected, but are not considered to be a match; and/or,
- there are fewer jobs within the new structure for the affected group.

The following criteria will apply in determining the ring-fence group of employees.

- Employees will be ring-fenced to posts where there is a substantial similarity of job duties between the job in the old and the new structure;
- Employees will be ring-fenced where it is likely that there is a substantial match of the employee's skills and experience to the job, i.e. the redeployee meets the essential requirements of the job specification; and
- Employees in the ring-fence group will normally be on the same grade as the vacant job.

Where this ring-fencing process does not fill vacant jobs, they will be advertised to all at risk employees in the normal way.

The main reference to job grades is to support roles that are subject to evaluation and defined groups within the Schools Teachers Pay and Conditions document.

9.2.4. Competitive interview

In some cases it will be appropriate for new posts to be advertised internally and externally. In this event, staff who have not been considered for the post initially may apply and be considered competitively with other internal and/or external candidates.

9.2.5. Displaced staff

A member of staff who does not obtain a substantive post in the new structure will become a redeployee and the [Redundancy Procedure](#) will come into effect and should be followed, allowing employees the right to appeal against selection for redundancy to the Governing Body.

9.2.6. Pay protection

Where a member of support staff is assimilated/redeployed into a job that is one grade lower than their current role then there will be a period of six months pay protection.

Separate conditions relating to the pay protection of teaching staff exist within the School Teachers Pay and Conditions document.

9.2.7. Conclusion of change (following job matching/competitive or ring-fenced/competitive interview)

Once the change has been implemented, the Headteacher should write to each member of staff letting them know the outcome as it affects them. In some cases this may be a contractual change and therefore a copy should be placed on the individual's Personnel file confirming the variation to the contract of employment.

10. Redundancy Procedure

Before starting the procedure, it is important to note the timescale of the whole process. (See [Appendix A – Redundancy timetable](#)).

10.1. Summary of stages

The table below summarises the stages in the redundancy process:

Stage	Summary of actions
Stage 1 Investigate methods of avoiding compulsory redundancy	Headteacher/Governing Body investigate ways of avoiding compulsory redundancy - including: <ul style="list-style-type: none"> ● Natural wastage. ● Job sharing, reduction in hours. ● Invite applications from volunteers for redundancy.
Stage 2 Consultation and notification	Headteacher consultation with staff and unions: <ul style="list-style-type: none"> ● Reasons for proposals. ● Numbers and description of employees. ● Proposed method of selection – (criteria /voluntary applications). ● Proposed method of carrying out dismissals. ● Proposed method of calculating payments.

Stage	Summary of actions
<p>Stage 3 Application of criteria</p>	<p>Redundancy Committee:</p> <ul style="list-style-type: none"> ● Considers and accepts, if appropriate, voluntary applications for redundancy. ● Revises criteria if necessary following consultation with unions etc. ● Adopts criteria for selection. ● Meets formally to apply criteria. ● Notifies selected employee(s) and gives details of right to a hearing.
<p>Stage 4 Representations to Redundancy Committee</p>	<p>Hearing by Redundancy Committee:</p> <ul style="list-style-type: none"> ● Headteacher presents a case for redundancy. ● Employee or union representatives make representations. <p>Redundancy Committee:</p> <ul style="list-style-type: none"> ● Makes its decision. ● Notifies the decision to the employee in writing giving details of the right to an appeal against dismissal. ● If dismissal is the outcome then notice of dismissal is served and redeployment actively sought for the individual.
<p>Stage 5 Appeal Hearing</p>	<ul style="list-style-type: none"> ● Chair of the Redundancy Committee presents a case for dismissal. ● Employee or union representative presents an appeal against dismissal. <p>Appeals Committee:</p> <ul style="list-style-type: none"> ● Makes its decision - which is final. ● Notifies decisions to employee in writing.

10.2. Stage 1 – Investigate all possible methods of avoiding compulsory redundancy

Normally the school will receive its indicative budget at the beginning of the Spring Term. If the budget indicates a deficit, the Governing Body will explore all possible methods of making savings other than compulsory redundancy, e.g.:

- Not filling vacancies (natural wastage).
- Job sharing.
- Reductions in hours.
- Not renewing fixed-term contracts which reach their expiry date providing continuous service is less than two years.
- Volunteers for redundancy.

If there are concerns about the staffing costs, then the Governing Body must decide whether to plan for potential redundancies. Before formal procedures commence, the Governing Body must agree and minute the proposed action at a meeting of the full governors. It may be necessary to call an extraordinary meeting of the governors in order to meet the time table.

10.3. Stage 2 – Consultation and notification

The Trade Union and Labour Relations (Consolidation) Act 1992 provides Trade Union representatives with the opportunity of reasonable time for consultation and sufficient information to understand the requirement to reduce the workforce.

The following table sets out the minimum timescale for consultation although it is recommended that a minimum of 4 weeks consultation period is adopted.

No. of staff to be dismissed	Minimum consultation period (before the first dismissal takes effect)
Less than 20 staff	No specified time period
20 – 99 staff	30 days + notification to Redundancy Payments Service
100+ staff	45 days + notification to Redundancy Payments Service

10.3.1. Notification to the Redundancy Payments Service

If between 20 and 99 employees may be dismissed as redundant, notification to the Redundancy Payments Service must be made at least 30 days before the first dismissal takes effect.

If one hundred or more employees may be dismissed as redundant, at least 45 days notification must be given. (These periods are the same as the minimum periods permitted for consultation).

The notice must be in the prescribed form and must be given in the prescribed manner, and identify the appropriate representatives concerned and state the date upon which consultation began.

The prescribed form is called a [HR1](#). The school should contact Hackney Education HR Team or their own HR provider.

10.3.2. Notification to the recognised Trade Unions

The school is required to disclose in writing to the recognised Trade Union representatives. The consultation document will include:

- Reasons for the proposals.
- Numbers and descriptions of employees proposed to be dismissed as redundant.
- Total number of employees of that description employed at the school.
- Proposed method of selecting the employees who may be dismissed.
- Proposed method of carrying out the dismissals, including the period over which the dismissals are to take effect.
- Proposed method of calculating the amount of any redundancy payments to be made.

The Employment Rights Act makes it clear that employers must undertake consultation with the recognised Trade Union representatives with a view to reaching agreement.

Consultation should take place between the Headteacher and, if required, Chair of Governors or a representative of the Redundancy Panel and the recognised Trade Unions. The consultation period should commence from the date of the formal notification to the unions and should provide a minimum of 4 weeks for consultation. This period may be extended by mutual agreement.

Consultation should cover:

- Avoiding dismissals.
- Reducing the number of employees to be dismissed.
- Mitigating the consequences of any dismissals including consideration of applications for voluntary redundancy.

It is important that the consultation process is carried out thoroughly and that all the following actions are taken. The above information is required to be given in writing to all representatives of unions in the school and to area representatives.

Throughout the consultation period and the time up to the effective date(s) of termination it is recommended that, in order to keep everyone updated on progress, good communications are maintained with staff and their Trade Union representatives.

Consultation should continue throughout the process with the aim of reaching agreement. The Redundancy Committee is required to consider union responses and to formally respond to any proposals received, before making a final decision on the redundancy proposals.

10.3.3. Notification to employees

All teaching and non-teaching staff, as appropriate, should be invited to attend a meeting to hear the proposals and consider the following:

- The reasons for having to consider redundancies.
- If appropriate, an invitation for voluntary redundancy, making it clear that there is no automatic right to premature retirement or voluntary redundancy (see below, Volunteers for redundancy).
- The date by which applications should be received.
- The procedures to be followed, including the right to make representation to the Redundancy Committee and Appeal Committee.
- A date by which decisions will be made about any compulsory redundancies.
- A proposed selection process.
- A proposed pool for selection.
- A provisional timetable for the Redundancy procedure.

The purpose of this consultation meeting is to enable possible alternatives or measures to minimise redundancy and to enable employees who may be affected to understand the facts, and consider alternative solutions.

Absent employees

Employees who are away from work, for example on long-term sick leave, maternity/adoption/shared parental leave, suspension etc, will be included in the consultation process, although this may be in writing.

Volunteers for redundancy

Voluntary redundancy can be offered as a way of mitigating compulsory redundancy but will not always be possible. During the process of seeking applications for voluntary redundancy, the Governing Body should ensure that it is made available to those directly affected by the changes and that:

- Staff are made aware that there is no automatic entitlement to redundancy/early retirement benefits. Whilst every effort would be made to accept volunteers to avoid compulsory redundancy, the needs of the school to meet the objectives of the School Development Plan should be given priority.
- The unions are given the opportunity to comment on the process of seeking volunteers.
- The timescale for receiving applications takes into account time required for potential volunteers to seek advice and information on their redundancy/early retirement benefits.
- Consideration is given to providing sufficient time for applications to be submitted during the consultation process versus the impact on staff morale if protracted.

A model letter to staff notifying the outcome of an application for voluntary redundancy is given in the Guidance and Templates document, which supports this policy. You can also download it from the toolkit on the Intranet.

Selection criteria for compulsory redundancy

Wherever possible the selection criteria will be agreed with the unions during the process of consultation.

The first panel (the Redundancy Committee) will draw up proposed criteria with guidance from the Headteacher. If voluntary redundancy is offered in the first instance then the criteria should not be finalised until after the closing date for receiving volunteers as this could affect the decision on the criteria. It may not always be possible to seek volunteers. In any event the criteria will not be finalised until after the consultation period has been concluded.

The criteria must be objective and fair. Objective selection based on skills, qualifications and experience aims to retain the staff necessary to deliver the curriculum and the School Development Plan.

Where there are more posts within the pool of staff than the number of required redundancies, the selection criteria will be applied to determine which posts should be redundant.

The Governing Body must ensure that the selection criteria are objective, clear and transparent, clearly understood and supported with evidence and data.

Any absence relating to an employee's disability or that is pregnancy related will be discounted when using attendance as selection criteria.

One recommended method of selection is to match the skills profile of each member of staff against the needs arising from the School Development Plan. Further guidance and examples of skills profiles and matrices are provided in the Guidance and Templates document, which supports this policy. You can also download them from the [toolkit](#) on the Services for Schools website..

An alternative to identifying employees for redundancy is for all staff in the post (or posts) to be made redundant to be interviewed on a competitive basis, with the unsuccessful candidate, or candidates, being selected for redundancy.

If this method is used, the panel who interview must work to agreed selection criteria in identifying the individuals who are to be made redundant, and must keep accurate notes of the interview process.

Advice should be obtained from Hackney Education HR Team or the school's HR Provider before confirming the method of selection.

10.4. Stage 3 – Application of criteria

The first panel of governors (the Redundancy Committee) will need to match the skills profile of each member of staff against the needs of the school arising from the School Development Plan or conduct competitive interviews as described above. Both options will need to apply the criteria adopted by the committee after considering the views of the recognised Trade Unions and revising if necessary. The meeting to match skills against the school's plan or conduct interviews should take place as soon as possible after the consultation period has ended.

The Headteacher should be present to advise the committee. The committee may also have an HR Partner in attendance in an advisory capacity only.

Notification

The chair of the Redundancy Committee will write a letter to each member of staff who has been proposed for dismissal by reason of redundancy. The letter should state:

- The reasons why it has been proposed to reduce or remove the post occupied by the employee.
- That the employee or their representative may make representations to the governors' Redundancy Committee.

A model notification letter to staff is given in the Guidance and Templates document, which supports this policy. You can also download it from the [toolkit](#) on the Intranet.

10.5. Stage 4 – Representations to Redundancy Panel

10.5.1. Notice of hearing

The Clerk to the Governing Body should convene the hearing by the Redundancy Committee, allowing at least 10 working days written notice of the date of the hearing. Employees should be given adequate information to assist them in preparing representations, particularly on the criteria used to recommend the removal of their post, resulting in their dismissal by reason of redundancy.

10.5.2. People in attendance

- The three governors who were appointed to serve on the Redundancy Committee.
- A Human Resources Partner may attend to advise the committee.
- The Headteacher (and, if required, a senior work colleague), who is present to explain the reason for recommending the dismissal of the employee by reason of redundancy.
- The employee affected must be given the opportunity to be accompanied to the meeting by a Trade Union representative or work colleague.

10.5.3. Representations

Before final decisions are made, the employee must be given the opportunity to make written and personal representation to the hearing by the Redundancy Committee. Any written representation should be sent to the Clerk of the Governing Body wherever possible at least five working days before the date of the hearing.

10.5.4. Documentation

The Clerk to the Governing Body sends to all parties attending the hearing copies of all papers relating to the redundancy (unless they have already been sent). These papers include:

- The original information that was sent to staff and union representatives explaining the need for redundancies.
- Details of the criteria used in the decision on redundancy.
- A copy of the letter sent to the employee recommending dismissal by reason of redundancy.
- Any written representation submitted by the employee or representative.
- The agenda for the hearing. (See the sample agenda in the Guidance and Templates document, which supports this policy.)

10.5.5. General guidance for the hearing

The chair of the committee is responsible for the conduct of the proceedings and for any variations considered appropriate. The chair of the committee:

- Welcomes those present and makes introductions.
- Stresses that this is a private hearing and that all information brought to the committee is strictly confidential to the people present.
- Outlines and agrees the procedure to be followed during the hearing. (See the sample agenda in the Guidance and Templates document, which supports this policy.)
- Explains how they will be informed of the committee's decision.

10.5.6. Adjournment

If new evidence is brought to the hearing which all parties have not had time to consider, or for some other good reason, the chair of the committee may decide to adjourn the meeting for a specified time or to another date. If there is an adjournment, the reconvened committee must comprise the same membership.

10.5.7. Several redundancies

Where there is more than one employee nominated for redundancy, the same committee must consider all the proposed redundancies. Each redundancy should be considered separately, unless they are represented by the same union representative and elect to have their cases heard together rather than separately. Each employee should still be given the right to make individual representations, even if in the presence of others.

10.5.8. Notification of decision

At the end of the hearing the panel will make its decision and notify the employee of the decision either by recalling the employee and their representative and writing to the employee to confirm the outcome. Written notification will include details of any right of appeal. (See the sample notification letter in the Guidance and Templates document, which supports this policy. You can also download it from the [toolkit](#) on the Intranet.)

10.6. Stage 5 – Appeal hearing

10.6.1. Notice of appeal

If the employee wishes to appeal against the decision of the Redundancy Committee, such an appeal must be received in writing by the Clerk to the Governing Body within 5 working days of the date of the notification of the committee's decision and copied to the Head of HR at Hackney Education.

(See the sample notification letter in the Guidance and Templates document, which supports this policy. You can also download it from the [toolkit](#) on the Intranet.)

10.6.2. Meeting of Appeal Committee

The Appeal Committee should consist of 3 nominated governors. No member of the Redundancy Committee may serve on the Appeal Committee.

The committee should confirm the outcome of the appeal in writing within 5 days of the appeal hearing.

10.6.3. Documentation

The Appeal Committee receives copies of all papers relating to the redundancy. These papers should include:

- Information sent to staff and unions explaining the need for redundancies.
- The criteria used in the decision on redundancy.
- The letter sent to the employee notifying them that they have been nominated for redundancy.
- Any written representation submitted by the employee or their representative.
- The Redundancy Committee's written reasons for recommending dismissal by reason of redundancy.

Each member of the Appeal Committee must read the documentation carefully before the meeting.

10.6.4. Procedure for Appeal Committee

The Chair of the Redundancy Committee will normally present the case for the dismissal by reason of redundancy and be accompanied by the Headteacher. The Headteacher may in some instances present the case on behalf of the Redundancy Committee.

10.6.5. Outcome of appeal

The possible outcomes of an appeal are:

- Appeal rejected and no change to the decision to dismiss on the grounds of redundancy.
- Appeal successful, in which case the governors may have to return to stage 1 of the procedures.

(See the sample notification of appeal outcome letter in the Guidance and Templates document, which supports this policy. You can also download it from the [toolkit](#) on the Intranet.)

10.6.6. Notification of decision

The parties concerned are notified by being recalled to hear the decision of the committee and the decision is confirmed in writing. In some circumstances the committee may need more time to consider their decision in which case the parties will be notified of the outcome in writing.

11. Notice of dismissal

After the selection process and representation hearings to the Redundancy Panel have been completed, but before any appeal hearing takes place, notice will be served to the employee by the school upon receipt of notification from the nominated manager. If you are selected for redundancy, the school will issue you with 12 weeks' notice of when your employment will end. Should an appeal against dismissal on the grounds of redundancy be successful, the dismissal notice would be withdrawn.

Note: The specific notice periods for teachers, if their employment is terminated. Usually by 31st May, 28th February or 31st October.

12. Employee tenders notice

If, during the consultation period, the employee tenders their notice to leave, that notice cannot be withdrawn, and the employee is regarded as having resigned rather than being made redundant. If the employer has served notice on the employee it may be withdrawn in order to offer re-engagement or redeployment.

13. Entitlements of redundant employees

Where applications for voluntary redundancy have been accepted by the school's Governing Body, or where redeployment has been unsuccessful, redundant employees will be entitled to written notice of termination of employment in line with their conditions of service or by mutual agreement.

Redundancy payments will be payable from the date of dismissal due to redundancy. All relevant documentation should be signed and returned by the redundant employee in sufficient time to process and in any event no later than 6 weeks after the effective date of dismissal.

Whilst under notice employees have the right to reasonable time off during working hours to seek alternative work.

13.1 Calculation of payments

13.1.1. Service

- Any break of service of 7 days will break the continuity of service for a redundancy payment.
- Any break in service of 28 days will break continuity of service for a severance payment.
- Only complete years of service are counted.

The Redundancy Payments (continuity of Employment in Local Government (Modification) Order 1999) provides that continuity of service is preserved for the purposes of calculating a redundancy payment for schools' staff who have worked successively without a break in local authority maintained schools, former grant maintained schools, city technology colleges, maintained further education colleges or universities/colleges funded by the Higher Education Funding Council for England.

This means that if an employee is made redundant by any one of these employers, the length of service used in redundancy payment calculation is based on all their continuous employment in any of them (provide there are no breaks of more than one week between periods of employment). Conversely, if an employee is made redundant by any one of these employers but takes up a post with one of the bodies set out above within four weeks and one day, they will not be entitled to a redundancy payment because the previous service is carried forward to the new employment.

Note: It should be noted that breaks due to sickness, maternity leave, parental leave, temporary lay-off and holiday, provided the contract continues throughout, do not constitute a break in service.

13.1.2. Salary

- Salary is calculated on the average of the last twelve weeks of pay.
- Salary is defined as all contracted net pay.
- Any temporary or "acting-up" allowance will only be included if it has been part of the salary package for twelve months or more.

13.1.3. Redundancy Payment

All employees must have 2 years continuous service to be eligible for a statutory redundancy payment. In addition those eligible for a statutory redundancy payment will receive a severance payment based on a multiplier of the redundancy payment of 1.7. Therefore statutory redundancy payments are calculated according to the formula for statutory redundancy pay, but are further calculated according to;

1. The employee's actual weekly pay (averaged over the previous 12 weeks leading to the date of dismissal); and
2. A multiplier of 1.7 (i.e. the figure using the statutory redundancy pay formula is then multiplied by 1.7 to reach the final amount to which an employee is entitled).

The process of calculating redundancy payments and pension benefits is the responsibility of Hackney Education and through a HR Business Partner and the appropriate pension authority but the ready reckoners provided may be used to obtain **estimates**.

When providing this information to staff or Trade Union representatives it should be made very clear that the information given is only an **estimate of benefits** and that confirmation of the monies available will follow later and employees will be required to check and confirm the calculations.

The Statutory Redundancy Ready Reckoner table is provided in the accompanying Guidance and Templates document.

Redundancy payments of under £30,000 are not subject to PAYE or NI deductions. Payments in excess of that sum are subject to tax deduction for the amount over and above the £30,000.

13.1.4. Pensions

Support staff

Where a member of support staff is made redundant and is aged between 50 and 65, pension benefits are payable immediately and the employee will also receive a redundancy payment. From 1st April 2008 all new joiners will need to be aged 55 or over to benefit from early release of pension on the grounds of redundancy, for existing staff this will remain at age 50 until 31st March 2010. All employees must have a minimum of 3 months pensionable service to be entitled to early release of their pensions and must be a current member of the pension scheme and must also have at least 2 years continuous service to qualify for a redundancy payment.

Teaching and support staff

Where an employee automatically has their pension put into payment as a result of being made redundant and there is a pension fund strain cost to be met, then a corresponding offset against the discretionary severance element will be made. This will not affect the amount of redundancy payment that an individual receives, but could, in the case of there being a pension fund strain cost to be met, affect the discretionary severance element.

The policy is not to award augmentation, i.e. there will be no pension enhancements awarded.

13.2. Responsibility for Costs

Governing Bodies must consider the way in which they intend to fund any potential redundancies and ongoing pension costs before reaching a decision. They should liaise closely with the Schools Finance Team at Hackney Education throughout the process. These costs will not be reimbursed by the local authority.

Where the Governing Body of a maintained school think that they may be in a deficit budget situation they must seek the agreement of the Council to a "Licensed deficit budget". The Governing Body should contact the Council's Schools' Finance Team to discuss the school's situation and will have to demonstrate the business case and plan for achieving a balanced budget. Each request will be considered on a case by case basis.

14. Redeployment

Every effort will be made to ensure that all employees have access to all facilities available to find a new position through the redeployment process. All employees “at risk” from redundancy should be offered the opportunity to take part in a skills matching exercise with a view to obtaining suitable alternative employment. Redeployment for staff based in schools cannot be guaranteed but every effort to support the employee in seeking alternative work should be made.

An employee offered a suitable alternative position will not be entitled to a redundancy payment. The offer of redeployment must be in writing and be effective within one month and one day of the agreed termination date. Any offer after that date could render the employer liable for the redundancy payment.

The offer of redeployment must be suitable in terms of pay, status, place of employment etc. It should be noted that an employer is not entitled to force changes of contract upon an employee.

Where an alternative job is found but which is significantly different from the original contract, the employee has a statutory right to a trial period of four weeks.

The trial period is a minimum of 4 weeks but this may be adjusted by the agreement of both parties to allow for a realistic period that adequately reflects the job requirement. In the case of teaching staff moving to a new area of work the agreed period may be one school term.

If, during or at the end of the trial period, the redeployment is deemed unsuccessful by either or both parties the entitlement to redundancy becomes effective and the monies are payable from the revised termination date.

An employee’s refusal to accept a redeployment position or to claim any trial period has been unsuccessful must be backed by sound personal reasons or the employee could forfeit their rights to a redundancy payment.

15. Support for Redundant Employees/Staff at Risk

Redundancy can be a traumatic experience for employees especially for staff who have worked for many years in a stable environment. The Governing Body should provide as much information, advice and help as possible. Further advice and support is available as follows:

- Career counselling/job application and interview preparation - contact Hackney Education HR Team or your own HR provider.
- Your trade union or professional association.

Appendix A – Redundancy timetable

Autumn Term No later than...	Spring Term No later than...	Summer Term No later than...	Action...
May	October	February	Full governors meeting – staffing review and decision to declare redundancies made. Redundancy and Appeals Committee formed. HR advice sought.
June/July	November/December	March/April	Formal consultation with staff and unions.
End July/ early September	End December/ early January	End April	Consultation period ends. Redundancy Committee meet to adopt and apply selection criteria.
Mid September	Mid January	Mid May	Representations to Redundancy Committee (Hearings).
30 September* /31 October (see below)	31 January*/28 February (see below)	31 May (see below)	Notice of dismissal issued by Hackney Education or Foundation/V.A. school as appropriate.
Mid December	Mid April	End of July	Appeals.
31 December	30 April	31 August	Contracts terminated.

Points to consider in setting timeline:

- Date of issue of Contractual notice periods for teachers are 31 May, 31 October and 28 February. However, if an employee has more than 8 years continuous service they have a statutory entitlement of one week for each year of service up to a maximum of 12. For this reason, it is advisable to plan for the maximum notice during the Autumn and Spring terms.
- Notice periods for support staff are based on either their contractual (normally one month) or statutory notice periods, whichever is the greater up to a maximum of 12 weeks (see 1. above). It is advisable therefore to plan for the maximum period but to be aware that there may be more flexibility in the timetable, depending on an individual's notice entitlement.
- Timing of stages needs to take into account where holiday periods fall year on year.