



Rowlands Gill Primary School
Redundancy Policy and Procedure

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Aim

- 1.1. Rowlands Gill Primary School is committed to providing high quality teaching and learning to its pupils and will do so by careful forward planning and effective management of school resources. However, inevitably there will be changes over time to the way education is delivered, organised and funded which may have an impact on the employees involved.
- 1.2. The school is committed to maintaining job security for all its employees where possible. Where changes require a reduction in the staffing structure of the school, the Resources Committee will consider all options available.
- 1.3. The purpose of this policy is to determine how employees will be treated if it becomes necessary to make them redundant; this includes both voluntary and compulsory redundancies.

2. Definition

- 2.1. In legal terms, redundancy occurs when an employee is dismissed because:
 - the employer closes the school;
 - the employer closes a location at the school; or,
 - there is a diminishing need for employees to do work of a particular kind.

3. Scope

- 3.1. This policy applies to all employees who have at least 12 months' service with an organisation covered by the Redundancy Modification Order (Amended 2010) and who are appointed by the Governing Body of Rowlands Gill Primary School.
- 3.2. In this school, the Governing Body acts as an agent of Gateshead Council in undertaking the functions of the employer.
- 3.3. An employee will only qualify for a redundancy payment if they have at least 2 years' continuous service with an organisation that is covered by the Redundancy Modification Order (Amended 2010).
- 3.4. The Redundancy Policy will:
 - ensure that a staffing structure is in place that supports the delivery of high quality education;
 - demonstrate to employees that the Governing Body is acting in the best interests of the school;

- ensure all other options have been explored and exhausted including alternative employment within the school or voluntary early retirement prior to the need to make redundancies;
- be implemented in a fair, consistent and responsible way;
- be made available to all employees.

4. Responsibilities

4.1. The Governing Body will:

- use its best endeavours to avoid redundancies, and will seek to retain relevant skills and knowledge within the school wherever possible;
- administer this policy and procedure in conjunction with the head teacher and Human Resources;
- delegate responsibility to the Resources Committee to enter into consultations with trade unions and individual employees as soon as the possibility of a reduction in the size of the staffing structure arises;
- ensure the options for avoiding, reducing or mitigating the consequences of redundancies are fully explored;
- ensure that any compulsory redundancies that are necessary are handled in the most fair, consistent and sympathetic manner possible;
- ensure the selection criteria for redundancy is fair, consistent, objective, and non-discriminatory and in accordance with equalities legislation, redundancy legislation and best practice.

4.2. The Resources Committee will:

- review the staffing structure to ensure it will deliver the school's curriculum and priorities within the school's allocated budget;
- review the job profiles to ensure the necessary roles and responsibilities are remunerated appropriately;
- consult with employees and trade unions on the potential need to reduce the structure by way of redundancy and the process that will be followed;
- identify those groups of employees where redundancies will need to be made;
- allow only those Governors who are not employed to work in the school to be part of a committee where employees have to be selected for redundancy.

4.3. The head teacher will:

- advise the Resources Committee with regards to staffing structures that will deliver the school's curriculum and priorities within the school's allocated budget;
- ensure that employees are kept informed throughout the process;
- work with the Resources Committee, if necessary, to ensure the audit and selection processes are carried out fairly.

4.4. The employee will:

- continue to perform their current role or the role required of them;
- make themselves available to enter into consultations with the Resources Committee with the aim of discussing the situation and exploring the options for avoiding, reducing or mitigating the consequences of redundancies;
- reasonably consider an offer of suitable alternative employment within the school, or across the Council;
- undertake a 4 week trial period to assess the suitability of any alternative employment, where appropriate.

5. Review

- 5.1. This Redundancy Policy and Procedure was agreed by the Governing Body of Rowlands Gill Primary School in April 2017 It will be reviewed when necessary to take account of changes to any relevant legislation and advice issued by the Council.

Redundancy Procedure

1. Initial Consultation

- 1.1. The head teacher will advise the Governing Body as soon as the potential need for redundancies is identified. The Governing Body will consider the head teacher's report and where in agreement with the recommendations will delegate responsibility to the Resources Committee to conduct the redundancy processes.
- 1.2. The head teacher will inform all employees and all trade unions of the outcome of their report (that the school may be required to make redundancies) and will seek suggestions to minimise the need for redundancies.
- 1.3. The Resources Committee together with the head teacher will determine where changes to the staffing structure may be necessary and enter into statutory consultation with all the trade unions and individual employees on these proposals. When making changes to the staffing structure there may be a need to carry out an audit to determine the number of employees required.

2. Notifications

Local Authority Notification

- 2.1. The Chair of the Governing Body will inform the Council of its proposal(s) to conduct a redundancy exercise before they commence the statutory consultation process as the Council must meet its responsibility under the Education Act 2002 in the processing of redundancy and premature retirement costs. Appendix 1 explains these responsibilities and contains the form that must be completed for authorisation that the Council will fund any redundancy costs.

Legal Notification

- 2.2. The Strategic Director, Corporate Services and Governance on behalf of the school will inform the Redundancy Payments Service (RPS) on form HR1 of the proposed redundancies in the following circumstances:
 - if 20-99 employees at the school are being made redundant, 30 days' notice will be given before the first dismissal takes effect; or
 - if 100 or more employees at the school are being made redundant, 45 days' notice will be given before the first dismissal takes effect.
- 2.3. The notice of redundancy will be given to the RPS before giving notice to terminate an employee's contract of employment.

Trade Union Notification

- 2.4. The Resources Committee will issue a statutory consultation notice (Section 188 Letter) to all the trade unions regarding the proposal(s) detailing:
- the reason(s) for the proposal(s);
 - the numbers and descriptions of all posts currently on the school's staffing structure (including temporary and fixed term posts);
 - the number of agency workers working temporarily under the supervision and direction of the school and the type of work they are carrying out;
 - the numbers and descriptions of all posts which are proposed to be at risk of redundancy;
 - the budget statements for the school for the previous year, current year and projected year;
 - the current number of pupils on roll as at the latest DfE Census;
 - the projected number of pupils on roll for the next academic year;
 - the current and proposed curriculum plan and if necessary the curriculum audit details;
 - the school's improvement/development plan;
 - the proposed method of selecting the employees who may be dismissed;
 - the proposed method of carrying out the dismissals, including the period over which the dismissals are to take effect;
 - the method of calculating the amount of any redundancy payments to be made in accordance with the Council's redundancy pay table;
 - the date for the statutory consultation meeting.
- 2.5. The Resources Committee will not unreasonably withhold information which is available and that can be produced to ensure meaningful consultation.

3. Consultation

Statutory Consultation Meeting

- 3.1. The first statutory consultation meeting will be held within 14 calendar days of the statutory consultation notice (Section 188 letter) being issued to the trade unions.
- 3.2. The purpose of the statutory consultation meeting is to discuss:
- the proposal(s);
 - the Section 188 letter and attachments;
 - the impact on the remaining employees;
 - whether the proposed changes can be achieved by means other than redundancy.

- 3.3. The Resources Committee will discuss how they will minimise the number of compulsory redundancies through:
- natural wastage;
 - restricting the recruitment of new employees other than where this is essential;
 - restricting the use of subcontracted labour, and temporary and casual employees;
 - consideration of flexible working arrangements;
 - reducing budget headings for non-essential spend;
 - return of secondees to their parent organisation;
 - inviting applications for consideration for early retirement;
 - inviting applications for voluntary redundancy; or,
 - seeking suitable alternative employment within the school.
- 3.4. The Resources Committee will give full consideration to any alternative proposals made by the trade unions and the outcome of this consideration will be confirmed in writing to the trade unions. Any proposals received will be considered in line with the school's staffing structure and will be subject to ensuring that the balance of skills and experience within the remaining staffing structure is appropriate.
- 3.5. In the event that compulsory redundancies are required the Resources Committee will use this meeting to consult with the trade unions on:
- the retention of employees with specialist skills, appropriate / relevant qualifications or experience;
 - the selection pools;
 - the selection criteria;
 - the selection criteria weighting;
 - the criterion to be applied in the event of a tie break.
- 3.6. The above will determine the employees to be selected for compulsory redundancy.

Employee Consultation

- 3.7. All employees from the school will be informed of the proposal(s) by the Chair of the Governing Body and head teacher via a formal staff meeting.
- 3.8. The Resources Committee will, in addition, write a Section 188 letter to the individual employees affected by the proposals and attach the relevant documentation.
- 3.9. Each employee affected by the proposals will be informed in writing of their opportunity to have an individual consultation meeting with the head teacher and representative from Human Resources. This meeting will be to discuss the impact of these proposals and suggested alternatives to redundancy. Employees are encouraged to bring a trade union representative or work colleague to this meeting.

- 3.10. The Resources Committee will ensure that consultation with those employees who are absent from school takes place during this period.
- 3.11. The Resources Committee will give full consideration to any alternative proposals made by the employees. However, any alternative proposals received will be considered in line with the school's staffing structure and will be subject to ensuring that the balance of skills and experience within the remaining staffing structure is appropriate.

Consultation Time Periods

- 3.12. The Resources Committee will where possible commence consultation two terms prior to the date the redundancy dismissal is effective from.
- 3.13. The school will recognise, as a minimum, its statutory obligations to:
- begin consultations at the earliest possible opportunity where the number of redundancies proposed are less than 20 employees;
 - begin the consultation process at least 30 days before the first dismissal takes place, where between 20 and 99 employees are proposed to be made redundant at one establishment over a period of 90 days or less; or,
 - begin the consultation process at least 45 days before the first dismissal, where the number of redundancies proposed is 100 or more employees over a period of 90 days or less.

Failure to Consult

- 3.14. Failure to consult appropriately with the trade unions and employees about proposed redundancies can result in an employee making a successful claim to an employment tribunal and compensation being paid to the employee concerned. The school will therefore contact Human Resources for advice on the application of this policy and procedure before entering into consultation with the relevant trade unions and employees about proposed redundancies.

4. Voluntary Redundancy

- 4.1. Prior to making any compulsory redundancies the school will consider whether any voluntary redundancies can be made. Therefore employees will be invited to apply for voluntary redundancy.
- 4.2. Applications for voluntary redundancy may be confined to selected categories of employees to ensure that volunteers do not include employees who are needed to contribute to the future success of the school.
- 4.3. Applications will be received by the head teacher and forwarded to Human Resources, who will provide an estimate of benefits to the employee. On receipt of

this estimate the employee must decide whether to proceed with their application or not.

- 4.4. The approval of voluntary redundancy is subject to ensuring that the balance of skills and experience within the remaining staffing structure is appropriate. The Resources Committee therefore has the right to decline any application for voluntary redundancy.
- 4.5. The Resources Committee will consider the applications for voluntary redundancy and approve which employees will be dismissed due to redundancy.
- 4.6. In the event that there are more voluntary redundancy applications that are required, the Resources Committee will:
 - request that teaching employees volunteering complete a skills audit questionnaire, selection will be based on the ranking of the scores and those with the least points will have their voluntary redundancy application approved;
 - score only the mandatory criteria for non-teaching employees, those with the least points will have their voluntary redundancy application approved.
- 4.7. Where two or more employees are tied on the same points following the above, the selection decision will be based on length of service with Gateshead Council. The employee with the longer length of service will have their voluntary redundancy application approved.
- 4.8. Once an application for voluntary redundancy has been approved by the Resources Committee, the approval can only be rescinded should there no longer be a redundancy situation at the school.
- 4.9. The head teacher will discuss with individuals why their application for voluntary redundancy has not been successful.

5. Compulsory Redundancy

- 5.1. Where voluntary redundancy has not resulted in suitable or sufficient volunteers, the Resources Committee will implement the selection criteria for those areas identified in the consultation meetings to select employees for compulsory redundancy.

Staffing Audit

- 5.2. The Resources Committee through the audit process will have identified:
 - the pool of teaching staff which will be subject to the redundancy process; and
“PRIMARY”
OR

- the specific curriculum areas which have surplus teaching provision within them; and “SECONDARY”
- the non-teaching areas that are surplus due to the identification of a staffing structure that supports the delivery of high quality teaching and learning.

5.3. These areas and the associated rationale will be discussed at the statutory consultation meeting(s) to confirm those employees who are subject to the redundancy process.

Self-Selecting Process

5.4. The staffing audit may identify specific posts within the school that are no longer required in the school’s staffing structure, it is the employees employed in these posts that will be at risk of compulsory redundancy.

5.5. The Resources Committee will only identify these employees for redundancy when they can demonstrate that there has been a diminution in the requirement for work of this particular kind.

Skills Audit Questionnaire Process - Teaching

5.6. The Resources Committee will discuss the skills audit questionnaire to be implemented for teaching employees during the statutory consultation meeting(s). The skills audit questionnaire will take into account the need to retain specialist skills, appropriate qualifications and experience (selection criteria) that are vital to the provision of high quality teaching and learning.

5.7. The skills audit questionnaire will be consulted upon for each redundancy process taking into account the proposed staffing structure and the curricular needs of the school. Any employee identified in the selection pool for redundancy will be required to complete the questionnaire to inform the selection process. Appendix 2 gives an example of a teaching skills audit questionnaire.

Skills Audit Questionnaire Process – Non-Teaching

5.8. The Resources Committee will have both mandatory and discretionary selection criteria within the non-teaching skills audit questionnaire. The mandatory selection criteria are length of service, disciplinary record and sickness absence record which are explained in detail below.

5.9. The length of service is the period of continuous service (completed years) with Gateshead Council measured from the employee’s start date to the date of the Section 188 letter. For employees who have transferred to the school under the Transfer of Undertakings (Protection of Employment) Regulations (TUPE), continuity of service is preserved and service with their previous employer will be taken into account.

- 5.10. An employee's disciplinary record is any formal misconduct warnings issued in accordance with the school's disciplinary policy and procedure. These will be taken into account and points will be awarded for any formal misconduct warning issued within a 24 month period prior to the date of the Section 188 letter.
- 5.11. This period can only be altered where an employee has been absent due to maternity, adoption, parental, additional paternity leave or a career break. For example where an employee has been on maternity leave for 6 months then the period will be extended for a further 6 months.
- 5.12. A sickness absence is classified as any absence due to sickness, whether self-certified or covered by a fit note (medical certificate). This criterion will take into account the frequency and total duration of any absences that have occurred within a 36 month period prior to the date of the Section 188 letter. A score will be allocated for the number of absences and a separate score for the total duration of those absences. Any absences which directly relate to disability, pregnancy/maternity or industrial disease/accident/assault will be excluded from the scoring process following verification by occupational health.
- 5.13. This period can only be altered where an employee has been absent due to maternity, adoption, parental, additional paternity leave or a career break. For example where an employee has been on a career break for 6 months then the period will be extended for a further 6 months.
- 5.14. The maximum points score for the mandatory selection criteria is 60 points calculated using 20 points for length of service, 20 points for disciplinary record, 10 points for the number of sickness days and 10 points for the number of sickness occurrences.
- 5.15. The discretionary selection criteria to be applied will be discussed during the statutory consultation meeting. These criteria will take into account the need to retain specialist skills, appropriate qualifications and experience (selection criteria) that are vital to the provision of high quality teaching and learning.
- 5.16. The skills audit questionnaire will therefore be consulted upon for each redundancy process taking into account the proposed staffing structure and the curricular needs of the school.
- 5.17. Any non-teaching employee at risk of redundancy will receive a pro forma to complete and return which details their length of service, disciplinary record and sickness absence record. This information will be used to score the mandatory selection criteria and included on the skills audit questionnaire. These employees will then be required to complete the discretionary selection criteria within the skills audit questionnaire to inform the selection process. Appendix 3 gives an example of a non-teaching skills audit questionnaire.

Selection Process

- 5.18. All skills audit questionnaires will be given to the School Business Manager, or other nominated person, who is not part of any selection pool to verify the information declared is an accurate account of the employees' experience and qualifications.
- 5.19. On completion of the verification of the skills audit questionnaires, a minimum of three members of the Resources Committee, together with a representative from the Council's Human Resources team, will undertake the selection. An adviser from the Council's Human Resources team will attend the selection processes as they must represent the Director responsible for Schools in all occasions where dismissal due to redundancy is considered
- 5.20. The total points allocated for the selection criteria will be used to place employees in a list with most points at the top and least points at the bottom. Selection for compulsory redundancy will be based upon the least points scored. Where two or more employees are tied on the same points the tie break criterion, as consulted with the trade unions and employees involved, will be applied.
- 5.21. The members of the Resources Committee together with a representative from the Council's Human Resources team will, where necessary, verify the reasons for the identification of those employees subject to the self-selection process. Selection for compulsory redundancy will be subject to the Committee being satisfied of the reasons for self-selection.
- 5.22. The scores will be presented to the trade unions, confidentially, for their information for use in supporting their members.
- 5.23. Any employee selected by the Resources Committee for dismissal due to redundancy will be required to attend a meeting with the head teacher and representative from the Council's human resources team. This meeting will inform them of the decision made by the representatives of the Resources Committee. Employees may bring a trade union representative or work colleague to this meeting.
- 5.24. This decision will be confirmed in writing and the employee given the right to appeal against the application of the redundancy selection criteria or the removal of their post from the staffing structure. Where appropriate, the employee will be provided with a copy of their points score and a copy of the anonymised total scores for their selection pool.
- 5.25. Those employees, within the selection process, not selected for redundancy will be advised of this in writing.
- 5.26. A copy of this redundancy confirmation will be forwarded to the Council's human resources team. On behalf of the Director responsible for Human Resources, the Council's human resources team will provide the employee, in writing, with the notification of their dismissal from the school/the Council due to redundancy. This

letter will also confirm the employee's notice periods and any redundancy payment applicable.

6. Notice Periods

- 6.1. As the Council is the holder of the employee's contract of employment, the Council will give any employee made compulsory redundant as much notice as possible of the termination of their contract of employment, but never less than the period of notice to which the employee is contractually entitled to.
- 6.2. The Resources Committee can agree a leaving date with an employee which is earlier than the expiry of their full contractual notice period. Where these circumstances apply, the employee will not receive any pay in lieu of contractual notice and has waived their right to any outstanding statutory notice.

7. Appeals

- 7.1. If an employee is selected for compulsory redundancy, they have the right to appeal to the school's Appeals Committee. This appeal must be based on the application of the selection criteria or the failure to search for suitable alternative employment.
- 7.2. Any employee who wishes to exercise their right of appeal against being selected for redundancy must do so in writing, within 10 working days of receiving their letter from the Resources Committee confirming their selection for redundancy. They should submit their appeal to the Chair of the Governing Body, clearly stating the reasons for the appeal and provide, where relevant, evidence to support their appeal.
- 7.3. The Chair of the Governing Body will arrange a meeting of the school's Appeals Committee within 5 working days of the appeal being received. The Appeals Committee will be made up of 3 or more governors who have had no previous involvement in the setting of the staffing structure or conducting the selection processes and Human Resources.
- 7.4. If the date of the appeal meeting is not suitable for the employee or trade union representative or work colleague an alternative date must be offered which is within 5 working days of the original date.
- 7.5. At least 5 working days prior to the appeal, all relevant documentary evidence to be used at the appeal by both parties should be exchanged. The employee will be given two copies of the documentation, one for themselves and one copy for their trade union representative or work colleague.
- 7.6. At the appeal meeting the Chair of the Resources Committee will present the information, giving the background to and the reasons for the decision and include documentation as previously provided to the employee. The employee (or their trade union representative or work colleague) will have the opportunity to ask questions of

the Chair of the Resources Committee. Members of the Appeals Committee supported by Human Resources may also ask questions.

- 7.7. The employee (or their trade union representative or work colleague) will put forward their information, including documentation as previously provided for the Appeals Committee. The Chair of the Resources Committee will have the opportunity to ask questions of the employee. Members of the Appeals Committee supported by Human Resources may also ask questions. The Chair of the Resources Committee and the employee (or their trade union representative or work colleague) will then sum up their presentation if they so wish.
- 7.8. The Chair of the Resources Committee, employee and their trade union representative or work colleague will then withdraw whilst the Appeals Committee considers the information presented, advised by Human Resources.
- 7.9. If the Appeals Committee need to recall the Chair of the Resources Committee or the employee (or their trade union representative or work colleague) to clarify matters on which they are uncertain, then both parties are to return notwithstanding only one may be required to comment on the point requiring clarification.
- 7.10. The decision of the Appeals Committee will be given orally in the presence of both the employee (and their trade union representative or work colleague) and the Chair of the Resources Committee, where practicable, and will then be confirmed in writing.
- 7.11. The appeal is conducted as a review of the original decision. However in exceptional circumstances, where it is agreed that there has been some procedural irregularity or flaw in the process, the Appeals Committee may consider any such representations and if thought appropriate, proceed with the appeal by way of a rehearing. The appeal will be reconvened at the earliest possible date thereafter.
- 7.12. The decision of the Appeals Committee will be the final decision of the school.
- 7.13. A dismissal on the grounds of redundancy may be considered by an Employment Tribunal to be unfair if the procedure for selection for redundancy has been unfairly applied to the employee(s) concerned, or if the way in which it has been carried out has been unreasonable (e.g. without adequate warning or consultation with the appropriate representatives).

8. Assistance in finding alternative employment

Suitable alternative employment within the school

- 8.1. After an employee has been confirmed as being selected for redundancy, the head teacher will consider vacancies within the school in order to identify any suitable alternative employment.

- 8.2. An employee who is on maternity leave and has been selected for redundancy is entitled to be offered any suitable alternative employment at the school (where one is available) before any other employee who has been selected for redundancy. Thus giving any employee on maternity leave priority over other employees who are under notice of redundancy.
- 8.3. Any vacancy identified at the employee's current grade (or below) will be discussed with them. If the vacancy is deemed as suitable alternative employment this will be ring-fenced to the employee(s) and if necessary an interview process will occur. Where appropriate, the employee will be entitled to a 4 week trial period. During the trial period regular reviews will be undertaken as to the employee's suitability to undertake the duties and responsibilities of the role.
- 8.4. Any non - teaching employee who obtains suitable alternative employment within the school will be offered pay protection, if applicable within the school's pay policy.
- 8.5. Any teaching employee who obtains suitable alternative teaching employment within the school will be awarded safeguarding as per the current School Teachers Pay and Conditions Document.
- 8.6. The Governing Body will ensure that if the Resources Committee is satisfied that a suitable alternative post has been offered to a redundant employee and declined, then a redundancy payment will be withheld. An offer of alternative employment will be considered suitable where the grade, hours of work, status and location are of similar terms as the post being made redundant. All offers of alternative employment will be formal.

Suitable alternative employment within the Council (excluding schools)

- 8.7. If the school has been unable to identify any suitable alternative employment for its employees then the Council will seek suitable alternative employment where employees are under notice of dismissal for compulsory redundancy.
- 8.8. A representative from the Council's human resources team will hold an initial meeting to:
 - determine if the employee wants alternative employment within the Council (excluding schools);
 - discuss the process involved in seeking alternative employment as detailed in Appendix 4 if required.
- 8.9. The Council will ensure that:
 - if the Strategic Director, Corporate Services and Governance is satisfied that a suitable alternative post has been offered to a redundant employee and declined, then a redundancy payment will be withheld;

- where alternative work cannot be found within the Council for redundant employees, services within the Council may be able to assist them to secure alternative employment outside the Council.

8.10. The Council will not award pay protection to any school employee who obtains suitable alternative employment within the Council.

Time off to look for new employment / training

8.11. All employees under notice of dismissal due to redundancy will be given reasonable time off work to look for new employment or training opportunities. The statutory amount of paid time off available is two working days. Requests for time off must be submitted to the head teacher for approval, who will consider requests favourably subject to the school's operational needs.

Counselling

8.12. The school can arrange counselling for employees via Occupational Health, prior to any compulsory redundancies taking place, to assist them in dealing with being selected for redundancy.

9. Redundancy Payments

9.1. All redundancy payments made by the school will be in accordance with the Council's redundancy pay table and will be paid between 5 and 10 working days after the date of redundancy.

9.2. To be entitled to a redundancy payment an employee must have at least two years' continuous service with an organisation covered by the Redundancy Modification Order (Amended 2010). All employees who receive redundancy payments will be given written notification of the way in which their redundancy payment has been calculated.

9.3. The same redundancy benefits and entitlements will be offered regardless of whether the redundancy is voluntary or compulsory.

9.4. Employees aged over 65 will qualify for a redundancy payment if the reason for their dismissal is redundancy.

9.5. Any employee who volunteers or is selected for redundancy, and is a member of the Local Government Pension Scheme (LGPS), will be entitled to early release of their pension benefits as from the date of their dismissal if they fit the criteria within the scheme regulations for early release of these benefits.

9.6. Any employee who volunteers or is selected for redundancy, and is a member of the Teachers' Pension Scheme (TPS), will be awarded redundancy benefits as applicable under the Council's Teachers' Early Retirement/Redundancy Payments Policy.

10. Weekly Wage

- 10.1. Any non-teaching employee who is dismissed due to redundancy will have their redundancy payment calculated as at their actual non-equated weekly wage at the date of dismissal.
- 10.2. A non-teaching employee's weekly wage is that which the employee is entitled to under the terms, expressed and implied, of their contract of employment, this includes those payments received where there is an expectation to work over an extended period.
- 10.3. If a non-teaching employees pay varies (such as the regular receipt of lettings or additional hours) their actual weekly wage will be calculated using an average over the 12 weeks prior to the date of dismissal.
- 10.4. Any teaching employee who is dismissed due to redundancy will have their redundancy payment calculated using their actual weekly wage.

11. Multiple Contracts

- 11.1. Where an employee has multiple contracts with the school at the point of redundancy, the start date in the contract that they are being made redundant from is used to calculate their redundancy payment.
- 11.2. Where an employee has had multiple contracts but only has one contract at the time of redundancy, then their start date in their very first contract is used for calculating their redundancy payment, taking into account any relevant previous continuous service.

Appendix 1

Guidance

Redundancy in Maintained Schools

This document sets out Gateshead Council's approach to funding part or all of the costs arising from school Governing Body decisions relating to teaching and support staff redundancy costs in maintained schools.

1. The Local Authority has a role in organising redundancy costs under the Education Act 2002. This guidance sets out a clear process for schools and the Local Authority to follow in order to support consistency and fairness.
2. This guidance is intended to support the existing redundancy policy and procedure. It does not replace or supersede any of the processes set out in this policy. It should be noted that the timescales and processes set out within this guidance are purely for the purpose of decision making on the funding of any possible decisions on redundancies for teaching staff and support staff.

Decision making process

3. Schools considering reducing their staffing complement through redundancies should consult with HR in the first instance.
4. The school is required to complete the pro forma attached with this guidance, documenting the reasons for the possible need to reduce their staffing complement, attaching relevant evidence (i.e. draft Section 188 letter) where they seek Local Authority funding for any termination costs. They must then forward the pro forma and any relevant evidence to the Service Director, Learning and Schools at the point at which a redundancy situation is identified.
5. Decisions on whether or not to make funding available in principle and based on the outline business case will be made by the Service Director, Learning and Schools following consultation with finance, legal and HR colleagues as appropriate.
6. The Local Authority will respond to the outline business case in writing within fifteen working days, setting out its position on funding or requesting a modification if required before a decision can be reached.
7. If the Local Authority accepts in principle to fund any costs resulting from the pro forma put forward by the Governing Body then the school should begin to formally work through the relevant procedures relating to as set out in the redundancy policy and procedure, in conjunction with HR and in accordance with relevant statutory requirements.
8. If the Local Authority does not accept the outline business case put forward

Appendix 1

by the Governing Body, or requests modification which the Governing Body rejects, then the school will have a period of 15 working days in which to appeal the decision to the Group Director, Learning and Children.

9. Where the Local Authority decision is not to fund a proposed reduction, following either the original Governing Body request or any subsequent appeal, the school has the option to continue with their proposals and meet any funding requirement from their delegated budget.
10. Where the Local Authority decision is in principle to fund in part or in full, the school will submit a further detailed schedule of proposed costs relating to the individuals affected once the process of consultation and school decision making has been completed with all efforts to secure redeployment for those affected having been exhausted.
11. Where the Governing body proposes to make the required redundancies in line with the School's agreed redundancy policy and procedure (both teaching and non-teaching Staff) and keeping with the original application, the school can progress with the HR procedure to terminate employment (point 13 below).
12. Where the proposed redundancies **are not in line** with the School's agreed redundancy policy and procedure, the reasons for such should be put in writing to the Service Director, Learning and Schools for consideration. The Local Authority will then notify the school within ten working days of receiving the documented reasons and schedule of proposed costs if it is in agreement. If the Local Authority decides not to support all or part of the proposal, the school has the option to continue with their proposals and meet any funding requirement from their delegated budget.
13. With Local Authority agreement, the school will progress the completion of the HR procedure, in conjunction with HR, to the Governing Body for a final decision on whether to terminate employment or not. The school will notify the Local Authority within ten working days of the Governing Body decision and the date on which the decision will take effect.
14. The school should make any redundancy payments against their delegated budget. On receipt of final confirmation of the Governing Body decision to terminate employment the Finance Business Partner - Schools will arrange for the repayment of agreed costs to the school.

Redundancy

15. The primary legislation for the issues addressed by this policy is set out in Section 37 of the Education Act 2002 which makes clear that decision making responsibilities in securing the termination employment contracts of teaching and support staff in schools through redundancy lie with the Governing Body.

Appendix 1

16. Consequently the Local Authority role in consideration of possible staff redundancy would only be on making decisions about funding any such proposal, in accordance with relevant statutory requirements.
17. Section 37 of the Act makes it clear that the costs incurred in respect of securing the dismissal of staff through redundancies, shall not come from the school's delegated budget unless the Local Authority has good reason for refusing to fund all or part of the costs. 'Good reason' is not defined but a good reason might be that the Local Authority believes the proposed redundancy was unnecessary or that efforts to secure redeployment were not adequately explored or that payments are too high or if the school holds a surplus revenue balance which could reasonably be used to fund the additional costs.
18. In considering any proposal which might require the Local Authority to fund redundancy payments the following criteria will be applied to a school's application by the Local Authority in reaching a decision:
 - a) Is there a clear and detailed rationale for the proposed staffing reduction?
 - b) Is the proposed reduction in staffing based on accurate assessment of the school's current financial position?
 - c) Is the proposed reduction in staffing based on a reasonable and accurate prediction of the school's future financial position?
 - d) Has the school provided sufficient advance warning of any possible redundancy to the Local Authority?
 - e) Has the school carried out a thorough investigation of ways to avoid any redundancy?
 - f) Does the school have a clear plan in place to try and avoid any redundancy through re-deployment of staff affected, including possible redeployment to other schools within the Local Authority?
 - g) Does the school have an agreed procedure and policy in place which will be followed to make any reduction to staffing?
19. Where the criteria set out above are met, the Local Authority will *normally* agree in principle to fund the redundancy lump sum compensation payment, including any enhancement in line with Gateshead Council's policies for redundancy payments.
20. Having agreed in principle to fund the costs of any redundancy by accepting the outline business case put forward by a school, the Local Authority will then consider the schedule of proposed costs for any redundancy for every individual affected. If the proposed employee payments are not in line with the Council policy for redundancy payments then the Local Authority will only meet the costs up to the redundancy policy limit. The Governing Body would have the option to fund the difference from the school delegated budget.

Appendix 1

PRIVATE AND CONFIDENTIAL

Application for Local Authority Funding for a Potential Reduction in Staffing
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School Name	
Head teacher	
Chair of Governors	
Date	

Reason for proposed redundancy process (please tick as appropriate)

- School Budget Deficit - please attach proposed Section 188 letter
- Fixed term post end – please attach evidence to support application for Local Authority funding. As per the School’s redundancy policy and procedure, the standard position is that schools are responsible for any redundancy costs arising as a result of a fixed term contract ending, unless there is good reason for the authority to fund.
- Other – please attach details of any circumstances pertaining to the redundancy situation, along with associated evidence to support any reason that it should receive Local Authority funding for redundancy costs.

Declaration

I confirm that the information contained within this application is accurate and correct at the time of writing, and that any supply of inaccurate information may lead to a withdrawal of any agreement for funding made by the Service Director, Learning and Schools.

Chair of Governors (print name)	
Chair of Governors (signature)	
Date	

Appendix 1

Please forward this application and all associated evidence to:
'csschoolsredundancyfunding@gateshead.gov.uk'

Office use only:

Date received:	
Decision:	
Date response acknowledged:	

Appendix 2

Example Teaching Skills Audit Questionnaire

XXXX School

Confidential

Example Teaching Employees Skills Audit Questionnaire

Information Sheet

Following discussions between the Governing Body, the relevant trade union representatives and yourself, a selection process is now necessary. To assist this process please complete the information requested in this questionnaire accurately and in full.

All information provided will be validated by NAME.

All employees requested to complete a skills audit questionnaire will be scored whether a completed questionnaire is returned or not.

The information you provide will be treated with strict confidentiality and this front page will be detached for the purpose of scoring to ensure anonymity.

Please submit your completed questionnaire to NAME by DATE.

Name: _____

Position in school: _____

Identification number: _____

Date questionnaire received: _____

I can confirm to the best of my knowledge that the information provided is accurate.

Signed _____

Date _____

Appendix 2

Identification Number: _____

How many years' service do you have with Gateshead Council?	Years	Points <i>(1 point for every completed year up to a maximum of 20 points)</i>
How many years' experience as a Teacher do you have?	Years <i>In any educational setting</i>	Points
Under 1 year (NQT)		0
1 – 5 years		5
6 - 10 years		10
11 - 15 years		15
16 + years		20
What relevant educational qualifications/CPD do you have excluding school based Inset/ whole school training?	Qualifications/CPD <i>Please only include qualifications/courses relevant to your role in the school.</i>	Points
Unqualified		0
Degree or equivalent		5
Post-graduate qualification relevant to subject/teaching and learning pedagogy (excluding PGCE)		10
Any course attended that is relevant to your role as a classroom teacher, within the past 2 years.		<i>1 point per course up to a maximum of 5 points</i>
Primary School Only Which key stages have you supported in during the last 5 years? <i>Please detail only those you have supported for a term or more</i>	Academic Years <i>Please provide dates worked in each key stage</i>	Points <i>(5 points per Key Stage)</i>
Foundation Stage		
Key stage 1		
Key stage 2		

Appendix 2

Primary School Only Which subject areas have you had experience of developing, monitoring and assessing within the last 3 years?	Subject Area <i>Please list the subject areas with dates.</i>	Points <i>2 points per core subjects plus 1 point per non-core subject area. Total maximum points of 10</i>
Secondary School Only Which schemes of work have you had experience of teaching within the last 3 years? <i>Please detail only those experienced for a minimum of one third of any academic year.</i>	Academic Years <i>Please provide dates worked in each key stage</i>	Points <i>2 points per core stage plus 3 points per qualification stage plus 1 point other subjects taught. Total maximum points of 20.</i>
Key Stage 3 – Core		
Key Stage 4 – Core		
Key Stage 4 – GCSE		
Key Stage 4 - BTEC		
Key Stage 5 – A Level		
Key Stage 5 – BTEC		
Other subjects taught outside of main curriculum area		
How have you taken an active role in the following School Improvement Priority projects within the last 3 years?	Role in SIP <i>Please provide details of your active role and year undertaken</i>	Points <i>5 points per SIP activity</i>
SIP 1		
SIP 2		
SIP 3		
SIP 4		

Appendix 3

Example Non-Teaching Skills Audit Questionnaire

XXXX School

Confidential

Example Non-Teaching Employees Skills Audit Questionnaire

Information Sheet

Following discussions between the Governing Body, the relevant trade union representatives and yourself, a selection process is now necessary. To assist this process please complete the information requested in this questionnaire accurately and in full.

All information provided will be validated by NAME.

Failure to return your completed questionnaire will mean that only the mandatory selection criteria will be scored during the selection process.

The information you provide will be treated with strict confidentiality and this front page will be detached for the purpose of scoring to ensure anonymity.

Please submit your completed questionnaire to NAME by DATE.

Name:

Position in school:

Identification number:

Date questionnaire received:

I can confirm to the best of my knowledge that the information provided is accurate.

Signed

Date

Appendix 3

Identification Number: _____

Length of Service <i>The period of continuous service with Gateshead Council is measured from an employee's start date to the date of the Section 188 letter</i>	Years <i>Details as per pro forma</i>	Points <i>(1 point for every completed year up to a maximum of 20 points)</i>				
How many years' experience as a [xxxx] do you have?	Years <i>In any educational setting</i>	Points				
Under 1 year (NQT)		0				
1 – 5 years		5				
6 - 10 years		10				
11 - 15 years		15				
16 + years		20				
What other current qualifications relevant to the role do you hold? <i>In addition to the qualification required for your current role</i>	Qualifications <i>Please specify the qualification with the year of completion</i>	Points <i>(1 point for every qualification up to a maximum of 5 points)</i>				
Coaching						
First Aid						
Language						
SEN						
HLTA status						
Other (please specify)						
Which key stages have you supported in during the last 5 years? <i>Please detail only those you have supported for a term or more</i>	Academic Years <i>Please tick as appropriate</i>	Points <i>(X points per Key Stage –weighted to setting/school)</i>				
Foundation Stage	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Key stage 1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Key stage 2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Key stage 3	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Key stage 4	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Appendix 3

What educational initiatives have you delivered in the last 3 years? <i>Please specify below</i>	Dates delivered <i>Please provide start and finish dates</i>	Points <i>(1 point for every initiative up to a maximum of 5 points)</i>
Disciplinary Record <i>Formal misconduct warnings issued in accordance with the School's Disciplinary Policy and Procedure within 24 months of the date of the Section 188 letter will be taken into account</i>	Details <i>As per pro forma</i>	Points
No warnings on file		20
Written warning		15
Final written warning issued within the period 12 to 24 months prior to the date of the Section 188 letter		10
Final written warning issued within the last 12 months prior to the date of the Section 188 letter		5
Alternative employment with a final written warning as an alternative to dismissal		0
Sickness Absence Record – Number of Days <i>Absence occurring within 36 months of the date of the Section 188 letter</i>	Details <i>As per pro forma</i>	Points
0 days		10
More than 0 and up to 5 days		9
More than 5 and less than 10 days		7
More than 10 days and up to 25 days		5
More than 25 days and up to 50 days		3
More than 50 days and up to 75 days		2
More than 75 days		0

Appendix 3

Sickness Absence Record – Number of Occasions <i>Absence occurring within 36 months of the date of the Section 188 letter</i>	Details <i>As per pro forma</i>	Points
0 absence		10
1 absence		9
2 absences		7
3 absences		5
4 absences		2
6 absences		1
7+ absences		0

Appendix 4

Suitable Alternative Employment across the Council (excluding schools)

1. Eligibility

If the school's search is unsuccessful, the head teacher will contact the Council's Human Resources team to request that a meeting is arranged with the employee(s) under notice of dismissal for compulsory redundancy.

2. The Initial Meeting

An initial meeting will be held to determine if the employee wants the Council to actively seek suitable alternative employment for them.

The employee, with Human Resources, will complete an application form which will record:

- the employee's preferences for the general areas of work and / or specific jobs they would be interested in;
- the minimum and maximum hours per week the employee is seeking/able to work;
- whether the employee is able to work shifts or irregular hours, be on-call, etc;
- the employee's education and qualifications, employment history, knowledge, training, skills and experience;
- details of any health issues as appropriate;
- any disability, which might require adjustments to work or the workplace.

3. Search within the Council

A representative from Human Resources will identify any appropriate vacancies at or below the employee's current grade as and when they occur directly to the employee and provide them with any supporting information available.

The search will be for the period of the employee's contractual notice.

The search excludes vacancies in schools.

4. Applying for vacancies

Employees must notify the nominated representative from the Council's Human Resources team of any vacancies that they are interested in applying for. Human Resources will then send a copy of the employee's application form to the relevant appointing officer.

Appendix 4

If the appointing officer in consultation with Human Resources determines the employee meets the 'minimum selection criteria', they will be guaranteed an interview.

5. Offer of suitable alternative employment

An offer of alternative employment will be considered suitable where the grade, hours of work, status and location are of similar terms as the post being made redundant. All offers of alternative employment will be formal.

An employee may decline an offer of suitable alternative employment; however, they should be aware that circumstances might mean they are no longer entitled to a redundancy payment.

6. Trial Period

Where an offer of employment is made, the employee will be entitled to a 4 week trial period. In cases where retraining is required the trial period can be extended by mutual agreement.

The trial period allows the employee and the Council to see whether the job offered is both suitable and reasonable in the circumstances. The trial period will also allow the effectiveness of any training or retraining to be assessed.

If the employee's trial period extends beyond the employee's contractual notice period, they will be paid the salary of the post they are trialling,

7. Completion of Trial Period

Where a trial period has been successful the employee will be confirmed as permanent in that post.

Where a trial period has been unsuccessful the employee will be made redundant and their redundancy payment will be based on the weekly wage of their previous contract.