**RESTRUCTURING PRINCIPLES AND REDUNDANCY GUIDELINES FOR SCHOOLS**

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**Definitions**

For the purpose of this document, the following definitions will apply:

The terms **management** or **manager** are used to indicate head teachers, executive head teachers, governing bodies, senior leadership teams etc. as applicable in individual schools.

**NCC school** refers to any Nottingham City Council maintained community school or any other school or academy that purchases HR Advisory Support from the Local Authority.

**HR advisor** refers to the service provider purchased by the school to give HR advice.

**Employees** are those who hold permanent or temporary (including fixed term) contracts of employment. It will not include agency workers[[1]](#footnote-1)/supply employees, the self employed (e.g. consultants), PATRA trainees or casual workers.

**Trade Unions** refers to the recognised trade unions of the school/academy.

# Introduction

* 1. This document supports Change Management Principles and specifically details the key principles for managing restructures at Nottingham City schools. Managers should engage with their relevant HR advisor before embarking on a programme of change.
  2. Each governing body is responsible for deciding the number of staff to be employed at its school and sometimes there may be the need to change the staffing establishment for budgetary reasons, pupil numbers, curriculum or operational needs, or for some other reason. This guidance provides advice for governing bodies to help in:

1. meeting legal requirements,
2. correctly managing staffing restructures,
3. recognising the rights of the individuals concerned, and
4. continuing to maintain good employee relations.
   1. Managing change is an essential part of delivering and refreshing services in today’s economic climate. A regular review of work undertaken and restructuring of activities is becoming more of a necessity to make sure that roles and functions are fit for purpose both now and in the future.
   2. This document aims to help managers identify the people management issues and processes required to support new organisational proposals and highlights the key requirements that need to be considered when altering job roles, grades etc. and where redundancy principles may apply. The Change Management Principles document refers to wider people management elements and other examples of change management, such as TUPE (Transfer of Undertaking (Protection of Employment)), changes to working patterns etc. It is therefore important to read the full range of documents and guidance available before commencing a restructuring process.
   3. This document is a guide, is not contractual and will be flexible to meet the needs of the service.
   4. Employees will always be considered in their substantive roles. Therefore, if a colleague is on secondment or is undertaking additional duties or ‘acting up’ this will not normally be considered. However, there may be occasions where a colleague has been undertaking additional duties or ‘acting up’ for a considerable period of time and could argue that these duties should have formed part of their permanent role. In these circumstances managers should seek advice from the HR advisor.
   5. Restructuring must not be used to address issues of individual under performance or ill-health conditions[[2]](#footnote-2). Where these situations occur they should be addressed through the appropriate procedure.

1. **Key steps to restructuring (including redundancy)**
   1. Appendix 2 provides a brief guide to the key steps which are likely to be involved in a restructuring process. However, the list is not exhaustive and management should liaise with their HR advisor before embarking on a restructuring programme for advice and consideration of proposals and how this may be achieved.
2. **Clarification of roles**
   * 1. **The local authority**
     2. With the exception of voluntary aided schools and Academies, the local authority remains the employer in law.
     3. To assist governing bodies and head teachers, the local authority will:

* Offer advice on the determination of the staffing establishment
* Where HR advice is purchased from the City Council, provide guidance and assistance in the processes for managing staffing restructures in line with employment legislation
  1. **The governing body and the head teacher**
     1. The governing body is responsible for setting the staffing complement of the school and for managing staffing restructures.
     2. The fairness of dismissal can be challenged in an Employment Tribunal and the governing body will be the respondent in such actions. There may be other respondents, including the local authority. Where governing bodies have purchased HR and legal services and followed the procedures in this document and HR advice, the authority will arrange for necessary legal advice.
     3. Governing bodies should avoid all redundancies both voluntary and compulsory wherever possible and are requested to take a positive approach with regards to redeployment within and between schools.
     4. If, within a year of a dismissal for redundancy reasons, a school needs to consider reinstating staffing levels, the school may be required to meet redundancy costs and pension liabilities if, for example, it was not a genuine redundancy situation. Advice should be sought from the HR advisor.
     5. Governing bodies are advised to delegate the responsibilities to their appropriate committees and the management of the staffing restructure process to the head teacher, who may be supported by a small number of governors not involved in any other committees.

a) The Finance and General Purposes Committee/The Pupil and Personnel Committee (or equivalent) determine the staffing establishment and agree the management of the staffing restructure process by the head teacher.

b) The Staff Dismissal Committee (or equivalent) consider the head teacher’s recommendations for any staffing restructure process and hear and consider any representations by individuals provisionally selected for redundancy. It is recommended that the number of governors on this committee should not be less than three.

c) The Dismissal Appeals Committee hears appeals against the decisions of the Staff Dismissal Committee. The number of governors on this committee should not be less than the number on the Dismissal Committee.

* + 1. The School Staffing Regulations 2003 state that the head teacher should take the lead in making decisions on dismissals. However, given that under these procedures the head teacher is responsible for managing staffing reductions, it is recommended that the head teacher makes recommendations to the governing body and has no part in the decisions itself. In secondary schools further delegation may apply with responsibilities being delegated to members of the Senior Management Team and therefore it may be appropriate for the head teacher to be involved in reaching a decision.
    2. It is essential that any governors who are involved in any part of managing staffing restructures have an understanding of the need for confidentiality and impartiality and avoid what could prejudice the process. It is important that, at each stage, governors understand their role and responsibilities in ensuring that the procedures are correctly followed. The HR provider, will be able to provide clarity if required. If any training needs are identified by the governing body, this should be addressed and supported as required.

1. **Planning** 
   1. Planning is key to the success of any change programme. The more thought and preparation that is put into the process before it commences, the smoother the change process is likely to be. A project plan/implementation timetable should be developed detailing how the restructure will be implemented including the details around scope, stages, resources, responsibilities, timescales, key milestones and risks. The new structure and process will only be a proposal at this stage and therefore is subject to formal consultation.
   2. The Key Steps (located in appendix 2) highlights some of the steps involved in a review. This list is not exhaustive and the order may vary depending on the scenario. Advice should be sought from the HR advisor.
      1. As soon as the staffing complement has been set and the need for a staffing restructure has been identified, the head teacher should consider the timelines and ascertain availability for meeting dates for committee members. Proposed timelines should also be discussed with the relevant HR provider.
   3. Managers should not underestimate the time needed to ensure that a change programme is effectively implemented. Undertaking a change management process such as a restructure takes preparation and time which will be in addition to the normal day to day activities. The most important step of the planning stage is to consider how this will be achieved and what resources will be needed (e.g. preparing job descriptions, project support, organising meetings, including Trade Union Consultation meetings etc).
2. **What changes need to take place?**
   1. The business case for any change management process will drive what changes are required, by when and how much they will cost. It is important to involve HR colleagues at an early stage when contemplating change that will impact on employees (as well as finance colleagues at the appropriate time as they will need to provide for the costs of implementing the proposals). Structural change may entail for example, a straight forward restructure, a complex transformation programme or it may necessitate the need to make redundancies. This guidance follows good management principles that should enable effective restructures to take place, including those that may include formal redundancy scenarios and therefore require a legislative process to be followed.
3. **What are the implications of the changes on my team?**
   1. Once the business case has been identified, the new requirements for the service functions should be broken down into new roles and responsibilities. It is at this stage that the impact on current postholders needs to be considered.
   2. This may range from simply updating current job descriptions to significant updating and rewriting (all of which may then affect current grade); merging of two or more roles or reducing the number of a particular role. The HR advisor can advise on this process and should be engaged at the earliest opportunity. They can also challenge thinking and help to shape the development of proposals. Financial advice should also be sought at this stage.
   3. If changes have been made to a Job Description, it is important to check if this will alter the grade of that post. The Job Evaluation team will provide advice and guidance on changes to Job Descriptions and grading for non teaching posts. Any new grades will impact on potential cost of the new structure and the potential impact on employees. Therefore, in order to ensure any formal consultation is meaningful it is important to finalise grades before commencing consultation.
   4. Job Descriptions / grades will be subject to formal consultation and therefore will remain ‘indicative’ through the consultation process. If further changes are made, further evaluations checks will need to take place. This may impact on consultation timelines.
4. **Designing the change programme**
   1. The differing impact on employees will determine next steps and how formal the process needs to be.
   2. The key driver for any change or service redesign programme must be to ensure school improvement. The school and NCC aims to have the “right people in the right place at the right time” to deliver efficient services. Whilst current roles may no longer be appropriate, the starting point of any service / structure review should be to evaluate the skills and roles required going forward and to try to minimise disruption to teaching and learning whilst retaining skills and experience. This is not always possible to achieve and in some circumstances a completely new set of skills will be required to deliver the new service or structure. It may even be necessary, for business reasons, to cease or reduce delivery of a particular function and in such circumstances, redundancies may be contemplated.
   3. New roles within the proposed structure should be considered for those existing team members who are affected by the proposed changes first. It may be the case that some employees have a closer fit to the new roles than others and therefore new posts will be ‘ring-fenced’ to certain groups.
   4. The HR advisor can assist in advising how job roles should be ‘ring-fenced’ and which employees have greatest priority over the new roles. This should be considered based on their current duties, roles and grades. Examples of different scenarios (including redundancy) can be found at Appendix 3.
   5. Where an established post is currently being filled by an agency worker (i.e. not an employee), and that post has not been identified for deletion, the post will be treated as a potential vacancy that any employee provisionally selected for redundancy can apply for.
5. **Determining a genuine redundancy situation**
   1. For a genuine redundancy situation to be established, one or more of the following conditions must be met:

* a cessation of the entire business by the employer (e.g. closure of a school) or;
* a cessation of business at the colleague’s workplace, or;
* a cessation or diminution of the employer’s requirement for colleagues to carry out work of the particular kind undertaken by the colleague. (This will be the most usual justification for redundancies being made by NCC/schools).

1. **Communication and consultation.**
   1. It is critical that management are seen to lead any change and consultation process, to deliver key messages to their employees and to ensure all employees are involved and understand the changes facing them.
   2. All consultation must be genuine and meaningful.
   3. ***Communication -*** It is helpful to involve all employees and trade unions in shaping the vision of a new service - early involvement helps to ensure ‘buy-in’ at a later stage. Often the people who deliver services better understand what works well and what can be improved. It is important to understand however, the critical point at which formal consultation needs to take place, especially if contemplating making redundancies. The HR advisor can advise on this (another reason for their early input).
   4. ***Consultation*** - there are different situations where employers should consult with their employees. This could be ‘informally’ on an individual or team basis, ‘formally’ on an individual or team basis, formally with Trade Union colleagues or as part of a Collective Consultation process (when contemplating redundancies).
      1. *Formal consultation* - It is important to involve the recognised Trade Unions when embarking on a change management process. The Trade Unions play a critical role in representing and supporting individual employees and therefore need to fully understand the rationale for change and the impact on their members.

In the interests of good industrial relations, schools are recommended to engage early with the Trade Unions from the outset and can help to ‘smooth’ the process.

* + 1. *Collective consultation* - There are legal requirements on when an employer must collectively consult on a formal basis with the Trade Unions when contemplating making redundancies. The statutory minimum consultation period will depend on the number of redundancies proposed as set out below:
* 1-19 employees – no specific period required, although the employer is under a legal obligation to begin consultation ‘in good time’. It may be good practice to plan for a minimum of 30 days consultation to allow for a full and meaningful consultation process.
* 20 -99 employees – 30 days consultation required
* 100 or more employees – 45 days consultation required.

In defining the relevant timescales, seek advice from the HR advisor.

The duty to consult applies as soon as the school has ‘formulated specific proposals to make redundancies’. This would normally be following approval to take forward service change proposals.

* + 1. *Individual consultation -* Although consultation may be taking place on a group / collective basis, it is also important to consult with affected individuals. There are no legal timescales for individual consultation, however the ‘genuine and meaningful’ requirement still applies and should be considered when arranging one-to-one meetings with affected colleagues.
    2. *Public consultation -* It may also be necessary in some cases to conduct a period of public consultation if the proposed change has a significant impact on service users. This should take place before any colleague or trade union consultation commences, unless there is legitimate reason not to, and may impact on timescales.

1. **Notifying the trade unions**
   1. As soon as the decision has been made to make staffing reductions, the head teacher should start the consultation required under Section 188 of the Trade Unions Labour Relations (Consolidation) Act 1992. The notification should be sent by first class post or e mail to (see appendix 1):
2. the secretaries of **all** the recognised trade unions irrespective of whether or not the planned reduction will affect teaching or school support staff; and
3. The HR advisor **at Nottingham City Council (even if advice is purchased from another provider)**

Management should bring the notice to the attention of all groups of staff and inform them where they may refer to it e.g. Staff Notice Board or where most appropriate. Individual copies must be sent to staff absent from work.

* 1. Managers should enclose the following additional information for the trade unions:

1. a copy of the school’s Budget Plan Entry Form for the current financial year set alongside the provisional budget entries for the new financial year (totals only);
2. details of the proposed selection criteria and the scoring matrix for any proposed assessment process; and
3. the appropriate matrix for determining the number of weeks pay an employee will be entitled to, there will be a different matrix for teachers and support staff.

* 1. Managers should note that periods of school closure could affect the timescale required to manage a reduction and given this, it is recommended that managers send the notification immediately after the new staffing complement for the school has been set.

1. **Pool of staff**

**Support staff**

* 1. Following the implementation of Single Status and the clarification of roles for support staff, it may not be necessary for all staff of a particular occupational group to be placed in the ‘pool of staff’ when reductions are being made.
  2. For example, the implementation of new Job Descriptions for Teaching Assistants are now distinct at each level and have clearly defined roles and responsibilities based on Occupational Standards in Supporting Teaching & Learning (NOS STL). Therefore, a school may find it necessary to make a reduction at a particular level rather than across the board, therefore retaining the skills required to take the school forward. In this case, it would be appropriate for the ‘pool of staff’ across the school and all associated sites to consist of only the staff in that particular role and at that particular level rather than all the Teaching Assistants employed at the school.
  3. Further advice should be sought from the HR advisor when considering the ‘pool of staff’ for all school support positions.

(NB. for any Academies who have not implemented Single Status, but purchase the NCC HR Advisory Service, further advice will be provided on a case by case basis).

11.4 Careful consideration must be given to this for any restructure, and the decision must be fair and objectively justified. The explanation and rationale for the proposed pool must been shared with the TAs and Trade Unions during consultation.

**Teaching staff**

11.5 In a primary school, if the area of reduction has been identified as the nursery, all teachers within the school may be included for the ‘pool of staff’ at risk of redundancy. The reason being is that all teachers’ job descriptions are based on the School it may be necessary to demonstrate that the selection has included all Teachers’ Pay and Conditions Document and therefore are likely to have the skills to work across all year groups in a primary school. However, an assessment would be made on a case by case basis.

* 1. In a secondary school, teachers are likely to have different experiences and expertise across different areas of the curriculum. Whilst working to the job description in the School Teachers’ Pay and Conditions Document, individuals experience and expertise will need to be taken into consideration. Therefore it is appropriate in most cases for the ‘pool of staff’ for selection should be those within the affected department.

1. **Salary safeguarding and redeployment** 
   1. **Teachers**
      1. Salary protection will apply, where necessary, to employees appointed to posts in City schools or the Local Authority, for teachers the safeguarding will apply for 3 years.

* + 1. The School Teachers’ Pay and Conditions Document details the arrangements for salary safeguarding. Where as a result of re-organisation a teacher is offered and accepts a post in either the existing school or another Nottingham City Council Maintained School at a lower salary, this will be safeguarded on the former salary including any permanent allowances and payments in accordance with national conditions, which is currently up to three years. Cases will be considered on an individual basis according to the safeguarding rules detailed in the School Teachers’ Pay and Conditions Document.
    2. Teacher in receipt of a safeguarded sum of £500 or more will cease to receive the safeguarded sum if they unreasonably refuse to carry out additional duties commensurate with the level of the allowance being protected. The additional duties should not be reflective of the duties that the teacher was required to undertake when in receipt of the allowance as this work should no longer exist.
    3. Temporary and non-contractual payments will not be protected.
    4. The contractual number of weekly working hours will not be protected under safeguarding arrangements, nor will the number of weeks on which an employee’s salary is calculated.
  1. **Support staff**
     1. Support staff who are offered and accept a post (up to a max of 2 grades lower) in either a Nottingham City Council maintained school or the Local Authority, that is deemed acceptable will be protected on their former salary scale point in accordance with NCC pay policy, which will be 1 year from the date they commence in the new post.

* + 1. Temporary and non - contractual payments will not be protected.
    2. The contractual number of weekly working hours will not be protected under pay protection arrangements, nor will the number of weeks on which an employee’s salary is calculated.
  1. **Redeployment**

At the time redundancies are made, the school will consider whether there are any other suitable vacancies across the school that employees could be redeployed into.

To ensure that employees are given every opportunity to secure suitable alternative employment, any employee who is provisionally selected for redundancy will have access to NCC’s ‘Project People’ recruitment and resourcing scheme. Access will be for the duration of an employee’s notice period up to a maximum period of 3 months.

Advice on accessing this support should be sought from the HR advisor. Ongoing support will be provided to help employees gain greater awareness of their strengths, skills and experience and take advantage of appropriate training opportunities.

The scheme requires employees to complete a strengths/knowledge/ skills/experience to facilitate a matching process to be undertaken for any potentially suitable vacancies .

Please note that this scheme is available to all employees. However, school-based jobs are not included in the scheme, as schools manage their own recruitment for any vacancies.

1. **The legal position in relation to redundancy** 
   1. Section 8 gives guidance on how to determine if there is a genuine redundancy situation. This section explains in more detail the key considerations that an employer must undertake when contemplating making redundancies.
2. **Consultation** 
   1. The school must formally consult with the recognised Trade Unions when contemplating making redundancies. Section 9.3 gives details of when this duty takes effect. As part of this statutory requirement (Section 188 of the Trade Union Labour Relations (Consolidation) Act TULR(C)A, 1992), the school must provide information at the beginning of the collective consultation period. The HR advisor can assist with this activity.
   2. Managers will be expected to lead collective consultation and ensure that their managers and Team Leaders conduct meaningful individual consultation meetings.
   3. During consultation, colleagues and their Trade Union representatives will have an opportunity to:

* contribute alternative suggestions and feedback on the processes
* explore the possibility of alternative working arrangements and alternative employment
* contribute alternative suggestions and feedback including, where appropriate, ways of avoiding, reducing or lessening the effects of any potential redundancies
* challenge selection processes.
  1. Colleagues who are absent from work (including those on maternity leave (see section 20) or sickness absence), will not be precluded from the change process and must be consulted. Managers must seek advice from the HR advisor in these circumstances.
  2. Colleagues provisionally selected for redundancy will be invited to participate in individual consultation meetings (allowing Trade Union or work colleague representation) regarding their provisional selection. There is no ‘minimum’ number of meetings required and there should be sufficient time for colleagues to discuss any ideas, queries or concerns that they may have.
  3. Individual consultation allows the opportunity for colleagues at risk of redundancy to have relevant issues and challenges considered, therefore the Grievance Procedure does not apply in this regard.
  4. Individual consultation meetings will be conducted by relevant managers who may be accompanied by another manager acting as a ‘buddy’ (e.g. taking notes).

1. **Notice to the secretary of state -** [***(HR1 form)***](http://www.bis.gov.uk/assets/bispartners/insolvency/docs/forms/redundancy-payments/hr1pdf.pdf)
   1. There is a legal requirement to notify the Secretary of State for Business, Innovation and Skills if an employer is proposing to make redundancies of 20 or more employees. This must be done:
      * + At least 30 days before the first dismissal takes effect where the employer proposes to dismiss 20-99 employee at one establishment within 90 days or less
        + At least 45 days before the first dismissal takes effect where the employer proposes to dismiss 100 or more employees at one establishment within 90 days or less.

Managers should liaise with their relevant HR advisor to ensure this legal requirement is met.

1. **Fair selection criteria used to determine redundancy**
   1. The processes suggested within this guide should serve to protect schools, NCC and it’s employees and ensure any restructuring process is fair and transparent, whether that process includes making redundancies or not. However, there are strict criterion that should be followed when determining whether an employee is selected for redundancy – this will, in turn, ensure that any dismissal that may be made is fair.
   2. It is therefore critical that a fair and transparent selection criteria is applied in order to determine which employees are ‘provisionally’ selected for redundancy. The selection criteria should be the subject of collective consultation with the Trade Unions and can include for example:

* Skills and strengths assessments/audits
* Competitive interviews and assessments
* Employee records (e.g. disciplinary action, attendance levels, unauthorised absence, poor timekeeping, etc.) Further guidance must be obtained from the HR advisor when considering this criterion.
* Specified relevant qualifications – specific professional qualification(s) required for the job role and specified in the person specification.
  1. The chosen objective selection method and criteria must ensure that it allows the school to meet the future operational, curricular, pastoral and organisational needs. For example, in respect of teaching staff these could include;
  2. particular subject expertise;
  3. ability to teach additional subjects; and
  4. experience with particular age groups or key stages.

This, of course, if not an exhaustive list but the selection criteria should normally link to the School Improvement Plan.

* 1. Employees that least meet the needs of the school through this process will be provisionally selected for redundancy.
  2. The selection process must avoid indirect, direct and associative discrimination, or discrimination by perception. For example, although sickness absence records can be used as a criterion they must exclude disability or pregnancy related illnesses to avoid potential discrimination claims.
  3. If it is proposed that a post(s) is to be deleted and not replaced, the postholder will be ‘provisionally’ selected for redundancy – i.e. that they are at risk of redundancy, subject to full and meaningful consultation.

1. **Individual appeal against method of selection**
   1. Employees can raise any concerns they may have regarding the way in which the selection criteria has been applied to them and this should be done in the individual consultation meeting as soon as possible. If the employee remains dissatisfied with the response regarding their selection, this should be captured in the notes and the employee should receive a written response within 5 working days of the rationale regarding their selection.
2. **Personal hearings and appeals**
   1. Any member of staff who is the subject of a recommendation for termination of contract has a right within the School Staffing (England) Regulations 2003 to make written and/or oral representations before a Staff Dismissal Committee with a right of appeal to a Dismissal Appeals Committee. If there is more than one employee represented by the same trade union then they may elect to have their cases heard together.
   2. Having discussed the matter privately with individuals it is necessary for the head teacher to write to the employee giving notice of their right to attend the hearing of the Staff Dismissal Committee and to be represented by a trade union representative or a work colleague. As per the Staffing (England) Regulations 2003, one week’s notice is required to be given. An individual will need to be given the opportunity to present written representation to the committee. Papers should be sent to the head teacher who will arrange for papers to be distributed to governors. An individual is entitled to a copy of any documents relevant to their case and being presented by the head teacher, at the same time as the documents are being circulated to the committee. Governors should be sent copies of the head teacher’s case for dismissal and those submitted by the employee. A copy of all documents must be sent to your HR advisor who, in case of a compulsory redundancy, will ensure that an officer is available to ensure procedures are followed correctly.
   3. The order of events for the hearing is shown in Appendix 5. This procedure should ensure that the Staff Dismissal Committee is informed of all the facts enabling a decision to be taken at the end of representations. Arrangements should be made by the school to minute this meeting. In planning the meeting careful thought should be given to the timing and duration. The time required will vary considerably depending on the nature and the number of the proposed reductions. It will be necessary for account to be taken of the time needed for both the head teacher and the individual employee (or their representative) to present their respective case, time for governors’ questions and at the final stage of the meeting, time for the governors to consider the evidence presented to them and make their decision. It is important that the individual(s) and governors are aware of the length of time they may be expected to be in attendance.
   4. Individual(s) should receive written confirmation of the decision and be given the right of appeal within 14 days of receipt of the letter confirming the decision. This letter should be sent within 3 days of the Staff Dismissal Committee decision.
   5. Details of staff to be dismissed on the grounds of redundancy should be sent to your HR advisor within 7 days of the Staff Dismissal Hearing.
   6. If there is an appeal, the governing body should adopt the same procedure as the original committee hearing. The outcome should be confirmed in writing to the employee with a copy to their representative and HR advisor.
   7. If an employee is successful at appeal then they should be informed in writing within 3 days that the notification of termination of contract is withdrawn.
3. **Redundancy protection – pregnancy and family leave**
   1. Employees on family leave have the right to be consulted with in the same way as employees not absent from work.
   2. Employees who are pregnant, have recently suffered a miscarriage, are on maternity leave, adoption Leave, or shared parental leave, or who have recently returned from a period of family leave, who are affected by a redundancy exercise, are automatically entitled under the Maternity Leave, Adoption Leave and Shared Parental Leave (Amendment) Regulations 2024 to be offered any alternative vacancy available.
   3. This effectively gives these employees the right to take precedence over other employees who are selected for reasons of redundancy, even if they are better qualified for the vacancy. This does not apply until the close of the consultation period when the ‘at risk’ status is confirmed and they have been selected for redundancy (unless it is felt there is reason to do so earlier - this should be judged on a case-by-case basis).
   4. The length of the protected period is detailed below:

|  |  |
| --- | --- |
|  | Length of protection |
| Pregnant employee who takes maternity leave | Start: When the employer has been notified of the pregnancy  End: 18 months from the child’s date of birth if notified to the employer before the end of maternity leave (or 18 months from the Expected Week of Childbirth if not notified) |
| Employee who suffers a miscarriage | Start: When the employer has been notified of the pregnancy  End: Two weeks after the end of the pregnancy, for pregnancies ending before 24 weeks. |
| Employees taking adoption leave | Start: From the date of placement  End: 18 months from the date of placement (or entry into Great Britain if overseas adoption). |
| Employee taking shared parental leave | Start: Beginning of shared parental leave.  End: If more than 6 continuous weeks of SPL taken, 18 months from the child’s date of birth.  Note: if the employee has also taken maternity or adoption leave, the above periods apply instead |

* 1. Managers who are making the decision as to whether an employee who is in one of the protected category groups during a redundancy exercise has the automatic right to an alternative vacancy need to consider carefully all aspects of the job on offer - including its function, remuneration, location and suitability for the employee in their particular circumstances.
  2. There are two conditions on the right to be offered an alternative position:
     + the work offered must be both suitable for the employee and appropriate for them to do when they return to work; and
     + the contract applying to the new job must not be “substantially less favourable” than their previous contract. They must be capable of doing the work, and the place where they are required to work - and all other terms and conditions of employment - must be suitable.
  3. If the alternative role does not satisfy these requirements, the employee is not automatically entitled to it, and the school is entitled to conduct an appropriate selection process, if there is more than one candidate for the vacancy. This a highly complex area and managers should refer to HR for advice, as each case needs to be considered on a case by case basis.
  4. It should also be noted that employees in one of the protected category groups must be given the opportunity for appropriate adjustments to be made to any assessment process that they are required to go through to ensure they are not disadvantaged in the redundancy process. The employee’s qualifications, skills and abilities should be recorded as part of the Skills/Strengths based assessment process and along with any other additional information, if required.

1. **Dismissal** 
   1. For colleagues selected for redundancy, contractual or statutory notice will be issued whilst in the redeployment pool, whichever is the longer time period. Suitable alternative employment will be continued to be considered during the notice period.
   2. Where colleagues have not obtained alternative employment during this period or are not working on a trial period, their employment will terminate by reason of redundancy at the end of their notice period.
   3. Colleagues who are dismissed on redundancy grounds and who have two years continuous service with NCC or with previous continuous service with an organisation covered by the [Redundancy Payments Modification Order (RPMO)](http://www.lge.gov.uk/lge/core/page.do?pageId=119733) are entitled to statutory redundancy pay. (Employees must have no more than one week’s break in service between each organisation. One week is defined as a running Sunday to Saturday). This statutory payment is calculated taking the employee’s age, length of service and weekly pay into account (see appendix 7).
   4. Breaks in service do not include school holiday periods, i.e. where a contract ceased at the end of one term and a new one was issued at the commencement of the following term, then this will be regarded as continuous.
   5. Verified continuous service with organisations covered by the RPMO which has not previously been the subject of a redundancy payment will be included in any calculation for a redundancy payment. Colleagues may be obliged to provide documentary evidence of such service. Colleagues must disclose if they have previously received a payment from an organisation covered by the RPMO.
   6. Colleagues accepting an offer of employment which commences within four weeks of the termination of their employment with the school will be required to pay back their redundancy payment, if the new employer is covered by the RPMO.
   7. If a colleague is offered a suitable alternative position then no redundancy payment will be made. Where an offer is unreasonably declined, the colleague in doing so may also waive their right to a redundancy payment.

* 1. Where an individual has two contracts of employment with the school or Council and one of the contracts is at risk of redundancy, legal advice will be sought to confirm the redundancy payment entitlement.
  2. In exceptional circumstances it may be possible to offer the opportunity to apply for voluntary redundancy where it is evidenced that there is no potential for redeployment either in the revised structure or elsewhere in the Council. Any decision relating to voluntary redundancy will be subject to a business case and will require legal and senior management approval to justify the rationale for the decision. Further information regarding voluntary redundancy can be found at Appendix 4.

1. **Notice**
   1. For colleagues selected for redundancy, contractual or statutory notice will be issued. Suitable alternative employment within the school will be continued to be considered during the notice period.
   2. Where colleagues have not obtained alternative employment during this period or are not working on a trial period, their employment will terminate by reason of redundancy at the end of their notice period.
   3. For maintained schools, the LA will issue a letter of termination of contract to the colleague within 14 days of receipt of the notification from the school.
   4. **Support staff** 
      1. Normal period of notice under a contract of employment is four weeks. However, an employee that has five or more years continuous service will be entitled to one week’s notice for each completed year if continuous service up to a maximum of twelve weeks.
   5. **Teaching staff**
      1. Teachers are entitled to appropriate notice in accordance with the Conditions of Service for School Teachers in England and Wales [August 2000].

|  |  |  |  |
| --- | --- | --- | --- |
| **Notice under Conditions of Service for Teaching Staff [excluding head teachers]** | | | |
| Finishing date | 31st August | 31st December | 30th April |
| Notice under contract of employment to be received by | 31st May | 31st October | 28th February |
| Notice if teacher has more than 8 years continuous service | 31st May | One week for each year of continuous service – maximum 12 weeks | One week for each year of continuous service – maximum 12 weeks |

|  |  |  |  |
| --- | --- | --- | --- |
| **Notice under Conditions of Service for Head Teachers** | | | |
| Finishing date | 31st August | 31st December | 30th April |
| Notice under contract of employment to be received by | 20th April | 30th September | 31st January |

1. **Outplacement and support** 
   1. It is recognised that colleagues may find the experience of a restructure or redundancy process stressful, emotional and difficult. Managers have a duty of care to provide support and guidance and if an employee does have concerns they should speak to their manager as soon as possible so that appropriate information and support can be offered. Colleagues may also contact their Trade Union representatives, or the PAM Assist by calling free on 0800 882 4102 or via their website [www.pamassit.co.uk.](http://www.bupa.co.uk/wellness/eaponline) The services provided by PAM Assist are completely confidential.
   2. Once an employee is provisionally selected for redundancy, they are entitled to ‘Outplacement’ support. The Council has engaged external support to employees to provide appropriate guidance and support such as assistance with writing application forms, CVs, interview skills and practical financial advice.
   3. Further information regarding support and outplacement provision can be found in Appendix 6.
2. **Post implementation**

* 1. It is always important to review a change process immediately after the process (to capture what went well and not so well and what lessons can be learned and shared with other colleagues) but also to review after a few months to see if the change has been embedded and, if appropriate, has achieved the planned improvements.
  2. There are formal processes to follow immediately after any consultation period finishes and before implementation commences:
* Employees who have new roles will need support, training and development
* People management systems must be updated to reflect new structures or changes to individual roles to ensure that:
* individual pay/grade, hours and pension arrangements are correct
* budgets are accurate
* management reports are reflective and precise
* the employee’s contractual position is clear and new or revised employment contracts and job descriptions are issued where appropriate.

1. **Appendices:**

Appendix 1: Notification to Trade Unions Declaring the Need for Staffing Reductions (Section 188 Notice)

Appendix 2: Key Steps

Appendix 3: Examples of Restructuring and Redundancy situations

Appendix 4: Voluntary Redundancy Principles

Appendix 5: Order of events for a hearing

Appendix 6: Outplacement Support Fact sheet

# Appendix 1: Notification to trade unions declaring the need for staffing reductions (Section 188 Notice)

# 

**[Date]**

**FIRST CLASS AND CONFIDENTIAL**

To: All the recognised trade unions

Copy for Staff Notice Board

Copy to Children’s Services Human Resources

**NAME OF SCHOOL:**

Dear Colleague

**SECTION 188 OF THE TRADE UNION AND LABOUR RELATIONS (CONSOLIDATION) ACT 1992 - NOTIFICATION OF PROPOSED REDUNDANCIES AT \* SCHOOL**

**Committee decision**

The School’s Finance and General Purposes Committee met on **[date]** and having examined the budget **[or other reason]** have agreed that it is necessary to implement a staffing reduction. In accordance with the consultation procedure agreed with the recognised trade unions, staff in the school have been informed. I now wish to consult with your trade union and the other recognised trade unions involved and provide the following information.

**The budget**

In the financial year **\*** it is anticipated **[provide details here regarding the situation with the budget – note that the budget may not necessarily be the driver of the change process and therefore there would not automatically be a deficit budget]**.

**Staffing reductions**

1. The current teaching staff complement in the school, including head teacher and Senior Management Team, is: **\***
2. Based on the delegated budget and the numbers and needs of the pupils of

the school, the Committee has fixed the teaching staff complement, including

head teacher, at: **\***

c) Number of teacher redundancies: **\***

d) The FTE number of pupils in the previous September was: **\***

e) The FTE number of pupils anticipated for the following September is: **\***

f) The current support staff complement is: **\***

g) The revised support staff complement is: **\***

h) Number of support staff redundancies: **\***

**Details of proposed redundancies**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Post Type**  **(and subject for Secondary Schools)** | **Current**  **FTE** | **Proposed**  **FTE** | **Reduction**  **FTE** | **Where known**  **Voluntary, Compulsory or end of Fixed Term Contracts** |

**Details of current fixed term contracts**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Post Type**  **(and subject for Secondary Schools)** | **FTE** | **Reason for the fixed term contract** | **Start date in current and concurrent contract at this school** | **Reason for non-renewal** |
|  |  |  |  |  |

**Timetable**

In recognition of the timescales required by the reductions in staffing procedure I give below advance notice of hearing dates:

**Date**

Staff Dismissal Committee **\***

Dismissals Appeals Committee **\***

**OR**

Dates for hearings are not yet known

**Other information**

Enclosed are copies of the:

1. current years Budget Plan Entry form, including provisional budget entries for the new financial year (totals only);
2. proposed method of calculating the redundancy pay; and
3. selection criteria (including skills audit).

**Consultation**

I wish to consult with you about ways of:

1. avoiding the dismissals
2. reducing the numbers of employees to be dismissed, and
3. mitigating the consequences of the dismissals.

I understand that on receipt of this information you may wish to meet to discuss this matter further. I am available to meet with you on the following dates and times:

**Suggested dates Suggested times**

**\* \***

Following the consultation period, the procedure for carrying out the following stages of the process will conform to the appropriate legislation. Naturally both the governors of the school and I regret the need for this course of action and I would assure you that during the consultation period I will do all that is possible to minimise the effects on staff, consistent with needs of the school. Although there is no statutory period of consultation defined for situations where fewer than twenty employees are at risk, I intend to allow 10 working days, from today, for such consultations.

I am conscious of the effects delay could have on the school’s budget and the potential effects on staff and therefore as part of the agreed procedure I should be grateful if you could contact me within the next 5 working days to confirm whether or not you wish to meet and whether any of the proposed dates are convenient for you. If I have not heard from you by (date) I will assume that no meeting is required and that you agree that it is in order for me to proceed to the next stage of the process to identify and inform the nominated individual(s) without further consultation from your trade union.

Yours sincerely

Head Teacher

**[Name of School]**

Please ensure you have enclosed

* ⁭Budget entry form
* ⁭Proposed method of calculating the redundancy pay
* ⁭Skills audit/selection criteria

**Appendix 2: Key steps**

**Please note:** This is a brief guide to the key steps which are likely to be involved in a restructure process. However, this is not exhaustive and the order may vary depending on the scenario. School managers should contact their SRC / HR provider before embarking on a restructure, for advice and consideration of proposals and how this may be achieved.

1. **Planning** – Head Teacher / Governors to consider the needs of the school and devise the draft updated structure chart. Good practice to contact the SRC / HR provider at this point for advice.
2. **Approval** – The Governing Body of the school has the responsibility for setting the staff complement. Any change to the structure will need to be approved by the appropriate committee of the Governing Body.
3. **Consider fixed term contracts** – The head teacher should consider whether the required reduction can be accommodated through the non-renewal of fixed term contracts taking into consider the Fixed Term Employees [Prevention of Less Favourable Treatment] Regulations 2002
4. **Timelines** – The head teacher should draw up a timeline for the restructure process, to include for example, a communication strategy, staff consultation and setting dates for ‘staff dismissal (redundancy) hearings. Advice should be sought from the HR advisor regarding the appropriate timelines.
5. **Prepare relevant documentation** – dependent on the process to be followed, relevant documents must be prepared before any formal processes start. These could include: job descriptions (which should be graded), structure charts, proposed timetable, enabling documents etc. - it is often essential to capture process principles for larger programmes in an ‘Enabling Document’.
6. **Pool of staff** – Before commencing consultation, the head teacher will need to be clear on the pool of staff affected, taking appropriate advice from their HR provider.
7. **Selection criteria** – The most appropriate, fair and transparent selection criteria needs to be considered before staff consultation commences. During consultation, the selection criteria must be discussed with the trade unions. The criteria should take into consideration the future needs of the school and retain the staff with the skills and attributes required.
8. **Communication and consultation with staff and trade unions** – If staffing reductions are required a Section 188 notice needs to be issued to commence consultation with employees and trade unions. Staff and unions must be notified of the restructure as soon as possible and whether there is a risk of potential redundancy. A genuine and meaningful consultation period must be undertaken, including exploring ways of avoiding redundancies i.e. staff turnover, redeployment within school, voluntary variation to working hours.
9. **Confirm the impact on individuals** – usually by letter, depending on the formality required of the particular process. This should include the rationale for change, impact on the person and next steps (including process for challenging any proposed change).
10. **Confirm the change process *-*** If people are affected/ or at risk of redundancy, as their current role has been altered, merged or deleted, new posts should be considered for them as a priority.
11. **Voluntary redundancy** – Whilst redundancies should be avoided wherever possible, if there is a genuine redundancy situation, the Head Teacher and governors should consider any requests for voluntary redundancy taking into consideration the needs of the school as a priority.
12. **Follow appropriate HR process –** depending on whether it is a simple ‘re-grading’ of a post or a full scale restructure. If applicable, the head teacher will need to apply the selection criteria to determine which employee[s] will be made redundant. The outcomes should then be communicated to individuals.
13. **Being available *–*** some people find change unsettling and worrying. Managers should ensure that through a change process, they are visible, available and ensure that communication channels are open. People may find it helpful to ‘drop in’ and talk through their concerns, rather than bottle them up.
14. **Keep communication channels open *–*** consult with affected people to seek their ideas and feedback, whether this is informally or formally. Regularly update people on the process and have extra team briefs.
15. **Close the process *–*** this may be an agreed outcome between manager and employee or formally closing collective consultation with the Trade Unions.
16. **Staff dismissal (redundancy) hearing** – The employee[s] selected for redundancy will be invited to a Staff Dismissal Hearing. The employee[s] should be given 10 working days notice of the hearing. At the hearing, the case will be presented to the panel which will then make a decision based on the facts presented.
17. **Issue notice** – Should the decision of the Staff Dismissal Hearing be that the employee[s] is to be made redundant; notice will be issued and confirmed in writing to the employee. The employee[s] will also be notified of their right to appeal the decision. If the employee subsequently resigns from their position and the resignation date is prior to the expiry of the termination date then the dismissal for redundancy would no longer apply and no redundancy payment would be due.
18. **Staff Dismissals Appeals Committee** – Should the employee[s] appeal, a hearing will be arranged with the Staff Dismissals Appeals Committee
19. **Post implementation** – any follow up required e.g. staff training and development, induction processes etc. It is also important to review the change process, if appropriate, to establish if objectives have been achieved and if any further change is required.

# Appendix 3: Delivering the change – the impact on employees and how to fairly select those who are affected.

# Examples of restructuring and redundancy situations

New roles within the proposed service should firstly be considered for those existing employees who are affected by the proposed changes. It may be the case that some employees have a closer fit to the new roles than others and therefore new posts will be ‘ring-fenced’ to certain groups.

The HR advisor can assist in advising how job roles should be ‘ring-fenced’ and which employees have greatest priority over the new roles. **This should be considered based on their current duties, roles and grades.**

These are examples of different scenarios (including redundancy) and what process (including redundancy selection) may take place in each:

**1) The role has been amended which has led to an updated Job Description**

*Example: a manager or employee may notice that the current job description is out of date or that there has been a recent change that is not included in the new job description – e.g. the introduction of a new Policy has completely changed the current way of working. This will mean that the employee’s job description will need updating.*

**HR process:**

Either party can make the changes to the job description but it is for the manager to agree that the changes are accurate. The Job Evaluation (JE) team should give advice on whether the changes are likely to affect the existing grade (for example updating terminology is not a substantial change). However, all changes should be referred to the JE Team for record purpose, including those submitted for formal evaluation. They will assess the changes in duties and will confirm the grade outcome – this could be the same, higher and in some cases lower.

**Next steps:**

The manager must assess the financial impact and can choose to implement the new grade (following appropriate approvals) or to remove the new duties (NB: Please refer to the Grading Grievance Procedure).

**Consultation:**

The manager should ‘informally’ consult with the employee about the amendments to duties, the new role and particularly any grading outcome.

**Impact on the person:**

The person’s role is affected, but they are not ‘at risk’ of redundancy.

**2) The role has been changed which has led to the Job Description being substantially updated/ changed.**

*Example: following a restructure, a manager inherits three teams that previously came from different areas. They provisionally do the same type of work but all have different job descriptions. The Manager wishes to update these job descriptions to ensure that all employees are working to the same job description.*

**HR process:**

Although the manager can delegate the re-writing of the new job descriptions, it is for the manager to agree that the changes are accurate. The new job description should be referred to the Job Evaluation team. They will assess the changes in duties and will confirm the grade outcome – this could be the same, higher and in some cases lower.

**Next steps:**

The manager must assess the financial impact and can choose to implement the new grade (following appropriate approvals) or to remove the new duties. Clearly they would still wish to implement a new consistent job description but it may be that some of the duties need to be reviewed.

**Consultation:**

The manager should ‘formally’ consult with the employees about the amendments to duties, the new role and particularly any grading outcome. It may be appropriate for the manager to raise this issue with the appropriate Trade Unions so that they are well informed and, if approached by their members, they can assist the process and hopefully allay any anxieties.

**Impact on the person:**

The person’s role is affected, but they are not ‘at risk’ of redundancy.

**3) Current post has been deleted and a new post created**

*Example: there are three employees who carry out a specific function. The manager has undertaken a review and determined that, although that function will still be required, it will only be a part of the new roles going forward. The employees need to undertake very different roles.*

**HR process:**

This is potentially a redundancy situation as there is a diminished requirement to carry out work of a particular kind. However, the school and Council are committed to retain employees and to minimise the number of compulsory redundancies where possible. The manager must seek advice from the HR advisor as soon as possible.

**Next steps:**

The manager will have written new job descriptions and have had them graded by the Job Evaluation Team. The manager (supported by an HR advisor) must then review current roles and assess how many employees are to be affected by the proposals – this must include employees who are absent due to sickness, maternity, adoption or who are on secondment. An important factor is whether the new roles are suitable alternative employment for the current post holders. The starting point for the review should be to assess current duties and skills against the duties and skills required for the new roles, with the aim of minimising the impact on employees, retaining essential skills and experience whilst balancing the ability to deliver the new service:

**Scenario 1)** The manager has undertaken an assessment of the current role and determined that the current duties are a substantial part of the new roles. They can also demonstrate that the skills of the team members are transferable with appropriate development plans – in this scenario, the manager may decide to confirm the current post holder into the new roles.

**Consultation:**

Once it is agreed that the proposal is going to go ahead (following appropriate approvals), the manager will ‘formally’ consult with the employees about the service proposals, amendments to duties, the new role and particularly any grading outcome. It may be appropriate for the manager to raise this issue at the departmental Joint Consultation Committee (JCC). This will ensure that the Trade Unions are well informed and, if approached by their members, they can assist the process and hopefully allay any anxieties.

**Impact on the person:**

The person will receive a new contract of employment, new job description and potentially a new grade. They should receive a personal development plan to help them settle into the new role.

**Scenario 2)** The manager has undertaken an assessment of the current role and determined that the current duties are a substantial part of the new roles. They also believe the skills of the team members are transferable with appropriate development plans. The manager may decide to confirm the current post holder into the new roles, however, it may be necessary to reduce the number of new posts and have fewer new posts available – this is potentially a redundancy situation and the manager should follow the steps in example 5 (current post remains but there are to be fewer of them).

**Scenario 3)** The manager has undertaken an assessment of the current roles and determined that the current duties are not a substantial part of the current roles – in this scenario, the post holders would potentially be at risk of redundancy. HR advisor’s would need to assist the manager in evidencing whether the diminished duties do constitute a redundancy situation (as defined in Section 8) and if so, the manager would need to follow the following steps.

**Consultation:**

Once it is agreed that the proposal is going to go ahead (following appropriate approvals), the manager must collectively consult on a formal basis with the Trade Unions regarding the proposal. The timescales will be dependent upon the number of employees affected and must be reasonable and realistic. The manager should notify the affected employees at the appropriate time and offer guidance and support in line with this document.

**Impact on the person:**

The person will be ‘potentially’ at risk of redundancy – i.e. they may be at risk but this will be dependent on the outcome of the consultation process and the selection process. In order to retain skills and experience, the current postholders will firstly be considered for the new roles – this would be on a ‘ring-fenced’ basis. Any selection / assessment process would need to rigorously test the new duties and skills required and candidates will need to demonstrate abilities to undertake the new duties and requirements. It is assumed that current duties and skills are adequately performed.

Examples of assessment processes may include using tests, written exercises, group tests, interviews, presentations, the application of a redundancy selection criteria.

If the person is not successful, following the close of consultation, they will be selected for redundancy. If they are not successful in obtaining suitable alternative employment, may be eligible for a redundancy payment.

**4) Current post has been deleted and no new post created**

*Example: the nursery at the school is due to close and the service is not going to relocate. There is no longer a business case for the posts in that particular area.*

**HR process:**

The employee will be ‘provisionally’ at risk of redundancy subject to full and meaningful consultation.

**Next steps:**

The manager must contact the HR advisor for advice and should do this as soon as they are aware that the post is proposed to come to an end.

**Consultation:**

Once it is agreed that the proposal is going to go ahead (following appropriate approvals), the manager must collectively consult on a formal basis with the Trade Unions regarding the proposal. The timescales will be dependent upon the number of employees affected (see Section 9.4.2). The manager should notify the affected employees at the appropriate time and offer guidance and support in line with this document.

**Impact on the person:**

The person is provisionally at risk of redundancy. If they are not successful in obtaining suitable alternative employment, may be eligible for a redundancy payment.

NB – there is separate guidance relating to fixed term contracts.

**5) Current post remains but there are to be fewer of them in the new structure**

*Example: there are 10 employees in a team. Over the last year there has been a drop in the number on roll at the school. The manager decides they can no longer afford to employ 10 people and must reduce the team down to 8 posts.*

**HR process:**

This is a potentially a redundancy situation. The manager must seek advice from the HR advisor as soon as possible.

**Next steps:**

The manager must assess the current roles and determine how many employees are to be affected by the proposals – this must include employees who are absent for sickness, maternity, adoption or secondment. The HR advisor will advise the manager on the fairest way of applying a selection methodology to the group of employees, dependent on their current roles and skill sets.

**Consultation:**

Once it is agreed that the proposal is going to go ahead (following appropriate approvals), the manager must collectively consult on a formal basis with the Trade Unions regarding the proposal. The timescales will be dependent upon the number of employees affected (see Section 9.4.2). The manager should notify the affected employees at the appropriate time and offer guidance and support in line with this document.

**Impact on the person:**

The person will be ‘potentially’ at risk of redundancy – ie they may be at risk but this will be dependent on the outcome of the consultation process and the selection process. Examples of assessment processes may include using tests, written exercises, group tests, interviews, presentations, the application of a redundancy selection criteria (examples given in Appendices 3 and 4).

If the person is not successful, following the close of consultation, they will be selected for redundancy. If they are not successful in obtaining suitable alternative employment, may be eligible for a redundancy payment.

**6). Current post remains but the hours are proposed to change. (This may be a change to working patterns and a change to contract of employment).**

***Example 1****: it is apparent that the school needs to extend the breakfast club opening times in the morning. The service currently operates Monday to Friday, 8.00am to 8.45am. The time needs to be extended to 7.45am to 8.45am.*

**HR process:**

This is a change to the working hours **and** to an employee’s contractual working pattern.

**Consultation**

Under the Working Pattern guidance, consultation must take place with affected employees or where changes will affect more than 20 employees, consultation must take place with the relevant trade unions. This example potentially includes a proposal to change an employee’s contract of employment, therefore ‘formal’ consultation should take place regarding both elements of the proposal.

**Impact on person**

The employee’s working hours and contractual working pattern would change. This is a contractual change and a revised contract would be issued.

# Appendix 4: Voluntary redundancy

In some instances, employees may be invited to apply for voluntary redundancy, the following principles will apply:

* There may be a fixed period in which applications will be accepted and the invitation for applications or an indication of willingness to consider voluntary redundancy from an employee will not imply any commitment on either part.
* The school reserves the right to select those employees that will be offered voluntary redundancy and there is no guarantee that voluntary redundancy requests will be granted.
* It may be possible to accept a volunteer for redundancy where this meets the curriculum and organisational needs of the school.
* If more than one person volunteers, the selection for redundancy should be based on the application of the selection criteria.
* The school’s decision is final and ordinarily once an application for voluntary redundancy has been approved, it cannot be withdrawn.
* Any recommendation for voluntary redundancy should be taken to the Staff Dismissal Committee, in a similar way to cases of a compulsory redundancy.
* Employees who are accepted for voluntary redundancy may be required to remain at home on paid leave at any time, as specified under Section 6 and 11 of the Council’s core contract. However, this will be considered on a case by case basis and would only apply to support staff.

# Appendix 5: Order of events for a hearing

* 1. Head Teacher presents the case.
  2. Questions from employee and/or employee representative to the Head Teacher
  3. Questions from the Committee to the Head Teacher

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

* 1. Employee (or representative) presents their case
  2. Questions from Head Teacher to the employee (or representative)
  3. Questions from the committee to the employee (or representative)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

* 1. Head Teacher sums up and confirms recommendations to the Committee
  2. Employee (or representative) sums up
  3. Both parties withdraw

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

* 1. Committee considers and makes a decision
  2. All parties reconvene and decision is given
  3. Individual informed of right of appeal within 14 days. Later confirmed in writing.

**APPEAL**

Same procedure but must be with different Governors.

No further right of appeal.

# Appendix 6: Outplacement support fact sheet

# What is outplacement support?

Outplacement support provides appropriate guidance and support for employees whose posts are provisionally selected for redundancy or potentially at risk of redundancy; to enable them to reach informed decisions regarding their future and ensure that their wellbeing is supported throughout the process. Managers must support colleagues accessing outplacement support during working hours.

It provides guidance, information, training and/or education, as appropriate, to support affected employees to gain access to opportunities both internally and externally to Nottingham City Council (NCC).

# Who are the providers of outplacement support?

There are three key providers of Outplacement support who offer support at different stages during the consultation and redundancy process:-

|  |  |
| --- | --- |
| **Stage** | **Provider** |
| When an individual is first identified as being at risk and up to the point when they leave NCC | Nottingham Futures Advice, Skills and Employment |
| During the twelve week notice period and up to the point they leave NCC | Nottingham Futures Advice, Skills and Employment and Job Centre Plus |
| After an individual has left NCC via redundancy | Derbyshire and Nottinghamshire Chamber of Commerce |

## Nottingham Futures advice, skills and employment

Guideline Careers is available to provide information, advice and guidance to any employee who is provisionally selected for redundancy or potentially at risk of redundancy.

All advisars are qualified and experienced and work with people in a friendly and professional manner to help them make realistic decisions about their future careers.

## Job Centre Plus

Job Centre Plus can provide information about benefits, free training, money matters and self employment as well as other services they provide.

Sessions can be co-ordinated on a group basis with the opportunity to speak to an advisor to answer questions on a one to one basis.

## Derbyshire and Nottinghamshire Chamber of Commerce

DNCC provide a number of training and guidance mechanisms ranging from an initial assessment of an individual’s requirements to looking at skills to enhance employability and more specific vocationally focussed training.

Programmes are individual and tailored to the client with a strong emphasis on job searches to enable a quick return to work.

# What type of support is available?

## 3.1 Career planning and writing CV’s

Career planning:

This will help people explore their interests, skills and strengths and the options open to them, including re-training, further learning, self employment and career change. This will include group work and discussions regarding how an individual’s transferable skills can be used to maximise chances of finding alternative work, and how they can match their own values and interests to potential opportunities for work. Delegates will have the chance to explore realistic career decisions and link career progression to lifelong learning.

Writing CVs:

This informal session will look at when to use a CV, what to include on it, how to highlight and evidence key skills and how to use a CV to create a good impression. You will receive practical advice about ways of maximising the effectiveness of a CV to find employment. You will also be able to use the content of your own CV for completing application forms. This session will also focus on how and when to produce covering letters.

## 3.2 Successful job searching and interview preparation

This session will explore different methods of job search; hints and tips on filling in application forms; developing an effective job search strategy; preparing for an interview; selection tests; and answering interview questions, including dealing with difficult questions. This is an informal session and will include a mixture of case studies, group work and discussions. The session will include examples from both public and private sector recruitment practices.

## 3.3 Individual career planning interviews

One to one confidential advice and guidance with a qualified career’s advisor to help employees consider their future plans. The interviews will help individuals explore their interests, skills and strengths and the options open to them, including re-training, further learning, self employment and career change. Advisors will be able to offer support with stress management, motivation, and coming to terms with redundancy if required. Employees can also be provided with individual advice on job search, interviews and CVs.

## Training

Training available ranges from enhancing employability skills, to further developing any key/functional skills requirements and also more specific vocational training as appropriate.

# How do I access the support available?

Further information on the above providers are available as follows:- websites (see below for details) or through the Service Redesign Project Co-ordinator, Change and Improvement on 0115 8762213 or 0115 8762234.

|  |  |  |
| --- | --- | --- |
|  | **Contact Details** | **Website** |
| Nottingham Futures | The Service Redesign Project Co-ordinator | <http://www.futuresnn.co.uk/> |
| Job Centre Plus | Contact local Job Centre Plus on:  0345 604 3719 | <https://www.gov.uk/contact-jobcentre-plus> |
| Derbyshire and Nottinghamshire Chamber of Commerce | Ruth or Konrad at DNCC  on: 01159 578 757 | <http://www.dncc.co.uk/> |

# Appendix 7: Ready reckoner for calculating redundancy payments

The table below shows **HOW MANY WEEKS PAY** the employee is entitled to. The calculation is based on the employee’s age at the time of the redundancy and the length of service refers to years of continuous service.

Only continuous service in local government and certain related bodies covered by the [Redundancy Payments Modification Order (RPMO)](http://www.lge.gov.uk/lge/core/page.do?pageId=119733) counts for the calculation of redundancy payments.

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Length of Service in Years | | | | | | | | | | | | | | | | | | | |
| Age | **2** | **3** | **4** | **5** | **6** | **7** | **8** | **9** | **10** | **11** | **12** | **13** | **14** | **15** | **16** | **17** | **18** | **19** | **20** |
| 17  18  19  20  21  22  23  24  25  26  27  28  29  30  31  32  33  34  35  36  37  38  39  40  41  42  43  44  45  46  47  48  49  50  51  52  53  54  55  56  57  58  59  60  61 + | 1  1  1  1  1  1  1½  2  2  2  2  2  2  2  2  2  2  2  2  2  2  2  2  2  2  2½  3  3  3  3  3  3  3  3  3  3  3  3  3  3  3  3  3  3  3 | 1½  1½  1½  1½  1½  2  2½  3  3  3  3  3  3  3  3  3  3  3  3  3  3  3  3  3  3½  4  4½  4½  4½  4½  4½  4½  4½  4½  4½  4½  4½  4½  4½  4½  4½  4½  4½  4½ | 2  2  2  2  2½  3  3½  4  4  4  4  4  4  4  4  4  4  4  4  4  4  4  4  4½  5  5½  6  6  6  6  6  6  6  6  6  6  6  6  6  6  6  6  6 | 2½  2½  2½  3  3½  4  4½  5  5  5  5  5  5  5  5  5  5  5  5  5  5  5  5½  6  6½  7  7½  7½  7½  7½  7½  7½  7½  7½  7½  7½  7½  7½  7½  7½  7½  7½ | -  3  3  3½  4  4½  5  5½  6  6  6  6  6  6  6  6  6  6  6  6  6  6  6½  7  7½  8  8½  9  9  9  9  9  9  9  9  9  9  9  9  9  9  9 | -  3½  4  4½  5  5½  6  6½  7  7  7  7  7  7  7  7  7  7  7  7  7  7½  8  8½  9  9½  10  10½  10½  10½  10½  10½  10½  10½  10½  10½  10½  10½  10½  10½  10½ | -  4½  5  5½  6  6½  7  7½  8  8  8  8  8  8  8  8  8  8  8  8  8½  9  9½  10  10½  11  11½  12  12  12  12  12  12  12  12  12  12  12  12  12 | -  5½  6  6½  7  7½  8  8½  9  9  9  9  9  9  9  9  9  9  9  9½  10  10½  11  11½  12  12½  13  13½  13½  13½  13½  13½  13½  13½  13½  13½  13½  13½  13½ | -  6½  7  7½  8  8½  9  9½  10  10  10  10  10  10  10  10  10  10  10½  11  11½  12  12½  13  13½  14  14½  15  15  15  15  15  15  15  15  15  15  15 | -  7½  8  8½  9  9½  10  10½  11  11  11  11  11  11  11  11  11  11½  12  12½  13  13½  14  14½  15  15½  16  16½  16½  16½  16½  16½  16½  16½  16½  16½  16½ | -  8½  9  9½  10  10½  11  11½  12  12  12  12  12  12  12  12  12½  13  13½  14  14½  15  15½  16  16½  17  17½  18  18  18  18  18  18  18  18  18 | -  9½  10  10½  11  11½  12  12½  13  13  13  13  13  13  13  13½  14  14½  15  15½  16  16½  17  17½  18  18½  19  19½  19½  19½  19½  19½  19½  19½  19½ | -  10½  11  11½  12  12½  13  13½  14  14  14  14  14  14  14½  15  15½  16  16½  17  17½  18  18½  19  19½  20  20½  21  21  21  21  21  21  21 | -  11½  12  12½  13  13½  14  14½  15  15  15  15  15  15½  16  16½  17  17½  18  18½  19  19½  20  20½  21  21½  22  22½  22½  22½  22½  22½  22½ | -  12½  13  13½  14  14½  15  15½  16  16  16  16  16½  17  17½  18  18½  19  19½  20  20½  21  21½  22  22½  23  23½  24  24  24  24  24 | -  13½  14  14½  15  15½  16  16½  17  17  17  17½  18  18½  19  19½  20  20½  21  21½  22  22½  23  23½  24  24½  25  25½  25½  25½  25½ | -  14½  15  15½  16  16½  17  17½  18  18  18½  19  19½  20  20½  21  21½  22  22½  23  23½  24  24½  25  25½  26  26½  27  27  27 | -  15½  16  16½  17  17½  18  18½  19  19½  20  20½  21  21½  22  22½  23  23½  24  24½  25  25½  26  26½  27  27½  28  28½  28½ | -  16½  17  17½  18  18½  19  19½  20½  21  21½  22  22½  23  23½  24  24½  25  25½  26  26½  27  27½  28  28½  29  29½  30 |

18\* [1]   - It is possible that an individual could start to build up continuous service before age 16, but this is likely to be rare, and therefore the table starts from age 18.

61\* [2] – The same figures should be used when calculating the redundancy payment for a person aged 61 and above.

**Teaching staff**

For all teaching staff with 2 or more years’ continuous service with the City Council (or with an organisation covered by the Redundancy Payments (Continuation of Employment in Local Government, etc.) (Modification) Order 1999) (the RPMO), who are dismissed by reason of redundancy, compensation will be paid equivalent to the statutory redundancy payment to which they are entitled under the Employment Rights Act 1996 (ERA).

In calculating the amount of redundancy compensation to which a teacher is entitled under this Regulation, the statutory limit on a week’s pay in accordance with section 227 of the ERA **will not** be imposed.

**School support staff**

For all support staff with 2 or more years’ continuous service with the City Council (or with an organisation covered by the Redundancy Payments (Continuation of Employment in Local Government, etc.) (Modification) Order 1999) (the RPMO), who are dismissed by reason of redundancy, compensation will be paid equivalent to the statutory redundancy payment to which they are entitled under the Employment Rights Act 1996 (ERA).

In calculating the amount of redundancy compensation to which an employee is entitled under this Regulation, the statutory limit on a week’s pay as imposed by section 227 of the ERA **will** apply.

For employees who are entitled to a statutory redundancy payment, an additional discretionary compensation element will be paid equivalent to one and a half times the amount payable under Regulation 5.

1. Although the document does not apply to agency workers, they will be able to apply for open vacancies advertised by the Council either internally or externally. See point 5.6 for more details. [↑](#footnote-ref-1)
2. Colleagues with existing long term ill-health issues leaving the Council under redundancy (with redundancy pay) may claim ill-health retirement soon after being made redundant. The reason being, although the employment contract has come to an end, pension regulations continue to apply. Therefore it is important that colleagues are considered in accordance with the appropriate procedure and any dismissal is for the correct reason; i.e. colleagues with ill-health issues are assessed for ill-health retirement prior to redundancy assessment. [↑](#footnote-ref-2)