

Redundancy and Redeployment Policy and Procedure

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Summary of changes	Clarification of the role of the governor panel at the Final Individual Consultation Meeting.

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REDUNDANCY AND REDEPLOYMENT PROCEDURES

1. INTRODUCTION

- 1.1 These procedures apply to all staff employed in all schools maintained by Somerset Council (the “Local Authority”). They have been developed by the Local Authority (LA) in consultation with the recognised professional associations/trade unions and are strongly recommended for adoption by the Governing Bodies of all schools it maintains.
- 1.2 The Redundancy Procedure (see paragraph 5 below) takes due account of ACAS guidance relating to redundancy processes and arrangements for dismissal set out in the School Staffing (England) Regulations 2009.
- 1.3 The Staff Redeployment Programme ([Appendix K](#)) is strongly recommended for adoption by all governing bodies. Agreement to funding of redundancy costs will be conditional upon a school having consistently co-operated with the redeployment arrangements.¹

2. STATEMENT OF INTENT

- 2.1 Somerset Council aims to achieve staff stability wherever practicable and to avoid compulsory redundancies. However, it is recognised that there will be occasions e.g. a significant reduction in pupil numbers or unexpected cuts in funding when this is not possible. Redundancy, whether compulsory or voluntary, incurs significant costs and has considerable personal and professional impacts for the person being made redundant; redundancy must, therefore, be considered as an outcome of last resort when all other potential outcomes have been fully explored.
- 2.2 The purpose of the Redundancy Procedure is to ensure that an agreed consultative process is established to secure the best possible outcome in the full knowledge that this will not always be possible for all parties. When a post is declared surplus to requirement by the Headteacher/Governing Body, the redundancy selection must be fair in terms of the process and reasons for redundancy. The necessary consultations must be undertaken, where possible to identify alternatives to redundancy, offer alternative suitable employment to an ‘at risk’ employee and allow the employee reasonable time off to look for another position. Redeployment options must always be fully explored within the school, and where that is not possible, elsewhere in the Council.

3. CAUSES OF REDUNDANCIES

- 3.1 Changes in staffing levels/composition may be considered by the Governing Body:
 - (a) to achieve economies to meet financial targets;
 - (b) to achieve defined goals by the re-allocation of resources.
 - (c) to meet the curricular needs of the school and its students/pupils.

¹ GBs must have adopted the redeployment provisions and shown commitment to applying them as a condition of accessing LA funding of redundancy costs

- 3.2 Where such staffing changes result in a reduction or the elimination of the requirement for work of an employee or a group of employees undertaking the same or similar functions, then a redundancy situation exists in the school.
- 3.3 In addition, where the changes proposed result in the requirement for work of an employee or group of employees changing to such an extent that the employee or employees concerned are found not to possess the necessary skills or abilities to continue in that role, a redundancy situation also exists.

4. **AVOIDANCE OF REDUNDANCIES**

4.1 Governing Bodies and Headteachers will:

- plan ahead and consider the numbers and skills of the workforce they will require in the future;
- consider the appropriate balance between permanent, fixed-term and temporary² staffing options in order to ensure the most efficient and effective use of staffing resources and sufficient flexibility to minimise the likelihood of redundancy;
- proactively review vacancies when they arise, to assess whether vacancies provide an opportunity to achieve staffing reductions, without the need to make redundancies;
- consider possible transfers or redeployment of existing staff as the first stage of the recruitment process when it is necessary to fill a specific post at a time when overall staffing reductions appear possible.

4.2 Where proposed strategies may result in staffing changes as outlined in paragraph 3, the Headteacher/Governing Body must, before formally invoking the redundancy procedure, consider all other options that are available to avoid redundancy. These could include but are not limited to:

- (a) Restrictions on recruitment, e.g., freezing vacant posts or appointing new employees on fixed-term contracts.
- (b) Reduction of overtime or additional hours.
- (c) Retraining existing employees to enable transfer to other suitable employment within the school.
- (d) The Staff Redeployment Programme which incorporates “the “Bumping Redundancy” Procedure (see [Appendix K](#)).

4.3 Certain groups of staff are legally entitled to priority access to redeployment opportunities in a redundancy situation. These are:

- **Pregnant Employees** - Pregnant employees that are not on maternity leave will be protected during the pregnancy. This applies when an employee has informed their employer of the pregnancy. If the employee miscarries or gives birth to a stillborn child before 24 weeks, then they will continue to be protected for 2 weeks after the pregnancy ends.

² Guidance on the use of temporary and fixed term contracts is in Section 6 of Volume 1 of Guidance for Schools

- Employees on Maternity Leave will benefit from protection throughout maternity leave and then for the remainder of the 18-month period after the date of childbirth.
- Employees on Adoption Leave will benefit from protection throughout adoption leave and then for the remainder of the 18-month period after the date of placement.
- Employees on Shared Parental Leave who take a period of leave of 6 weeks or more, will be protected during the Shared Parental Leave and for the 18 months from the date of childbirth or placement.

Where schools have staff that fall into any of the above categories, they should seek HR advice as soon as possible to ensure that any redeployment opportunities are managed in accordance with legislation requirements. These staff must be considered in advance of other candidates for any suitable alternative positions.

5. **CONDITIONS OF LOCAL AUTHORITY FUNDING OF REDUNDANCY COSTS**

- 5.1 The Local Authority manages a central budget for redundancies of school-based staff and must ensure that it is managed effectively. It needs to ensure that all calls made upon the budget are necessary and unavoidable costs incurred are only to enable schools to adjust their staffing establishment to meet curricular and other needs and remain within budget. It reserves the right to withhold agreement to fund redundancy costs incurred in circumstances where redundancy could have been avoided or costs minimised. It should be noted that schools are required to pay for any pension costs linked to redundancy (which is particularly relevant to support staff made redundant over the age of 55).
- 5.2 Before agreeing to commit funding to meet staff redundancy costs, the Local Authority must be satisfied that school management and the Governing Body have fully considered avoidance of and alternatives to redundancy. Redundancy, voluntary or compulsory, must always be regarded as a last resort.

Hidden costs for early retirement in redundancy situations.

If a member of the LGPS aged 55 or over loses their job on the grounds of voluntary or compulsory redundancy or business efficiency, their unreduced benefits are payable immediately on termination of contract. This can result in a shortfall in the pension funding and this shortfall is also known as the hidden, capital or pension strain cost.

This is a pension liability cost which will fall to the school **not** the Local Authority or the employee.

Please note employees with less than 2 years' reckonable pension service with the LGPS will not be entitled to pension benefits but will have their contributions refunded and therefore no pension strain cost will apply.

What is a strain cost and when will they occur?

Pension strain costs occur when there is a clear shortfall in the assumed level of funding needed to provide a particular pension benefit. This occurs when a member draws their benefits a lot earlier than expected.

For example, if normal retirement age is 65 and it is anticipated that a member will live until 90 years old the member will receive a pension for 25 years. If an employee retires at the age of 55 the pension will need to be paid for 35 years thus leaving a pension contribution shortfall of 10 years. The school will be expected to pay the strain cost associated with this shortfall.

How will the school pay for strain costs?

Strain costs are produced automatically by Peninsula Pensions when a redundancy estimate is requested for support staff over the age of 55. The employer will be notified of the amount of a strain cost, and this will enable the school to make an informed decision as to whether the cost is affordable.

The strain cost will be charged to the school by the payroll provider and can be paid as a one-off lump sum or schools have the option of paying the amount over a period of 3 years, however, interest will be charged for this option. If paid over 3 years, the first payment is due in the April after the member has left.

For further information on strain costs from Peninsula Pensions please follow the link below:

[Retiring from active status: the process - Peninsula Pensions](#)

- 5.3 When a school faces potential redundancies, the Governing Body should receive a report from school management setting out a full analysis of the school's position, including the school improvement plan, and the reasons for potential redundancies. A copy of the Gateway Report (see [Appendix A](#)) should be submitted to the Local Authority for consideration to satisfy the conditions for central funding of redundancy costs. At this stage, the Governing Body should consider the report but should not invoke the redundancy procedure until a response has been received from the LA.
- 5.4 The Local Authority will also seek confirmation that the school has taken appropriate management decisions in the past to avoid redundancies; for example, not filling vacant posts or filling them on a temporary basis when potential redundancies could have been foreseen.
- 5.5 The LA will respond as soon as possible and in any case within 10 working days:
 - seeking further specific information; or
 - indicating the number and type of redundancies it has agreed to fund; or
 - notifying its reasons for not agreeing to release funding.
- 5.6 A Governing Body meeting should be convened to consider the LA's response and decide whether to invoke the redundancy procedure.

- 5.7 The LA will monitor staffing levels in schools where funding is approved for redundancies to ensure staffing levels within the following 12 months do not subsequently increase beyond those achieved by the agreed redundancies. Any apparent increase will be discussed with school management and in the absence of a satisfactory reason the LA will consider whether to recover some or all of the cost of redundancies.

6. **REDUNDANCY PROCEDURE (INCLUDING PROCEDURAL MEETINGS)**

- 6.1 The Redundancy Procedure follows a timetable. The **minimum** duration of the process is 41 school days. This includes the appeal stage but excludes the notice period required under contract or by statute.

*NB: Stage One – 12 school days
Stage Two – 6 school days
Stage Three – 6 school days
Stage Four (Appeal) – 17 school days
Subject to the time available before notice of redundancy has to be given under contract or statute (if longer), the minimum periods for Stage One to Three may be increased at the Governing Body's discretion. The maximum for Stage Four is 27 school days unless both parties agree to a longer period. **Stage Four can be carried out during the notice period.***

- 6.2 When the Headteacher or a Governors Committee consider that reductions in staffing levels or changes in the staffing composition may be required (see paragraph 3 above), a meeting, extraordinary if necessary, of the full Governing Body should be convened. The school's Human Resources Adviser (HRA) should be given prior notice of the meeting and may attend. Based on the evidence presented in the management report, the Governing Body will decide whether or not to seek LA agreement to fund redundancy costs and, where the decision is to seek LA approval, should ensure a copy of the Gateway Report is sent to the LA.
- 6.3 In consultation with the HRA, the Headteacher will decide the timetable to be followed, taking account of the dates fixed for the Final Individual Formal Consultation and Appeal Meetings (see [Appendix B](#) for model timetable).
- 6.4 When the school has received the LA's response to the Gateway Report requesting LA agreement to fund redundancy costs, the Governing Body must consider whether to invoke the redundancy procedure. **Where the LA have not agreed to fund redundancy costs, should it be determined by the Governing Body to proceed with invoking redundancy, any redundancy costs will need to be met from the school's budget.**
If the procedure is invoked, the following decisions need to be made and minuted:
- (a) Confirm that the Governing Body has adopted this Procedure.
 - (b) Decide whether the initial decision to dismiss on grounds of redundancy will be taken by the Headteacher or a Governors' Staff Dismissal Committee.

*NB: Sections 35 and 36 of the Education Act 2002 provide for the delegation of an initial staff dismissal determination to the Headteacher. If the Headteacher is not exercising delegated powers of dismissal, the Dismissal Meeting should be conducted by a Governors' Dismissal Committee (for guidance on the selection of the Committee see sub-paragraph(g) below). **In these circumstances, references in this Procedure to the term 'Final Individual Consultation Meeting' should be replaced with 'Final Individual Consultation Committee Meeting'.***

NB: where the decision to dismiss is to be taken by a Governor Dismissal Committee, the role of the dismissal committee panel is to consider the recommendations for voluntary and/or compulsory redundancies as detailed in the Head Teacher final report.

- (c) Determine the staff group(s) from within which the redundancies will be made, including any post(s) within this group(s) which is to be excluded for consideration for redundancy.

*NB: The staff group selected could be one or more of the following – teaching, administrative and clerical, classroom support, technical, caretaking, cleaning, lunchtime supervision and crossing patrols. Within a selected staff group some posts may be excluded but the Governing Body should be circumspect in doing so. At this stage, the Governing Body must **not** consider the respective merits of individuals but instead focus on the continuing need for a particular post in the staff structure.*

- (d) Determine the estimated size of the reduction in each staff group expressed in terms of salary cost, full-time equivalent posts and/or weekly hours.
- (e) Confirm the selection criteria to be used, having regard to the following guidance.

NB: The selection of the pool of employees at risk of redundancy should be based on the school's leadership and management, organisational, curriculum, pastoral and financial needs. The Headteacher will need to look at the staffing structure and decide those posts that are still required and those posts which might be deleted from the staffing structure. These posts and postholders are at risk of redundancy and form the redundancy pool.

The following criteria should be applied to the selection of individual staff from the redundancy pool:

- *Consideration will first be given to termination of fixed-term contracts that have been used in anticipation of the need for staffing reductions and under which employment has been for a period of less than 2 years.*

Note: Fixed-term contract employees with continuous service of 2 years or more will have acquired statutory employment protection rights and should (unless their contract comes to an end for the

reason it was originally established as fixed term) be subject to the following selection criteria.

- *Selection must be justified through a full and proper analysis of qualifications, skills, performance, contribution and expertise and potential savings from the redundancy pool. This analysis should be undertaken in the light of an assessment of which employees in the pool are best able to make a continuing contribution to the school as set out in the School Development Plan and the Staffing Structure.*

In considering the above, the Headteacher needs to draw up a profile for each of the posts in the pool which are to be retained. The Headteacher should then identify those employees who best match the profile of the posts in terms of qualifications, skills, performance, contribution and expertise in the context of the School Development Plan and the Staffing Structure and ensure this assessment is evidence based and not subjective - see example of profiles for teaching and support staff for teachers in [Appendices F and G](#) together with a Selection Profile (see [Appendix H](#)). Appendices F & G can be issued to staff for them to complete so they have opportunity to contribute to information on which the Head Teacher will base their selection decisions.

- *Having applied the above criterion and assessed that “all other things are equal” the principle of ‘last in, first out’ (LIFO) will be applied as a criterion of last resort. – (LIFO).*

For the purpose of the criterion, LIFO applies to continuous service in the school. If this is equal, it applies to length of service within Somerset LA. If this is equal, it would it applies to length of service within Local Government.

Note: Care should be exercised in application of this criterion since it may indirectly discriminate on the basis of age or gender.

- (f) Determine the date for the Final Individual Consultation Meeting.
- (g) Arrange the membership of an Appeals Committee (if there is not a standing Appeals Committee) and set a date for the Appeal Hearing.

NB: The Appeals Committee will hear any appeals against selection(s) for redundancy made by the Headteacher/Dismissal Committee.

When deciding the membership of the Final Individual Consultation Committee or Appeals Committees, the following points should be borne in mind:

- *Usually a minimum of three governors must be selected for the committee who have not previously been involved in the process.*

- *Governors selected must not have any direct or indirect financial interest in the outcome (this will be relevant to governors who are closely related to members of staff at the school).*
- *The Final Individual Consultation Committee or Appeals Committee should include either the Chair or the Vice Chair of Governors or Chair of Personnel Committee.*

Wherever possible, meetings should be held during the day rather than in the evening because staff should not be expected to attend meetings outside their normal working hours.

FIRST STAGE

6.5 This stage needs to last for a period of at least **12 school days** starting from the date of the working day immediately following the meeting of the full Governing Body meeting at which the Procedure was invoked.

6.6 No later than **2 school days** following the full Governing Body meeting, the Headteacher should meet the staff group(s) to be affected by staffing reductions to commence consultations. The Headteacher should also inform the HRA (unless present at the meeting) and the school's professional association/trade union representatives about the decisions taken at the Governing Body meeting.

NB: Throughout the Procedure there should be consultations with the recognised professional associations and trade unions. County policy based upon the law requires employers to consult recognised trades unions about proposed redundancies before individual redundancies are announced. The purpose of these consultations is to ensure that trades unions are aware of the reasons supporting the proposed redundancies, the procedure and the selection criteria, with a view to reaching agreement on these aspects. The consultations also provide an opportunity to discuss whether there are alternatives to redundancy that will have the effect of reducing the numbers involved or mitigating the effect of the redundancies. There is a legal duty on the Headteacher to consider and reply to any representations from trades unions and to give reasons for rejecting representations before proceeding further.

6.7 Inform all employees in **unaffected staff groups** that the Redundancy Procedure has been put into effect in the staff group(s) selected.

6.8 During the remainder of the First Stage the Headteacher will:

- within **1 school day** of the staff meeting (see para 6.5 above) send to all staff in the group(s) affected the confirmatory standard letter (see [Appendix C](#) together with the timetable for the process):

NB: If any staff in the group(s) affected are absent, the letter should be sent to their home address and, if considered appropriate, delivered by hand by the Headteacher or other senior member of staff.

- meet with those members of staff who wish to have an individual consultation to enable them to give their views about the redundancy

situation from a professional and/or personal perspective, discuss voluntary alternatives such as redeployment, reduction in hours, job-sharing or voluntary redundancy, premature retirement (as this option attracts a pension strain cost for the school which can be significant, requests for premature retirement are very rarely approved), and any other suggestions or ideas they may have to avoid the need for staffing reductions or answer any questions the individual may wish to ask;

NB: The content of any discussions should be recorded by the Headteacher and will, if considered appropriate by the Headteacher, be included in the report for the Final Individual Consultation Meeting. At the meeting, the member of staff may be accompanied or represented by a professional association/trade union representative or a work colleague.

- (c) begin to draft the Report to be considered at the Final Individual Consultation Meeting. This should be carried out in consultation with the HRA. The draft report will be issued to all staff in the redundancy pool; **individual post holders should not be identified in the report at this stage;**

NB: The structure of the Report and the information required is set out in [Appendix D](#).

- (d) provide the information presented at the Governing Body meeting to any school representatives of the recognised professional associations/ trade unions; and

NB: The information that may be requested by professional associations and schools are required by statute to provide is set out in [Appendix E](#).

- (e) consult, as necessary, on the content of the Report and the financial viability of approving volunteers for redundancy or premature retirement (as this option attracts a pension strain cost for the school which can be significant, requests for premature retirement are very rarely approved) with key governors (e.g. Chair, Chairs of staff and finance committees), senior members of school staff, HRO, LA/School Finance Officer).

6.9 During the First Stage of the Procedure, the HRA will, at the request of the school:

- (a) within **2 school days** of the Governing Body's meeting inform, in writing, the County Secretaries of the recognised professional associations/trade unions that the Redundancy Procedure has been invoked and the other decisions taken by the Governing Body. A copy of the staff letter will be provided to them;
- (b) act (if requested by the school) as the contact point for staff who wish to be provided with information relating to options that they may be considering (such as the salary implications of reduced hours, details of the financial compensation package for redundancy, etc.) and provide the information in writing. The HRA will advise staff to seek advice from their

trade union or professional association before reaching a decision concerning their future;

- (c) advise the Headteacher on the timetable for the Procedure and the drafting of the Headteacher's Report for the Final Individual Consultation Meeting; and
- (d) seek the opinion of the Senior Local Authority Officers on the acceptability on financial grounds of those staff being proposed, or volunteering, for redundancy and/or premature retirement.

NB: In agreed cases, the LA will meet the cost of redundancy compensation payments and the school's budgets will meet the capital costs of granting premature retirement. The LA's aim will be to achieve the least cost option consistent with the needs of the school. In certain cases, therefore, the LA may be prepared to consider meeting all, or part, of the capital costs of granting premature retirement as an alternative to redundancy.

SECOND STAGE

6.10 On completion of the First Stage of the Procedure, the Second Stage will begin. Where the timeframe permits, it is advised that time is allowed between the deadline for volunteers and the publishing of the draft report (min 3 days) to enable the Headteacher to consider any voluntary requests and how this may or may not achieve the required level of savings, any other alternatives to redundancies that have been forthcoming and will enable the necessary savings and service needs to be met, and whether compulsory redundancies are required. Ideally it will be for a minimum period of **5 school days** during which, the Headteacher will:

- (a) in consultation with the HRA, finalise the draft Report for the Final Individual Consultation Meeting;
- (b) send the draft Report to the HRA who will forward it to the County Secretaries of the recognised professional associations/trade unions and invite them to comment on the Report, either to the HRA or directly to the Headteacher, within **5 school days**;
- (c) issue the draft Report to **all staff** in the group(s) being considered for redundancy and invite comments within **5 school days** and where appropriate issue individual profiles for staff to complete;
- (d) for those staff selected for the redundancy pool, ask them to comment on the professional/personal details about them contained in the Report; and

NB: The circulation of information (facts or opinion) about individual members of staff which are considered sensitive and confidential in nature should not be circulated to other members of staff in the Redundancy Pool.

- (e) on request, the Headteacher should meet with members of staff individually to receive and discuss their views. Members of staff may be accompanied/represented by a professional association/trade union representative or work colleague. A note of the discussions should be retained.

THIRD STAGE

6.11 At the end of the Second Stage, the Third Stage will begin. It will need to be for a minimum period of **6 school days** during which the Headteacher will:

- (a) in consultation with the HRA, finalise the Report for the Final Individual Consultation Meeting, taking account of the consultations that have taken place and any further information received during the Second Stage, including individual profiles;
- (b) issue the final Report to those members of staff in the Redundancy Pool identified for compulsory or voluntary redundancy only, together with a covering letter (see [Appendix I](#)) and, if there is to be a Final Individual Consultation Staff Committee meeting, also send the Report to the Committee members in advance of the meeting; **Please note in the final report those staff identified for voluntary or compulsory redundancy will be named to provide clarity for panel members and enable them to have access to all relevant information linked to the proposals for voluntary and compulsory redundancy to assess any associated risks prior to ratifying recommendations made by the Headteacher.**
- (c) send a copy of the report to the HRA who will forward it to the County Secretaries of the recognised professional associations/trade unions; and
- (d) receive any written submissions from staff in the Redundancy Pool and forward copies to the HRA and, if there is to be a Final Individual Consultation Staff Committee, to the Committee's members;
- (e) advise remaining staff they are no longer at risk.

6.12 The Final Individual Consultation Meeting takes place at the end of the third stage. The process to be followed is set out in [Appendix J](#).

6.13 Following the Final Individual Consultation Meeting, the Headteacher should:

- (a) within **1 school day** of the meeting, orally notify the decision taken at the meeting to those employees in the redundancy pool and those who had requested one of the voluntary options;
- (b) within **2 school days** of the meeting, issue a letter to all members of staff selected for compulsory redundancy, with a copy to their union, or accepted for one of the voluntary options (see [Appendix K](#)); and
- (c) within **5 school days** of the meeting, the draft notes of each of the meetings should be sent to the relevant staff selected for compulsory redundancy and to those whose request for one of the voluntary options

have been refused. Amendments will be considered, and final notes produced prior to any Appeals Hearing.

NB: Any information in the notes about individual members of staff which are considered to be sensitive and confidential in nature should not be circulated to other members of staff in the Redundancy Pool.

FOURTH STAGE (APPEAL)

- 6.14 In the event of an appeal being lodged, the Headteacher (or Clerk to Governors) will inform the Appeals Committee and arrange a meeting to take place no earlier than **5 school days** and no later than **15 school days** after the date the appeal is received. The date of the appeal may be later than **15 school days** if both parties agree.
- 6.15 The Appeals Hearing will be conducted in accordance with the process set out in the school's Appeals Procedure contained in Section 2A of this Manual.
- 6.16 The Appeal Committee's decision and the minutes of the hearing will be notified, in writing, to all parties within **5 school days**.

GATEWAY REPORT 2024

Application for local authority financial support towards redundancy costs

Section 17c or the icon below will give access to the Gateway Report:



Redundancy Procedure - Model Timetable

This timetable indicates the minimum number of working days within which each part of the Redundancy Procedure must be completed if redundancies of teaching staff or support staff are to be affected properly. The process must be completed by the deadline for giving the minimum notice under contract or statute (this ranges from 1 to 12 weeks dependent on the employee's length of continuous service) whichever is the longer. In the Summer term (for redundancy wef 31st August) this would be 31st May for teaching staff and 8th June for those support staff who have the maximum 12 weeks' notice under statute.

NB: Wherever practicable, the process should commence as early as possible subject to appropriate and clear information being available, for example firm budget figures.

School:

Dates shown below are the latest to allow completion of the process by 31st May deadline and paragraph numbers relate to relevant section within policy document.

<u>Stages</u>	Date
<u>First Stage</u> Full Governing Body meeting • Consider response to Gateway report from the LA. • Adopt current redundancy procedure (if the GB has not previously done so) and invoke procedure. • Delegate power of dismissal to the Headteacher otherwise establish Governors Staff Dismissal Committee. • Determine staff groups to be considered for redundancy. • Determine the anticipated scale of reductions needed. • Decide the selection criteria. • Establish Appeals Committee and date of the Initial Dismissal and Appeals meetings. (Paragraph 6.4)	
2 School Days	
Headteacher informs school-based staff representatives and LA's HR Adviser (who informs union/associations representing staff groups affected). Headteacher meets with staff groups affected. • Informs and explains Governing Body's decision. • Asks for volunteers. • Issues model letter – Appendix C. (Paragraph 6.6) Headteacher uses gateway report information to prepare draft report for the Dismissal Meeting in consultation with the HR Adviser. (Paragraph 6.8)	
Minimum 10 School Days	
<u>Second Stage</u> Deadline for volunteers.	

Headteacher to complete draft report to include overview of any voluntary requests received (individual staff details should not be included in the report).	
All staff within the redundancy pool are given the Headteacher draft report for the Initial Dismissal Meeting for information and comment. Copy of draft report sent to HR Adviser to issue to unions on same day. (Paragraph 6.10)	
Minimum 5 School Days	
Staff and unions' comments on draft report received by Headteacher for consideration and inclusion in the final report. (Paragraph 6.11)	
Minimum 1 School Days	
Third Stage Headteacher final report sent to staff in redundancy pool identified for CR or VR only along with invite letter to Initial Dismissal Meeting and invite written submissions from staff. HR Adviser to forward final report to unions/professional associations. (Paragraph 6.11)	
Any written submissions from staff in response to report received by Headteacher and forwarded to HR Adviser. (Paragraph 6.11).	
Minimum 3 School Days	
Initial Dismissal meeting. Allowing a minimum of 30 minutes for each person identified for VR or CR. (Paragraph 6.11). If Initial dismissal meetings are being heard by Governor panel, ensure copy of final Headteacher report is provided to panel members in advance of meetings.	
Maximum 2 School Days	
Staff informed orally of decision by Headteacher (within 1 school day). Letter confirming decision sent by Headteacher.	
Maximum 10 School Days	
Fourth Stage Deadline for Appeals. (Paragraph 6.14)	
Minimum 5 school days and maximum of 15 school days unless both parties agree to a longer period.	
Governor Staff Dismissal Appeals Hearing. (Paragraph 6.15)	
Maximum 1 school day	
Staff informed orally of the decision by Headteacher.	
Maximum 4 school days	
Letter confirming decision sent by Chair of Appeals Committee. If appeal not upheld, termination of employment confirmed, and formal notice issued (in Community and Voluntary Controlled Schools this is undertaken by the Local Authority; in Foundation and VA Schools this requirement is fulfilled by the Chair of the Appeals Committee's letter – see above).	

STANDARD LETTER TO FOLLOW-UP STAFF MEETING - (see Paragraph 6.8)

Dear Colleague

I am writing to inform all staff in the () staff group about the meeting held today, the purpose of which was to inform you that the Governing Body has decided to implement its procedure for dealing with redundancies, to explain the reasons for that decision and to seek volunteers in order to avoid compulsory redundancies. It is the priority of the school, with the support of the Local Authority (LA), to identify redeployment opportunities for staff at risk of redundancy.

The reasons for needing to reduce staffing in the () staff group are as follows:

-
-
-
-

The following posts from within the staff group should be excluded from consideration (). The reasons for their exclusion are that ().

The Governors would wish to effect staff reductions no later than (). The Final Individual Consultation Meeting, at which decisions will be made regarding selection for redundancy, will be conducted by myself (or the Governors Panel), will be held on ().

The Redundancy Procedure follows the model provided by the Local Authority (LA) which has been the subject of detailed consultation with all the recognised trades unions and professional associations. It is contained in the HR Manual (Section 17), a copy of which is held in the staff room.

It is a fundamental aim of this procedure that compulsory redundancies should be avoided wherever possible and that redundancy, whether compulsory or voluntary, is a last resort and will only be implemented when all alternatives have been fully considered and found to be inconsistent with the ongoing needs of the school. I am asking all staff, therefore, to consider whether they would be prepared to volunteer for one of the following options:

1. Voluntary redeployment, either to a suitable vacant post within the school or to another school if possible. It might also be possible to redeploy to a suitable vacant post with Somerset Council.
2. A job share arrangement with a colleague.
3. A reduction in working hours.
4. Voluntary redundancy. (Subject to LA approval - see Note below).

5. Voluntary premature retirement in the interests of the efficiency of the service.
(Subject to LA approval - see Note below).

Note: If voluntary redundancy or premature retirement is supported by the Governors, final approval is still subject to the agreement of the LA. Until this approval is notified to the employee in writing there is no contractual commitment between the employee and his/her employer to the termination of employment on grounds of redundancy or premature retirement.

1. **Voluntary redeployment** - no guarantee can be given by the LA that a volunteer for redeployment will be found a suitable alternative post in another establishment or department. It is recognised, therefore, that employees are unlikely to volunteer for this option. However, if there is a volunteer for this option who is acceptable to the Governors (i.e. one whose post or expertise is not critical to the future needs of the school) it will be incumbent on the LA to take all reasonable steps to secure redeployment. If the redeployment is to a fixed term post it may be possible to defer the redundancy procedure, if the fixed term post is eventually terminated.
2. **Job share** - any such arrangement would be subject to a job share agreement as agreed by the Governing Body.
3. **Reduction in Hours** - it may be possible to achieve all or part of the savings by some staff agreeing to reduce their hours of work. If you are willing to consider this option please indicate, in writing, what level of reduction you would be prepared to consider. By doing this you will not be committing yourself to anything at this stage.
4. **Voluntary redundancy** - this option is available to all staff with 2 years' or more continuous service with Somerset Council, another local council or related employer, at the date of redundancy for whom a redundancy compensation payment would be made.
5. **Voluntary premature retirement** - this option is available only to staff aged 55 or over subject to a minimum amount of pensionable employment at the date the redundancy is required (teachers need at least 2 years and support staff need at least 3 months). **Please be advised that as it involves a cost to the school this option is very rarely agreed.**

In accordance with the Redundancy Procedure, you now have 10 school days from the date of this letter to decide whether you wish to apply as a volunteer for one of the above options. If you decide to volunteer, please let me know in writing within the timescale (applications submitted after this deadline will still be considered at the Final Individual Consultation Meeting). The suitability of any volunteer will be considered by myself and there can be no guarantee that volunteers will be accepted. If your request is refused, I will give you the reasons.

I will be available to see you, together with your union representative or work colleague if you wish, throughout the period the Redundancy Procedure is in operation in order to answer any questions you may have or to provide additional information.

The school's LA Human Resources Officer has informed the LA representatives of the recognised trades unions and professional associations. These are – NEU (formally ATL & NUT), NASUWT, Voice, NAHT, ASCL, Unison, GMB, UNITE. I would advise you to contact your County union representative before making any decision to volunteer for one of the above options. If you are a member of a professional association or trade union other than one of these, please let me know so I can provide them with the same consultation rights.

A copy of the school's redundancy procedure is available in the staff room and includes information about the calculation of financial packages, including 'ready reckoners' for redundancy compensation payments and examples.

If you wish to verify your financial position with regard to redundancy payments and/or pension benefits you should contact XXX who will request an estimate from the HR Advisory Team on your behalf. If you would like a redundancy/pension estimate, please do so as soon as possible to enable the figures to be processed within the redundancy timeline.

Yours sincerely

Headteacher

STRUCTURE AND CONTENT OF THE REDUNDANCY REPORT FOR THE FINAL INDIVIDUAL CONSULTATION MEETING

The following headings should be used giving as much detail as is appropriate.

1. Introduction

- Reasons for staffing reductions.
- Scale of problem e.g. if budget led, details of the projected deficit.
- Dates and decisions of Governors Committees taken prior to full Governing Body meeting.

2. Governing Body decision

- Redundancy procedure invoked.
- Headteacher or Governors Panel to decide redundancies.
- Staff groups identified, including any posts excluded from consideration and why.
- Size of savings needed in each group.
- Selection criteria to be used.
- Dates agreed for Final Individual Consultation and Appeals meetings.

3. Consultations

- Date when staff affected informed.
- Letter issued to staff with deadline for voluntary options (append letter – Appendix C).
- LA informed the professional associations/unions.

4. Possibilities for avoiding compulsory redundancies (group by group)

- Non-renewal of fixed-term contracts.
- Volunteers for voluntary redundancy.
- Volunteers for premature retirement.
- Volunteers for reductions in hours, including job-shares.
- Natural wastage (e.g.) resignations.
- Views on, and any proposals resulting from, these possibilities.

5. Compulsory redundancies (if still needed)

- State scale of reduction needed in the staff group.
- Select “pool” by using criteria in paragraph 6.3(e). Individuals should only be named in the final report.

6. Redundancy selection within “pool”

- State criteria used for redundancy selection and explain how this criteria should be applied to achieve the required reduction in staff while, at the same time, enabling continuing operational needs to be met.

- Summarise factual information about each member of staff – employment history, grade, current duties, qualifications, skills and expertise (include information provided by staff).
- Analyse the operational effects of losing each member of staff, identifying how their duties, responsibilities and specialisms would be covered, who would cover and at what, if any, additional financial cost (use and attach Appendices E, F and G). Confirmation that the postholder, who will assume these responsibilities, has been informed and where appropriate has agreed to do so.
- Preliminary proposals of identified posts.

PROFORMA FOR PERSONAL PROFILE OF TEACHING STAFF**NAME OF TEACHER:**

TYPE OF CONTRACT (Permanent / Temporary / Full Time / Part Time)

Length of continuous service at this school/Somerset LA/Other LAs			
Relevant Qualifications			
		Annual Salary (pro rata if part-time)	
Point on Teachers' Pay Spine		Leadership group	
Number and type of additional payment: TLR Recruitment & Retention Special Education		Leading Practitioner	
Teaching skills, contribution, performance and expertise			
Paid Responsibilities			
Total potential savings associated with this post			
Effect on the current provision and the development of the school if this teacher was to be made redundant.			

Leadership and Management	
Curricular	
Pastoral	
Other	

**PROFORMA FOR PERSONAL PROFILE OF SUPPORT STAFF
(LSAs / Midday Supervisors / Administration / Clerical / Site Staff)****NAME OF SUPPORT STAFF:****TYPE OF CONTRACT** (Permanent / Temporary / Full Time / Part Time)

Length of continuous service at this school/Somerset LA/Other LAs			
Relevant Qualifications			
		ANNUAL SALARY (pro rata if part-time)	
Skills, performance, contribution and expertise			
Current Duties			
Additional contribution to the school within contractual requirements			
Total potential savings associated with this post			
Effect on the current provision and the development of the school if this member of support staff was to be made redundant. (Please leave blank if not appropriate).			
Supporting Pupils' Learning Activities			
Preparation of Materials and Equipment			

Management of staff	
Management of Physical Resources	
Financial Management	
Governors' Activities	
Administrative, Clerical, Typing and Reception Services	
Supervision of Pupils	
Other	

SELECTION PROFILE

Essential Requirements of the post								
						Curriculum Expertise	Specific Quals	Pastoral Expertise
Employee 1								
Employee 2								
Employee 3								
Employee 4								
Employee 5								
Employee 6								

Note: The headings of this Selection Profile matrix should be completed by inserting the essential requirements of the post. Each employee should then be objectively assessed against those requirements.

**EXEMPLAR LETTER TO INVITE ALL EMPLOYEES IN THE REDUNDANCY POOL
TO THE FINAL INDIVIDUAL CONSULTATION MEETING**

Dear

Redundancy Final Individual Consultation Meeting

You are invited to attend the Final Individual Consultation meeting at *place* on *date* at *time*. The purpose of the meeting will be to allow me to consider fully (the possibility that since you are in the redundancy pool, your post as *name of post* could be declared redundant) or (your request for *redundancy/premature retirement/reduction in hours/redeployment*) with effect from *date*. The background to this proposal is set out in the attached report.

The meeting provides you with the opportunity to make any points that you consider appropriate prior to a decision being taken by myself. At this meeting, you have the right to be accompanied by a Professional Association/Trade Union representative or a work colleague.

Also present at the meeting will be: *List those who will attend*.

I should be grateful if you would let me know by XXX whether you will be attending the meeting. Whether or not you attend, you have the right to submit any points you wish to make, in writing, to me. This should be submitted no later than *date* (no later than 2 school days before the meeting).

You will already have had access to the school's Redundancy Procedure. If, however, you would like your own individual copy please do not hesitate to contact me.

Yours sincerely

Headteacher

SCHOOL'S REDUNDANCY PROCEDURE - PROCESS TO BE FOLLOWED AT THE FINAL INDIVIDUAL CONSULTATION MEETING

1. Introduction

- 1.1 The purpose of the final Individual Consultation meeting is for the Headteacher (acting with delegated powers of dismissal) or the Governor Dismissal Panel to decide:
 - (a) whether to terminate fixed term contracts as part of the overall staffing reductions;
 - (b) the acceptability of staff who have applied for one of the voluntary options;
 - (c) compulsory redundancies.
- 1.2 These decisions will be made by the Headteacher / Governor Panel taking account of any written and oral representations made by staff.
- 1.3 The meeting will be chaired by the Headteacher / Chair of the Governor Panel advised by the LA's representative (usually this will be an HR Officer).
- 1.4 The Headteacher / Chair of the Governor Panel will arrange for a note to be taken, normally by a member of the school's staff who is not part of the Redundancy Pool.

2. Process

- 2.1 The Meeting is convened, and the Chair of the Governor Panel / Headteacher ensures that all employees in the pool have received all of the relevant papers and had the opportunity to consult throughout the process.
- 2.2 The purpose of the meeting within the overall redundancy procedure should be clarified along with the process to be followed during the course of the meeting.
- 2.3 The Headteacher / Chair of Governor Panel should introduce all those present at the meeting and explain their role.
- 2.4 The Headteacher / Governor Panel and the LA's representative(s) should then receive separately individual representations from those employees in the pool who wish to make them (see paragraph 3 below).
- 2.5 The Headteacher / Governor Panel and the LA's representative(s) may, if necessary, seek clarification of certain points from the employee.
- 2.6 Having received all of the oral representations, the Headteacher / Governor Panel and the LA's representative(s) will then move on to consider the Headteacher's report in detail alongside employees' written and/or oral representations.
- 2.7 The Headteacher / Governor Panel, having reached a decision, will notify the decision to those staff affected in accordance with the Redundancy Procedure's requirements.

3. Purpose of Written and/or Oral Presentation

- 3.1 The content of the written submission and oral presentations are for the employee to decide. The intention is to enable the employee to support his/her request for one of the voluntary options or to challenge any proposal which may result in his/her dismissal on grounds of redundancy. The challenge could be on procedural grounds and/or on the grounds that the reasons put forward to justify the proposal are in some way(s) flawed. For example, the use of selection criteria not included in the Procedure, unreasonable application of the selection criteria, a decision not based on fact or sound evidence/opinion and/or a decision not having taken account of relevant factors.
- 3.2 An oral presentation, or written representation, is optional and those employees in the redundancy pool who choose not to attend the meeting or make a written representation should not suffer any detriment as a result.
- 3.3 Oral presentations are made prior to any detailed consideration being given to the Headteacher's report. It will then be a matter of choice for the individual employee whether they wish to remain in the building until a decision has been reached or to leave.
- 3.4 It is important to realise that the oral presentation is not an interview. Points of clarification may be raised by the Headteacher / Governor Panel and the LA's representative(s). Care should be taken to avoid the employee making, or the Headteacher seeking, promises about what the employee will do if they were allowed to stay, i.e. if they were not to be selected for redundancy.

**EXEMPLAR LETTER TO CONFIRM COMPULSORY/VOLUNTARY REDUNDANCY/
PREMATURE RETIREMENT DISMISSAL**

Dear

Redundancy Final Individual Consultation Meeting

I am writing to confirm the outcome of the meeting held in *place* on *date* to consider the proposal(s) *to declare a post in your staff group redundant/to accept your request for voluntary redundancy/premature retirement with effect from date of termination*. Also present were *name those present*. You were represented by *name of representative*. I / the Headteacher explained the circumstances leading to my proposals and the case for redundancy which were set out in the report sent to you with the invitation to the meeting.

You responded to the report and the proposals it contained by stating that *include the key points made by the employee or his/her representative in support of their position*.

I have considered fully the points that you have made in the context of the requirements of the school (*Insert Management Response*),

My conclusion is that I believe it to be in the school's operational and financial interests to declare your post of *post title* redundant/accept your request for voluntary redundancy/premature retirement and, therefore, I have decided to terminate your employment as the postholder with effect from *date of termination*.

In accordance with the school's Redundancy Procedure and your statutory rights, you do have the right to appeal against my decision (only include for CR). If you decide to appeal, you should write to the Clerk to the Governors within 10 school days of receipt of this letter i.e. by *date*. You should also state the reasons for your appeal. The appeal will be heard by a Governors Appeal Committee whose decision will be final.

For Community and Voluntary Controlled schools, please state that:

The Local Authority will endeavour to secure your redeployment to a suitable alternative post. Enclosed is a proforma ([Appendix L](#)) which you are asked to complete and return to me to forward to the Schools HR Advisory Service County Hall, Taunton, TA1 4DY.

May I conclude by saying how very sorry I am to have had to make this decision and to thank you for your services to the school. I wish you every success in the future.

Yours sincerely

Chair of Governor Panel / Headteacher

THE STAFF REDEPLOYMENT PROGRAMME (see Paragraph 4)

1. Introduction

- 1.1 This appendix summarises the revised Staff Redeployment Programme and its benefits.
- 1.2 The Governing Body is strongly recommended to affirm its support, in principle, to the redeployment of staff from other schools that are managing staffing reductions into vacancies at its school. It can demonstrate its support by:
- (a) giving initial consideration for a vacant post to “at risk” staff employed in other schools managing staffing reductions by advertising the vacancy in the first instance to those staff on the Teaching and Support Staff Redeployment Register;
 - (b) or by first considering applications from staff on those Registers for any post openly advertised; and
 - (c) openly advertising the vacancy locally and/or nationally only when the Headteacher and Governors are satisfied that no suitable candidate for the post is available from the appropriate Redeployment Register.
- 1.3 Certain groups of staff are legally entitled to priority access to redeployment opportunities in a redundancy situation. These are:
- (a) Pregnant Employees - Pregnant employees that are not on maternity leave will be protected during the pregnancy. This applies when an employee has informed their employer of the pregnancy. If the employee miscarries or gives birth to a stillborn child before 24 weeks, then they will continue to be protected for 2 weeks after the pregnancy ends.
 - (b) Employees on Maternity Leave will benefit from protection throughout maternity leave and then for the remainder of the 18-month period after the date of childbirth.
 - (c) Employees on Adoption Leave will benefit from protection throughout adoption leave and then for the remainder of the 18-month period after the date of placement.
 - (d) Employees on Shared Parental Leave who take a period of leave of 6 weeks or more, will be protected during the Shared Parental Leave and for the 18 months from the date of childbirth or placement.

Where schools have staff that fall into any of the above categories, they should seek HR advice as soon as possible to ensure that any redeployment opportunities are managed in accordance with legislation requirements. These staff must be considered in advance of other candidates for any suitable alternative positions.

- 1.4 Where a school determines that a vacancy should be advertised openly in the first instance because it does not believe there are suitable candidates on the Redeployment Registers it should give full consideration to applications submitted by people on the Redeployment Register (as per 1.2 (b)) and/or put forward for consideration by the Local Authority.
- 1.5 The redundancy and premature retirement packages, particularly for those with lengthy continuous Local Authority service are very costly. By reducing the number of these financial packages through redeployment, money which has been raised through national and local taxation can be used for the purpose it was intended, that is for the education of pupils.
- 1.5 Headteachers and Governing Bodies have a major responsibility for the financial management of the Service, in particular for ensuring that funds are used efficiently and effectively. It is for this reason that governors are urged to co-operate positively in the Staff Redeployment Programme.

2. Benefits of Redeployment

- 2.1 Advantages can be categorised into those which support good employment practice and those which reduce costs for the schools and the LA.

2.2 Good employment practice is enhanced by redeployment because it:

- (a) promotes the retention of experienced staff in whom the LA and the school may have invested heavily in terms of training/qualifications;
- (b) enhances job security and, therefore, reduces fear of redundancy and its negative impact on staff morale;
- (c) increases loyalty to the LA and the school and, in general terms, may create a more motivated and committed work force;
- (d) can be a positive stimulus by providing an employee with a new professional challenge;
- (e) avoids the compulsory redundancy of staff who, because of age, salary costs and family commitments are unable to find alternative employment locally and, therefore, face a crisis in their professional and personal life.

2.3 Financial and opportunity costs are prevented by redeployment because it avoids:

- (a) statutory redundancy and discretionary severance payments;
- (b) the cost of early release of pension and lump sum benefits for those aged 55 or over;
- (c) compensation awarded by Employment Tribunals for unfair selection for redundancy; and

- (d) expensive staff time being taken up in defending unfair dismissal claims.

3. **Procedure**

3.1 Where an employee has volunteered for redeployment because his/her post has been declared redundant or the job has changed to such an extent that he/she does not possess the necessary skills/aptitude to continue in that position, the employer will take all reasonable steps to offer the employee other suitable employment by:

- (a) placing the employee on the appropriate Redeployment Register. There are separate registers for teaching and support staff. Schools are encouraged to demonstrate co-operation with the redeployment procedure by interviewing employees on the Redeployment Register;
- (b) informing the displaced employee of any suitable post(s) which become available and ensure that he/she can visit the schools or departments where such vacancies exist during the normal working day;
- (c) supporting the displaced employee by seeking to ensure that he/she is fully considered and where he/she meets the essential selection criteria, is short-listed for any relevant/suitable vacancies;
- (d) offering any vacancies providing suitable alternative employment at establishments where the Council has the authority to appoint;
- (e) creating a register of "shadow vacancies" from other schools into which a potentially redundant employee might be fitted, subject to appointment by the school's governors and a willingness on the part of an employee at that school to accept the "bumped" redundancy (see paragraph 5 below).

3.2 **Rights of the displaced employee**

In a redeployment situation, the employee has the right:

- (a) to be accompanied by a professional association/trade union representative or work colleague at all formal meetings;
- (b) where alternative employment is offered, to be given:
 - written confirmation of the terms and conditions of the offer, and
 - a trial period of one month, as defined by statute, during which the suitability of such alternative employment can be determined. At the end of the trial period, either the employee or the Governing Body/LA can terminate the arrangement on the grounds that the employee is not suited to the work;
- (c) where he/she resigns because the alternative employment is considered unsuitable, and this is accepted by the Governing Body/LA as appropriate, to be treated as having been dismissed for redundancy on the day the

previous contract ended and, if qualified, to receive a redundancy compensation payment calculated as at that date;

- (d) to be provided with appropriate training during and after the relevant notice period and during trial period where the new post offered is substantially different from the one previously held;
- (e) in accordance with the provisions of the LA's agreement with the recognised associations/unions, to be paid travelling expenses by the LA for a maximum period of 2 years where the redeployment involves additional travelling to the new place of work.

NOTE: These arrangements are that the redeployed employee will be paid, for each day of attendance during the first two years, a daily allowance as follows:

- *the difference between the employee's return journey from home to the new place of work less the return journey from the employee's home to their previous place of work less five miles;*
- *the additional daily mileage resulting will be paid at 25.9p per mile or the lower rate of the Inland Revenue Fixed Profit Mileage Scheme whichever is the greater;*
- *claims should be countersigned by an authorised officer at the new place of work and submitted at the end of each month to the Expenses Team. Mileage should be entered in the "taxable" column on the claim form and the expenses paid will be subject to Income Tax or National Insurance deductions.*

4. **Salary Safeguarding**

4.1 **For Teaching Staff**

- (a) Salary safeguarding by the LA (including pay increases and increments) will be in accordance with the statutory provisions contained in the relevant School Teachers Pay and Conditions Document. Essentially it will continue for a period of 3 years or until other conditions set out in the document for ending safeguarding are met, whichever is the sooner. This safeguarding is subject to the employee not unreasonably refusing an alternative post within the LA at a grade equivalent to his/her safeguarded salary level.
- (b) The receiving establishment/department will be expected to take all reasonable steps to allocate to the employee responsibilities that are commensurate with the grade upon which his/her safeguarded salary level is based.

4.2 **For Support Staff**

- (a) Employees subject to Green Book terms and conditions with more than 2 years' local government service whose posts come within the local or

national Job Evaluation Schemes will, in the event of redeployment to a post within the Council graded lower than the previous post, receive salary safeguarding limited to one grade above the post to which they have been redeployed funded by the LA.

- (b) So far as the employee is concerned, salary safeguarding (including pay increases and increments) will continue for a period of 3 years or until the establishment/department is able to absorb all his/her safeguarded salary costs, whichever is the sooner. This safeguarding is subject to the employee not unreasonably refusing an alternative post within the LA at a grade equivalent to his/her safeguarded salary level.

5. **Redeployment Incentives**

5.1 In addition to funding safeguarded salaries and redeployment mileage the Local Authority will offer the following redeployment incentives to schools appointing staff from the Redeployment Registers:

- Meeting the first month's gross salary cost of the redeployed employee, subject to a cap equal to the redundancy payment the employee would otherwise have received;
- A redeployment training allowance of up to £500 (pro-rata for part-time employees) to support the induction and successful transfer into the new post. The school should provide the redeployed employee and the Local Authority with an induction and training plan as a condition of this allowance.

5.2 To qualify for the redeployment incentives the redeployed employee must be retained by the school for a minimum period of 12 months, i.e. the school must not terminate the employment for reasons other than conduct or capability. If the school terminates the employment for other reasons the redeployment incentive costs may be recovered by the Local Authority. If the employee resigns the LA will not recover any redeployment incentive costs.

6. **"Bumped" Redundancy Procedure**

6.1 There may be occasions when it is appropriate to offer staff outside of the identified redundancy pool an opportunity to express an interest in redundancy to create a vacancy into which an employee who has been declared redundant or "at risk" can be redeployed – this is known as a "bumped redundancy".

6.2 The procedure to be followed in the case of a "bumped redundancy" within a school is as follows:

- (a) If an employee on a permanent contract outside of the redundancy pool indicates without prejudice to his/her Headteacher that they are interested in resigning their post, in order to create a vacancy within a redundancy process, on condition that they are granted an acceptable financial package (see Notes below), the Headteacher should consider whether or not they would be prepared to agree, in principle, to fill the resulting

vacancy on a permanent basis with an employee who has been made redundant or is at risk of redundancy within the school.

- (b) The Headteacher should contact the school's HR Adviser to discuss this request and possible implications. The Headteacher will need to consider the suitability of the employees who have been declared redundant or who are "at risk" in relation to the skills, qualifications and expertise required to fill the vacant post that has been created.
- (c) The HR Adviser will inform the employee of his/her financial package. The employee will also be informed that the financial package will only be paid on condition that the school recruit on a permanent basis an employee from within the school whose post has been declared redundant or who is "at risk" of redundancy and that the Bumped Redundancy will be cost effective. The employee will be asked to respond to the Headteacher, in writing, stating that they are prepared to resign their appointment on a specified date subject to the financial package being paid. The employee will then be fully committed to resigning their appointment subject to the financial package being paid and the replacement condition being fulfilled.
- (d) The Headteacher will inform the HR Adviser, in writing that the arrangement with the employee has been agreed, enclosing a copy of the employee's letter.
- (e) The Headteacher and Governing Body will follow its normal selection and interview procedures and will, therefore, have the right to reject any applicant considered by them to be unsuitable for the vacancy. Once any offers of employment to a redundant or "at risk" employee has been made and accepted, the school will write to the employee to confirm that the conditions have been fulfilled and that their resignation will now take effect on the date previously specified.

Notes:

1. *The financial package offered to employees will be in accordance with the compensation payments as set out within this policy. In deciding the type of package, the LA will take account of the cost of the redundancy/premature retirement compensation that would be payable to the employee declared redundant or "at risk" of redundancy who is acceptable to the Governing Body as a replacement for the employee who is prepared to resign.*
2. *The financial packages available to employees willing to resign their appointment as part of a "bumping" redundancy arrangement are as follows:*
 - (a) *Employees aged 55 or over, in permanent employment, in pensionable service and with a minimum of (teachers - 2 years; support staff – 3 months) of pensionable service, may be offered premature retirement in the interest of the efficiency of the service;*
OR

- (b) *Teachers and support staff in permanent employment and with a minimum of two years' continuous service, may be offered a payment which is equivalent to the payment they would have received as a redundancy compensation payment had their own post been declared redundant.*
- (c) *It should be noted that, in essence, bumping redundancies will need to be cost effective for them to be considered and approved.*

Resource Pool Registration Form**Section 1 – To be completed by the Employee**

Please note that the information provided on this form will be used as part of the weekly matching process.

Surname:		Title:	
First Name:		SAP Employee No:	

Home address:			
Home Telephone No:		Mobile No:	
Home Email Address:			

Work address:	
Work Telephone No:	
Work Email Address:	

Preferred method of contact:	
Home telephone ☐ Mobile ☐ Work telephone ☐ Home Email ☐ Work Email ☐	

Current Job title:			
Start date at School:			
Start date with SCC:		Start date in current role:	
Current grade:		Current salary:	
Current contracted hours:		Details of specific working patterns (eg term time only):	
Please provide a brief description of your current role including tasks and responsibilities (please do not attach a job description):			

Qualifications and training:**Brief description of previous work experience/volunteering/life skills:****Please give brief details of any specific work aspirations:****Preferred locations:** (Please tick as appropriate)

☐ Taunton Area ☐ Sedgemoor Area ☐ South Somerset Area
☐ Mendip Area ☐ West Somerset Area

Potentially able to travel:Yes ☐ No ☐ If yes, miles willing to travel:**Do you consider yourself to have a disability?**Yes ☐ No ☐**If yes, please identify any particular needs that you may have:****Please confirm how you wish to receive the weekly Resource Pool Job Bulletin?**

☐ Work E-Mail Address ☐ Home E-Mail Address ☐ Home Address

Employee

Signed: _____ Date: _____

Name: _____

Section 2 – All sections of this form must be fully completed by the Line Manager in agreement with the employee. Both sections must then be forwarded to the relevant HR Officer.

Reasons for inclusion in the Resource Pool: (please tick as appropriate)	
☐	Individual has been given formal notification of redundancy from a permanent contract.
☐	Individual has been given formal notification of redundancy from a fixed term contract (where entitled to redundancy payment).
☐	Individual has been assessed by Occupational Health as covered by the Equality Act 2010. Please give details:
☐	Individual has been formally placed at risk of redundancy.
☐	Individual has been redeployed with salary protection.
Please confirm the date by which redeployment must be completed:	

I confirm that I have reviewed this Registration Form in line with the Redeployment Policy and that this person should be added to the register:

Line Manager

Signed: _____ Date: _____

Name: _____ Email: _____

HR Adviser

Signed: _____ Date: _____

Name:

HR Adviser contact tel. no:

Entered onto register by:

Name:		Date:	
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If you need any assistance in completing this form or you require it in an alternative format including large print or in Braille, please contact the Schools HR Advisory Team on 01823 355992.

FINANCIAL COMPENSATION PACKAGES

1. Redundancy Compensation Payments

- 1.1 This policy applies to all staff who have two or more years continuous service. This does not form part of the terms and condition of the employment contract and the council reserves the right under the above-named regulations to change its compensation payments policy from time to time.
- 1.2 **Voluntary Redundancy** – The compensation payments for those who have expressed an interest in and accepted voluntary redundancy is calculated as follows: actual weekly salary multiplied by the number of weeks' entitlement under the statutory redundancy formula. There is a cap of 30 weeks' of normal weekly pay.
- 1.3 In line with the Councils Pension Discretions Policy, employees who are paid a compensation payment above their statutory redundancy entitlement, and who are members of the Local Government Pension Scheme, are given the option of converting any compensation payment over and above the statutory redundancy entitlement into additional pension. The maximum additional pension that can be purchased will be that specified in the Pensions Regulations, which will be increased each April under Pensions Increase Orders. The maximum at April 2024 is £8,344 per year.

Note: Employees considering this option are responsible for seeking guidance from Peninsula Pensions on how this affects their benefits.

- 1.4 **Compulsory Redundancy** – The compensation payments for those whose employment is terminated on the grounds of compulsory redundancy is up to the statutory maximum weekly pay, calculated as follows: actual weekly salary up to the statutory maximum weekly pay multiplied by the number of weeks' entitlement under the statutory redundancy formula. This is capped at 30 weeks of statutory weekly pay. The payment is subject to a minimum £1500 (pro rata for part-time employees).

In line with the Councils Pension Discretions Policy, where employees are paid compensation at the minimum of £1500 and where this is above their statutory redundancy entitlement, the employees, who are members of the Local Government Pension Scheme, are given the option of converting the compensation payment over and above the statutory redundancy entitlement into additional pension. The maximum additional pension that can be purchased will be that specified in the Pensions Regulations, which will be increased each April under Pensions Increase Orders. The maximum at April 2024 is £8,344 per year.

Note: Employees considering this option are responsible for seeking guidance from Peninsula Pensions on how this affects their benefits.

- 1.5 **Cost of Redundancies and Early Retirements** – the council requires that the full cost of any redundancies and early retirements is normally recovered within a

period of three years but, in exceptional cases, within a period of no more than five years or by the normal retirement age, whichever is sooner.

- 1.6 A Ready Reckoner for redundancy compensation payments for school staff is attached to this appendix.
2. **Early Retirement on Grounds of Redundancy** (please note as this option attracts a pension strain cost for the school which can be significant, requests for premature retirement are very rarely approved)
 - 2.1 For a member of staff in the Teachers' Pension Scheme to qualify for pension benefits, he/she needs to have reached the age 55 with at least 2 years' pensionable employment at the date of redundancy. Alternatively, 5 years of pensionable employment as at the date of redundancy completed at any time is sufficient to qualify. In addition to pensionable employment, certain other types of service may count towards the qualifying period. In each of these scenarios the teacher must have obtained the Governing Body's approval for the payment of such benefits. The costs arising from a decision to award early retirement will be recovered from the school's delegated budget unless the LA has agreed in advance to meet them. Agreement should be sought in advance through the school's HR Adviser for schools. Please note that agreement to meet redundancy costs through the Gateway process does not infer any agreement to meet these pensions costs.
 - 2.2 For a member of staff in the Local Government Scheme to qualify automatically for pension benefits, he/she must have reached the age of 55 with at least 3 months' pensionable employment at the date of redundancy. The costs arising from a decision to award early retirement will be recovered from the school's delegated budget unless the LA has agreed in advance to meet them. Agreement should be sought in advance through the school's HR Adviser. Please note that agreement to meet redundancy costs through the Gateway process does not infer any agreement to meet these pensions costs.
 - 2.3 Examples of the financial packages available are provided later in this appendix.
3. **Re-Employment**
 - 3.1 An employee's entitlement to a redundancy compensation payment is conditional on the employee not accepting an offer of new regular employment with Somerset County Council, another local council or a related employer before the date of redundancy. However, this is only where the new employment starts within the four-week period immediately following the date of redundancy. An employee would disentitle themselves to the redundancy compensation payment if **all** of the following circumstances applied:
 - (a) the new employment is regular full or part time, i.e. not casual;
 - (b) the new employer is the Somerset County Council, another local council or related local government employer. Please note this would include Academy or Free Schools;

- (c) the offer of the new employment is made before the date of redundancy; and
 - (d) the employee starts work in the new post within four weeks following the date the redundancy took effect.
- 3.2 Notwithstanding the above statutory position, the Council will seek suitable alternative employment opportunities for any member of staff who is facing redundancy. Failure to co-operate with the Council on this regard and, in particular, an unreasonable refusal to accept an offer of suitable alternative employment may result in an employee forfeiting their entitlement to redundancy compensation.
- 3.3 Finally, the Council will seek to ensure that public money is only used to pay redundancy compensation in cases where redundancy is a “last resort” necessity to enable a school to set a balanced budget. The County Council reserves the right to recover redundancy compensation payments from a school’s delegated budget when a redundant employee in receipt of redundancy compensation is subsequently re-engaged by the school at which they were previously employed.

External spreadsheet for school staff.



Redundancy Ready
Reckoner.xlsm

EXAMPLES OF FINANCIAL PACKAGES FOR REDUNDANCY FOR SCHOOL STAFF

EXAMPLE 1 (Voluntary or Compulsory Redundancy) – weekly salary is less than statutory maximum of £700 (as at 1st April 2024).

A member of staff aged 42 with 12 years continuous service and earning £12,000 per annum at the date of redundancy. A redundancy compensation payment is payable equivalent to 12.5 weeks' salary (see table).

$$£12,000^* \times \frac{7}{365} \times 12.5 \text{ weeks} = £2,877 \text{ (free of deductions).}$$

* for part-time staff, this figure is the actual gross earnings per annum.

EXAMPLE 2 (Voluntary Redundancy) – weekly salary is more than statutory maximum of £700 (as at 1st April 2024).

A member of staff aged 48, with 26 years continuous service (maximum of 20 years counted for this purpose) and earning £35,000 per annum at the date of redundancy. A redundancy compensation payment is payable equivalent to 23.5 weeks salary (see table).

$$£35,000^* \times \frac{7}{365} \times 23.5 \text{ weeks} = £15,774 \text{ (free of deductions).}$$

* for part-time staff, this figure is the actual gross earnings per annum.

EXAMPLE 3 (Compulsory Redundancy)

The same member of staff aged 48 with 26 years' continuous service (maximum of 20 years counted for this purpose) with a full-time equivalent salary of £35,000 per annum who is made compulsorily redundant. There is a statutory weekly upper limit of £700 per week (as at 1st April 2024).

$$£700 \times 23.5 \text{ weeks} = £16,450.00 \text{ (free of deductions).}$$

* for part-time staff, this figure is the actual gross earnings per annum.

Any redundancy payment under the amount of £30,000 will be free of deductions.