

# **Redundancy Procedures**

**For Employees in  
Voluntary Aided and  
Foundation Schools**

**The National Society**



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*This guidance is one of a series produced by a working party representing The National Society, London Diocesan Board for Schools, Southwark Diocesan Board of Education and several other dioceses. It is designed for use in Church of England and Church in Wales schools. Advice should be sought on the application of the procedures from the Diocesan Board of Education.*

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## **Further reading**

*Advisory booklet No. B08, Redundancy Handling* from ACAS available from the ACAS Online Publications Service [www.acas.org.uk/publications](http://www.acas.org.uk/publications) or tel: 08702 42 90 90

*Redundancy Consultation and Notification, PL 833 (Rev 6) 03/518* from the Department for Trade and Industry available on the internet only at [www.dti.gov.uk/publications](http://www.dti.gov.uk/publications)

# Preface

1 Governing bodies need to have a procedure for staff redundancy. This document addresses the particular circumstances of Voluntary Aided and Foundation schools. It is strongly recommended that governing bodies adopt the procedure contained in this document.

2 It is essential that the procedure recommended here is adhered to closely and advice sought from the Diocesan Board and LEA at an early stage on how to implement it. This will help to avoid the possibility of time-consuming and expensive problems.

3 Governing bodies have considerable responsibilities for the staff they employ. It is hoped that this document will enable governors to have an accessible point of reference to guide them through the stages of any redundancy procedure. **The need to seek professional advice at an early stage cannot be overemphasized.**

4 It is important that schools contact Diocesan Boards and LEAs at an early stage in order to ensure that legal cover (if provided through the LEA) or insurance cover, which many Diocese arrange, is not invalidated in any way.

5 Because of the complexities of clerking committees and appeals, a summary of the role of the clerk has been included in Annex B.

6 This procedure is based on the ACAS booklet for handling redundancy. Eight trade unions and professional associations have also been consulted.

7 The legislation relating to staff redundancy can be found in the Trade Union and Labour Relations (Consolidation) Act 1992 as amended in the Employment Rights Act 1996. The revision of this booklet undertaken in 2004 reflects the implications for Voluntary and Foundation schools of the School Staffing (England) Regulations 2003.

8 It is hoped that governing bodies of Voluntary Aided schools, Diocesan Boards and LEAs will work in close partnership on this procedure. Foundation schools may wish to consult with Diocesan Boards and LEAs as well as with independent advisers.

9 A comprehensive set of contracts to meet the different needs of staff in Voluntary Aided schools has been produced by the same working party which produced these procedures. These contracts contain summaries of the procedures included in this book. As with the procedures, the trade unions and professional organizations have been consulted. Copies of the contracts are available from the National Society and dioceses and on the National Society web site.

10 Throughout this document **bold type** is used to provide the reader with a quick point of reference to the subject of the paragraph.

11 This document has been produced by the National Society with the help of staff of the London Diocesan Board for Schools and the Southwark Diocesan Board of Education, in consultation with their legal advisers, Winckworth Sherwood.

# Definitions

**Companion** A companion may be:

- another employee
- a full time official employed by a trade union, or lay trade union official, as long as they have been reasonably certified in writing by their union as having experience of, or having received training in, acting as a worker's companion at capability hearings. Certification may take the form of a card or letter
- a legal representative

**Day** Throughout this booklet day means a school working day when staff are required to be present, including days when pupils may not be present.

**Delegated powers** The governing body of a Voluntary Aided or Foundation school, with a quorum of half of governors in place entitled to vote, may delegate to the headteacher or a committee the power of decision on particular matters including redundancy; this decision must be clearly described in the minutes of the meeting making the decision. The whole governing body remains responsible for decisions made by its committees.

**Diocesan Boards of Education (in London, Diocesan Board for Schools)** Those bodies which, under the Diocesan Boards of Education Measure 1991 as amended, exercise statutory functions in relation to Church schools. In the Church in Wales the Diocesan Boards exercise non-statutory but similar functions.

**Line Manager** An individual within the school who has delegated responsibility, under the control of the headteacher, from the governing body for the day to day management of an identified group of staff members. This will normally be a member of the leadership team.

**Must** Indicates something which is required by law or formal procedure.

**Prejudiced** To have listened to, or taken part in, discussion of a redundancy matter relating to a named person, or to be a friend or relation of the named person.

**Premature retirement** A teacher aged 50 or over, who has completed the normal qualifying period, may apply through the governing body to the LEA for premature retirement, but there are rules governing the provision of early retirement. For support staff the conditions of premature retirement would depend upon the pension scheme to which they belong. The governing body will be liable for ongoing payments towards pensions of staff who are given premature retirement, unless in exceptional circumstances the LEA has agreed to pay. This commitment will last until the death of the employee and their partner.

**Redundancy, staff and appeal committees** Voluntary Aided and Foundation schools appoint committees they feel appropriate to their needs and use different names for those committees. The name redundancy committee used in this booklet refers to the committee drawn from a pool of governors (see Annex A, pp. 19-20) and has delegated responsibility for decisions relating to redundancy.

If an *appeal committee* is required to meet in a Voluntary Aided or Foundation school, its membership must comprise different governors drawn from the pool of governors (see Annex A, pp. 19-20).

**Should** Describes something which is generally accepted as good practice and is recommended.

**Staff** Describes all staff, both teaching and non-teaching, unless stated otherwise.

**Unions and professional associations** When reference is made in the text to unions, it is understood that this also includes reference to professional associations.

**Untainted governor** One whose ability to act fairly is not impaired by previous direct involvement in the subject matter or by discussion by the governing body.

**Voluntary redundancy/severance** Termination of employment by dismissal in response to an invitation from the governing body. Teachers and support staff of any age may apply for voluntary redundancy/severance when a redundancy situation is announced.

## **Abbreviations**

ACAS Advisory Conciliation and Arbitration Service

DB Diocesan Board

DfES Department for Education and Skills

GB governing body

HT headteacher

LEA Local Education Authority

SD school days

SW school week

RC redundancy committee



# PART A:

# General

## A.1 Introduction

### 1.1 Personal implications

1.1.1 The word 'redundancy' raises feelings of considerable anxiety amongst all staff. The process of moving towards redundancy is also a stressful time for those who have to implement this painful procedure. The trauma of the situation for all concerned should not be underestimated.

### 1.2 Governing body responsibilities

1.2.1. The School Staffing (England) Regulations 2003 give specific powers to the governing body to delegate some of their staffing responsibilities to

- a The headteacher or
- b One or more governors or
- c One or more governors and the headteacher

The regulations are specific about issues related to discipline, grievance and capability but are less clear on matters of redundancy.

1.2.2 Redundancy usually arises as a result of pressure on the school budget. The key decision to commence a procedure that could lead to a post becoming redundant will have been made, therefore, in a full meeting of the governing body responding to a report on the budget from the finance committee. For this reason it is appropriate that it should be a committee of the governing body that is delegated to have the responsibility of overseeing the procedure.

1.2.3 It is strongly recommended that governing bodies follow the procedure described in this book when they are faced with the possibility of making staff redundant. The procedure should be formally adopted by the governing body. Copies of the procedure should be readily available within the school.

1.2.4 The governing body should ensure that at its first meeting of the school year it formally reviews the membership of its committees and provides them with written terms of reference; this includes the committees which may be needed in connection with redundancies (see Annex A, pp. 19-20).

1.2.5 As employers, governing bodies have considerable responsibilities in relation to any redundancy procedure. The action taken must be fair and consistent and have been drawn up in close consultation with staff.

1.2.6 Governors need to pay particular attention to the needs of all those involved in a redundancy procedure and to ensure that pastoral support is available on request for all concerned.

## **1.3 Headteacher responsibilities**

1.3.1 The headteacher is responsible for the management of the school and therefore has a key role to play throughout any redundancy procedure. In particular the headteacher should:

- assist with the provision of information to the unions and professional associations;
- in the event of compulsory redundancy:
  - make recommendations relating to the criteria to be used;
  - present the management's case to the hearing by members of the redundancy committee (Stage 4);
  - accompany the chair of the redundancy committee to any appeal hearing (Stage 5).

## **1.4 Involvement of Diocesan Board and LEA**

1.4.1 The School Staffing (England) Regulations 2003 provides for the governing body of a Voluntary Aided school to accord advisory rights to the LEA in relation to the appointment and dismissal of staff, if it wishes to do so. It is recommended that governing bodies do this. Schedule 17 of the School Standards and Framework Act 1998 also requires governing bodies of Church of England Voluntary Aided schools to accord advisory rights to the Diocesan Board whenever it accords such rights to the LEA. They may accord these rights in Foundation schools and are encouraged to do so.

## **1.5 Definition of redundancy**

1.5.1 A redundancy may arise when:

- the governors have ceased or intend to cease to operate their school; or
- where the governors have ceased, or intend to cease to operate the school in the place where the employee was employed; or
- the requirements of the school for employees to carry out work of a particular kind have ceased or diminished or are expected to cease or diminish.

1.5.2 From this it can be seen that it is the removal or reduction of a post which may result in a dismissal by reason of redundancy.

## **1.6 Situations which may result in redundancy**

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

- school closure / amalgamation;
- falling rolls;
- amalgamation or closure of faculties;
- budgetary problems;
- a change in the demands for certain subject areas or job requirements;
- reorganization of management or departmental structures.

## **1.7 Budgetary and other reasons for redundancy**

1.7.1 The two main reasons for declaring posts redundant are budgetary problems and changes requiring to be made in the post itself. The latter could result from new legislation affecting the curriculum or administration of the school, for example, changes in subject areas, or staffing structures, such as the introduction of the post of bursar, administrator or site manager. The procedures described here largely relate to redundancy resulting from budgetary constraints but are also applicable to making changes in staffing structures.

## **1.8 Employment rights**

1.8.1 Any employee dismissed by way of redundancy has a right to receive a redundancy payment provided that s/he has been continuously employed for a period of two years. It is possible for continuity of employment to have been retained by being carried over from previous employment; for example, transfers without a break (except holiday periods) between Community, Voluntary and Foundation schools, city technology colleges and Academies preserve continuity for redundancy purposes. It may be necessary to obtain detailed advice on whether employment has been continuous.

1.8.2 The level of the redundancy payment is subject to a statutory minimum but may also be contractual, or at an enhanced level in accordance with any local authority agreement.

## **1.9 Capability**

1.9.1 Redundancy must not be seen as a possible means of removing a weak employee. Where there is concern over an employee's professional performance, a separate capability procedure should be used. The book *Capability Procedures*, produced by The National Society for employees in Voluntary Aided and Foundation schools, provides guidance.

## **1.10 Deciding and compensating authorities**

1.10.1 LEA normally makes redundancy payments to staff of Voluntary Aided and Foundation schools who are made redundant, but reserves the right not to do so if it considers the governing body has behaved unreasonably.

# **A.2 Timetable**

## **2.1 Sufficient time**

2.1.1 Employment tribunals have reinforced the need to give sufficient time for the consultation period with recognized trade unions when redundancies are possible.

Tribunals have also stressed the need to allow reasonable periods for individuals to prepare their cases and for all parties to consider alternative approaches (see Annexes C and D, pp. 25-7 and pp. 28-9). It is recommended that a copy of the completed pro forma for a timetable in Annex D be given to all staff concerned at the beginning of the procedure. All governors on the redundancy and appeal committees should also be given copies of the provisional timetable at the beginning of the procedure.

2.1.2 The full redundancy process usually takes about six months. A sample calendar for a teacher being made redundant at the end of the summer term is given in Annex C (pp. 25-7). It will be noticed that the first

consideration of making a post/s redundant has to take place in the previous financial year. See A.2.2 below for notice periods.

## 2.2 Notice periods

2.2.1 Periods of notice for **support staff** vary and are given in each person's contract of employment.

2.2.2. Teachers' periods of notice for dismissal are summarized in Table 1.

**Table 1: Notice periods for dismissal of teachers**

<b>Date of Termination of Service</b>	<b>Period of notice</b>		<b>Date by which notice must be given<sup>1</sup></b>
30 April	Less than 9 years' continuous service	2 calendar months	28 February
	9 years' continuous service	9 weeks	21 February
	10 " " "	10 weeks	14 February
	11 " " "	11 weeks	7 February
	12 " " "	12 weeks	1 February
	12 or more years' continuous service		
31 August	3 months		31 May
31 December	Less than 9 years' continuous service	2 calendar months	31 October
	9 years' continuous service	9 weeks	24 October
	10 " " "	10 weeks	17 October
	11 " " "	11 weeks	10 October
	12 or more years' continuous service	12 weeks	3 October

2.2.3 In cases where a teacher is to be dismissed by reason of redundancy with effect from either 30 April or 31 December, the process should start no later than the beginning of the preceding term.<sup>2</sup> Reference may be made to the Burgundy Book regarding dates.<sup>3</sup>

## 2.3 Need to follow procedure

2.3.1 There are no circumstances, including financial constraints, which justify taking shortcuts in procedures. The need to follow correct procedures, including timescales, is paramount. The unions are committed to avoiding compulsory redundancies if at all possible and may resort to industrial action, should the governing body not follow correct procedures (B.2.8, p. 11).

## 2.4 Planning timetable for meetings

2.4.1 It is necessary for the redundancy committee to ensure that, at the earliest sign of a possible compulsory redundancy, they plan a timetable for meetings which will ensure that statutory obligations and the rules of natural justice are met (see Annex C, pp. 25-7). Every effort should be made to ensure that Stage

<sup>1</sup> The notice period finishes at midnight on the date given

<sup>2</sup> Based on requirements included in the Burgundy Book (the full title is *Conditions of Service for schoolteachers in England and Wales*. Copies may be obtained from the Employers Organisations for Local Government, Layden House 76-86 Turnmill Street London EC1M 5LG Tel; (020) 7296 6781

<sup>3</sup> See above for full title of the Burgundy Book

3 of the procedure (see A.2.5 below) is completed before the start of the Easter holiday for summer term redundancies.

## **2.5 Summary of six stages**

2.5.1 A timetable should contain the following six stages:

Stage 1: assessment of budgetary position

Stage 2: consultation and voluntary redundancy

Stage 3: establishing criteria for compulsory redundancy

Stage 4: decision to dismiss by reason of redundancy

Stage 5: appeal against dismissal by reason of redundancy

Stage 6: completion of redundancy procedure.

# **PART B:**

## **Six stages of redundancy procedure**

### **B.1 Stage 1: Assessment of budgetary position**

#### **1.1 Annual budgets**

1.1 Normally the school will receive its indicative or preliminary budget at the end of the autumn term or beginning of the spring term. If there are concerns over staffing costs, the finance committee should immediately advise the chair of the governing body to convene a meeting of the redundancy committee.

#### **1.2 Convening of redundancy committee**

1.2.1 The chair of the governing body should inform the governing body that the redundancy committee has been convened from the already appointed pool of governors (see Annex A, pp. 19-20) and that this should remain strictly confidential to the governing body until advised otherwise. Should the governing body wish to enlarge the membership of the redundancy committee beyond the people from the pool of governors, this would be in order; however, such additional governors would not take part in any Stage 4 or Stage 5 hearings (see page A.2.5, p. 5).

1.2.2 From this point onwards it is the responsibility of the redundancy committee to coordinate all matters relating to the redundancy procedure. The committee should continue to work closely with the headteacher and, where appropriate, the chair of the governing body.

#### **1.3 Review of staffing structure**

1.3.1 Most schools will already have a staffing structure reflecting the position with existing staff, and a shadow staffing structure, the latter showing the targets set by the school's development plan. As soon as there is any likelihood of staff being made redundant, the headteacher should, in strict confidence, discuss with the redundancy committee a preliminary review and adaptation of the shadow staffing structure.

#### **1.4 Consultation with Diocesan Board/LEA**

1.4.1 After preliminary discussions at the school, the headteacher should informally consult with the Diocesan Board/LEA over the revised shadow staffing structure, as well as the possibility of redundancies and procedures to be followed. This should be done before discussions are held with union representatives or staff as described in B.2 (p. 8).

## **1.5 Avoiding compulsory redundancy**

1.5.1 A decision to make any employee compulsorily redundant is a serious step for an employer to take and should be taken only after the most careful consideration. The need to deliver the curriculum and meet the targets of the school's development plan should be borne in mind. In seeking to avoid the need to dismiss staff by reason of compulsory redundancy, governing bodies may wish to consider the following possibilities (the list is not in order of priority):

- voluntary reduction of hours by some staff;
- normal movement of staff (promotion, retirement, resignation);
- transfer of staff into other suitable work within the school, with retraining where applicable;
- voluntary job-sharing;
- discussing with the LEA possibilities for redeployment;
- discussing with the Diocesan Board the possibility of vacancies in other schools;
- freezing of vacant posts;
- the termination of any temporary appointments at the end of the contract (although in certain circumstances non-renewal of a fixed-term contract will constitute dismissal by reason of redundancy, and advice should be sought);
- inviting applications for premature retirement;
- inviting applications for voluntary redundancy;
- use of fixed-term contracts to meet specific needs.

## **1.6 Variations in budget**

1.6.1 The budgetary situation of a school can vary considerably and unexpectedly. Governors should monitor closely variations in the school's financial position and be prepared to withdraw redundancy procedures if the budgetary position improves. Similarly, if an unexpected vacancy arises, consideration should be given to withdrawing the redundancy notice.

1.6.2 Once notice of dismissal has been issued it may only be withdrawn with the agreement of both the employer and the employee, although employees may lose their right to redundancy payment if they unreasonably reject an offer of suitable alternative employment.

## **B.2 Stage 2: Consultation and voluntary redundancy**

### **2.1 Consultation**

2.1.1 As soon as it appears posts are likely to be made redundant, all teaching and support staff should be made aware of the situation (see B.2.4.2 (p.9)) and that the governing body is consulting with area representatives of trade unions and professional associations (see B.2.2 below). If the redundancy is due to a change in the requirements of a post, or only one person is involved, or all members of a particular category of staff are involved (which might be the case in management restructuring), then it would not be necessary for a meeting to be held of all staff as described in B.2.4.2 (p. 9).

### **2.2 Trade unions and professional associations**

2.2.1 Governing bodies are required to consult with recognized trade unions and professional associations. This consultation should be between the redundancy committee and the area representatives; the headteacher would normally be present. Consultation should cover:

- avoiding dismissals;
- reducing the number of employees to be dismissed;
- mitigating the consequences of any dismissals.

2.2.2 This must happen as soon as possible after the preliminary discussions described in B.1 above and before any formal announcements are made to staff. For discussions with staff see B.2.4.2 (p. 9). Consultation should continue throughout the process with the aim of reaching agreement.

### **2.3 Information**

2.3.1 Although there is no longer a statutory requirement that information detailed in Section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992, as amended, be provided to union officials when there is a proposal to dismiss fewer than 20 employees by reason of redundancy, it is strongly recommended that governing bodies continue to follow Section 188 as described below.

2.3.2 Consultation with area union officials must allow adequate time for consideration of the proposals. Information must be given to representatives in writing and include:

1. the reasons for the proposed reduction in staffing posts;
2. a general indication of the numbers and descriptions of employees it is proposed to dismiss by reason of redundancy;
3. the total number of employees at the school and in the category of staff where redundancies are anticipated;
4. the proposed method of selecting the employees who may be dismissed, and the criteria to be used;
5. the proposed method of carrying out the dismissals, including the period over which the dismissals are to take effect;

6. the proposed method of calculating the amount of any redundancy payment to be made to employees who may be dismissed by reason of redundancy, if different from the statutory redundancy payment.

2.3.3 The above information is often referred to as a Section 188 notice. The information may need to be amended in the light of ongoing discussions between the governors and the unions. In addition it is helpful if a provisional timetable for the procedure is also provided at this point as shown in Annex C (pp. 25-7) and Annex D (pp. 28-9).

2.3.4 The above information must either be given to the union representatives, or sent by post to an address supplied by them to the governors, or, in the absence of this, to the head office of the unions concerned. Names and addresses of area union representatives are available from the LEA.

2.3.5 It is recommended that detailed information relating to possible payments for premature retirement and redundancy, including the statutory redundancy payment, be available to staff on request. This information would be based on the standard formula for calculating payments used by the LEA and should be obtained from them. Such information on payments would be of assistance to people prepared to consider applying for either process.

## **2.4 Meeting with staff**

2.4.1 It is important that the consultation process is carried out thoroughly and that all the following action is taken.

2.4.2 When there is a possibility of redundancies and it is clear to the governing body that a reduction in staffing is unavoidable, the chair of the redundancy committee should invite all teaching and support staff who are likely to be affected to attend a meeting. Information in writing on the probable need for redundancies will already have been given to all representatives of unions in the school and to area representatives (B.2.3.2 above). By the time of the meeting with staff, the redundancy committee should have begun discussions (or at least have arranged to meet) with the area representatives of recognized unions having members on the staff who are likely to be affected. At the meeting with the staff, the chair should clearly describe the background to the present situation and distribute notes providing:

- the reasons for having to consider redundancies;
- an invitation to apply for premature retirement or voluntary redundancy (see B.1.5, p. 7);
- the date by which such applications should be received (usually within ten school days);
- a reminder that no employee has a right to premature retirement or voluntary redundancy;
- the date by which, in light of applications for premature retirement or voluntary redundancy, decisions will have to be made about any compulsory redundancies;
- the procedures to be followed throughout the whole process, including the right of those recommended for dismissal by reason of redundancy to make representation to the governors' redundancy committee and appeal committee (the summary of redundancy procedure in A.2.5, p. 5, could be used);
- a provisional timetable for the redundancy procedure (Annex C, pp. 25-7 and Annex D, pp. 28-9);

- the suggestion that staff who are concerned about their personal position should seek advice from their unions;
- details of the availability of the headteacher and some named governors for informal discussions with individual staff (B.2.4.5 below);
- details of how staff who wish to do so may obtain copies of staff profile forms providing information relating to criteria which may need to be used in connection with redundancy (see Annex G, pp. 38-40).

2.4.3 Immediately prior to the meeting described in B.2.4.2 above, the chair of the redundancy committee should meet with the school's union representatives relating to staff who will be attending the meeting in order to brief them .

2.4.4 In the case of a new post and new job description, for example, the new post of site manager replacing that of a school-keeper, or administrator replacing a school secretary, discussions should be held with the individual member of staff. A member of staff may always be accompanied by a union representative during such discussions. The headteacher should also be accompanied by either a governor or a member of the management team.

2.4.5 It should be stressed that the headteacher and some named governors are available for informal consultation with any member of the staff who wishes to see them. Governors who serve on the redundancy or appeal committees must not make themselves available for informal discussion or they will become tainted.

## **2.5 Response to information**

2.5.1 The consultation with the unions described above must be undertaken with a view to reaching agreement with the area representatives on the matters in B.2.3.2, although this may not eventually be possible. Governing bodies are required to consider the responses of the unions before making a final decision on the redundancy proposals. Responses may take the form of representations or counter-proposals or both. The governing body must reply in writing to any response received. If the governing body rejects a proposal, reasons must be given in writing.

## **2.6 Minimum time periods**

2.6.1 The Trade Union and Labour Relations (Consolidation) Act 1992 states that consultation must start no later than 30 days before the first dismissal by reason of redundancy takes effect, that is, the employee leaves. However, individual notice periods will probably be longer than this. It is advisable to consult much earlier (see sample timetable in Annex C, pp. 25-7).

2.6.2 The consultation period will not be considered to have started until such time as the trade unions are in receipt of the written information described in B.2.3.2 (p. 8), but informal discussions with the union representatives will have started much earlier.

## **2.7 Notification to the Department for Trade and Industry**

2.7.1 If the governors are proposing to make twenty or more employees redundant, there is a statutory requirement to notify the Secretary of State for Trade and Industry of the proposals. A form (HR1) is available from the Redundancy Payments Office (helpline 0845 145 0004) or the local Jobcentre Plus office ([www.jobcentreplus.gov.uk](http://www.jobcentreplus.gov.uk)). The notification must be made at least 30 days before the first dismissal takes

effect. Voluntary redundancies are included in the overall total of redundancies. Governors may be liable to a fine if they do not comply with this requirement.

## **2.8 Adhering to procedure**

2.8.1 Governors could plead that there were special circumstances which rendered it not reasonably practicable to consult according to given time limits. However, the advice to governors is that they must adhere strictly to the procedure. Failure to consult properly may render a dismissal by reason of redundancy unfair, thereby allowing a claim to be made to an employment tribunal. Failure to follow the correct procedure could also result in prejudicing the payment of redundancy costs by the LEA.

## **2.9 Delivery of the curriculum**

2.9.1 When inviting voluntary redundancies, the redundancy committee should give consideration to maintaining a balanced curriculum. It should be made clear that it may not be possible to accept the applications of everyone who may apply for voluntary redundancy. One way of avoiding difficulties could be to invite voluntary redundancies or premature retirement from only certain categories of staff. If this is done, it should be explained that no other staff will be granted voluntary redundancy or premature retirement on this occasion.

## **2.10 Volunteers not selected**

2.10.1 In situations where the number of volunteers exceeds requirements, governors should be alert to the potential reaction of some staff not selected and consider in advance how best to deal with this. No employee has a right to be made redundant and this should be made clear at the time volunteers are sought.

## **2.11 Notification**

2.11.1 Employees should be notified of the result of their application for voluntary redundancy by the chair of the redundancy committee, or clerk to the governing body, within five school days of the date by which the applications had to be received (Annex E, sample letter 1, p. 31).

## **2.12 Delayed notification**

2.12.1 It should be noted that there might be a delay in obtaining information from the LEA on the amount of redundancy payment an employee could expect to receive. This would delay staff making decisions as to whether or not to apply for voluntary redundancy. Should this occur, it is possible that governing bodies would have to continue with a compulsory redundancy procedure while awaiting decisions on voluntary redundancy. If applications for voluntary redundancy are subsequently received and are successful, the compulsory redundancy procedure would then be reviewed and may be halted or reduced.

## **B.3 Stage 3: Establishing criteria for compulsory redundancy**

### **3.1 Initial discussions**

3.1.1 The redundancy committee should ensure that area union representatives and staff have been consulted on the criteria to be used for removing or reducing particular posts. It is important that initial discussions concentrate on any posts likely to be made redundant and not on individual members of staff. For ways of avoiding compulsory redundancy see B.1.5 (p. 7).

3.1.2 The method and timetable for selecting staff to be dismissed by reason of redundancy must be discussed by the redundancy committee with area union representatives and staff with the aim of reaching agreement, though this may not always be possible. It is recommended that a provisional timetable for all the remaining stages of the redundancy process, as described in Stages 4 to 6 below, is drawn up.

3.1.3 It is possible that voluntary redundancies could affect decisions on the criteria, so the criteria should not be finalized until after the date for receiving voluntary redundancies. The criteria must be seen to be objective and fair. Criteria could include:

- skills, qualifications and experience;
- last in, first out model.

### **3.2 Skills, qualifications and experience**

3.2.1 Objective selection based on skills, qualifications and experience aims to retain the staff necessary to deliver the curriculum and the school development plan. This criterion requires the governors to match the professional profile of each member of staff against the needs arising from the school development plan. Factors to be considered when teaching and other posts are being looked at may include:

- overall subject areas;
- special subject requirements;
- SEN and pastoral expertise;
- seniority within the school;
- academic or other qualifications and recent specialist courses undertaken;
- lack of experience or specific qualification;
- ability to switch between subjects, age groups and/or levels of work;
- management expertise;
- contribution to religious character of the school (Aided school only).

### **3.3 Application of criteria**

3.3.1 In applying the selection criteria headteachers and governors should arrange for the criteria to be listed in order of priority and to relate to the school's development plan. The first criterion is of prime importance and should ensure that the school retains a balanced staff. If it is necessary to make more staff redundant than the first criterion identified, then the second criterion could be used. Annex G (pp. 38-40) provides a model staff profile form which may be used to obtain information relating to criteria. This may need to be amended to accord with the selection criteria. No information should be sought which is not relevant to the criteria being used to avoid an allegation that factors were taken into account other than those in the criteria.

### **3.4 Selection**

3.4.1 The governors' redundancy committee is responsible for considering and deciding on the posts to be reduced or removed and the members of staff to be made redundant. Any dismissals should be based on advice from the headteacher, together with up-to-date information on the budgetary situation. The recommendations should follow a full process of consultation with the union representatives, Diocesan Board and LEA. It is very important that members of the committee treat the recommendations as strictly confidential.

3.4.2 An acceptable alternative to the identification of members of staff for redundancy is for all members of staff in the post, or posts, to be made redundant to be interviewed on a competitive basis with the unsuccessful candidate, or candidates, being selected for redundancy. If this method is used, the redundancy committee who interview must work to the agreed selection criteria in identifying the individuals who are to be made redundant, and must keep accurate notes of the interview process. Advice from the LEA and the Diocesan Board should be obtained before using this method of selection.

### **3.5 Notification**

3.5.1 The chair of the redundancy committee should write a letter to each member of staff who has been proposed for dismissal by reason of redundancy (see Annex E, sample letter 2, p. 32). The letter should state:

- the reasons why it has been proposed to reduce or remove the post occupied by the employee;
- that if the employee or her/his representative wishes to make representations to the governors' redundancy committee, these should be received by the clerk to the governing body at least five school days before the date of the hearing by the redundancy committee;
- that the employee and her/his companion may also attend the hearing by the governors' redundancy committee which will be deciding on dismissals by reason of redundancy (B.4.2 below);
- if it is available, the date of the hearing by the governors' redundancy committee which will be deciding on dismissals by reason of redundancy (B.4.1 below).

Relevant documents should be enclosed, for example the selection criteria, analysis of budget, curriculum analysis, staff restructuring.

3.5.2 It is appropriate for the chair of the redundancy committee or the headteacher to give the dismissal letter to the employee in person. The employee should be told beforehand that s/he may be accompanied by a companion.

3.5.3 A copy of the letter should be sent to the representative of the union to which the employee belongs.

## **B.4 Stage 4: Dismissal by reason of redundancy**

### **4.1 Notice of hearing**

4.1.1 The clerk to the governing body should convene the hearing by the redundancy committee, providing the employee with at least ten school days' written notice of the date of the hearing. Employees should be given adequate information to assist them in preparing representations, particularly on the criteria used to recommend the removal of their post resulting in their dismissal by reason of redundancy.

### **4.2 People attending hearing**

4.2.1 When it appears that a compulsory redundancy is unavoidable, the following people should attend a hearing:

1. the governors on the redundancy committee appointed from the pool of governors to serve on committees (see Annex A, pp. 19-20);
2. the headteacher, who is present in order to explain the reasons for recommending the dismissal of the employee by reason of redundancy; the headteacher may be accompanied by a friend;
3. the employee making representations, who must be given the opportunity to be accompanied to the meeting by a companion;
4. a representative of the diocesan board and the LEA should be invited to attend the hearing;

4.2.2 Teacher governors have the right to be on this committee; however, if there is a possibility of pecuniary interest or promotion resulting from a redundancy, this would prevent teacher governors from exercising this right.

### **4.3 Personal representations**

4.3.1 Before final decisions are made, the employee/s identified for redundancy must be given the opportunity to make written and personal representation to the hearing by the redundancy committee of the governing body considering dismissals. Written representations, whether or not the employee will be attending the hearing, should be sent to the clerk to the governing body at least five school days before the date of the hearing. The employee, and/or her/his companion, may also make personal representations to the committee.

### **4.4 Documentation**

4.4.1 Before the hearing takes place, the clerk to the governing body sends to all parties attending the hearing copies of all papers relating to the redundancy, unless they have already been sent. These papers would include:

- the original information sent to all staff and the representatives of unions, explaining the need for redundancies (B.2.3, p. 8-9);
- a clear statement of the criteria used in the decision on redundancy (B.3.2, p. 12);

- the letter sent to the employee saying that s/he had been recommended for dismissal by reason of redundancy (B.3.5, p. 13);
- any written representation submitted by the employee or his/her representative (B.4.3 above);
- the agenda for the hearing (see Annex F, pp. 37-8).

## **4.5 General guidance for the hearing**

4.5.1 The chair of the committee is responsible for the conduct of the proceedings and for any variations s/he considers appropriate. The chair of the committee:

- welcomes those present and makes introductions;
- stresses that this is a private hearing and that all information brought to the committee is strictly confidential to the people present;
- outlines and agrees the procedure to be followed during the hearing (model agenda Annex F, pp. 37-8);
- asks all attending the hearing to remain available to the committee for approximately one hour after they withdraw, in case the committee needs to clarify any point;
- explains how the employee and headteacher will be informed of the committee's decision.

## **4.6 The role of the clerk**

4.6.1 The role of the clerk to the committee deciding on possible dismissal by reason of redundancy, and to any subsequent appeal committee, is most important. Detailed guidance is provided in Annex B (pp. 21-4).

## **4.7 Adjournment**

4.7.1 If new evidence is brought which all parties have not had time to consider, or for any other good reason, the chair of the committee may decide to adjourn the meeting for a specified time or to another date. If there is an adjournment, the reconvened committee must comprise the same membership. If a member of the committee has to be replaced, the hearing must start again from the beginning.

## **4.8 Several redundancies**

4.8.1 Where there is more than one employee recommended for dismissal by reason of redundancy, the same committee must consider all the proposed redundancies. Each redundancy should be considered separately. If, however, several employees are represented by the same union representative, they may elect to have their cases heard together rather than separately. In these circumstances the committee must ensure that the case in respect of each employee recommended for dismissal is stated separately, and that each employee is given the opportunity to make individual representations, even if in the presence of others.

## **4.9 Additional information**

4.9.1 The committee considers its decision. If any further information is required from the employee or the headteacher, then all parties should return. An opportunity should be given to each party to question or comment on this additional information.

## **4.10 Notification of decision**

4.10.1 The parties concerned are notified either by being recalled to hear the decision of the committee or by letter. Following the meeting the chair of the committee, or the clerk, will send notification of the decision to the employee. The clerk sends a copy of the committee's decision to the parties concerned and provides information about any right of appeal. The letter is copied to the Diocesan Board and the LEA (see Annex E, sample letter 3, p. 33). For the issuing of notice see B.6.1 (p. 17).

## **4.11 Advance notice date for appeal**

4.11.1 In order to avoid the danger of running out of time it may, in some cases, be advisable to formally remind the employee of the date for an appeal, if required, at the same time as notifying the decision of the redundancy committee (see B.5.2.3 below and Annex E, sample letter 3, p. 33).

# **B.5 Stage 5: Appeal**

## **5.1 Notice of appeal**

5.1.1 If the employee wishes to appeal against the decision of the governors' redundancy committee, such an appeal must be received in writing by the clerk to the governing body within ten school days of the date of the notification of the committee's decision.

## **5.2 Meeting of dismissal appeal committee**

5.2.1 An appeal committee must be appointed by the governing body in accordance with governing body regulations (see Annex A, pp. 19-20). The committee must contain at least as many governors as those in the committee which decided to dismiss by reason of redundancy, and those governors must not have been in any way connected with the decision to dismiss.

5.2.2 The dismissal appeal committee is convened by the clerk to the governing body (see Annex B, pp. 21-24) and must meet within ten school days of the date of the letter notifying an appeal. It is recommended that governors move as quickly as possible at this stage because of the sensitivity of the issues involved.

5.2.3 If there is likely to be a constraint on time, it is advisable for the clerk to the governing body to finalize the date for a possible hearing with the members of the dismissal appeal committee at the beginning of Stage 4. The members of the committee will have been given notice of the date at the beginning of the procedure when they were given the provisional timetable.

## **5.3 Documentation**

5.3.1 Before the meeting takes place, the clerk to the governing body sends to members of the dismissal appeal committee copies of all papers relating to the redundancy. These papers would include:

- the original information sent to all staff and the representatives of unions, explaining the need for redundancies (B.2.3, p. 8);
- a clear statement of the criteria used in the decision on redundancy (B.3.2, p.12);

- the letter sent to the employee by the chair of the redundancy committee saying that s/he had been recommended for dismissal by reason of redundancy (B.3.5, p. 13);
- any written representation submitted by the employee or her/his representative (B.4.3, p. 14);
- the redundancy committee's written reasons for dismissal by reason of redundancy (B.4.10, p. 16).

5.3.2 It is most important that each member of the governors' dismissal appeal committee reads the documentation carefully before the meeting and is fully acquainted with the details of each stage of the redundancy procedure.

## **5.4 Procedure for dismissal appeal committee**

5.4.1 Procedures for sending out documentation prior to the hearing, and for the hearing itself, are as for the committee described in B.4 above. The chair of the dismissal committee will normally present the case for the dismissal by reason of redundancy and be accompanied by the headteacher; the presentation could be made in some instances by the headteacher.

## **5.5 Appeal upheld**

5.5.1 In the event of an appeal being upheld, the governing body will need to consider the effect on the school's budget and the need to return to Stage 1 of the redundancy procedure.

# **B.6 Stage 6: Completion of redundancy procedure**

## **6.1 Notice of dismissal**

6.1.1 Once an appeal has been dismissed, notice must be served on the employee (Annex E, letter 5, p. 35). Notice will normally be issued either after an appeal has been heard and rejected, or the time limit for lodging an appeal has expired (see Annex E, letter 5 or 6, pp 35-6). In exceptional circumstances where there is insufficient time to hear an appeal before the date by which notice must be given, notice may be issued immediately after the decision of the redundancy committee to dismiss. In this instance, Annex E, letter 3 (p. 33) will need to include the sentence in square brackets.

6.1.2 Notice periods given in individual contracts must be honoured. Periods of notice of appeal for support staff vary and are given in their contracts of employment. Teachers' notice periods terminate at three points in the year, at the end of April, August and December (Table 1, p. 4). Notice periods may be reduced by signed mutual agreement, but this is unusual.

## **6.2 Expiry of appeal period**

6.2.1 If no appeal has been lodged by the time that the period for the employee giving notice of appeal has expired, then the decision of the dismissal committee will stand and a notice letter must be sent (Annex E, letter 6, p. 36).

## **6.3 Opportunity to seek new employment**

6.3.1 A member of staff working out a redundancy notice has a statutory right to reasonable time off from school to look for new employment or to arrange for training for new employment. Any such training would be paid for by the employee. The headteacher must provide the employee with reasonable opportunity to look for new employment.

## **6.4 Costs of redundancy**

6.4.1 The costs of redundancies in Voluntary Aided and Foundation schools will normally be met by the LEA from its central budget. The LEA may, however, charge the costs to the school's delegated budget, if it has good reason such as the governing body failing to follow its advice. It is, therefore, most important that governing bodies consult the LEA at an early stage and continue to keep in close touch with the authority throughout the procedure.

## **6.5 Pastoral needs**

6.5.1 As mentioned at the beginning of these notes, redundancies cause considerable trauma for all involved. It is important that the governing body ensures that as much support as possible is given to both those who are being made redundant, and to those who are called upon to make painful decisions. Most dioceses would normally be able to provide support if asked to do so.

## Annex A

# Appointment of governing body committees

## 1 Quorum

1.1 The quorum for a meeting of the governing body when powers are being delegated to a committee is one-half of the members of the governing body in post.

## 2 Staff committee

2.1 The School Staffing (England) Regulations 2003 give the governing body authority to delegate many of its powers on staffing matters to

- The headteacher or
- One or more governors or
- One or more governors and the headteacher.

2.2 A decision to institute redundancy procedures should always arise from discussions in the full governing body. As a result the advice in this book is that the Governing Body should not delegate its responsibility on matters of redundancy to the headteacher alone. It will be clear that the headteacher has important responsibilities in the process and it is clearly in the interests of natural justice that the headteacher is not in a position to make decisions on his/her own. Therefore, each year, the governing body should appoint a group of governors to undertake the implementation of redundancy procedures should these be necessary. It is recommended that there should be three governors present at any hearing or appeal. However, given the variation in the size of governing bodies it is not always possible to achieve this.

## 3 Pool of governors for different committees

3.1 It is imperative that such committees are seen to be impartial, and governing bodies are advised to set up panel members (excluding the head) from which they can be formed. It is suggested that a pool of members of the governing body are nominated in order that a staff committee and the related appeal committees can each consist of at least three members except in exceptional circumstances. A 'spare' governor is a reserve to be called upon if another member is ill or disqualified because they have an interest in the outcome or could not be seen to act impartially. Members will serve on the following committees as called (see para. 5 below):

- (a) First committees (not less than two, recommended three, untainted governors) for:
- § capability
  - § staff discipline
  - § redundancy
  - § grievance
- absence (staff).

(b) Appeal committees to follow the first committee if required (recommended three, but at least two governors all of whom must be untainted). The **appeal** committee cannot have fewer governors than the first committee.

3.2 To allow for illness, absence or previous involvement, it is prudent to have a pool of untainted governors from which to form the different committees.

## 4 Chair of committees

4.1 It is recommended that at the time the governing body appoints a pool of governors from which the committees listed in paragraph 3 above are formed, it also nominates two or three of the members of that pool to serve as chairs of the committees.

## 5 Order of calling to serve

5.1 The order in which governors will be called to serve on the various committees listed in paragraph 3 above must be agreed at the time the pool of governors is appointed by the governing body, for example, in alphabetical order. **It is most important that the order of calling be decided at the beginning of the school year.** This is to protect the governing body against any charge of being biased in the selection of individuals to serve on particular committees. Chairs should be called in turn and other governors as agreed.

## 6 Untainted committees

6.1 Care must be taken to ensure that governors serving in the pool of governors listed in paragraph 3 above always withdraw from any discussion by the governing body, a committee or elsewhere, concerning staff whenever formal procedures might follow. It is unwise for the whole governing body to discuss personnel or pupil admission or exclusion matters. Governors in the pool described above must take particular care to remain untainted, otherwise a whole procedure could fall.

## 7 Terms of reference

7.1 It is essential that the governing body provide clear written terms of reference for the committees. Some of the following points may be included:

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

7.2 At the end of the procedure, including any appeal, the chair of the committee should provide a short written report to the next meeting of the governing body. This report should summarize briefly the nature of the incident and the outcome of the procedure.

## Annex B

# The role of the clerk to governors' redundancy and appeal committees

## 1 General

1.1 The Diocesan Board and the LEA should be consulted on clerking and advice arrangements. The clerk takes no part in the decision-making process, and therefore the same person can act as clerk to both the hearing by the redundancy/dismissal committee and any subsequent appeal hearing but for the appearance of justice it is better if an alternative person can be found to clerk any appeal. The clerk to the committee or appeal hearing may be the clerk to the governing body or someone else appointed by the chair of the governing body.

## 2 Responsibilities

2.1 The role of the clerk to either a governors' redundancy hearing or an appeal hearing is vitally important. Support may be separated into two areas of advice and clerking responsibility:

- (a) to carry out administrative responsibilities;
- (b) to provide legal and procedural advice throughout the proceedings.

2.2 One person may be appointed to assume both areas of responsibility, or two people may be appointed. The specific functions to be carried out within the two areas of responsibility and the person responsible are summarized below:

Table 2: **The role of the clerk**

<b>Responsibility</b>	<b>Person responsible</b>
To ensure all concerned are properly notified of the meeting and of the procedures to be followed, and that they are sent a complete set of the documents which will be used at the meeting	Clerk
To take full notes of the proceedings	Clerk
To provide legal and procedural advice during the proceedings	Diocesan Board, LEA or clerk
To assist in preparing the final written decision	Clerk
To notify the employee of the decision of the committee	Clerk
To keep a complete set of documents in case they are needed for an appeal or tribunal	Clerk

## 3 Hearing date

3.1 The clerk to the governing body's involvement will begin with arranging the hearing date. It is important to consult as widely as possible on this, taking into account the timescales provided for and the availability in particular of any representative of the employee. The statutory right to accompaniment allows for an adjournment where the colleague or trade union representative is unavailable to attend.

## 4 Notification

4.1 The letter notifying the employee of the hearing, sent by the clerk to the governing body, must include the following and should be copied to the Diocesan Board and LEA:

- date, time and place of the hearing;
- names of the members of the redundancy or appeal committee;
- agenda for the hearing (see Annex F, p. 37);
- name of the person/s presenting or answering the case and any witnesses they may call;
- any supporting documents;
- a statement of the right to be accompanied by a companion;
- a request that all documents to be submitted to the committee be sent to the clerk to the governing body by a stated date, this date to allow for the clerk to the governing body to send out copies by the required deadline;
- a request that the names of any witnesses and copies of written statements detailing their evidence to the hearing be notified to the clerk to the governing body by a stated date (see Annex E, sample letters, pp. 30-36).

## 5 Names and documentation

5.1 The names of each party's witnesses, together with their witness statements, must be supplied, by the clerk to the governing body, both to the other party and to the members of the committee as many days as possible before the hearing. Any other documentation to be submitted to the committee must be circulated in similar fashion.

5.2 The clerk to the governing body should prepare an indexed bundle of papers with numbered pages running from the beginning to the end of the bundle. This saves time and confusion at the hearing, particularly if there is a large number of documents.

5.3 It is helpful if the index is split into headed sections; for a redundancy committee these might include:

- documents submitted by the headteacher;
- documents submitted by the employer;

- correspondence concerning the hearing;
- Procedural documents;
- The employee's contract of employment.

For an appeal hearing, these documents might include documents considered by the redundancy committee, any further documents submitted by the parties, correspondence, procedural documents and the employee's contract of employment.

5.4 If **new evidence or documentation** is presented during the hearing, the clerk to the hearing should advise the chair of the committee as to whether or not it should be taken or whether the hearing should be adjourned.

5.5 The chair of the committee may decide to **adjourn** the meeting for a short period or for a number of days if new evidence is brought which all parties have not had time to consider, or for any other good reason. If there is an adjournment, the reconvened committee must comprise the same membership. Either party may request an adjournment.

## 6 Notes of hearing

6.1 During the hearing the clerk to the hearing, or someone else, takes a detailed note of the evidence presented, verbatim if possible. If the clerk wishes to record the hearing on audio-tape, s/he should obtain the agreement of all parties.

## 7 Written statement

7.1 After the parties withdraw, the clerk to the hearing and the Diocesan Board/LEA representative as appropriate stay with the committee to advise on law and procedure as required. The clerk notes the committee's discussion. The clerk should draw the committee's attention to the requirement to produce a written statement which contains:

- a review of the evidence presented to them;
- their findings on that evidence;
- the reasons for reaching their decision.

7.2 S/he may wish to check the precise wording of the written decision with the committee at this stage. It is important that the written statement following the hearing of the redundancy committee gives the details described above, so that, if there is an appeal, the appeal committee can see clearly the evidence given to the redundancy committee and the reasons for its decision.

7.3 The committee may delegate to the clerk to the hearing the production of the written decision, which must then be approved by all members of the committee and normally be signed by the chair of the committee.

## **8 Notification of decision**

8.1 As soon as possible, and within five days of the hearing, the signed decision must be sent to the employee by the clerk to the hearing, or the clerk to the governing body, together with a covering letter (see Annex E, sample letter 3, p. 33).

## **9 Retention/disposal of documents**

9.1 At the end of the hearing all copies of papers should be given to the clerk to the hearing. S/he will then arrange for the retention of a set of papers and all notes prepared by members for future reference by the clerk to the governing body, and dispose of the remainder.

## Annex C

# Summary of action, timescales and people involved (for a teacher terminating employment at the end of the summer term: 31 August)

Table 3: Summary of action, timescales and people involved

Stage	Para	Action to be taken	Timescale	People involved
1	B 1.1	Preliminary discussion of indicative budget received from LEA and the need to reduce expenditure; chair of GB convenes redundancy committee and informs GB	1 <sup>st</sup> half of spring term (Jan)	GB finance and redundancy committees
	B 1.2			
	B 1.3	Review of staffing structure required to meet current needs of school's development plan while remaining within the constraints of the final budget allocation.	1 <sup>st</sup> half of spring term (Jan) after receipt of final annual budget allocation from LEA	Redundancy committee
	B 1.4	Consult with Diocesan Board, LEA, over probable need for redundancies and proposed procedures. Ask LEA for preliminary guidance on likely payments for premature retirement or redundancy.	1 <sup>st</sup> half of spring term (Jan)	Headteacher/ Officer of the DB/LEA/ redundancy committee
2	B 2.2	Inform all area representatives of unions in the school likely to be affected of probable need for redundancies (Section 188 notice).	Early February	Chair of RC/ all union reps.
	B 2.3			
	B 2.4	Meeting for all staff, or those directly affected, called by chair of RC at which staff are given: <ul style="list-style-type: none"> <li>the reasons for considering redundancies;</li> <li>an invitation to apply for premature retirement or voluntary redundancies and the date by which they must be received;</li> <li>the date by which reductions in staffing must be made</li> </ul>	Early February	Chair of RC/ Headteacher/ all teachers and support staff, or those staff directly affected

Stage	Para	Action to be taken	Timescale	People involved
	B 2.11	Results of applications for premature retirement and voluntary redundancies are notified in writing to all staff	Within 5 SD <sup>4</sup> of closing date for receipt of applications (March)	Chair of RC/ Employee
	B 3	Selection criteria finalized following consultation with union representatives, staff, LEA and DB	As soon as possible after closing date for voluntary redundancies	Redundancy committee
	B 3.5	In consultation with the Diocesan Board and LEA the redundancy committee considers which posts to be reduced and the people to be dismissed by reason of redundancy	As soon as possible after closing date for voluntary redundancies (March)	Redundancy committee/ DB/LEA
3	B 3.6	Individual employees, union reps, DB and LEA, are notified: 1) of recommendations for dismissals by reason of redundancy; 2) that written and personal representations may be made to the GB's redundancy committee; 3) the date of the hearing by the redundancy committee to decide dismissals.	1) within 2 SD of committee 2) within 5 SD of notification 3) notice of at least 10 SD	
4	B 4.3	Employee may make personal representations to the redundancy committee;	Within 5 SD of the recommendation made by the redundancy committee (end April)	Redundancy committee and the clerk to GB
	B 4.5	Redundancy committee decides whether or not to dismiss;		
	B 4.10	Clerk to GB writes to staff concerned, copying to the DB and LEA		
	B 5.1	Notice of appeal against redundancy sent to the clerk to the GB by employee/s or representative	Within 10 SD of date of notification	Employee or their representative, clerk to GB
5	B 5.2	Appeal hearing <sup>5</sup>	Within 10 SD of the date of the letter notifying an appeal	Clerk to GB; employee, his/her representative, HT and appeal committee <sup>5</sup>

<sup>4</sup> School days

<sup>5</sup> At least the same number of governors

<b>Stage</b>	<b>Para</b>	<b>Action to be taken</b>	<b>Timescale</b>	<b>People involved</b>
6	B 6.1	Notice of dismissal by reason of redundancy issued; contractual period of notice to be applied.	Within 5 SW of the decision by 3 governors of appeal committee (before 31 May)	Clerk to GB;
	B 6.3	Allow time off for opportunity to seek new employment	Reasonable opportunity	Headteacher/ Employee

## Annex D

# Pro forma for timetable of action and meetings

Table 4: Pro forma for timetable of actions and meetings

Stage	Para	Action to be taken	No of SD <sup>6</sup> From previous Action	Date
1	B 1.1	Preliminary discussion of indicative budget;		
	B 1.2	Chair of governing body convenes redundancy committee and informs governing body (GB).		
	B 1.3	Review of staffing by redundancy committee		
	B 1.4	Consult with Diocesan Board (DB), LEA, over probable need for redundancies. Seek LEA guidance on pay for prem. retirement/redundancy.		
2	B 2.2	Inform all area representatives of unions in the school likely to be affected of probable need for redundancies and invite response.		
	B 2.4	Meeting for all staff, or those directly affected, called by chair of redundancy committee at which staff are given: <ul style="list-style-type: none"> <li>• The reasons for considering redundancies;</li> <li>• An invitation to apply for premature retirement or voluntary redundancies and the date by which they must be received.</li> </ul>		
	B 2.5	Closing date for responses for area representatives of unions:  Closing date for responses from staff:  Closing date for redundancy committee's written response to unions.		
	B 2.11	Results of applications for premature retirement and voluntary redundancies are notified in writing to all staff;  Timetable for subsequent action and meetings also notified to staff.		
	B 3	Selection criteria finalised by redundancy committee following consultation with union representatives, staff, DB, LEA.		
	B 3.5	In consultation with the DB and LEA, redundancy committee considers which posts to be reduced and the people to be dismissed by reason of redundancy.		

<sup>6</sup> Clear school days excluding day of notification and day of next action taken

Stage	Para	Action to be taken	No of SD <sup>17</sup> From previous Action	Date
3	B 3.6	Individual employees, union reps, DB and LEA, are notified: <ul style="list-style-type: none"> <li>• Of recommendations for dismissal by reason of redundancy</li> <li>• That written and personal representations may be made to the GB's redundancy committee;</li> <li>• Of the date of the hearing by the redundancy committee to decide dismissals.</li> </ul>		
	B 4.1	Notice of hearing by redundancy committee to decide on dismissals by reason of redundancy sent out.		
	B 4.3	Closing date by which employee may make personal representations to the redundancy committee.		
	B 4.5	Hearing by redundancy committee decides whether or not to dismiss.		
4	B 4.10	Clerk to GB writes to the staff concerned, copying to the DB and LEA. (Notice of date for hearing an appeal if required notified formally to employee and members of appeal committee.)		
5	B 5.1	Closing date for receipt of notice of appeal against redundancy by the clerk to the GB by employee/s or representative.		
	B 5.2	Appeal hearing.		
6	B 6.1	Notice of dismissal by reason of redundancy issued; contractual period of notice to be applied.		
	B 6.3	Allow time of for opportunity to seek new employment. Dismissal by reason of redundancy becomes effective.		

<sup>7</sup> Clear school days excluding day of notification and day of next action taken

## **Annex E**

# **Sample letters**

- 1 Letter notifying result of application for voluntary redundancy (B.2.11, p. 11)
- 2 Letter notifying recommendation for redundancy (B.3.5, p. 13)
- 3 Notice of dismissal by reason of redundancy (B.4.10, p. 16)
- 4 Notice of hearing by dismissal appeal committee (B.5.2.2, p. 16)
- 5 Letter notifying outcome of appeal against dismissal by reason of redundancy (B.6.1.1, p. 17)
- 6 Notice of dismissal following expiry of appeal period (B.6.2, p. 17)

# 1 Letter notifying result of application for voluntary redundancy (B.2.11, p. 11)

*Sent by the chair of the redundancy committee or the clerk to the governing body*

Date .../.../....

Dear

## ACCEPTANCE OF APPLICATION FOR VOLUNTARY REDUNDANCY

Thank you for your application for voluntary redundancy. The redundancy committee of the governing body considered your application at its meeting on ..... and I am pleased to be able to tell you that your application was accepted. The committee agreed that your employment with the governing body would cease on .....

The local education authority has been consulted regarding your voluntary redundancy and is now being asked to arrange for your redundancy payments. *(Any special considerations relating to pension should be included here.)*

If there are any matters you would like to discuss with regard to your voluntary redundancy, please do not hesitate to get in touch with me.

Yours sincerely

*(typed name under signature)*

Chair of Redundancy Committee / Clerk to the Governing Body

CC: Headteacher

Union representative

LEA

Diocesan Board

## 2 Letter notifying recommendation for redundancy (B.3.6, p. 13)

*To be given to the employee in person by the chair of the redundancy committee  
or by the headteacher*

Date .../.../....

Dear

### PROPOSED REDUNDANCY

I am sorry to have to write and tell you that at its meeting held on ..... the redundancy committee of the governing body regretfully decided to recommend that the post which you currently fill be removed/reduced. The implementation of this recommendation would result in your dismissal by reason of redundancy.

The reasons for the removal of the post are *(It is important that the reasons are clearly stated so that the employee may know how to respond, should s/he wish to do so.)*

.....  
.....

It is proposed that your redundancy will take effect from ..... You are invited to attend the hearing by the governing body's redundancy committee which will be considering the recommendation. The hearing will be held on ..... in ..... You may be accompanied to the hearing by a companion who may be friend, representative from your union/professional association or legal adviser.

I must stress that at present this is only a recommendation and that a final decision will be taken at the hearing. The names of the governors who will be serving on the redundancy committee at the hearing are ..... The headteacher will be accompanied by .....

If you wish to make written representations concerning the redundancy committee's recommendation, the clerk of the governing body should receive your representations in writing at least five school working days before the date of the hearing. You can make oral representations at the hearing.

The following relevant documents are enclosed ..... (see B.4.4.1, pp. 14-5). An agenda for the hearing is also enclosed (see model agenda Annex F, pp. 37-8).

A copy of this letter is being sent to the people listed below.

Yours sincerely

*(typed name under signature)*

Chair of Redundancy Committee / Clerk to the Governing Body

CC: Headteacher

Union representative

LEA

Diocesan Board

### 3 Notice of dismissal by reason of redundancy (B.4.10, p.15)

*Sent by the chair of the redundancy committee or by the clerk*

Date ....../....../...

Dear

#### **DISMISSAL BY REASON OF REDUNDANCY**

I regret to have to inform you that at the hearing by the governing body's redundancy committee held on ..... it was decided that you should be dismissed by reason of redundancy.

The reasons for your dismissal are *(It is important that the reasons are clearly stated so as to avoid having to rehearse the whole case at any subsequent appeal.)*

.....  
.....

The governors very much regret having to make this decision and any difficulties this may cause you. [This letter constitutes formal notice of the termination of your employment with the governing body, which will take effect on .....]<sup>8</sup>

If you wish to appeal against your dismissal you may do so by writing to the clerk to the governing body / me *(delete as appropriate)*, stating the grounds of your appeal, within ten school working days of the date of this letter.

The date for an appeal, if required, will be ..... *(It is advisable to remind the employee of the date for the appeal already provided in the timetable for the whole procedure. The governors on the appeal committee should also be reminded of the date.)*

Yours sincerely

*(typed name under signature)*

Chair of Redundancy Committee / Clerk to the Governing Body

CC: Headteacher

Union representative

LEA

Diocesan Board

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<sup>8</sup> This sentence in square brackets would be included only in exceptional circumstances of shortage of time, where notice of dismissal is being given now rather than after the appeal, or the time for an appeal has expired without an appeal being lodged (see B.6.2.1, p.17)

## 4 Notice of hearing by dismissal appeal committee (B.5.2.2, p. 16)

*Sent by the clerk to the governing body*

Date .... / .... / .... (At least 10 clear school days' notice)

Dear

### DISMISSAL APPEAL COMMITTEE HEARING

In response to your letter of ..... stating that you wish to appeal against the decision of the redundancy dismissal committee of the governing body notified to you on ....., I write to inform you that the appeal hearing will be held at ..... (time) on ..... (date) and be in ..... (place). (The appeal committee shall meet within 10 school working days of the date of the letter notifying the appeal.) The procedures to be followed during the appeal hearing are the same as those used during the hearing by the redundancy committee. The chair of the redundancy committee will present the case for the dismissal by reason of redundancy.

During the meeting you may be accompanied by a companion who may be a friend, a member of a union or professional association or legal adviser. The chair of the redundancy committee will be accompanied by the headteacher.

I enclose an index of the documents to be presented to the appeal committee. This index lists all the documents which were considered by the redundancy committee and new documents which the chair of the redundancy committee intends to present to the appeal committee. I enclose copies of all the documents.

If you wish to submit any new papers please send these to me as soon as possible.

The following information should be supplied to me as soon as possible and no later than five school working days before the date of the hearing of the appeal:

- 1 name of any companion who will be with you during the hearing;
- 2 any new written evidence or relevant documents you wish to be considered;
- 3 names of all witnesses you intend to call together with copies of any new statements.

The chair of the redundancy committee will be calling the following witnesses to the hearing  
.....

The names of the governors who will be serving on the dismissal appeal committee are .....

As acknowledgement of receipt of this letter, please sign and return to me the enclosed copy.

Yours sincerely

*(typed name under signature)*  
Clerk to the Governing Body

# 5 Letter notifying outcome of appeal against dismissal by reason of redundancy (B.6.1.1, p. 17)

*Sent by the chair of the dismissal appeal committee or by the clerk after an appeal hearing*

Date ....../....../....

Dear

## **OUTCOME OF APPEAL AGAINST DISMISSAL BY REASON OF REDUNDANCY**

I regret to have to inform you that at the meeting of the governing body's Appeal Committee held on ..... it was decided to confirm your dismissal by reason of redundancy. The reasons for this were .....  
.....

This letter constitutes formal notice of the termination of your employment with the governing body, which will take effect on .....

The governors much regret having to make this decision. They are very appreciative of the work you have done for the school and are sorry that your services have to be terminated in this way. The headteacher has been asked to arrange for you to have reasonable time off to look for alternative employment.

Yours sincerely

*(typed name under signature)*

Chair of Dismissal Appeal Committee / Clerk to the Governing Body  
CC: Headteacher  
Union representative  
LEA  
Diocesan Board

## **6 Notice of dismissal following expiry of appeal period (B.6.2, p. 17)**

*Sent by the chair of the redundancy committee or by the clerk after the expiry of time for making an appeal*

Date .../.../....

Dear

### **NOTICE OF DISMISSAL BY REASON OF REDUNDANCY FOLLOWING EXPIRY OF APPEAL PERIOD**

Further to my letter of ..... advising you of the decision of the redundancy committee that you be dismissed by reason of redundancy, I note that the ten school working day period from the date of that letter for lodging an appeal has now expired.

I am therefore writing to you to give formal notice of the termination of your employment with the governing body which will take effect on .....

The governors much regret having to make this decision. They are very appreciative of the work you have done for the school and are sorry that your services have to be terminated in this way. The headteacher has been asked to arrange for you to have reasonable time off to look for alternative employment.

Yours sincerely

*(typed name under signature)*

Chair of Redundancy Committee / Clerk to the Governing Body

CC: Headteacher

Union representative

LEA

Diocesan Board

## Annex F

# Model agenda for committee hearings

*RC = hearing by members of the redundancy committee*

*DAC = hearing by dismissal appeal committee*

- 1 Welcome and introductions
- 2 Approval of agenda and checking of documents presented
- 3 *RC* The headteacher explains the need to remove a post, resulting in the dismissal of the employee by reason of redundancy; the head may be accompanied by a companion.  
*DAC* The chair of the redundancy committee hearing explains the reasons for the redundancy committee's decision to dismiss the employee by reason of redundancy; the chair of the redundancy committee may be accompanied by the headteacher.
- 4 The member of staff concerned and/or companion may ask questions of:  
*RC* the headteacher, her/his companion;  
*DAC* the chair of the redundancy committee and headteacher.
- 5 Members of the committee may ask questions of:  
*RC* the headteacher, her/his companion;  
*DAC* the chair of the redundancy committee and headteacher.
- 6 The member of staff and/or companion, makes representations against the proposed dismissal by reason of redundancy.
- 7 *RC* The headteacher may ask questions of the member of staff and/or companion.  
*DAC* The chair of the redundancy committee may ask questions of the member of staff and/or companion.
- 8 Members of the committee may ask questions of the member of staff and/or companion.
- 9 *RC* The headteacher may make a final statement and sum up.  
*DAC* The chair of the redundancy committee may make a final statement and sum up.
- 10 The member of staff and/or companion may make a final statement.
- 11 The chair of the committee tells the employee and the headteacher/chair of the redundancy committee how they will be informed of the committee's decision.

The parties then withdraw to allow the committee to discuss the findings and come to a decision. The clerk to the committee will remain, as will any Diocesan Board or LEA representative.

The parties are usually asked to remain available for a short time in case the committee needs to clarify any point.

## **Annex G**

# **Model staff profile**

ST GABRIEL'S SECONDARY/PRIMARY SCHOOL

Staff are invited to complete this profile so that the redundancy committee may have full information to help it make decisions.

The profile will remain confidential to the redundancy committee.

SURNAME

FIRST NAME

DATE OF JOINING STAFF OF ST GABRIEL'S SCHOOL

QUALIFICATIONS

SUMMARY OF TEACHING / ADMINISTRATIVE / OTHER EXPERIENCE

LONG COURSES ATTENDED DURING THE PAST 5 YEARS

SHORT COURSES ATTENDED DURING THE PAST 3 YEARS

PASTORAL EXPERIENCE / EXPERTISE

MANAGEMENT EXPERIENCE

SUBJECT AREAS / CLASS CURRENTLY BEING TAUGHT

OTHER SUBJECTS QUALIFIED AND WILLING TO TEACH

POSTS OF RESPONSIBILITY HELD IN THE PAST 5 YEARS

OTHER RELEVANT EXPERIENCE INCLUDING CONTRIBUTION  
TO THE RELIGIOUS CHARACTER OF THE SCHOOL

OTHER RELEVANT INFORMATION

Signed ..... Date .....