Reorganisation, Redundancy and Redeployment Policy & Procedure

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Reorganisation/Redundancy Process Overview

PLANNING

Headteacher in association with the full Governing Body to:

- identify change need
- identify staff groups affected
- identify likely timescales

Full Governing Body to:

- agree the scope and parameters of the staffing review
- appoint governors' Selection Committee to deal with the process
- appoint governors' Appeal Committee
- agree timeline and implementation date
- identify a project manager (this is likely to be the Headteacher)
- identify admin support within school

Project Manager and Selection Committee to:

- develop a draft reorganisation and/or redundancy plan
- identify potential costs associated with proposals
- plan consultation programme and implementation timetable
- arrange for new support staff roles to be job evaluated before consultation
- ensure staff records, including continuous service date, are accurate
- identify and propose impact on staff groups e.g. selection criteria/ring-fencing/compulsory redundancy situations, term-time only adjustments for support staff
- review all the above with HR Adviser before it goes to Unions/Staff
- complete LA redundancy payment business case in conjunction with Finance and HR and submit for approval

CONSULTATION

Selection Committee to:

- invite unions to start of consultation meeting providing consultation information. Give 10 working days' notice of meeting.
- invite staff to start of consultation meeting

Selection Committee to:

- consult formally with Trade Unions and with affected staff
- consultation period can be 30 or 45 calendar days (usually excluding school closure periods)
- issue letter to affected employees following consultation meeting
- issue section 188 letter to unions where redundancies anticipated
- consult on selection methods and criteria/skills audits that may be used

Selection Committee to:

- consider and respond to feedback received whilst consultation ongoing
- Amend proposal where appropriate and circulate to unions/staff
- Consider extending consultation if there are significant changes

IMPLEMENTATIO

Selection Committee to:

- consider and respond to further feedback received, at end of consultation period
- confirm final proposals and implementation plan with staff/unions
- begin appointment process assimilation/ selection for redundancy

Selection Committee to:

- make provisional offers to those appointed to retained structure
- instruct School Leadership to inform employees identified as provisionally redundant verbally, informing them of their right of appeal and ensure this discussion is followed up in writing

- consider any representations made following selection for redundancy
- notify LA (NYES HR) to issue employer notice (including TTO adjustments)

Appeal Committee to:

- hear appeals

Other actions/events:

- redeployment commences /trial periods where applicable.
- LA employer notice issued
- employment terminates at the end of the notice period
- provisional outcome for all staff only confirmed when appeal process completed

1. Aims and Scope of the Policy

1.1 This policy applies to teaching and support staff in [school name] whenever the school is undertaking a restructuring or redundancy process which may result in job changes or a reduction of staffing numbers.

1.2 The aim of this policy is to ensure that:

- A fair process is followed and employees are treated consistently
- Discrimination on any unlawful grounds does not arise within the change process
- Meaningful and constructive consultation is undertaken with staff and Trade Unions
- All reasonable steps will be taken to avoid the need for compulsory redundancies

1.3 The policy should be read in conjunction with the guidance document which contains further practical information and detailed information on the application of this policy.

1.4 The school's aim is to avoid compulsory redundancies wherever possible. However, it is recognised that from time to time there are changes that may necessitate the requirement to consider reorganisations and redundancies.

2. Definition of Redundancy

2.1 Redundancy situations arise where there is a cessation of, or reduction in, a type of work in a particular workplace. It applies to changes in the demand for that work and not to reasons related to the individuals carrying out the work or their characteristics.

2.2 An employee is dismissed by reason of redundancy if the dismissal is wholly or mainly attributable to the fact that:

- the employer has ceased or intends to cease to carry on the business for the purposes for which the employee was employed, or to carry on that business in the place where the employee was so employed; or

- the requirement for the employee to carry out work of a particular kind, or to carry it out in the place in which they are employed, has ceased or diminished, or is expected to cease or diminish.

2.3 There may be occasions when a school needs to vary the terms of employment contracts, as part of a restructuring process. For example, this could involve changes to working patterns, minor changes to job descriptions. These changes do not place staff at risk of redundancy.

However, the school is committed to a fair and transparent process. Therefore, any proposed contractual changes will be subject to a reasonable consultation process. This ensures that all affected staff members have the opportunity to comment on the proposed changes.

3. Planning

Identifying the need

3.1 The need to make a change to the school's current staffing structure may arise for a number of reasons, including:

- new initiatives at either a local or national level
- a change in the number or type of pupils
- improved/best practice ways of working
- budgetary restrictions
- school closures

3.2 The Governing Body are responsible for defining the service to be provided within the school and to formulate the most appropriate staffing structure to deliver that service, taking into account recommendations from the Headteacher.

3.3 Where it has been identified that there is a need to review the school's staffing structure, where more than minor changes are required, the decision to undertake a review will be made by the full Governing Body. This decision must be taken and minuted prior to further steps being taken. The full Governing Body will determine the scope and parameters of the review and delegate responsibility for implementing the change process to a Selection Committee.

3.4 The Selection Committee may delegate activities to a project manager, who will usually be the Headteacher, who will provide support through the redundancy/ reorganisation process. The project manager cannot be the Headteacher in cases where the Headteacher is directly affected by the proposals, to avoid a conflict of interest

3.5 When considering whether a staffing review process is necessary the school will consider ways to try to avoid the need for compulsory redundancies, including:

- natural turnover including any retirements
- reviewing temporary contractual arrangements and consider if these can be ended fairly
- terminating engagement of relief staff and staff employed via agencies
- adjusting existing variable hours contract(s)
- freezing vacancies and/filling any essential vacancies from existing employees where possible
- considering flexible working/reduction in hours, subject to agreement with the member of staff
- offering secondment opportunities or alternative roles within the school or retraining, subject to agreement with the member of staff
- offering voluntary redeployment
- trying to make savings in other areas

3.6 Early and meaningful engagement with recognised unions, to discuss the rationale and potential solutions, can aid in reducing or avoiding the need for dismissals. The school will consider when this engagement should commence, which may be during the planning stage on a confidential basis. The requirements for Consultation and communication are detailed in section 4.

3.7 The school may also invite applications for voluntary redundancy but will only do so at the point when it becomes clear that compulsory redundancies will otherwise have to take place. This may include seeking volunteers from school employees who are not at risk or in scope of the restructure (see paragraph 4.27 below).

Appointing the Committees

3.8 The Governing Body will nominate and agree two committees of governors to deal with the review: a 'Selection Committee' and an 'Appeal Committee'. The Governing Body will delegate authority to both committees to make decisions on its behalf before the start of a process, and as such, all committee meetings should be minuted on behalf of the full Governing Body.

3.9 Each committee should have a minimum of 3 non-staff members who do not have a conflict of interest that would prevent them from being a member of the committee. The Appeals Committee will have at least the same number of members as the Selection Committee. The

Headteacher has the right to attend committee meetings in an advisory and information giving capacity unless they are directly affected by the proposals.

3.10 The responsibilities of the Selection Committee are to:

- consider and agree the proposals for the new structure within the parameters agreed by the full Governing Body identify the impact on different staff groups. All meetings should be minuted.
- establish criteria/selection processes by which staff would be identified for positions in the new structure and/or establish criteria/processes by which staff would be identified for redundancy, within a ring-fence pool (selection group), selection.
- set the timeline in which the process will be managed, including key dates such as notice and appeal dates where possible, and communicate this to all relevant parties
- In conjunction with the project manager, consult with recognised Trade Unions and members of staff in relation to the staffing review and respond to feedback received during the consultation
- consider voluntary applications for redundancy (where applicable), requests for reduction in hours, and/or redeployment
- where ring-fences apply, to select and appoint to the posts within the structure/select employees for redundancy
- to consider representations from affected employees where they believe there has been a fault in the process
- attend appeal hearings and respond to the grounds of appeal as appropriate

3.11 The Appeals Committee will:

- hear formal appeals from employees against the decisions of the Selection Committee
- consider whether to uphold the Selection Committee's decision and inform employees accordingly

3.12 The Local Authority has the right to attend or offer advice at all proceedings relating to the selection or dismissal of any member of teaching staff. The school will support such attendance where this is requested.

Preparing the consultation documentation

3.13 When the decision has been made to commence a staffing review process, the project manager/Headteacher will prepare a written proposal for consultation. This proposal will be ratified by the Selection

Committee and will include the following information which will also form the basis for the formal consultation document:

- Identify the need for the changes including budget and costing information
- Outline the benefits and potential risks
- Propose a revised structure including job descriptions and person specifications for any new roles which should be job evaluated
- Identify the staff likely to be affected
- Identify and propose selection criteria and an appointment process
- Set out timescale for consultation and implementation
- provide contact details of the person to whom written comments or requests should be made during the consultation. This will usually be the Chair of the Selection Committee.

3.14 Further detailed guidance on what should be included in the formal consultation document is available in the guidance document supporting this policy and should include both current and projected financial and staffing information.

Identifying the employees affected by the proposal

3.15 Careful consideration will be given to which employees may be affected by the proposal. This could include determining a pool for redundancy selection and/or ring-fence for appointment to a new structure. Relevant factors to be considered will include:

- the nature of the work undertaken
- those whose work is expected to reduce or cease
- the existing grade of the employees and proposed grades of the new/revised posts

3.16 There may be different levels of ring-fencing, depending on the breadth of the proposed changes. In some instances, employees in ring-fenced groups will have more than one post for which to apply. Where this is the case, they may be given the opportunity to indicate their preferences. Where applicable, employees redeployed to a lower grade will be eligible for salary safeguarding or pay protection. Please see section 10.10 for further detail.

3.17 The ring-fencing selection arrangements will form part of the consultation process and will take place before consideration is given to the need for internal or external advertisement.

3.18 In some circumstances, there will only be one person whose role is proposed as being removed from the staffing structure i. Where this is

the case, criteria will not be applied and the individual will be selected in the event that the post is confirmed as redundant. Likewise, if one individual is ring-fenced for one post which is a close match to their current role, they may not need to be subject to a selection process.

Employees who are pregnant or on maternity, adoption or shared parental leave

3.19 The Maternity Leave, Adoption Leave and Shared Parental Leave (Amendment) Regulations 2024 extend the period of protection from redundancy for employees who are pregnant, on neonatal care leave or maternity leave, adoption leave and those on shared parental leave. It is automatically an unfair dismissal to select an individual for redundancy on the grounds of their pregnancy but this does not prevent those who are pregnant from being selected for redundancy on any of the grounds being applied to the staff group affected. Similar protections exist for those on maternity, adoption or shared parental leave.

3.20 The protection under the act applies:
- To employees who are pregnant
- To employees who are on maternity leave
- To employees who are on neonatal care leave
- To employees who are on adoption leave
- To employees who are on, or have taken at least 6 consecutive weeks shared parental leave (where they are not already protected by pregnancy, neonatal leave
maternity or adoption)
- The redundancy protected period starts on the day a period of shared parental leave begins.
- If an employee takes:

    - less than 6 weeks leave – the protected period ends on the last day of the block of leave
    - 6 weeks or more of continuous leave – the protected period ends 18 months from the date of the child's birth

- If the employee takes discontinuous leave, the redundancy protected period finishes at the end of each period of shared parental leave.
- An employee who has already taken adoption or maternity leave will have the redundancy protected period for that specific type of leave.

If an employee's role is confirmed as being redundant after a consultation and selection process (where applicable), whilst they are pregnant, on neonatal, maternity, adoption or shared parental leave the employer must:

- Offer the employee any suitable alternative vacancy that exists before considering others for the role.
- This offer must be made without requiring the employee to apply or compete for the role.
- The role must be:
    - Suitable and appropriate for the employee to do, and
    - On terms that are not substantially less favourable than the original role.

3.21 The school will ensure that all staff, including those who may be absent from work due to sickness absence, maternity leave or other family leave reasons, are consulted and kept informed throughout the redundancy/restructuring process.

3.22 In the event that no suitable alternative employment is available, where an employee on maternity, adoption or sick leave is made redundant, any payments made to the employee in respect of occupational maternity, adoption or sick pay will go towards meeting the obligation in respect of notice pay.

4. Consultation and communication

4.1 The school recognises the benefits of early engagement with recognised trade unions and staff identified at risk of redundancy. It also recognises its statutory obligations to undertake meaningful and timely collective and individual consultation.

4.2 Consultation should be meaningful and will be undertaken with a view to reaching agreement. The school will consult regarding ways of:

- Avoiding the dismissals
- Reducing the number of employees to be dismissed; and
- Mitigating the consequences of the dismissals

4.3 Reasonable notice will be given to affected staff of any consultation meetings. Recognised professional associations/trade unions will be given 10 working days' notice of collective consultation meetings (see 4.9 below).

Commencement of consultation

4.4 The formal consultation period begins on the date that staff are formally notified of the redundancy or restructuring proposal and notification is made to the Trade Unions through the section 188 letter, where redundancies are anticipated (please see section 4.12 below for more information).

Consultation periods

4.5 The school's minimum periods of consultation are:

No of employees to be made redundant at one establishment	**Timescale (before the first redundancy notice is issued)**	**Requirement**
Less than 20 employees	30 calendar days	NYC policy
20 – 99 (over a period of 90 days or less)	30 calendar days	Statutory
100 or more (over a period of 90 days or less)	45 calendar days	Statutory

4.6 Depending on the nature of the proposals, on some occasions, usually where compulsory redundancies are not likely, and with the agreement of the affected staff and professional associations/trade unions, consultation does not have to last as long as the above periods stipulated.

Consultation with recognised unions

4.7 Where a redundancy/reorganisation situation has been identified, the school will consult collectively with all recognised trade unions and professional associations, regardless of perceived membership amongst school staff.

4.8 The Headteacher/project manager (on behalf of the Governors' Selection Committee) will write (giving 10 working days' notice) to all the County representatives of the recognised trade unions, inviting them to attend a meeting to discuss the situation. An HR representative will normally also attend this meeting. Generally, this meeting will be held immediately prior to the staff meeting.

4.9 Headteachers/Project Managers should include the consultation document with the invitation letter, where possible, plus any additional financial, staffing and curriculum information (current and projected) necessary to enable full and meaningful consultation with the recognised unions. This includes information on any agency workers, including the numbers engaged and the type of agency work undertaken. Further information about the information which should be provided for consultation is detailed in the policy guidance.

Section 188 notice

4.10 On the commencement of the formal consultation period, the school will issue a Section 188 letter to the Trade Unions in all cases where there may be any redundancies.

4.11 The school will supply in such instances:

- The reason for the redundancy proposals
- The numbers and job roles of employees whom is it proposing to dismiss as redundant
- The total number of employees of that description employed by the school
- The proposed method of selection for the employees who may be dismissed as redundant
- The proposed method of carrying out the dismissals including the period over which the dismissals are to take effect
- The proposed method of calculating the amount of any redundancy payment made to the employee(s) who may be dismissed

Collective staff meetings

4.12 The school will usually begin any redundancy/restructuring process by holding a consultation meeting (or meetings) with all staff who may be affected by the proposed changes. These meetings will typically take place on the same day and immediately following the consultation meeting with trade union representatives.

Staff invited to these meetings may include:

- Those at risk of redundancy
- Those whose roles may be subject to change
- Those indirectly affected (e.g., due to taking on new or reallocated responsibilities)

If the consultation includes proposed changes to employment contracts, the relevant staff will also be informed and consulted.

4.13 There is an opportunity to have more than one meeting to discuss the proposed changes. Consideration will need to be given to the impact of the discussions on staff, particularly if they are the only effected party, ie. a compulsory redundancy proposal.

Information may also be shared with other school employees where volunteers are being sought which will create opportunities for those at risk.

4.14 Usually, a representative of the Selection Committee accompanied by the Headteacher/Project Manager and an HR representative will attend the staff meeting where the following information will be provided:

- Details of the proposal and the rationale
- Process to be followed
- Timescales
- Next steps in the process
- Nominated contact for further queries or questions

4.15 Directly after the meeting, employees will be able to meet with union representatives who are in attendance. Separate rooms will be provided where representatives can have confidential discussions with their members.

4.16 Employees will be provided with a copy of the consultation document either at or following the staff meeting.

4.17 Employees affected will be given the opportunity to comment, ask questions and make alternative suggestions throughout the consultation period. The Selection Committee will consider and respond to any questions, comments or suggestions put forward by employees or union representatives and, if rejecting suggestions, give reasons.

4.18 Following the consultation meeting, the school will confirm in writing to affected employees the information which was relayed at the meeting. The letter will also inform employees if they are at potential risk of redundancy.

4.19 Employees who are unable to attend the staff meeting e.g. those on maternity or other family leave, sick leave and annual leave will be contacted as soon as reasonably possible, be provided with copies of any associated written information and be given the opportunity to ask questions, make comments and receive answers. Provision will also be made for part-time and other employees whose working arrangements

mean they are unable to attend the staff meeting. Minutes should be kept of the discussions at both union and collective staff meetings as a record of the information shared, the queries raised and to ensure responses are provided as part of consultation feedback and so they can be shared with staff who were unable to attend. Written responses to the consultation from staff and unions should be addressed to the Chair of the Governors' Selection Committee.

Individual consultation meetings

4.20 Each individual identified at risk of redundancy will also be offered the opportunity to attend an individual meeting. This meeting will usually be with the Headteacher/Project Manager and/or member of the Selection Committee who may be accompanied by an HR representative. It is important that there are clear records of the meeting and what was discussed, which should be shared with the individual

4.21 Employees who are at potential risk of redundancy, may, at any formal stage of the process, be accompanied by a recognised trade union representative, or a workplace colleague who does not have a conflict of interest.

4.22 Employees are entitled to reasonable (paid) time off to attend work meetings called by recognised trade unions / professional associations regarding the redundancy proposals.

End of consultation period

4.23 Following the end of the consultation period, the Selection Committee will meet to consider any feedback and alternative suggestions received in response to the consultation. The Selection Committee will either approve the proposal or consider amendments, which may be subject to further consultation if applicable. In such cases, this will be for a shorter period and not those detailed in 4.6 above. At this stage, if the situation in the school has changed during the consultation period, the Selection Committee may withdraw the proposal.

4.24 Any volunteers for redundancy may be considered at this stage and a decision made to agree or not agree to the request.

4.25 Once the final outcome of the consultation proposal has been approved, the Chair of the Selection Committee/Headteacher will communicate this to staff and Trade Unions including confirmation of the selection pool/ring-fencing arrangements and the processes for selection and appointment.

Voluntary Redundancy

4.26 Applications for voluntary redundancy will be considered on completion of the consultation period, and where there is a confirmed need to make compulsory redundancies. These may be from the pool of those at risk of redundancy or the wider school staff. Applications from outside the pool will only be considered if this would provide a job opportunity for an at risk employee.

4.27 Any requests for voluntary redundancy will be given full consideration by the Selection Committee, but there is no obligation on the part of the school to accept the application.

4.28 Where an application for voluntary redundancy is agreed, the employee will still have the right to appeal against their dismissal. However, there is no right to appeal against a decision not to grant voluntary redundancy.

4.29 If there is more than one applicant for voluntary redundancy in a particular pool then the Selection Committee will use agreed criteria in order to select the applicant(s) in line with the needs of the school. This will be consulted on at the same time as the method for selection for redundancy method. Please see section 5.11.

4.30 No enhanced redundancy payments will be made to employees who volunteer for redundancy.

5. Implementation

Selection Methods

5.1 The method of selection for redundancy will be consulted on through the consultation process. Selection methods and criteria will be free from any form of unlawful discrimination and can include:

- interviews
- completion of skills audits
- voluntary redundancy

5.2 The criteria to be used in a tie break situation will also be consulted upon with trade unions and professional associations, prior to their use.

Interviews

5.3 Interviews may be used to determine who will be appointed in the new structure and those not appointed would, by default, be selected for redundancy.

5.4 Interviews will be conducted by representatives of the Selection Committee, who will make the appointment decision(s). They may be supported by the Headteacher in an advisory capacity. Other specialists may advise the Selection Committee where the post(s) being recruited to require specific technical knowledge. However, the appointment decision in all cases will be taken by the Selection Committee.

Skills audit and selection criteria

5.5 Where a skills audit is to be used to select for redundancy, the following criteria may be included:

- area of responsibility
- relevant qualifications
- relevant skills
- relevant experience
- curricular and pastoral needs of the school, with reference to the school improvement plan
- evidence from performance appraisal
- termination costs (see below)

Costs would only be used as a determining factor if these were a proportionate means of achieving a legitimate aim and would not be used in isolation.

5.6 Where skills audits are used all employees affected will be given reasonable time to complete their submission, and the working pattern of part-time employees will be taken into account. Employees will be allowed paid time during their normal working hours to complete the audit. 'Staff who are subject to a selection process will be asked if they require any reasonable adjustments to enable them to participate and school should make every effort to accommodate these.'

5.7 The Headteacher will ensure that all employees are supported to fully complete their skills audit and that this is consistently offered to all those affected. Employees will be encouraged to take advice and support from the union or professional association.

5.8 When complete, the Headteacher will verify the information provided by all relevant employees and ensure that each audit is complete and

no significant information has been omitted. They will discuss with individual employees any points of clarification as required. All employees will be offered an equal opportunity to rectify any inaccuracies and omissions. The Headteacher will anonymise the audits prior to the Selection Committee members receiving them.

5.9 Where the Headteacher and employee disagree regarding the accuracy of the completed audit, both parties will be able to state their case in writing, on an anonymised basis, to the Selection Committee who will make a determination.

5.10 In the event the Selection Committee receives multiple many requests for voluntary redundancy, the selection committee will need to agree and include in their consultation, the criteria for selecting staff. These may differ from the skills audit for redundancy and could include:

- standard of work or performance, with evidence from performance appraisal
- skills, qualifications or expertise
- attendance record, which must be accurate and not include absences relating to disability, pregnancy or maternity
- disciplinary record

Notification of the appointment decision(s)

5.11 Employees should be notified once all decisions have been made regarding who has been selected provisionally for redundancy and/or appointed to a role within a revised structure. All offers are made on a provisional basis, subject to the conclusion of the reorganisation / redundancy process and any appeals.

5.12 Those not appointed to a post within the new structure who are selected for redundancy will be informed by the Headteacher /Project Lead and if appropriate, a representative from the Selection Committee,. . The employee will be notified that they have been selected for redundancy, the reason for their selection and informed of their right to make representations and/or appeal. They will also be advised that they will be served formal notice of redundancy from the Local Authority and informed of arrangements to seek redeployment. These discussions will be confirmed in writing to the employee.

5.13 Where posts in the revised structure are not appointed to, those posts will be advertised through normal recruitment procedures, after consideration of any displaced members of staff, if appropriate.

Representations process (only applicable to staff who are identified as redundant or have been subject to a competitive ring-fence process)

5.14 Following communication of the outcome of the redundancy selection process, affected employees will be afforded the opportunity to make written representations to the Selection Committee where they believe that there has been a fault in the selection process. This may include, for example, situations where they believe that important information has not been included in their skills audit or a mistake has been made in calculating their final score. Only the individual's scores will be shared with them and not those of other employees.

5.15 The purpose of the representations process is to allow factual errors or mistakes, relating to an individual, to be rectified prior to formal notices of dismissal being issued. It is not intended to deal with issues such as the employee's perception around the fairness of their selection, which can be considered as a formal appeal.

5.16 Employees will usually be given up to 5 working days to submit any written representations. In their submission, they should provide a clear and detailed explanation of their concern to enable it to be given full consideration. Depending on the particular issues raised, the Selection Committee may respond to the representations in writing or arrange a meeting with the employee and their representative. Where a meeting is arranged, this will usually be with one member of the Selection Committee and the Headteacher may attend in an advisory capacity. The outcome of any meeting will be confirmed in writing to the employee within 5 working days.

5.17 Where the Selection Committee amend their decision(s) as a result of the representations process, it may be necessary to revisit some or all of the selection process and the provisional offers made to other staff.

6. *Appeals*

6.1 Employees dismissed for the reason of redundancy have the right to appeal against the decision of the Selection Committee to the Appeals Committee. This must be done in writing setting out their grounds of appeal. The employee's appeal must be submitted within 10 working days of the date of receipt of the letter from the school confirming their selection for redundancy. Where an employee has submitted written representations, any appeal must be submitted within 10 working days of written notification of the outcome of that process, if this is later than the letter confirming their selection for redundancy.

6.2 All appeals will be dealt with under the provisions of the Hearing and Appeals Procedure.

Notice of Appeal Hearing

6.3 Employees will be given as much notice time as possible of the date of the appeal hearing, but as a minimum 5 consecutive working days. Working days only includes days when school would normally be open and not for example school closure because of holidays. This date will normally have been set out in the timetable at the start of the staffing review process.

6.4 Employees are required to confirm attendance and the name and status of their representative as appropriate. If the employee's chosen representative is unavailable on the date proposed, the hearing will be rearranged within 5 working days' of the original date.

6.5 The Chair of the Selection Committee will attend the hearing to present the case against appeal. An HR representative may also be present to provide advice to the Committees.

6.6 The outcome of the appeal hearing will be notified to the employee in writing within 5 working days of the hearing.

6.7 Where the decision to select for redundancy is overturned on appeal, it may be necessary to revisit some or all of the selection process and the provisional offers made to other staff. In such cases, it is likely that the dates of some or all redundancy dismissals will be delayed. For teaching staff the notice dates within their terms and conditions will continue to apply.

7. Notifying the Local Authority

7.1 Before notifying the LA (NYES HR) of any redundancies, governors will ensure that employees affected have been notified of the decision and made aware of their right to appeal.

Notice periods

7.2 Notice will be given on the greater of statutory or contractual entitlements and will be based on continuous service with NYC. The statutory notice period for teaching and support staff is one week for every year of continuous service up to a maximum of 12 weeks. For

teaching staff, the minimum notice periods detailed within the Burgundy Book will apply and must terminate at the end of a school term.

7.3 The school will notify the LA of any redundancies once the selection process has been completed and notice will then be issued by the Local Authority.

Costs associated with Reorganisation/Redundancy

7.4 The Local Authority may fund redundancy payments made by the school, subject to approval of a business case. In all cases, the school will make an application to the LA for funding where the criteria for application, set by the LA, may be met.

7.5 Pension strain payments can arise where support staff, who are over the age of 55 and members of the Local Government Pension Scheme, are made redundant. The costs associated with these can be substantial and will not be funded by the Local Authority.

7.6 Schools are advised to seek estimates of costs and submit their applications to the LA, where applicable, early in the planning process.

8. Redundancy payments

8.1 Redundancy payments apply to teaching and support staff who have at least two years' continuous service at the date of termination with bodies included in the Local Government Modification Order.

8.2 Redundancy pay is calculated as outlined below and each redundant employee will be given a written statement showing how the calculation was made:

For each completed year up to the age of 21 – 0.5 week's pay for each completed year of service
For each completed year aged between 22 – 40 years of age – 1 week's pay for each completed year of service
For each completed year aged 41+ years of age – 1.5 weeks' pay for each completed year of service

8.3 A maximum of the last 20 years' service is taken into account in all redundancy payments

8.4 For teaching staff, week's pay will have the statutory limit applied.

8.5 For support staff, the calculation will be based on 'actual' week's pay

Situations where a redundancy payment will not be made

8.6 An employee selected for compulsory redundancy or accepted for voluntary redundancy will not be entitled to a redundancy payment if they are offered and accept employment with the Authority or an associated employer (as defined by the Local Government Modification Order) before their existing contract ends, to commence within 4 weeks of their existing contract ending.

8.7 A redundancy payment will also not be made where an employee unreasonably refuses an offer of suitable alternative employment.

9. Pension implications of redundancy

Local Government Pension Scheme

9.1 For support staff who are members of the LGPS, pension entitlements arising as a result of redundancy are detailed in the NYC LGPS Employer Discretion Policy and Early Retirement Policy. Subject to having qualifying service, those over the age of 55 will be entitled to receive unreduced pension benefits as a result of a redundancy dismissal.

Teachers' Pension Scheme

9.2 It is NYC's policy not to grant premature, unreduced retirement benefits or mandatory compensation when members of the Teachers' Pension Scheme are made redundant.

10. Redeployment

10.1 The school is committed to limiting the number of compulsory redundancies to the minimum possible. One of the methods of achieving this aim is by redeploying employees notified as being redundant to suitable alternative posts either within the school or to the Local Authority. The Authority can only recommend that individuals be considered for vacant posts in other schools and cannot place staff in these positions.

10.2 If staff are selected for redundancy they will be provided with guidance, information and support to find suitable alternative employment by the school and the Local Authority during their notice period.

Suitable alternative employment

10.3 A range of factors will be considered when assessing the suitability of alternative employment, including:

- the salary and benefits of the new role
- the location of the new role
- how similar the role is to the current job including its status
- the individual's qualifications, skills and abilities in relation to the job
- working arrangements e.g. number of hours, working pattern, etc.
- contract terms e.g. temporary, permanent

10.4 The suitability of alternative employment is relevant both when identifying appropriate redeployment opportunities for an employee and when assessing any impact on the redundancy payment of refusing the post. Employees may be considered for redeployment to roles which do not, using the above criteria, constitute suitable alternative employment.

10.5 Should an employee choose to accept a post which the school does not regard as suitable alternative employment (e.g. significantly lower salary or reduced hours), the act of accepting the post will make it automatically suitable, and they will therefore not be entitled to a redundancy payment. In such situations, the employee will still be entitled to the trial period in the role.

10.6 If Teachers accept a post which has not been deemed as suitable alternative employment by the school, salary safeguarding may not apply.

Trial Periods

10.7 Employees have the right to a 4 week trial period in an alternative job to assess its suitability. This applies to those appointed to both new and revised roles in the schools as an alternative to redundancy or following redeployment across the Local Authority.

10.8 The trial period will usually commence after the notice period and when the existing contract has ended. This avoids any confusion or disputes if the trial does not work out. The trial period may be extended to up to

three months to enable retraining where appropriate. This must be done in writing, by agreement and prior to the trial's commencement.

10.9 Either the employer or the employee can end the employment during or at the end of the trial period if they deem it unsuitable. If the employee unreasonably rejects the new post (or works in it beyond the end of the trial period) a redundancy payment will not be made.

Salary safeguarding

10.10 The salary safeguarding arrangements in the School Teachers' Pay and Conditions Document will be applied to any eligible teachers who suffer a financial deficit as a result of a restructuring, redundancy or redeployment process.