

1. Policy & Principles

Introduction

The Governors, Principal and Senior Leadership Team of Roedean Moira House recognise that the threat of redundancy is a very sensitive issue, and that any redundancy proposals will have an impact on all staff, not just those who are immediately affected by them.

The School has a duty to treat staff fairly and with sensitivity and respect and to minimise the uncertainty and unease that a redundancy process will generate. Throughout such a process, they will:

- communicate with all staff, and consult directly with those affected by the proposals
- treat all staff reasonably, and sympathetically
- act as openly as possible, subject to the need to maintain individual confidentiality and safeguard confidence in the School
- make all decisions and selections fairly and objectively

To deliver these commitments, this document sets out the procedures that will be adopted if a redundancy process proves to be necessary.

The status of this document

The School recognise that no two redundancy situations will ever be exactly the same and these procedures will not necessarily suit all circumstances, therefore it is considered that certain points will have to be adapted to suit conditions prevailing at the time. For that reason, this policy is for guidance only and is not contractually binding.

If the School decides not to follow these procedures in detail the Principal and Senior Leadership Team will specifically draw any deviation from them to the attention of affected staff and staff representatives.

The law

This policy is subsidiary to the law, and any decisions made within it are subject to the statutory right of staff to seek redress at the Employment Tribunal for any perceived unfairness or breach of the law. This document does not aim to restate the law on redundancy, and while the School will try to advise them if requested, members of staff should always seek advice from their unions or other similar sources if there is any concern over any legal entitlement or requirement.

If 20 or more staff are to be made redundant, the law sets minimum standards for consultation periods and for information to be provided to staff representatives and/or union officials. Wherever possible the School will always aim to exceed these statutory minimum standards regardless of the number of redundancies potentially involved.

Union involvement

Although the School has no formal recognition agreement with any union, the Governors and Principal welcome the involvement of teaching and other trade unions in decisions about staffing. The Principal will:

- a) offer staff the opportunity to invite union officials to any preliminary consultative meeting that is held

- b) supply staff representatives with copies of all relevant correspondence to forward to their unions throughout any redundancy process, and
- c) advise “at risk” members of staff to consult with their unions, and remind them of their right to be accompanied to any meetings by a union official or fellow work colleague.

2. Procedures before a redundancy process is announced

Definition of redundancy

Legally, redundancy is deemed to have occurred if:

- a) The employer has ceased, or intends to cease to carry on the business for the purpose of which the employee was employed, or has ceased, or intends to cease to carry on that business in the place where the employee was employed.

Or

- b) The requirements of that business for employees to carry out work of that particular kind in the place where they were so employed have ceased or diminished or are expected to cease or diminish.

Circumstances in which the need for redundancy might arise

The most likely cause of redundancies among both teaching and non-teaching staff is a decline in the number of pupils in the School or a drop in demand for a particular area of the curriculum.

A redundancy situation may also arise from any of the following circumstances:

- a) a curriculum change
- b) an inappropriate mix of subject specialisms or other qualifications and experience within the complement of staff
- c) technological and other developments in education that result in a change in the methods by which pupils are taught with implications for staffing levels
- d) management reviews that identify the scope for staffing efficiencies or recommend more effective staffing structures
- e) a decision to put work out to contract (although the Transfer of Undertaking (Protection of Employment) Regulations 1981 rules may well apply to any incoming contractor).

Avoiding a redundancy situation

Pupil numbers and trends are kept under constant review. The level of staffing required for teaching the curriculum for each academic year will be determined as soon as is practicable prior to the start of the year, and as much notice as possible will be given of changing demands. By careful planning, the School will make every effort to avoid a redundancy situation from arising or to minimise its impact. In any of the above circumstances, the following measures will always be considered and, subject to consultation, will be adopted unless the quality of education provided by the School or its business interests require otherwise:

- a) reducing staffing levels through natural wastage
- b) freezing/restricting the recruitment of new staff
- c) eliminating/reducing the use of temporary staff
- d) retirement of any employees working beyond the normal retirement age
- e) seeking applicants for voluntary early retirement
- f) filling vacancies from existing employees
- g) retraining or transfer to other work

- h) reducing/eliminating overtime
- i) freezing/reducing salaries and benefits in general, if a voluntary agreement with staff representatives and unions can be obtained.

Collective consultation

The Principal will consider inviting staff representatives and union officials to a consultative meeting when any redundancies are contemplated in line with statutory procedures, the purpose of such a meeting would be to discuss:

- a) alternative staffing solutions that might avoid redundancies (e.g., by voluntary changes to hours)
- b) means of reducing the number of staff to be made redundant and
- c) means of mitigating the consequences of any redundancies

The purpose of such a meeting is to “consult with a view to reaching agreement”, and it is likely that further meetings would be necessary before this aim could be either achieved or ruled out. This preliminary consultative meeting is not obligatory unless 20 or more staff are to be made redundant, but, subject to the Principal’s judgement, such a meeting will be held unless all parties agree that it would not serve a useful purpose in the circumstances.

3. Procedures during a Redundancy Process

Where in the view of the Principal an unavoidable redundancy situation has arisen, the following steps will be followed.

Identifying the pool for redundancy

The Principal and Senior Leadership Team will specify the redundant post(s), and from that identify the potential pool of “at risk” staff (i.e., those who are at risk of being selected for redundancy) in the light of the circumstances that have arisen. In principle, the pool should consist of all staff carrying out the same job as the redundant post. The most likely (but not the only) examples of “pools” that might be identified are:

- a) all teachers in a particular section of the school (i.e., Nursery) or in a particular department (e.g. Science, Maths, English etc.) or
- b) all support staff in a particular role or department (e.g., boarding, housekeeping, maintenance, administration, classroom support, etc.).

If it is not immediately obvious how the pool of “at risk” staff has been identified, this will be made clear at the first opportunity when the Principal meets staff and recorded in the letter that follows.

Setting the criteria for redundancy

If the pool of “at risk” staff is greater than the number of posts that are redundant, the Principal and Senior Leadership Team will have to identify the selection criteria that will be applied, and the weight that will be given to each, in an objective selection exercise.

The Principal will be at liberty to set whatever criteria she/he decides are necessary to further the quality of education provided by the School or its business interests, as long as they are:

- a) relevant
- b) non-discriminatory (directly or indirectly)
- c) precisely defined, and

- d) capable of being applied in an independent, objective and, so far as is practicable, transparent way.

The Principal may at this stage consider undertaking a skills audit of all potentially affected staff to facilitate their redeployment or selection for any compulsory redundancies that prove to be necessary. The aim would be to provide staff with the opportunity of reminding managers of their full range of skills and expertise, in case they are not on record at the school, prior to any decisions being made regarding compulsory redundancies.

If in the view of the Principal and Senior Managers involved, it was not possible to set objective criteria that would adequately distinguish between those in the “at risk” pool, the Principal may decide to proceed by way of competitive interview for the available positions. If so, it will still be necessary for the criteria against which performance is to be assessed to meet the conditions specified above.

Sometimes no selection exercise will be necessary. If, for example, the number of redundant posts is the same as the number of post holders, there will be no need to set such criteria.

Individual consultation

Initial meeting and letter

The Principal will call a meeting of all members of staff at risk of redundancy at the earliest possible opportunity and never less than 30 days before any possible dismissal might take place. At or shortly after the meeting she/he will hand them letters that include the following information:

- a) the background to and reasons for the redundancy proposals
- b) the number and descriptions of posts that it is proposed to make redundant
- c) the number and description of staff who are potentially at risk of selection for redundancy (“the pool”). If it is not immediately obvious how this pool has been identified, an explanation will be given
- d) the way in which staff will be selected for redundancy, and the reasons for that choice of selection criteria, if they are not clear
- e) the nature and timing of the steps to follow, including consultation, issue of dismissal notices, appeals, and last date of working
- f) a commitment to select volunteers unless to do so would be contrary to the quality of education provided by the School or its business interests
- g) an invitation to staff to consult with their union and to involve union officials or a fellow work colleague in any subsequent meetings
- h) a suggested date for a one to one meeting with the Principal

Copies of all correspondence will be given at the same time to staff representatives and any trade union officials involved, and their views sought on any aspect of the procedure including the proposed selection procedure and criteria. The Principal will respond formally to any representations received from staff or union officials before any further steps are taken.

Individual meetings

The Principal will then meet individually with each member of staff who is at risk of redundancy. Minutes will be taken of these meetings, and the member of staff will be entitled to a copy. The purpose of these meetings will be:

- a) to give the staff member the opportunity to ask questions about the contents of the initial letter, and/or to make representations about any aspect of it
- b) to seek suggestions as to how any redundancy might be avoided

- c) to find out if the staff member wishes to volunteer for redundancy
- d) to assess the scope for the staff member to be redeployed within the School in the event that they were selected
- e) to confirm that the staff member understands the severance payments that would apply if selected

The Principal will also confirm that each member of staff has had the opportunity to contribute all the information that s/he feels should be taken into account by the selection meeting if compulsory selections prove to be necessary.

Further meetings

It is not possible to be prescriptive or definitive about this stage of the consultative process and the need for further meetings, as these will depend on the outcome of the consultation that has taken place. It may be necessary to hold more than one meeting with any individual to clarify all issues, and to ensure that s/he has had the opportunity to identify all matters that should be brought to the attention of the selection meeting. It may, equally, be desirable to call a meeting of all staff in the pool to discuss the outline of an emerging alternative solution (e.g. a general reduction in hours).

Seeking and selecting volunteers

The Principal may seek volunteers for redundancy. When this is the case priority will be given to them when selections are made, unless to do so would be contrary to the quality of education provided by the School or its business interests. When deciding whether or not to accept volunteers, the Principal will need to take account of the need to retain an appropriate balance of skills, experience and flexibility.

4. Procedures after selections are made

Selection

The selection meeting will be chaired by the Principal and attended by members of the Senior Leadership Team who can contribute to the selection process. Depending on the complexity and/or sensitivity of the selections to be made, the Principal may also invite one or more Governors to observe.

Minutes will be kept of the meeting and all working papers and scoring sheets will be retained.

Notification of decisions

Following this meeting a letter confirming the redundancy will be sent to the employee and will include the following information:

- a) the reasons for selection (subject to the confidentiality of personal information. Any member of staff should be told how s/he was scored against each of the criteria, but may not be told how other members of staff were scored)
- b) confirmation of the date of severance
- c) details of redundancy pay, with a calculation
- d) confirmation that the employee is entitled to reasonable paid leave to look for other work
- e) confirmation that there will be further consultation regarding the scope to redeploy the redundant employee within the School

Consultation regarding redeployment

If earlier consultation has been thorough, it should already be clear what scope, if any, exists to redeploy the redundant member of staff elsewhere within the School. Nonetheless, the Principal will review this directly with the selected employee.

A further meeting will be arranged at which all options for redeployment will be reviewed and discussed. This will be followed up by a letter.

If an offer of alternative employment is made and accepted, there is a statutory right to a trial period of four weeks in the new job. For teaching staff or support staff employed on “term time only” contracts, no account will be taken of school holidays and half term breaks in calculating the expiry of the four week period.

Redundancy pay & salary in lieu of notice

The redundancy pay payable to any member of staff will be the sum prescribed by the law in force on the date of severance (currently the Employment Rights Act 1996, as amended).

The School will pay salary in lieu of the contracted notice period to any redundant employee if their contract of employment permits this. For members of staff still employed on contracts without this provision, the School will give them the option to receive salary in lieu of notice. If a redundant employee is re-employed elsewhere within the School and/or on a different contract, a statutory redundancy payment may not be payable.

5. Procedures for Appeals

There is a right of appeal to the Governors against:

- a) dismissal on ground of redundancy and/or
- b) the financial terms offered.

The employee should write to the Clerk to the Governors for the attention of the Chair of Governors within ten working days of the notification letter, though this deadline may be extended by mutual agreement if discussions regarding the scope for redeployment are still ongoing. The letter should give brief grounds for the Appeal.

The Appeal Committee will consist of three Governors nominated by the Chair, who will ensure that none of the nominees have been involved in any discussions or earlier decisions about the redundancy programme.

The Hearing will be convened as soon as practicable and in any event within 28 days. The employee is entitled to not less than ten working days’ notice of the date of the Appeal, unless s/he agrees in writing to waive this right to allow an appeal to be heard at the earliest opportunity.

The employee may be accompanied to the Hearing by a trade union official or fellow work colleague.

The Panel will take evidence from the Principal on behalf of the School and from the employee, and will allow questions. The employee’s companion will be entitled to address the Panel on his/her behalf.

The Panel will reserve its decision and communicate it in writing to both parties within five working days of the Appeal. The following options are open to the Panel:

- a) to dismiss the appeal
- b) to vary the terms or size of the financial settlement offered
- c) to allow the appeal and cancel the notice of dismissal

The decision of the Appeal Panel is final.

Example of selection procedure that might be adopted

Selection Criteria

The actual criteria used and the weighting to be applied will be established at the time a redundancy occurs. The criteria are likely to include, but will not necessarily be limited to:

For Teaching Staff:-

- Academic qualifications
- Additional skills/qualifications
- Responsibilities within the school
- Performance & ability
 - planning and preparing lessons
 - quality of teaching and learning
 - setting and marking work
 - assessing and recording,
 - reporting on progress and attainment of pupils
- Flexibility and adaptability
- Commitment
- Attitude and approach
- Multi-skills
- Training - CPD - Learning Development
- Feedback from parents
- Communication and relationship with parents
- Relationships with colleagues - being a team player
- Contribution to school activities and events
- Contribution to Extra-Curricular Activities
- Attendance Record in the best of past 2 years (excluding absence due to pregnancy or disability)
- Disciplinary record

For non-teaching staff:

- Range of skills/qualifications
- Performance & ability
- Flexibility and adaptability
- Attendance Record in the best of past 2 years
- Disciplinary record
- Standard of work performance
- Communication with colleagues



ROEDEAN
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ROEDEAN MOIRA HOUSE REDUNDANCY POLICY 2018-19

Related policies and documents

This policy should be read in conjunction with the following policies and documents:

- Employee Handbook
- Staff Handbook
- Code of Conduct for Employees
- Health Safety Handbook
- Boarding Staff Handbook
- National Minimum Standards for Boarding Schools
- ISI Handbook for the Inspection of Schools, Regulatory Requirements
- Teachers' Standards
- Departmental Handbook
- Complaints Policy (Parents)
- Complaints Policy (Pupils)

POLICY REVIEWED BY SCHOOL: June 2018

POLICY REVIEWED BY SCHOOL COUNCIL: June 2018

NEXT REVIEW: June 2019