



MANAGING STAFF REDUCTION POLICY

Mount St Mary's Catholic High School Managing Staff Reduction Policy

Adopted by Mount St Marys' Governing Body on 1 September 2023

Signed

Chair of Governors

Review date: September 2026

1. INTRODUCTION

- 1.1 Changes in the way school services are provided will sometimes lead to individual jobs or groups of jobs changing or no longer being required. Most commonly, these changes will be as a consequence of a school's budget being unable to sustain the existing staffing complement. At other times, it may be necessary to conduct a staffing re-structure or review in order to respond to the changing needs of the school.
- 1.2 Staff are our most valuable asset and with careful management, continuous consultation with staff and trade unions, compulsory redundancy can be avoided.

2. PRINCIPLES UNDERLYING THE PROCEDURE

Workforce Planning

- 2.1 Improvement and success will come when the right people, with the right knowledge, skills and behaviours are deployed appropriately within the school structure. Effective and sustained planning can achieve this match and more critically forge links between organisational strategies and people plans for recruitment, retention, staff development and training.

Fair & Equitable Treatment

- 2.2 The governing body is committed to ensuring that this policy does not discriminate directly or indirectly on grounds of any of the protected characteristics defined within the Equalities Act.

Communication & Consultation

- 2.3 Effective communication with staff is crucial in managing any workforce change. Where practical, informal consultation regarding any changes affecting staff will begin at the earliest opportunity. This will be directed to all staff and not just to those who may potentially be affected by the changes. Such informal consultation may consist of a staff meeting being convened in order to discuss issues which could lead to redundancies at a later date.
- 2.4 Once the requirement for redundancies is confirmed by the governing body the formal process will be initiated. At this time the fullest practicable information will be provided to staff at the earliest possible stage and co-operation and involvement of staff and trade unions will be sought.
- 2.5 It is recognised that initial consultation is often a time of concern and worry for all interested parties, but especially for staff potentially affected by any proposals. Staff have the right to be consulted and represented or accompanied by a trade union representative, colleague who does not have a conflict of interest at any stage of the process.

2.6 Consultation is:

- the provision of information which is clear and detailed enough to
- enable the trade unions to understand and consider the proposals;
- an invitation to them to discuss and comment on the proposals,
- a readiness to consider in good faith any comments or suggestions made before a formal decision is taken.

2.7 In the case of redundancy there is a legal requirement that consultation must:

- address ways of avoiding or reducing redundancies;
- consider how to mitigate the effects of any redundancy dismissals;
- be aimed at reaching agreement.

2.8 If it is proposed to make more than 20 employees redundant, the governors are legally required to inform the Department of Works and Pensions.

2.9 There will be two main forms of consultation. These are as follows:

With Trade Unions

Consultation will take place with recognised Trade Unions:

National Association of Head Teachers (NAHT), National Association of Schoolmasters Union of Women Teachers (NASUWT), National Union of Teachers (NUT), Association of School and College Leaders (ASCL), Association of Teachers and Lecturers (ATL), Professional Association of Teachers (PAT), UNISON, GMB and Transport and General Workers' Union (TGWU).

PAT is a trade union not recognised by Leeds City Council. However, the governing body will work as constructively with this union as with those that are recognised.

Consultation with Staff

Governors will ensure that, in addition to the consultation with trade unions there is full consultation with staff, both collectively and individually.

Affected staff on secondment, sick leave, maternity leave and any other statutory leave will need to be included within any consultation process.

Definition of redundancy

2.10 Under the Employment Rights Act 1996 redundancy arises when employees are dismissed because:

- the employer has ceased, or intends to cease, to carry on the business for the purposes of which the employee was so employed; or
- the employer has ceased, or intends to cease, to carry on the business in the place where the employee was so employed; or
- the requirements of the business for employees to carry out work of a particular kind has ceased or diminished or are expected to cease or diminish; or
- the requirements of the business for the employees to carry out work of a particular kind, in the place where they were so employed, has ceased or diminished or are expected to cease or diminish.

2.12 Put more simply a redundancy is the deletion of a post which is no longer required.

- 2.13 Staff employed on continuous temporary or fixed term contracts with continuous service of more than 12 months have the same rights to be made redundant fairly as other staff on permanent contracts. However, staff will only qualify for a redundancy payment after 2 years continuous service provided the criteria for redundancy as described above is met. This highlights the need to use temporary contracts only when strictly appropriate.

Responsibility for the Review of this Policy

- 2.14 This policy will be reviewed from time to time to ensure that it reflects changing organisational needs. This review will be carried out by the HR Provider and consultation on proposed changes will be undertaken with recognised trade union representatives.

Further Guidance

Assistance and further guidance on the application of the procedure can be provided by the school HR Provider.

3. PROCEDURE FOR MANAGING STAFF REDUCTIONS

3.1 Full Governing Body Meeting

In the first instance the governing body will discuss the need for staffing reductions and consider alternatives. The aim should always be to avoid redundancy if at all possible. Alternatives could include:

- making necessary savings elsewhere;
- agreeing with Finance a reduction of the deficit over a period (up to 3 years);
- a recruitment freeze;
- offering part-time or job-share to existing full –time staff;
- voluntary redeployment;
- voluntary severance;

If the conclusion of this initial discussion is that there is no other feasible alternative but to continue with a staffing reduction, the governing body will agree the areas likely to be affected and elect a nominations committee with delegated authority to oversee the process.

At this meeting the appeals committee will also be elected. This committee will include three governors who will not be involved in the reduction process.

In the closing stages of the meeting the governing body will agree the timetable of stages in the process.

3.2 Nominations Committee Meeting 1

The head teacher will present the nominations committee with outline proposals to address the issue and proposed selection criteria to be used to identify individuals for redundancy.

The selection criteria will include any criteria specific to the school's particular needs e.g. curriculum, operational and organisational needs, key areas outlined in the school improvement plan, Ofsted priorities, succession planning issues, extended services and any other needs of the school.

They will also agree the weighting of the selection criteria and ensure the criteria are fair, objective and not discriminatory in any way (directly or indirectly) before agreeing the adoption of the final version.

Following discussion and agreement of the nominations committee a 'Section 188 letter' will be developed based upon the agreed proposal. The committee will delegate responsibility to the head teacher for managing the consultation process on behalf of the school.

3.3 Formal Consultation Period

The head teacher will issue a 'Section 188 Letter' on behalf of the nominations committee to formally notify staff and Trade Unions. This letter will include the information stated below.

The formal consultation period will normally consist of 10 working days. However, there is a specific legal requirement overriding this under certain circumstances e.g. where it is proposed to dismiss 20 or more employees. In this situation the employer must begin consultation:

- At least 30 days before the first dismissal takes effect if 20 to 99 employees are to be made redundant over a period of 90 days or less, and
- At least 90 days before the first dismissal takes effect if 100 or more employees are to be made redundant over a period of 90 days or less.

Formal consultation will need to be prepared and must include the following information:

- a) the reasons for the proposal (including budget figures);
- b) the number and descriptions (i.e. teachers or support staff) of employees it is proposed to dismiss on grounds of redundancy;
- c) the total number of employees in the school;
- d) the proposed method of selecting the employees to be dismissed
- e) the proposed method of carrying out the dismissals, including the period over which they are to take effect;
- f) the proposed method of calculating redundancy payments.

The information set out above must be given to an authorised representative of the union or sent by post to an address notified by the union. Where possible it is helpful to the process if this information is received by the trade unions prior to a formal consultation meeting with staff.

Group Consultation Meeting

This meeting will be with all affected staff and relevant trade union representatives. The purpose of the meeting will be to ensure that full consultation with staff is undertaken regarding the need for staffing reductions. This will include communication regarding the detail of the Section 188 letter which will be issued during this meeting and on the proposed selection criteria. The meeting also gives staff an opportunity to put forward suggestions as to how staffing reductions could be avoided and ask any further questions they may have in relation to the procedure.

A copy of the adopted Redundancy Procedure should be available at the meeting for each of the staff affected by the proposal.

If applicable the criteria on which the selection is to be made will also be available at the meeting. The 10 working day consultation period will begin only when the criterion is distributed. A key focus of the meeting will be an explanation of how the selection criteria will be applied and how the scoring will operate.

Trade unions should contact the head teacher within 5 working days if they wish to meet separately. Discussion with staff and unions at all stages of the consultation period can eliminate problems which may otherwise have arisen later in the process.

If at any stage of the consultation there is any change to the information provided to the staff and trade unions that may affect the selection process, staff may be consulted once more.

Individual Consultation Meeting

As part of the consultation process, the opportunity for individual meetings will be made available for the member(s) of staff who face possible redundancy and their representative (if applicable and not acting in a legal capacity). The meeting will include the head teacher and a human resources representative.

The purpose of this meeting would be:

- To explain the Section 188 letter.
- An opportunity for the staff member to raise any possible ways of avoiding any dismissals on the grounds of redundancy, of reducing the number of such dismissals, and / or mitigating the consequences of any dismissals.
- To ask any general questions that the staff member may have.

Nominations Committee Meeting 2

The head teacher and the nominations committee will meet at this stage in order to consider any alternatives to staffing reductions put forward by staff/unions during the consultation period, and to decide if the selection criteria need to be amended in the light of this feedback or the needs of the school.

During the meeting a written response will be drafted for affected staff and trade unions. This will address the issues raised during the consultation period.

The nominations committee must consider any representations made by the union and give reasons if any point is rejected. It should also comply with any reasonable request for further relevant information, e.g. budget details, pupil numbers, staffing numbers and structures. This information should be provided in writing.

Additionally, the nominations committee will confirm the final selection criteria, agree the method of scoring and the remaining activities in the process.

Application of Selection Criteria

It is the responsibility of the employee to complete the individual assessment sheet and the head teacher will authenticate the information and score this using the agreed method prior to this being submitted to the nominations committee.

The final score sheet will be completed by the head teacher. In exceptional circumstances the head teacher may decide to delegate the application of the selection criteria to a 'nominated person'. Whoever applies the selection criteria should ensure fairness and consistency throughout this process.

Once all the assessments have been completed the final scores will be transferred onto a collective summary sheet, or matrix for presentation to the nominations committee meeting.

Nominations Committee Meeting 3

The head teacher and the nominations committee will now meet to review the application of the selection criteria.

The nominations committee may challenge the scoring of individuals against the selection criteria and further discussion will take place to consider whether staffing reductions are still required (given some weeks have passed since the process started). Any changes since the commencement of the process to the scope of these staffing reductions (how many, which areas of the school etc.) will be considered.

Notification of Selection to Nominated Staff

The nominations committee will confirm the nomination(s) of individuals for redundancy and the employee selected will be offered the opportunity to attend a representations meeting with the nominations committee on a one on one basis (including a representative if desired). The purpose of this meeting will be to discuss the self assessment sheet and ensure that all relevant experience and qualifications have been taken into account prior to any final selection being made.

Seven working days' notice will be given in relation to the hearing date and the notification will outline the right of the staff member to be accompanied by their trade union or other representative (not acting in a legal capacity). Where requested a collective summary sheet / matrix showing the anonymous scores of all staff within a selection pool will be provided.

Representation Hearing

The head teacher (or nominated representative) will be in attendance at this meeting in addition to the HR representative. Their role in the hearing will be to give advice and information. The nominations committee will explain the reasons for the provisional selection and:

- Will allow the staff member or their representative to make representations;
- Clarify any points arising;
- Will give full consideration to its provisional decision.

After the hearing the nominations committee will either confirm the original decision or select another staff member for redundancy. In the latter case, that staff member will be informed and given the same opportunity to make representations.

If following the representation hearing the nominations committee confirm the original decision, the head teacher will put this in writing to the individual (s) affected, this letter will also advise the staff member that contractual notice will be given and the subsequent right to appeal.

Issue of the Formal Notice Letter

Notice to terminate will be issued by the nominations committee in accordance with the following contractual requirements.

- (i) Support Staff
Statutory entitlement is for 1 weeks' notice per year of continuous service up to a maximum of 12 weeks (and subject to a minimum of 1 month for most school support staff);

- (ii) Head Teachers
3 months' notice (4 months in the summer term) ending on 31 December, 30 April or 31 August as appropriate;
- (iii) Other Teachers
2 months' notice (3 months in the summer term) or statutory notice if that exceeds contractual notice – see (i) above - ending on 31 December, 30 April or 31 August as appropriate.

Consideration should be given to any suitable alternative employment that is available once the employee has had confirmation of their nomination for redundancy and should continue throughout the notice period.

3.1 Appeal against Selection for Redundancy

Staff members have the right to appeal against a decision to select them for redundancy. If they do wish to exercise that right they must notify head teacher, in writing, within 5 working days of the date of the confirmation of nomination for redundancy (post representation hearing). This letter will ideally briefly state the grounds of the appeal. The head teacher will subsequently make the arrangements for the appeal to be heard. Once again the staff member has the right to be accompanied by a trade union representative, colleague who does not have a conflict of interest.

The appeal will be heard by the appeals committee consisting of three governors not involved in the original decision. This committee will focus on careful and objective examination of how the nominations committee applied the criteria.

Should the appeal be successful, the appeals committee will consider whether to select another employee for redundancy, in which case the process of selection, opportunity for representation, notification of redundancy, notice to terminate and right of appeal will be repeated.

In addition to this, should the appeal be successful the nominations committee will issue withdrawal notice re-instating employment.

Whether the appeal has been successful or unsuccessful the staff member will be notified of the outcome in writing.

3.2 Redeployment

The head teacher will consider whether alternative employment is available at the school for an employee who is made compulsorily redundant. There is no requirement to create a job specifically for this purpose, or to offer a job which does exist but for which the employee is objectively unsuitable. However, the employee must be fully considered for any appropriate vacancy.

4. Miscellaneous

Time off Work

An employee who is given notice of dismissal on grounds of redundancy and who has at least 2 years continuous service by the end of the notice period has a legal right to reasonable time off with pay during working hours to seek new employment or to arrange retraining. What is 'reasonable' depends on the circumstances of the particular case.

Redundancy Payments

Employees nominated for redundancy will receive an estimate of their redundancy payment.

Where an employee is offered suitable alternative employment and unreasonably refuses to accept it, there is no right to a redundancy payment.

Where a redundant employee is offered a new job on different terms and conditions, but which is deemed to be suitable alternative employment, and unreasonably refuses to accept it, there is no right to a redundancy payment. However, in such cases the employee has a statutory right to a trial period of 4 weeks in the job during which to assess suitability.

If the new job requires the employee to be retrained, a longer trial may be agreed in writing in advance. If, after a trial period, the employee refuses to accept an offer of alternative employment, it may be possible to allow an extended trial period or to seek another redeployment opportunity. Alternatively, a redundancy payment would be made if the job is unsuitable or the employee's refusal to accept it is reasonable.

Managing Workforce Change & Staff Reductions



