

Duddon Saint Peter's CE School



Redundancy Procedure



SCHOOL REDUNDANCIES

1. Definition of redundancy and the legal position

Under employment law, a redundancy situation arises where there is a requirement for fewer employees to do work of a particular kind, or work of a particular kind at their place of work has diminished. In addition, since August 1993, there has been a requirement to consult trade unions, with a view to reaching agreement, if the employer proposes to dismiss one or more employees "for a reason not related to the individual concerned or for a number of reasons which are not so related".

In addition to employment law, there are specific education laws relating to employees in schools. In particular, paragraphs 44, 45 and 46 and Schedule 3 of the Education Reform Act 1988 prescribe the legal position of Governing Bodies and the Council in relation to the dismissal of employees and any consequential costs.

2. Main principles

Where a Governing Body is satisfied that staff reductions are unavoidable, it **must** be the primary and overriding aim of that Governing Body, and the Council, to seek to achieve any reductions by voluntary means e.g. natural wastage, cessation of temporary contracts, job sharing etc. This is important in order to fulfil both the requirements of natural justice and the law.

It is only when all voluntary means have been exhausted that a Governing Body should consider nominating staff for redundancy. Failure to adopt and follow correct procedures could lead to an employee seeking redress through Tribunals or the courts. This could result in extra costs for all schools or even individual schools in specific circumstances (see "Funding" below).

Schools that feel they are faced with a potential redundancy situation should get in touch immediately with their HR Business Partner.

3. Support available to schools

The Council has tried and tested schemes and mechanisms, for assisting schools facing a redundancy situation. The procedure for effecting nominated redundancy meets the requirements of Employment and Education Law. Copies of the procedure are not attached or distributed to schools on a general basis. Governing Bodies will receive copies of the procedure and direct advice if and when they need to implement the procedure.

In addition, the Council also operates a "Staffing Agency Scheme". This has proved very successful in facilitating the transfer of staff who would otherwise have faced compulsory redundancy.

4. Redundancy Schemes

There are two schemes: teaching and non-teaching staff. These will be reviewed annually and schools will normally be notified of the current schemes and the associated procedures early during each Spring term.

5. Funding

Under the 1988 Education Reform Act, the Council is obliged to meet the cost of legitimate school redundancies. It is only in exceptional circumstances where a school can be required to meet the whole of the cost from its own budget.

Governing Bodies ought to be aware that the Council does not hold a specific budget for redundancy payments. Where redundancies are associated with budget reductions, a proportion of the cost will be met from the General Schools Budget and, in addition, 100% of any enhanced pension payments and all subsequent year costs must be met from the GSB.

Any payments, therefore, will have a direct impact on schools' budgets by effectively reducing the following year's Aggregate Schools Budget. Consequently, it is in the interests of all schools that such payments are kept to an absolute minimum and that is why stringent qualification requirements and Audit rules are imposed on the scheme.

This procedure is adopted from the CWAC model Redundancy Policy.

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