



# Staffing Review Policy and Procedure

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This policy has been consulted centrally and fully agreed by teaching trade unions. To change any aspect of this policy at a school level, the relevant body must consult appropriately with school teaching staff and their recognised trade union representatives.

**Note:** In this document, any reference to the terms "Governor" or "Governing Body" shall be interpreted to also mean "Trustee" or "Board of Trustees," unless the context specifically indicates otherwise.

## DOCUMENT STATUS

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Reviewed	22/09/21	Amendments agreed at joint JCC
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# STAFFING REVIEW POLICY AND PROCEDURE FOR ALL SCHOOL BASED STAFF

## POLICY

### 1. INTRODUCTION

It is recognised that there will be times when a school has to review their staffing structure brought about for various reasons. A staffing review is a review or restructure of a service area, department or whole school staffing arrangements. This procedure sets out the school's procedure for dealing with such situations.

### 2. SCOPE

This procedure applies to all employees who are employed by, or under, a school Governing Body who has formally adopted this procedure.

### 3. PRINCIPLES

- 3.1 The ownership of any staffing review processes lies with the Governing Body of the school. Advised by the school leadership, it is the Governors who will oversee the process from start to finish, and it is the Governors who will make, and carry responsibility for, any decisions that arise from it.
- 3.2 A Lead Manager will be identified as being responsible for undertaking the staffing review. This would normally be the Head teacher or designated senior manager and should be advised throughout the process by a representative of the school's HR service provider.
- 3.3 At all formal meetings with affected staff the employee(s) will be entitled to be represented by a trade union rep or colleague.
- 3.4 During the consultation period school will allow a reasonable amount of time for affected employees to meet with their trade union representatives at school. The Head teacher should be contacted before any such arrangements are made.
- 3.5 Any payments relating to redundancy will be made in accordance with any redundancy pay arrangements which exists at that time.
- 3.6 For schools which have undertaken job evaluation for non-teaching roles, any new non-teaching roles or significant changes to these roles, in the new structure, must have the job descriptions evaluated for grading, before any consultation takes place.

## PROCEDURE

### 1. Voluntary Redundancy

Where a school is seeking voluntary redundancies on an informal basis, local trade unions representatives should be informed at an early stage so that relevant support and advice can be provided to TU members.

### 2. Pre-consultation

The requirement and proposals for the staffing review will be taken to the Governing Body (or appropriate committee) for full discussion and approval. At this stage, Governors should

1. be provided with draft copies of as much of the information listed in Section 3.2 as possible.
2. approve the review proposals the school will consult on
3. decide who consultation comments will be fed back to (ie. head teacher/nominated governor).
4. establish a consultation panel who will review all comments received during the consultation process.
5. establish a selection panel (which may be the same as (3) above, if required (see section 5.14) and also an appeal panel (see section 6.3)
6. decide on their proposed selection method(s) to be taken to the unions for consultation.

### 3. Consultation Process

3.1 Once governor approval is received the Lead Manager should begin meaningful consultation with employees and their representatives as soon as possible and full consultation should begin with all staff as soon as practical and be as comprehensive as possible.

3.2 The Lead Manager should prepare information which includes;

- The reasons for the proposed review
- The numbers and descriptions of employees who will be affected
- The current role(s) outline(s) - *Job Descriptions*
- The current staffing structure/organisation chart
- The proposed timetable for the implementation for the review
- The proposed role(s) outline(s) - *Job Descriptions* and staffing structure/organisation chart
- The proposed selection method, if appropriate
- Relevant financial information where proposed redundancies are a consequence of budgetary issues. (This should include salary details.)
- Contact details of the lead manager and nominated Governor who will receive all consultation comments.

- The procedure to be followed at any appeal meeting.
- An Equality Impact Assessment.

- 3.3 **The above information should be sent to the recognised trade union representatives at least 2 working days prior to an initial meeting.** At least 5 working days' notice should be given for the meeting, and this information will remain confidential until the formal consultation with staff commences.
- 3.4 At the initial meeting the lead manager will explain the rationale for the review/reorganisation to TU representatives and the trade union representatives will have the opportunity to ask any questions.
- 3.5 As soon as possible after the initial meeting with the trade union representatives, the Lead Manager will meet with the affected employees and explain the rationale for the review and answer any questions. All employees affected should be invited to the meeting including those on sick leave and maternity leave. The trade union representatives will also be invited, and afforded an opportunity to meet with and consult with the staff.
- 3.6 Where staff are unable to attend meetings written information should be sent within 48 hours of the consultation meeting.

#### **4. Reviews and reorganisations (no loss of posts)**

- 4.1 The consultation period will begin at the meeting with staff and TU representatives (detailed in point 3.5) and will normally last at least 28 days.
- 4.2 During the consultation period affected employees and their representatives have the right to meet with the Lead Manager for any consultation meetings.
- 4.3 During the consultation process any representations concerning the review should be put in writing to the Lead Manager/nominated Governor who will give due consideration to all representations received.
- 4.4 Where a review will result in a reduction in working hours, consideration should be given to determine whether the new post, on the reduced hours, is a reasonable alternative to redundancy. Pay protection applies to any loss of pay due to a reduction in grade (in most circumstances) but not to a reduction in working hours.
- 4.5 During consultation, where possible, questions received from staff and trade unions in writing will be responded to, in writing, before consultation closes. Questions and suggestions raised also need to be considered by governors at the end of the consultation period, once all representations have been received. The question/suggestion will be acknowledged when received.

4.6 At the end of the consultation period the final decision will be communicated, which will include the organisational structure, roles and implementation date. This should be communicated in writing to all affected staff and in a subsequent meeting if appropriate.

## 5. Redundancy

### 5.1 Definition of Redundancy:

For the purposes of the Employment Rights Act an employee who is dismissed is taken to be dismissed by reason of redundancy if the dismissal is wholly or mainly attributable to—

(a) the fact that his/her employer has ceased or intends to cease—

- (i) to carry on the business for the purposes of which the employee was employed by him/her, or
- (ii) to carry on that business in the place where the employee was so employed, or

(b) the fact that the requirements of that business—

- (i) for employees to carry out work of a particular kind, or
- (ii) for employees to carry out work of a particular kind in the place where the employee was employed by the employer, have ceased or diminished or are expected to cease or diminish.

### 5.2 Where there are potential redundancies identified meaningful consultation with employees and the recognised trade unions must begin as follows:

- at least 30 days before the first dismissal takes effect if 20 to 99 employees are to be made redundant at one establishment over a period of 90 days or less
- at least 45 days before the first dismissal takes effect if 100 or more employees are to be made redundant at one establishment over a period of 90 days or less
- where there are fewer than 20 employees to be made redundant, there is no timescale set in legislation, however schools will endeavour to set a reasonable length of time for meaningful consultation which will last at least 28 days

### 5.3 The consultation period will begin at the meeting with staff and TU representatives (detailed in point 3.5) and will normally last at least 28 days.

### 5.4 Where 20 or more redundancies are proposed at one establishment, the school in conjunction with their HR service provider will complete form HR1 and forward to the Redundancy Payments Service and send a copy to the recognised trade unions.

- 5.5 Consultation must be undertaken with a view to avoiding compulsory redundancies. These include but are not limited to: -
- voluntary redundancy / early retirement
  - part time employment
  - job share
  - retraining
  - redeployment (if possible)
  - natural wastage
- 5.6 As part of the consultation process all staff will be offered the opportunity to attend an individual consultation meeting, accompanied by a representative from their trade union.
- 5.7 During the consultation process any representations concerning the review should be put in writing to the Lead Manager/nominated Governor who will give due consideration to all representations received. Any question/suggestion will be acknowledged when received.  
Questions received from staff and trade unions in writing will be responded to in writing at the earliest possible opportunity and prior to the end of the consultation period, if feasible. All questions and suggestions raised will also be considered by governors at the end of the consultation period, once all representations have been received.
- 5.8 Any requests for voluntary redundancy will be considered on an individual basis and the decision will be based on the needs of the school.
- 5.9 Where a review will result in a reduction in working hours of any post, consideration should be given to determine whether the new posts, on the reduced hours, is a reasonable alternative to redundancy. Pay protection applies to any loss of pay due to a reduction in grade (in most circumstances) but not to a reduction in working hours.
- 5.10 The Lead Manager will establish 'ring fence' arrangement for all affected employees. A ring fence may, where appropriate, consist of one post. The decision to populate the new structure will be determined by the employee's substantive post. Individuals will be notified to which post they are ring fenced in the new structure. Where there is no significant difference between the old role and the new role, and only where there are less or the same number of employees to posts, the employee will be assigned to a post in the new structure and will be informed of the decision. They will play no further part in the process.
- 5.11 Those who are not ring fenced to posts will be informed they are selected for redundancy.
- 5.12 Where there are more ring-fenced employees than posts, no assignment will take place until a selection process has been undertaken.
- 5.13 The selection method to be undertaken to assign employees to posts or to select individuals for compulsory redundancy, will be determined by school and be included

as part of the consultation process with employees and the recognised trade union representatives as detailed in point 3.2. Employees and trade union representatives have the right to comment and make alternative suggestions and these should be considered before the selection method is finalised. (See Appendix 1 Guidance on selection for redundancy).

5.14 A Selection Panel will be established by the governing body to manage the selection process. The selection panel should include 3 governors; under most circumstances it would not be appropriate for the lead manager to be a member of the Selection Panel due to an actual or perceived conflict of interest.

5.15 Once an employee has been assigned to a post in the new structure they will be informed of the decision and will play no further part in the process.

5.16 Those employees not assigned to posts will be informed they are selected for redundancy.

5.17 Employees selected for redundancy will be invited in writing to an individual redundancy selection meeting with the lead manager and at least one representative from the Selection Panel. The purpose of the meeting is to: -

- explain that they have been unsuccessful in securing a post in the new structure
- explain the reasons why they have been unsuccessful
- allow the individual to respond and ask questions
- confirm that they have been selected for redundancy
- discuss any potential suitable alternative employment for the employee
- explain what support is on offer if redundancy is confirmed including reasonable paid time off to allow the employee to look for new employment
- explain the composition of the redundancy package and how it has been calculated
- explain how the notice period will operate and that a notice of redundancy letter will be issued
- explain they have the right to appeal and how to action that right

5.18 The redundancy payment will be calculated in line with the Redundancy Calculator included at appendix 3. Under this policy redundancy payments may be more favourable than required by legislation. When calculating redundancy pay, the employee's actual weekly gross pay is used in all cases and calculations will not be limited to the published national statutory maximum.

5.19 Once all posts have been assigned any remaining unfilled vacancies will be advertised and, where appropriate, ring fenced to those employees who have been selected for redundancy. Filling of these posts should follow the schools normal recruitment process.

5.20 Any employees selected for redundancy will be issued with written notice of redundancy at the appropriate time, in accordance with their terms and conditions of employment and as follows:



- In community, voluntary controlled, community special and maintained nursery schools, once the governors have determined that an employee is to cease to work at the school, they should notify the City Council of their determination and the reasons for it. The Council will issue written notice of redundancy to terminate the contract.
- In the case of staff employed at voluntary aided and foundation schools and academies, the employers shall issue such notice terminating contracts, and will be required to notify the City Council in writing of the reasons for dismissal.

5.21 All school-based staff may apply for redeployment during their period of notice, dependant on any scheme in operation at the time.

## **6. Appeals process**

6.1 Any employee may appeal against assignment, non-assignment or selection for compulsory redundancy.

6.2 Any appeal should be in writing and include the reason for the appeal.

6.3 Appeals will be heard by a panel of governors not involved in the Review process. The Appeal Panel will usually comprise three governors. Staff governors including the headteacher should not serve on the appeal panel due to a perceived or actual conflict of interest. However, where the governing body is unable to meet the requirement for three governors to be present, the Appeals Panel may, with the agreement of all parties, comprise two governors.

6.4 The appeal will be arranged with at least five working days' notice.

6.5 The Appeals Committee will give thorough consideration to all the information presented to them and will inform all parties concerned of their decision in writing within five working days.

## **7. Maternity, Adoption and Shared Parental Leave**

7.1 Employment law provides additional protections for employees on maternity, adoption or shared parental leave who are identified as at risk of redundancy. Please note no such protections apply for members of staff on ordinary Paternity Leave.

7.2 Such employees must be offered any suitable alternative vacancy where one exists, before any other employee. There is no requirement for employees on maternity, adoption or shared parental leave to apply for the alternative vacancy.

- 7.3 The alternative vacancy must be suitable and appropriate for the employee in the circumstances. It must be no worse than their previous job role with regard to location, terms, conditions and status and the employee must have the capacity for the work.
- 7.4 If there is no suitable alternative vacancy, the individual can be made redundant during the period of leave, provided the reason for redundancy is unconnected with the leave and the redundancy process followed was fair.

## **Appendix 1**

### **GUIDANCE ON METHODS FOR SELECTION FOR REDUNDANCY**

#### **Introduction**

The Lead Officer will consult with the trade Union representatives and affected employees regarding the selection criteria and method of assessment to be applied in a redundancy situation. The criteria must be consistently applied and be objective, fair and consistent. Basing any selection on skills or qualification will help to keep a balanced workforce appropriate to the school's future needs. Consideration must be given to those employees who have been absent due to maternity reasons or disability related issues.

#### **Methods of Assessment**

Various methods can be utilised to measure and grade employees against criteria required for the post which may include:

#### **Selection Matrix**

A selection matrix (appendix 2) effectively allows for the scoring of employees within the pool against set criteria without the employee being present. It then provides an order of ranking. The ranking then identifies those who are likely to be at 'risk of redundancy'.

To achieve the total score for an employee, each of the criteria will be weighted by a factor to reflect its relative importance. The weightings will take into account management's requirements to meet its primary business needs as well as the need to maintain a balanced workforce.

#### **Competitive interviews**

- The interview panel should consist of at least two Governors and the Lead Manager. Depending on the nature of the roles being interviewed for other specialists may be asked to join the panel.
- Interviews should be conducted against the criteria for the job being selected into.
- A standard set of questions should be devised and all candidates interviewed against them. The questions should be linked to the competencies for the role (this does not preclude asking different questions that may arise from answers given but ensures that all candidates are measured against the same criteria)
- A standardised marking system for each question to be used and weighted as necessary to reflect its relative importance
- Employees will be reviewed against the competencies and not compared against each other
- The employees should be scored independently by the panel members. .
- Another Manager or Governor not connected with the redundancy selection process should review all of the scoring for consistency and fairness
- Interview training for affected employees may be offered where appropriate.

## **SELECTION CRITERIA & DEFINITIONS**

Selection criteria should be set at the beginning of the consultation process.

In assessing against the selection criteria, higher positive scores reflect better achievement against the criteria. Negative scores are given to deduct points for undesirable performance against the criteria. Therefore, the employees selected for redundancy will be those with the lowest cumulative scores.

**The following are examples of criteria which can be used with the full agreement of teaching and non-teaching unions in a redundancy matrix. Depending on the role being selected for, all, or a combination of the following criteria can be used.**

### **KNOWLEDGE**

Assessment of knowledge should be based on that which will be required for continuing operational needs. Allocation of scores should reflect the depth and breadth of knowledge which is relevant to the job. It is important that assessments about knowledge have a direct link to the job role which the individual is being assessed against and not broader knowledge which, whilst valuable, has no bearing on the job role. Managers using this criterion should make sure that they have clearly identified what knowledge areas are requirements for the job, so that fair assessments of an individual's knowledge can be made.

- Score 5 Displays the full knowledge required for the role
- Score 4 Displays core knowledge require for the role
- Score 3 Displays some of the required knowledge, but there are clearly gaps in knowledge required for the role
- Score 2 Displays limited knowledge required for the role.
- Score 0 Displays insufficient knowledge to operate within the role.

### **SKILLS/COMPETENCIES**

Assessment of skills should be based on those which will be required for continuing operational needs. Allocation of scores should reflect the range of skills that the employee has which are relevant to the job. It is important that assessments about skills have a direct link to the job role and not broader skills strengths which, whilst valuable, have no bearing on the job role. Managers using skills as redundancy selection criteria should make sure that they have clearly identified the full skills set/competencies required for a job, so that fair assessments can be made.

- Score 5 Displays the full range of skills required for the role
- Score 4 Displays a good range of skills require for the role
- Score 3 Displays some of the required skills, but there are clearly gaps in knowledge required for the role
- Score 2 Displays few skills in relation to the job role.
- Score 0 Displays insufficient skills to operate within the role.

## EXPERIENCE

Assessment of experience should be based on that which is directly relevant to the continuing needs of the school. Allocation of scores should reflect the depth and breadth of experience which is relevant to the job. It is important that assessments about experience have a direct link to the job role which the individual is being assessed against and not on wider experience which, whilst valuable, has no bearing on the job role for which redundancies are being considered. Managers using experience as a redundancy selection criterion should make sure that they have clearly identified previous experience which is relevant to the job role and, where appropriate, should indicate the depth and breadth of experience required. Managers should guard against defining timeframes of experience required as this would contravene the Employment Equality (Age) Regulations (2006).

- Score 5 Has abroad and varied experience which is highly relevant to the role
- Score 4 Has a good range of experience, gained in relevant settings require for the role
- Score 3 Has some good experience, but there are identifiable gaps in experience required for the role
- Score 2 Has limited previous experience in relation to the job role.
- Score 0 Has no previous experience of the job role.

## QUALIFICATIONS

Use of qualifications as a selection criterion should be based on the essential and desirable qualifications or equivalent listed in the person specification for the post. If there are no qualifications required for the post, then this selection criterion should not be used.

- Score 5 Fully qualified or equivalent as specified in the person specification
- Score 4 Part qualified and actively training toward full qualification.
- Score 3 Part qualified but not actively training toward full qualification.
- Score 2 Not qualified and not part qualified but actively training towards qualification
- Score 0 Unqualified.

## COST OF REDUNDANCY AND PENSION RELEASE

To avoid an imbalance in the scoring process, part time staff will have their actual cost of redundancy payments and any pension costs scaled up to full time equivalent. This will ensure comparison of like-for-like costs. Total cost for severance including capital cost for pension release will be used.

- Score 5 £60,001 and above
- Score 4 £45,001 - £60,000
- Score 3 £30,001 - £45,000
- Score 2 £15,001 - £30,000
- Score 1 £1 - £15,000
- Score 0 Nil cost

## **LENGTH OF SERVICE**

To avoid unfair discrimination, length of service must **not** be used as a main criterion for selection. However, length of service may be used as a tie-breaker where, following scoring of other criteria, two or more employees are scored equally.

Where length of service is used, managers must ensure employee start dates are correct. The individual with the longest service, according to start date with the school, Liverpool City Council, or under the Redundancy Modifications Order, will be deemed as the employee to be retained in employment. The individual with the shortest employment will be selected for redundancy.

**Appendix 2**

**Example Redundancy Selection Matrix**

Name of Employee.....

Criteria	Weighting	Score
Total score		

Appendix 3

Redundancy Pay Calculator/Matrix

Age	Service (Years)																			
	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	
17*	1																			
18	1	1½																		
19	1	1½	2																	
20	1	1½	2	2½	-															
21	1	1½	2	2½	3	-														
22	1	1½	2	2½	3	3½	-													
23	1½	2	2½	3	3½	4	4½	-												
24	2	2½	3	3½	4	4½	5	5½	-											
25	2	3	3½	4	4½	5	5½	6	6½	-										
26	2	3	4	4½	5	5½	6	6½	7	7½	-									
27	2	3	4	5	5½	6	6½	7	7½	8	8½	-								
28	2	3	4	5	6	6½	7	7½	8	8½	9	9½	-							
29	2	3	4	5	6	7	7½	8	8½	9	9½	10	10½	-						
30	2	3	4	5	6	7	8	8½	9	9½	10	10½	11	11½	-					
31	2	3	4	5	6	7	8	9	9½	10	10½	11	11½	12	12½	-				
32	2	3	4	5	6	7	8	9	10	10½	11	11½	12	12½	13	13½	-			
33	2	3	4	5	6	7	8	9	10	11	11½	12	12½	13	13½	14	14½	-		
34	2	3	4	5	6	7	8	9	10	11	12	12½	13	13½	14	14½	15	15½	-	
35	2	3	4	5	6	7	8	9	10	11	12	13	13½	14	14½	15	15½	16	16½	
36	2	3	4	5	6	7	8	9	10	11	12	13	14	14½	15	15½	16	16½	17	
37	2	3	4	5	6	7	8	9	10	11	12	13	14	15	15½	16	16½	17	17½	
38	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	16½	17	17½	18	
39	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	17½	18	18½	
40	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	18½	19	
41	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	19½	
42	2½	3½	4½	5½	6½	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	
43	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	
44	3	4½	5½	6½	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	
45	3	4½	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	
46	3	4½	6	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	
47	3	4½	6	7½	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	
48	3	4½	6	7½	9	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	23½	
49	3	4½	6	7½	9	10½	12	13	14	15	16	17	18	19	20	21	22	23	24	
50	3	4½	6	7½	9	10½	12	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	23½	24½	
51	3	4½	6	7½	9	10½	12	13½	15	16	17	18	19	20	21	22	23	24	25	
52	3	4½	6	7½	9	10½	12	13½	15	16½	17½	18½	19½	20½	21½	22½	23½	24½	25½	
53	3	4½	6	7½	9	10½	12	13½	15	16½	18	19	20	21	22	23	24	25	26	
54	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	20½	21½	22½	23½	24½	25½	26½	
55	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22	23	24	25	26	27	
56	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	23½	24½	25½	26½	27½	
57	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25	26	27	28	
58	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	26½	27½	28½	
59	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28	29	
60	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28½	29½	
61+	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28½	30	



17\* - The table starts at age 17, as it is possible for a 17 year old to have 2 years' service. Compulsory school leaving age can be 15 3/4 or 15 4/5 where a child is 16 before 1st September. Particular care should be taken when calculating an individual's redundancy pay when they joined as an employee below the age of 16.

61\* - The table stops at age 61 because for employees aged 61 and over, the payment remains the same as for age 61.

**Under this policy, redundancy payments may be more favourable than required by legislation. When calculating redundancy pay, the employee's actual weekly gross pay is used in all cases.**