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Model Redundancy & Reorganisation Policy



St Margaret's
Academy



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1 Introduction

The Academy is committed to ensuring that where possible, Redundancy is a last option. Through its budget monitoring and effective Governance, it is hoped that redundancy situations can be avoided. However, at times the need will arise to reorganise in order to create a structure that better suits the needs of pupils and the organisation. Equally, via the options chosen by pupils, there may be a need to reduce the number of staff who work in a particular area or subject. Wherever the need to utilise this policy arises, the Academy will ensure that individuals affected are treated with dignity and respect.

1.1 Scope

This policy will apply to all Academy employees and provides information and guidance for the Governing Body/Headteacher/line managers and staff on the procedures that should be followed where faced with the need to restructure or apply staffing reductions. This policy is relevant to both teaching and support staff.

1.2 Equality Statement

This policy applies equally to all Academy employees regardless of their age, disability, sex, race, religion or belief, sexual orientation, gender reassignment, pregnancy and maternity, marriage or civil partnership. Care will be taken to ensure that no traditionally excluded groups are adversely impacted in implementing this policy. Monitoring will take place to ensure compliance and fairness.

1.3 Policy Statement

It is our general objective to maintain secure employment for our employees by good business practice and forward planning. Changes in pupil numbers; changes in national education policies; changes to our methods of working; or changes to our internal structure can all affect the number of employees that we need. The purpose of our policy is to provide methods by which we can restrict redundancies to the absolute minimum and, where they are unavoidable, to provide a fair, consistent and sympathetic procedure by which we can minimise the impact of redundancy.

1.4 Responsibilities

The Academy will ensure that its duty to determine the staffing complement of the academy and decide who shall be employed there is carried out responsibly. It will ensure that information to be relied upon is accurate and used appropriately in the decision making process.

The Education Reform Act 1988 requires that Governing Bodies be responsible for establishing procedures for handling staff redundancies. They must:

- Ensure that appropriate selection criteria have been agreed by the Governing Body.
- Organise themselves in such a way as to ensure that the requirements of natural justice are fulfilled.

2 Identifying the need for Change

It is the responsibility of the full Governing Body to explore and agree the need for changes to the staffing structure or staffing reductions. This can only be achieved with information from the Headteacher, setting out the Business case for change. The Business case may contain the following:

- up-to-date statements of any likely budgetary shortfall
- a description of future trends
- detailed analysis of likely curriculum adjustments for the following September, e.g. pupil numbers, subject areas by periods, staff lists, etc.
- Staffing structure changes that better suit the needs of the Academy

It will be the remit of the Full Governing Body to explore the business case and where possible seek to avoid the need to make redundancies. In doing so it will consider:

- Whether there can be an administrative transfer from one budget to another.
- An alternative structure that avoids the need for redundancies.
- The likelihood of any new posts being created in the structure that could be put forward to any displaced staff.
- Utilising funds from the previous year's budget to meet any temporary shortfall.
- Long term pupil and budget expectations.
- Generation of cash into the budget from other sources.
- Restriction on recruitment.
- Natural wastage, e.g. resignations and retirements.
- Whether there have been any requests for part-time working arrangements. *(If rejecting any request for part-time working, the Governing Body must be able to demonstrate objectively why it is not a practical option.)*
- Whether it is possible to retrain staff so that they can fulfil another post
- Identifying if there any secondment opportunities that may be available in other schools or academies.

Once it has been agreed that there is a need for changes to the staffing structure or staffing reductions to be made, the Governing Body will refer the practical task of undertaking the changes to the First Committee (the Nomination Committee) of Governors. This Committee will consist of not less than three Governors and not more than one-half of the Governing Body. The remaining Governors will hold themselves in readiness as an Appeal Committee should this be a later requirement.

3 Trade Union Consultation

Under the Trade Union Reform and Employment Rights Act 1993 (TURERA) the definition of redundancy for consultation purposes is widened to include "any dismissals for reasons not related to the individual", e.g. terminating a contract and re-engaging on different terms is also subject to consultation under the recognised redundancy procedure.

3.1 Initial first stage Consultation

Prior to any actions being taken to implement any of the required changes, it will be important to make contact at an early stage with recognised Trade Unions (regional and academy based representatives). This should happen before any information is shared with staff to allow consideration to take place on the business case for change. This can be done by the Headteacher on behalf of the Governing Body who can email the business case information and set up an invitation to allow members of the Unions to come along and discuss the situation. The Trade Unions will be able to offer any additional suggestions as to what the Governors may be able to do in order to prevent a need for redundancies.

The business case consultation document / face to face discussion will allow the Unions to explore:

- What action has already been taken to seek alternatives to avoid a staff reduction;
- The circumstances that have led to the need to consider a change;
- The reason for the proposed changes to staffing structure or staffing reductions;
- The potential level of staff reductions (full time equivalent – FTE);
- The total number and description of employees in the establishment;

In the event of representations being made by the recognised trade unions, Governors will consider and then respond formally to any alternative proposals. The legal requirement is to consult with a view to reaching agreement but failure to achieve agreement with the trade unions will not prevent the Governing Body from deciding that changes (including redundancies) are necessary.

3.2 More detailed second stage consultation

Where it has been determined that there is still a requirement for Change following all initial considerations and union consultation, the Unions should be provided with more detailed information on the Academy's proposed method of carrying out the change. This will include the following (where applicable):

- The consultation document that will be given to staff.
- Any proposed selection matrix process, criteria and method of selection;
- Any proposed slotting/ ring-fencing or selection process and criteria;

It should also include:

- The proposed procedure for carrying out the any actual redundancy dismissals as a result of displacement, including the period over which the dismissals will take effect;
- The proposed method of calculating redundancy pay where this will be in excess of the statutory (or contractual) scheme.

Such consultation should take place at least 1 week prior to information being sent to staff. This allows time for the unions to understand what is being proposed, and to consider any members that may be impacted. Unions may also be able to add further comments as to the structure and any suggestions that may not have been considered previously.

4 Staff Consultation

Following any feedback from the Unions, the staff consultation document will be circulated to staff and the formal staff consultation period begins. Consultation to all impacted staff should be for a reasonable length of time. 2-3 working weeks may be sufficient depending on the scale of the changes.

The staff consultation documentation should contain:

- A business case introduction and rationale for the need for change.
- A structure chart (without names) showing the old and new structure, if applicable.
- Any job descriptions (including the grades) for new posts created as part of the restructure
- Some indication of when the new structure will take effect.
- A clear deadline for any consultation responses to be received by and to whom.

4.1 Individual Communications

After the consultation period has concluded the Academy will consider all responses and may make changes to the proposals as a result. Where changes are made, the final proposal should be sent out to staff for information. (NB – where the changes are significant it may be reasonable to allow for a further period of consultation). The Academy should contact their HR provider for advice.

5 Applying the Appropriate Process

Following on from the consultation process the Headteacher, assisted by their HR provider will need to write to all impacted employees to inform them as to how the changes are likely to impact on them personally, and where applicable, which processes they will be subject to in order to fulfil the required change. Careful consideration will be given to the appropriate process that will be followed, being mindful that at any stage of the process, the situation can change.

5.1 Using Selection Matrix Criteria

The use of a Selection Matrix will occur where there is a need to reduce the number of identical posts within a structure. Specific criteria which will have been consulted upon, are then used to score each person and the overall scores determine who is to be displaced (see appendix 1 – Selection Matrix). Where it is preferred, a selection interview process can also be used to determine who should be displaced.

5.2 Reduction of a unique post

In circumstances where a unique post is identified as potentially redundant, use of redundancy selection criteria or other processes would not be appropriate. In these circumstances, following appropriate consultation, the Nominations Committee will formally **Nominate** them for Redundancy. (See Nominations Process).

5.3 Employees who remain displaced

Where through the process, there is no opportunity to be slotted in, or through a ring fenced selection process they are not appointed, the Nominations Committee will formally **Nominate** them for Redundancy. (See Nominations Process)

5.4 Slotting in

Slotting in will occur when there is a post in the new structure which is the same or broadly similar to a post in the previous structure. Normally a post will be deemed as being broadly similar if the nature of the post and level of responsibility remain much the same. Where only one employee has met the criteria, or where there are the same number of staff and available posts, slotting in will apply without the need for them to apply or go through any further process.

Employees who have been slotted into posts and are not therefore at risk of redundancy will not be eligible to apply for any other new posts in the structure until other employees who are at risk have been considered.

5.5 Ring-fenced posts (job matching with selection)

The objective of ring fencing is to give employees who may have a contractual claim on a position, by virtue of the fact that they currently undertake some of the responsibilities, to be considered for it.

Ring fencing is used where there are more employees than posts, or where the duties of the post in the new structure are not the same nor broadly similar to those in the old structure. The posts in the new structure can be ring fenced in the first instance to a single employee or a defined group of employees, based upon the degree to which the responsibilities of their current job description have transferred to the job description for the new post.

The ring fence will be determined by the headteacher in consultation with their HR provider. Employees who have been ring fenced to more than one post will be asked to express their preference and will be subject to a selection process. If the Academy makes an offer of suitable alternative employment and the employee unreasonably rejects that offer they may forfeit the right to a redundancy payment.

The normal recruitment and selection procedure will be used to fill any jobs which cannot be filled from within the ring fence. All other academy employees will have the opportunity to apply at this stage of the process.

5.6 Employees on Maternity Leave

The basic position is that an employee on maternity leave can initially be treated the same as other employees in the pool for selection for redundancy. However, if employees on maternity leave are selected, special provisions concerning offering alternative employment apply to protect them.

As long as a fair selection process is applied across the pool for selection it is possible that a pregnant employee or one on maternity leave may be selected for dismissal by reason of redundancy. Obviously pregnancy (or absence on maternity leave) must not be used as a selection criterion for redundancy.

Employees who are pregnant or on maternity leave must be notified of the redundancy process, invited to redundancy consultation meetings, included in the pool and considered for redeployment in the usual way. However, if employees who have actually commenced their maternity leave are selected for redundancy then special provisions apply to them. They must be given first refusal on any available suitable alternative employment. This means that such an employee will be treated more favourably than any other potentially redundant employees.

There would be no need for an employee absent on maternity leave to compete for a suitable alternative post, as the above section means the academy *must offer* such a vacancy to the absent employee. This gives the employee priority over other employees who are at risk of redundancy, even if they are better qualified than the woman on maternity leave. Points to note concerning this right include the following:

- The Regulation only applies only to terminations by reason of redundancy and not dismissals for other reasons.
- Any alternative work offered must be suitable for the employee and appropriate for her to do in her new circumstances and on terms not substantially less favourable than her old employment.

If an employer dismisses an employee on maternity leave without offering a suitable and alternative vacancy then the dismissal is automatically unfair.

6 Involvement of Governors

The involvement of Governors in the process is key and will require the utmost sensitivity and commitment to the process. At an early stage Governors should determine the membership of their First Committee (Nomination Committee) as this group will be required to undertake a number of meetings and make key decisions throughout the process.

A second determination of the membership of the Appeal Committee will also be required, although this may be deferred until required in order to retain an element of flexibility and to accommodate Governor availability. Any Governor will be excluded from membership of these committees if they have any identifiable vested interest.

Where a Governor is a member of such a Committee and subsequently wishes to withdraw, the Governing Body will give every consideration to the request but must comply with academy governance regulations. Whilst there is no legal right to preclude staff governors from the redundancy process their involvement is likely to create a significant risk to the soundness of any decision that is ultimately challenged in the courts.

7 Formal Nomination for Redundancy

Where because of a change process an employee becomes displaced from the Academy structure, they will be highlighted to the Nominations Committee. The purpose of this committee meeting is to allow Governors an opportunity to review the process to date, and make the final decision that an employee / employees should be nominated for Redundancy and be sure that the nomination is necessary.

7.1 Nominations Committee Prior Considerations

- a) To seek to match staffing to the academy's overall needs and responsibilities, in particular to maintaining the breadth and balance of curriculum and to meeting managerial, organisational and other legal requirements;
- b) To seek to ensure that, wherever possible, reductions in staff are achieved with minimum impact on the curriculum or support services.

7.2 Information to be provided to the Committee

The headteacher will provide an analysis of staffing, based on the Academy's strategic and, curriculum plans, pastoral needs and other management requirements. The Committee will receive a sufficiently detailed recommendation from the Headteacher, based on supporting documentation to demonstrate the processes that were followed (e.g. the selection matrix, interview scores, or business case where it is a unique post). The Committee will then reach an independent view as to which staff, if any, should be nominated once it has clarified that the following are not applicable:

- a) Reductions cannot be achieved by 'natural wastage';
- b) Any requests for part time arrangements have first been considered (where this will enable existing postholders to be retained);
- c) Where the hours of a post are to be reduced, the Committee has given first consideration to that postholder for such part-time replacement of that post as may be deemed necessary;
- d) Where in the case of a teacher, a 'Responsibility' postholder is considered, the Committee will satisfy themselves that a sufficiently able candidate(s) is available internally to take on the duties for which a Teaching, Learning and Responsibility point is paid, or that there is no longer a requirement that those responsibilities be carried out;
- e) Where in the case of a member of the support staff, the recommendations apply to a 'senior' postholder e.g. Senior Academy Administrator, Senior MTA, the Committee will satisfy themselves that appropriately qualified and/or experienced candidate(s) are available internally to take on the duties for which the higher grade was paid, or that there is no longer a requirement that those responsibilities be carried out.

The Nomination Committee's proposals will be formally recorded and a letter containing written confirmation, including the reasons for nomination will be provided to the employee within 2 working days of the decision.

The letter will invite the nominated employee to attend a formal "Representation Hearing" and advise that that they have the right to be accompanied at this meeting by a trade union representative or colleague.

8 Representation Hearing

Having made the decision to nominate an individual/s for redundancy, the Nominations Committee will invite the employee to a Representation Hearing (see appendix 2 for Representation Hearing Process). It is recommended that each body hearing such representations should be comprised of no less than three members of the Nomination Committee.

To allow the nominee the opportunity to discuss his/her situation with a trade union representative and to prepare a submission, the meeting will not normally be held less than **ten working days** after receipt of the written notification of nomination.

8.1 Right to be accompanied

The Trade union Representative or workplace colleague has the right to address the hearing to put the staff member's case, sum up the case, respond on the staff member's behalf to any view expressed during the hearing, and confer with the staff member after the hearing.

9 Right of Appeal Against Nomination for Redundancy

All individuals who have been Nominated for Redundancy have a right of appeal. The Appeal Committee will be made up of at least an equivalent number of Governors to the Nomination Committee.

The appeal is not a re-hearing but an opportunity for members of staff to challenge issues raised at the previous hearing. It also provides them with an opportunity to make representation to another committee in the Academy not involved in the original decision to declare them surplus to requirements (see appendix 3 for Appeal Hearing Process).

9.1 Timescales for Appeal

A nominee wishing to exercise his/her right of appeal must notify the Chair of Governors in writing within **five working days** of the representations hearing. Arrangements will be made for an appeal hearing to be held as soon as possible but not normally less than **ten working days after** the representation hearing.

The Appeal Committee must contain at least an equivalent number of Governors to the First Committee (Nomination Committee) none of who should have been involved in the original decision.

9.2 Situations where the Employee does not Appeal, or is unsuccessful in their appeal against Nomination for Redundancy

Where the Employee chooses not to appeal the formal Nomination for Redundancy, they should be issued with Formal Notice of Redundancy. Notice can either be given in person or at the end of the appeal meeting, to begin the day after the face to face meeting (and confirmed in writing). Alternatively, notice can be issued in writing, to begin the day after receipt by the employee.

Advice should be sought from Human Resources as to the detail that needs to either be discussed or included in the written notice letter. However, consideration should normally be given and, where applicable, agreed in relation to the following:

- Entitlement to contractual Notice
- Last date that the employee will physically be at work
- Last date of service (if different to above)
- How any outstanding annual leave will be used up (where applicable)
- Notional end dates for Teachers and how this fits with contractual notice
- Whether the Employee will be required to work all, part or none of their notice (in which case pay in lieu of notice will also need to be included).

9.3 Successful Appeal

Where the appeal is successful the Chair will consider what actions need to be taken next to move the situation forwards. The Headteacher / Line Manager will be responsible for taking actions following this decision.

9.4 Record Keeping

The Chair of each Committee must arrange for a record to be kept of the proceedings of that Committee given that there may be a need to produce the documentation used in arriving at decisions, both to subsequent Committees held in the academy and to an Employment Tribunal. However, minutes of the meetings, which will be held under Confidential Part 2 arrangements, will simply record the decision reached.

10 Suitable Alternative Employment (Redeployment)

If, after a member of staff has been given notice of redundancy, another member of staff resigns, the position of the former will be reviewed to determine whether there is suitable alternative employment available. A failure to offer available alternative work may give grounds for an unfair dismissal claim. Factors to consider when offering alternative work include pay, status, location, working environment and hours of work.

The offer must be made for the job to start either immediately after the end of the old job or after an interval of not more than four weeks (otherwise the individual's employment will be deemed to have ended on the grounds of redundancy). Consult with your Human Resources Advisor about the working of any alternative offer.

10.1 Refusing redeployment

If alternative work is available in the academy, employees will be given details to enable them to decide whether to accept or not. Employees who refuse unreasonably an offer of suitable alternative work may lose any entitlement to redundancy pay. Unreasonable refusal may arise when the difference between the new and old jobs is not considered significant or where the employee expresses no interest in either investigating or trying out alternatives. If an offer of alternative work is refused by a redundant employee, discuss the case with your Human Resources Advisor.

10.2 Alternative work – Trial Period

Any offer of alternative work will be made in writing. It will show how the new employment differs from the old and will be made before the employment under the previous contract ends.

An offer of alternative work will be subject to a trial period of four weeks. An employee, who is offered alternative work and who is under notice of redundancy, has a statutory right to a trial period of four weeks which begins when the previous contract has ended. However, it may be mutually beneficial to extend the trial period beyond four weeks, by agreement.

10.3 Terminating a Trial Period

If the Governing Body wishes to end the new contract within the four weeks for a reason connected with the job, the employee is entitled to a redundancy payment. If the dismissal is due to a reason unconnected with redundancy (e.g. disciplinary matter) the employee may lose that entitlement.

If during the trial period the employee decides the alternative work is not suitable and this is agreed, entitlement to a redundancy payment will not be lost. The four week period may be extended for retraining purposes by written agreement specifying the new end date of the trial period. An employee loses entitlement to any redundancy payment, which would have resulted from the loss of their previous job if they continue work beyond the agreed trial period. Employees should be made aware of this when the alternative job offer is made. Before any employee is offered a trial period in an alternative job, Governing Bodies are advised to consult with Human Resources Advisor.

10.4 Time off to seek alternative employment

Reasonable time off with pay will be allowed to enable employees to look for another post or to arrange training. Employees under notice of redundancy, who qualify for a statutory redundancy payment, have a statutory entitlement to reasonable time off with pay to look for another job or to arrange training. This must be allowed before the notice period expires. Where possible, this assistance should be extended to all potentially redundant employees.

10.5 Support

The Governing Body will, seek to ensure that all employees are given the opportunity for individual counselling. As a skilled task, it is sensible to use a trained counsellor to carry out interviews, ideally before redundancies take effect. Governing Bodies or individual employees may consult with Human Resources if counselling is desired.

11 Policy Feedback

Should you have any comments regarding this policy, please address them to the HR Policy mailbox – HRpolicy@torbay.gov.uk

11.1 History of Policy Changes

Date	Page	Details of Change	Agreed by:
August 2014	All	Policy has been re-formatted and policy now focuses more on Change, rather than strictly Redundancy (information has been included as to how to manage Re-organisations.)	
August 2014	11	Introduction of all employees being invited to the Representation Hearing rather than having the choice (to introduce at least one face to face individual meeting to the process)	

Policy to be reviewed in 2015

Appendix 1 Selection Matrix Criteria

Guiding Principles

Where a reduction in staff working hours has been agreed, the process must, in all cases, be subjected to the academy's formal redundancy procedures. Failure to consult on these matters could lead to a claim for unfair dismissal.

Where selection criteria is required as part of the process it will be objective, fair and consistent, precisely defined and capable of being applied in an independent way.

The Governors recognise that dismissal will be unfair if selection is:

- For a trade union related reason.
- Discriminatory on the grounds of race, sex, marital status, age or disability.

(The Committee will also need to bear in mind their academy's Equal Opportunities policy.)

It is also recognised that dismissal may be unfair if the agreed procedure is not followed or if circumstances apply equally to other employees who have not been selected.

Specific Criteria

For selection criteria to satisfy the test of objectivity they must be applied fairly and with care. Governors must be able to demonstrate that they have recorded carefully and objectively the steps followed in support of decisions taken in dealing with redundancy.

The trades unions must be consulted on the selection criteria that will be used prior to this being implemented.

The Committee, when applying the criteria will have regard to the following priority order:

- a) Where the loss of a member of staff would require no replacement of either a full or part-time nature.
- b) Where the loss of a member of staff cannot be achieved without some partial replacement, priority will be given to proposals requiring the least part-time replacement.
- c) Where, within the staffing structure, it is necessary to distinguish between individual members of staff beyond the above criteria, the Committee will, without priority, take an objective account of and seek a balance between:
 - i) **SKILLS & QUALIFICATIONS** – specific expertise, especially in conjunction with the Academy Strategic Plan and more detailed development plan, the provision of the National Curriculum or support services and other legal requirements.

ii) **BREADTH OF EXPERIENCE** – this is relevant experience and can be that gained whilst teaching or in personal experience. Length of service, age etc should not be relevant to this measurement.

iii) **FLEXIBILITY AND ADAPTABILITY** to changes in work patterns and methods.

In determining their specific criteria the Governing Body may wish to set a priority order to the factors listed under (c). For example the Governing Body may wish to seek a balance between bullet points (i), (ii) & (iii)c. If the Governing body wishes to set a priority order the text in (c) will need to be amended.

In the case of *Staffordshire County Council and Governors of St John Fisher School v Raju* (1994) the Employment Appeal Tribunal, in confirming that the teacher had been unfairly dismissed, took the opportunity to give guidance on the proper procedure to be adopted when selecting academy staff for redundancy. It concluded that selection must be based on objective criteria and that the Headteacher has only advisory role in the process.

In addition, it suggested that regard could be given the following:

- General academic qualifications.
- Particular subject expertise (including attendance on recent specialist courses).
- Capability to switch from subject to subject as demonstrated by the teaching timetable requirements within the academy and /or qualification and /or past actual teaching.
- Lack of qualifications in relevant subject areas.
- Lack of qualifications to teach to certain levels i.e. above/below certain age groups and/or to teach to particular exam standards.
- Any additional qualifications e.g. administration, sports, music, counselling, etc.

The Employment Tribunal considered that these criteria are for the most part capable of verification and objectively assessable one way or the other and above all capable of being assessed by Governors who may not necessarily have a detailed knowledge of the academy curriculum or administration.

Adoption by Full Governing Body of Selection Criteria

Following consultation with Unions the Full Governing Body will agree the selection process to be used when selecting staff as surplus to their requirements. This will include agreeing specific selection criteria where this will be used as part of the selection process.

Appendix 2 - Representation Hearing format

The format of the Representation Hearing will be as follows:

- a. The Chair will introduce all the parties present and will ask the nominee, and his/her Representative if they would like to put forward any representations as to why they should not be issued with formal notice of Redundancy.

Option 1

- b. Where the individual **does not** wish to put forward any representations, the Chair will confirm the proposed nomination and will confirm the individual's right of appeal and indicate the provisional date for any such appeal.
- c. The confirmation and formal right of appeal will be sent to the employee in writing within 2 working days.

Option 2

- d. Where the individual **does** wish to make representations, the nominee and his/her representative will do so and will also be given the opportunity to ask questions of the Headteacher and/or the Committee. Where a request is received for additional information the committee must give the matter due consideration.

Agreement to provide such information is recommended where:

1. It is seen to be reasonable and relevant to the nominee's case, e.g. a specific concern about the application of the selection criteria;
2. It is reasonably easy to present; and
3. It can be given in confidence to the meeting.

NB. Any reasonable request from the nominee to adjourn the meeting for consultation with their representative should be allowed.

- e. Members of the Committee may seek clarification from the nominee and Headteacher as necessary.
- f. After the nominee and his/her representative have made representations all parties (except Human Resources where present) will be asked to withdraw from the meeting whilst the Committee consider the information and the issues raised. All parties will be called back into the meeting to clear points of uncertainty relating to procedure or the information already provided.
- g. The Chair will give an oral response to the submission(s), answering any outstanding questions, and conveying the decision of the Committee to all parties.
- h. In the event that the proposed nomination is confirmed, the Chair will confirm the individual's right of appeal and indicate the provisional date for any such appeal.

- i. The Committee's decision, a response to any unanswered questions and the right to lodge an appeal, will be confirmed in writing within two working days.

Appendix 3 - Appeal Hearing Format

The format of the Appeal will be as follows:

- a) The Headteacher and a representative of the Nomination Committee will be available to answer questions from the Appeal Committee the appellant and his/her representative.
- b) The representative of the Nomination Committee will, in the presence of the appellant and his/her representative, make an oral submission outlining the reasons for the original proposal.
- c) The appellant and his/her representative will have the right of questioning after the statement, as will the Committee.
- d) The appellant and his/her representative will be given an opportunity to make an oral submission as to why he/she should not be proposed.
- e) The Headteacher, the representative of the Nomination Committee and members of the Committee, will have the right to question the statement after it is completed.
- f) The representative of the Nomination Committee will be given an opportunity to sum up their case.
- g) The appellant and his/her representative will be given an opportunity to sum up their case.
- h) All parties will withdraw whilst the Committee considers its decision. However, they will be recalled for clarification of points at issue, with all parties attending any such recall procedure. The appeal is not a rehearing of the case but is an opportunity for the member of staff to challenge issues raised at the previous hearing. It also provides them with an opportunity to make representation to another committee in the academy not involved in the original decision to nominate them.

It is not necessary to hear all the evidence but an Appeal Committee should satisfy itself that:

- Adequate information was available to enable the original Committee to make a measured decision;
- The individual was given the right to make representations and that those representations were weighed with the original information available;
- Having regard to all the circumstances the decision to select the member of staff was reasonable.

- i) The Committee will give its decision as to whether the appeal is successful or not orally to all parties recalled back into the meeting.
- j) The decision will be confirmed in writing **within two working days**. In the event of the Appeal being unsuccessful, there will be no further right of appeal against the decision.