

SCHOOLS' POLICY AND PROCEDURE FOR:

- **REDUNDANCY**
- **EARLY RETIREMENT ON THE GROUNDS OF EFFICIENCY OF THE SERVICE**
- **EARLY RETIREMENT WITH EMPLOYER CONSENT AND ILL HEALTH RETIREMENT**

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Purpose

1. Introduction

This document covers the council's policy and procedures in respect of redundancy and early retirement on the grounds of efficiency of the service, early retirement with employer consent and ill health retirement for school-based staff.

Scope

2. Policy statement

It is the policy of the council to:

- As far as possible provide security of employment for its employees.
- Act reasonably, fairly and lawfully in the management of redundancies and retirements.
- Consult with employees on details of the policy and at every procedural stage.
- Consult with recognised Trade Unions within the context of this policy.
- Seek appropriate alternatives to redundancies and early retirements wherever possible in order to protect the interest of employees and the financial burden to the council.
- Adequately assess all redundancies and early retirements to determine the correct balance between the cost of employees leaving the Authority and the service efficiently obtained by the council.

3. Redundancy

The council will do all it can through planning and good management practice to avoid situations where reductions in employees are required. Future employee requirements must be considered in annual performance / service plans. However, it recognises that changes in technology and ways of working, service needs and Government legislation, reductions in funding and other matters may prompt the need for the school to review its organisational structure and employee numbers. It will seek to address such issues in a sympathetic, fair, and consistent fashion, and at the same time be accountable for the business reasons which have generated the need for employee reductions. The first consideration is to determine whether a genuine redundancy situation has occurred.

Definition of redundancy

No redundancy payments can be made by the school unless the statutory definition of redundancy is satisfied.

A redundancy situation exists if the school ceases or intends to cease:

- (a) to carry on the business for which the employee was employed, or
- (b) to carry on the business where the employee was so employed,

or the school's business requirements have ceased or expected to cease or diminish for:

- (a) employees to carry out work of a particular kind, or
- (b) employees to carry out work of a particular kind in the place where they are employed.

The cessation or diminution may be permanent or temporary.

In all cases of potential redundancy, the relevant HR Business Partner must be consulted to ascertain whether there is a genuine redundancy before any further action is taken.

Redundancy Protection

From 6 April 2024, employees who are pregnant or returning from maternity, adoption or shared parental leave will gain priority status for redeployment opportunities in a redundancy situation, which is extended to employees who are on neonatal care leave from 6 April 2025. A failure to give priority protection can result in a redundancy dismissal being both automatically unfair and deemed discriminatory.

The protection starts and ends depends on the circumstances, summarised in the table below:

	Length of Protection
Pregnant employee who takes maternity leave	<p>Start: When the employer is informed of the pregnancy</p> <p>End: 18 months from the child's date of birth if notified to employer before the end of maternity leave (or 18 months from the Expected Week of Childbirth if not notified)</p> <p>Note: Includes any time spent in this period on maternity leave or other statutory leave</p>
Employee who has suffered a miscarriage	<p>Start: When the employer is informed of the pregnancy</p> <p>End:</p>

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	<p>Two weeks after the end of the pregnancy, for pregnancies ending before 24 weeks.</p> <p>Note: Pregnancies ending after 24 weeks are classed as stillbirths and the employee would be entitled to statutory maternity leave.</p>
Employee who takes adoption leave	<p>Start: Beginning of adoption leave</p> <p>End: 18 months from date of placement or date of entry into Great Britain (if overseas adoption).</p> <p>Note: Includes any time spent in this period on adoption leave or other statutory leave</p>
Employee who takes Shared Parental Leave (SPL)	<p>Start: Beginning of SPL</p> <p>End: If less than six weeks of SPL is taken, at the end of SPL. If more than six continuous weeks of SPL is taken, 18 months from child's date of birth (inclusive of any time spent on statutory leave).</p> <p>Note: If the employee has also taken maternity or adoption leave, those relevant protection periods apply rather than the SPL ones.</p>
Employee who takes Neonatal Care Leave (NCL)	<p>Start: Beginning of NCL</p> <p>End: If less than six weeks of NCL is taken, at the end of NCL. If more than six continuous weeks of NCL is taken, 18 months from child's date of birth or the date of the child's placement with them (or the date of the child's entry into Great Britain if the adoption is from overseas) (inclusive of any time spent on statutory leave)</p>

4. Procedure

Avoiding redundancy

The prospect of redundancy should be avoided wherever possible through the forward planning of resourcing requirements based on service needs. Where there is such a prospect, there should be early consideration of measures to avoid redundancies, including the following, which is not an exhaustive list:

- A freeze on recruitment
- Reduction/elimination of overtime working
- Reduction/elimination in the employment of temporary employees/agency staff/contractors
- Specific recruitment measures, e.g. use of short term contracts prior to any redundancy taking effect
- Retraining and redeployment of employees potentially at risk

Any measures taken will need to be compatible with the continuing provision of the relevant service.

Consultation

The school is committed to consult on potential redundancies irrespective of the number of employees affected. It undertakes to consult with the relevant Trade Union(s) when redundancies are proposed and with individual employees who may be directly affected. Consultation with the Trade Unions will be conducted with the aim of achieving an agreement.

Where potential redundancies affect a school, consultation will be led by the Headteacher (or designated person) with the support of the HR Business Partner. There are statutory requirements to follow in circumstances where 20 employees or more are to be made redundant. HR will advise on these requirements.

Notwithstanding any statutory requirements, the school undertakes to operate a fair consultation process and is committed to:

- (a) consult when redundancy proposals are being formulated
- (b) give recognised union representatives adequate information on which to respond
- (c) as far as is practical, give adequate time for a response to be made

Information supplied for consultation will cover:

- Reasons for the proposed redundancies
- The number and description of employees at risk
- Measures to avoid / minimise the risk of redundancy
- The proposed method of selecting employees for redundancy
- The period during which the redundancies are to take effect
- Measures to support individuals who are identified as redundant
- The proposed method of calculating redundancy payments

Information and documentation

Details of all redundancies being considered are provided to the Governing Body. Their prior approval to consult and to make available funds to support severance is required.

Documentation must be completed at every stage of the redundancy process by the appropriate Manager/HR Business Partner in order that a complete record of proceedings is available and to check that all aspects of the procedure have been adhered to.

Individuals affected by the redundancy proposals will be kept informed at all stages and receive complete details of the reasons for the proposals, the method of selection, compensation and employee support as part of the consultation process.

Redundancy pool

The HR Business Partner will work with the manager to determine from which pool of employees the selection for redundancy is to be made. Considerable care must be taken in defining the pool in that it relates to employees carrying out the work of a particular kind for which the school's requirements have ceased or diminished.

Voluntary redundancy

The school will seek volunteers for redundancy in the first instance where circumstances allow it to do so from employees within the pool identified or in some circumstances, related areas. The acceptance or otherwise of any application for voluntary redundancy is at the discretion of management in order to maintain a viable employee establishment. Volunteers will be given a detailed estimate of the redundancy payment they will receive before finally committing themselves to redundancy.

Selection criteria

Where there are more volunteers than are required or there are insufficient volunteers and this necessitates compulsory redundancies, selection criteria will be identified, wherever possible, by agreement with the appropriate Trades' Unions.

Selection methods and criteria must be fair, non-discriminatory, clear and objective. These are important factors in defending the selection if later challenged. There are no mandatory council selection criteria, and those chosen should relate specifically to the situation or areas of work where redundancies are occurring.

Some selection criteria that could be used might include:

- skills, aptitude and experience
- standard of work performance, where this can be objectively assessed
- attendance record
- the potential of the employee to adapt and retrain should alternative work be offered

In determining which criterion or criteria should be used, an HR Business Partner should be consulted.

Alternative employment

The school will make every possible effort to avoid compulsory redundancies by seeking suitable alternative work for employees identified as redundant. The process followed will be in accordance with the school's Policy and Guidelines on Redeployment.

Notice of termination

An employee's notice entitlement is set out in their contract of employment. Pay in lieu of notice will not be paid unless there are clear business reasons related to the work diminishing or ceasing before the notice period can commence or be completed. Consultation with the HR Business Partner must take place before any payment in lieu of notice is considered.

Appeals

Employees who are selected for compulsory redundancy have the right to appeal against their dismissal. They must register their appeal to the Clerk to Governors in writing within 5 working days of receipt of their redundancy notice clearly stating their grounds for appeal.

Appeals will be held in accordance with the Governor Appeals procedure and normally will be heard within 10 working days of the appeal being made. The employee will be

given at least 5 working days' notice of the appeals hearing and may be accompanied by a Trade Union representative or work colleague.

All documentation will be made available to the Appeals Panel.

Where a fixed-term employment contract comes to an end, irrespective of whether a redundancy payment applies, there is a right of appeal against the employment termination.

Time off to look for work or arrange training

Employees facing redundancy are allowed reasonable paid time off to look for alternative work or arrange/attend training.

Employee support

The school will give consideration to appropriate support for employees facing redundancy. This support may cover:

- job search techniques
- career/personal counselling
- Signposting to the RBWM job webpage

Individual employees should raise requests or enquiries in relation to support within these areas, either with their manager or with the HR Business Partner

The council provides confidential counselling direct to staff via an independent advice, information and counselling service. Details available from HR

Re-employment

If an employee who has formally been notified of redundancy is offered a new job with an associated employer covered by the Redundancy Payments (Continuity of Employment in Local Government ...) (Modification) Order 1999 before the end of their contract of employment, they will not be entitled to redundancy payment if the new appointment is to commence within 4 weeks of the expected redundancy date. This provision will be included in an employee's letter confirming the details of their redundancy. Details of employers covered by the Modification Order are available from the HR Business Partners.

Redundancy payments

An employee must have 2 years' continuous Local Government service in order to qualify for a redundancy payment. The school will pay statutory redundancy weeks in accordance with the provisions of the Employment Rights Act. The school will exercise its discretion under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England & Wales) Regulations 2006 and the Teachers

(Compensation for Redundancy and Premature Retirement) Regulations 2015 in favour of actual weeks' pay in calculating redundancy payments. In calculating actual week's pay, this will exclude the value of any employers' pension contribution.

All redundancy payment calculations will be provided by HR.

Entitlement to a pension

If an employee is aged 55 or over at the effective date of termination for redundancy and has 2 years' service in LGPS, he / she is entitled to an immediate pension and a lump sum.

The cost of all redundancy payments and that of any pension enhancement will be met from the school budget. These costs are to be recovered as quickly as possible but normally no later than a time-scale of 5 years, or until the retiree's normal retirement age, whichever is the sooner. Costs will include the pension elements which result from the employee retiring early.

Under the Council's Employers' Discretions – Statement of Policy, the council has determined to make no enhancement to pension on redundancy.

HR will also arrange for LGPS pension cost estimates to be provided.

5. Retirement on the ground of efficiency of the service

The school can agree to the retirement of an employee on the grounds of the "efficiency of the school's services". At their discretion, in accordance with the Local Government (Early Termination of Employment) (Discretionary Compensation) (England & Wales) Regulations 2006, the governing body may award discretionary compensation.

It is the school's policy to consider every case on its merits.

Retirement on Efficiency grounds will only be considered where the employee, through no reason associated with wilfully inadequate performance, is unable to cope with the resulting changes to the content and/or design of their job, or cannot cope with any other alternative job, and it would be in the interest of the individual employee and the school for the individual to retire on efficiency grounds. In such circumstances the benefits to the school must be demonstrable. Reasonable alternatives to retirement must have been fully considered, and the financial cost to the school arising from the retirement must be considered against the benefits arising.

Caution should be exercised in considering the early retirement on grounds of efficiency of the service where the circumstances should be addressed more appropriately through alternative formal procedures.

No discussion with an employee on the possibility of a retirement in this category can commence before HR has been consulted.

HR will assist the school with the consultation and the subsequent detailed arrangements for a retirement on the grounds of the efficiency of the service. HR will also arrange for pension cost estimates to be provided.

HR will ensure that the Director of Children's Services Finance are advised of the potential financial implications of any retirement in this category. .

Irrespective of the level of costs involved, HR will ensure that detail of any retirement on the grounds of Efficiency is provided to the relevant Director following consultation with the Finance Service. Where the total costs are in excess of £50K (whether singularly or collectively) approval is required from the Chief Executive (Head of Paid Service) to enable them to make an informed decision. The report to include:

- The grounds for the Efficiency retirement
- Alternatives considered
- The financial implications and benefits to the school
- The impact upon the pension fund

6. Early retirements with employer consent

Any employee aged at least 55 and under 60 can request early release of their pension under the Teachers' Pension Scheme and the Local Government Pension Scheme. This may result in an actuarially-reduced pension but will depend on individual circumstances and is at the school's discretion.

7. Ill-health retirement

The Teachers' Pension Scheme (TPS) and the Local Government Pension Scheme (LGPS) Regulations provide for employees to retire on ill-health grounds and identify the enhancement to pensions to be made arising from this form of retirement.

It is a requirement of the TPS Regulations and it is the school's policy that ill-health retirement can only take place if the school has received professional advice from its occupational health service. Teachers' Pensions will then refer the case to an approved, independent registered medical practitioner, who needs to certify that on the balance of probabilities, the individual employee is permanently incapable of discharging efficiently the duties of their employment

It is a requirement of the LGPS Regulations and it is the school's policy that ill-health retirement can only take place if the school has received professional advice from its occupational health service via an approved, independent registered medical practitioner,

who has certified that on the balance of probabilities, the individual employee is permanently incapable of discharging efficiently the duties of their employment and:

i) Tier 1 qualification

Has no reasonable prospect of being capable of obtaining gainful employment before the age of 65.

ii) Tier 2 qualification

Is unlikely to be capable of obtaining gainful employment within a reasonable period, but is likely to be capable of obtaining gainful employment before the age of 65.

OR,

iii) Tier 3 qualification

Is capable of gainful employment within the next three years.

The school recognises that unfortunately some employees will develop an illness or medical condition which raises issues as to whether they can meet the terms of their contract of employment with the school. When such circumstances arise the school will address these in a sympathetic and fair manner, recognising the need to maintain the appropriate balance between concern for the well being of the employee and the needs of the school

In cases of ill health which may lead to a potential ill-health retirement, the following key points should be observed:

- An ill-health issue needs to be identified by the manager at the earliest possible stage.
- The employee and the manager must keep in touch with each other during the course of the absence and with advice from HR, the appropriate support provided to the employee.
- The impact of the health issue, irrespective of whether it results in a continuous absence from work, must be regularly monitored by the manager in order to manage the effects on service provision.
- At an appropriate stage, following discussion with HR, the manager must refer the employee to the occupational health service, for advice and guidance. In this way relevant information will be obtained to enable the appropriate manager to make an

informed judgement about the employee's ability to fulfil the requirements of their job.

In respect of the above, the occupational health service will need:

- information on the reasons for the referral
- details of the individual's absence
- details of the individual's job.

A referral for this purpose is available from HR.

HR will administer this process on behalf of the school.

- The relevant pension scheme will provide pension estimates once the criteria for ill-health retirement are satisfied.
- The decision to confirm the retirement of an employee on ill-health grounds is delegated to the relevant Headteacher in consultation with HR and the Director of Children's Services, having taken into account the advice and certificate received from the occupational health service or from Teachers' Pensions.
- The requirements of the Disability Discrimination Act must be taken into account before confirming the ill-health retirement. HR will advise on this.
- Where relevant employees retired on ill-health grounds will receive pay in lieu of notice at full pay rate.
- Details of all ill-health retirements under the Local Government Pension Scheme within the financial year will be recorded.

Roles and Responsibilities

- **Human Resources (HR)** is responsible for maintaining this document.
- **Employees** are responsible for reading this policy and actioning any employee requirements.

Principles

RBWM reserves the right to revise this policy or any of its components. Employees should review these terms periodically for any updates or changes.

Affiliated Document (The document can be accessed on the RBWM intranet.)

Document History

Version	Date	Contributor	Approver
V3.3.1	21/01/2026	HR Business Partners and HR Policy and Reward Manager	

Appendix (optional)