

# Restructuring and Redundancy Policy

## St Andrew's Church of England Primary School

We believe that 'Everyone is different. Everyone is special'. As Jesus taught us to love unconditionally, so we strive to nurture respect for all; to provide a rich and stimulating curriculum that considers the individual; and to care for the intellectual, social and spiritual well-being of our whole school community - encouraging positive engagement with the wider world, as affirmed through our school values and parable of the Good Samaritan.

Jesus said, "Love the Lord your God ..." and, "Love your neighbour as yourself." Luke 10:27



At St Andrew's we are committed to keeping pupils and staff safe. Our school policies are an essential part of the way we safeguard all members of our diverse school. We support democracy, the rule of law, individual liberty, mutual respect and tolerance of different faiths and beliefs. These principles help us to listen to each other and learn from each other to create a safe and rich learning environment for pupils and staff alike.

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The OCC model policy on which this policy is based can be found at:

[RestructuringRedundancy.pdf \(oxfordshire.gov.uk\)](https://www.oxfordshire.gov.uk/restructuring-redundancy.pdf)

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## Introduction

1. Every school must have a staffing structure which has been adopted by the relevant body after consultation with staff and unions. The purpose of this document is to provide headteachers and relevant bodies with guidance on the procedures for carrying out a review of the school staffing structure.
2. This guidance has been drawn up following consultation with headteacher groups and all the recognised trade unions and associations: ASCL, ATL, NAHT, NASUWT, NUT and Unison.
3. This guidance should be read in conjunction with other relevant documents, e.g. School Teachers' Pay and Conditions Document (STPCD), Conditions of Service for School Teachers in England and Wales (Burgundy Book), the National Agreement on Pay and Conditions of Service for support staff (the Green Book) and the school's Pay Policy.

4. It is recommended that academies which have chosen to continue to use the STPCD, Burgundy Book and/or the Green Book also follow this guidance. Where an academy uses this guidance the word 'school' should be taken to refer to the academy.
5. The term 'relevant body' has been used throughout this guidance. In maintained schools this is the governing body. The differing structures of academies means that the academy trust will need to define the relevant body for the purposes of this guidance.
6. Advice and support is available from an [HR Adviser](#).

## Getting Started

7. A review of a school's staffing structure should be conducted with a view to ensuring that the management and deployment of all employees and the allocation of responsibilities and duties is effective and focused on teaching and learning to raise standards. All employees and representatives of recognised trade unions must be consulted during the review. Headteachers have a duty to advise and assist the relevant body in conducting the review and preparing an implementation plan
8. The Headteacher will be responsible for conducting a staffing structure review. However, it is recommended that the full relevant body should take responsibility for two specific aspects of the review:
  - approving the draft structure and implementation plan for consultation
  - approving the final agreed staffing structure and implementation plan following consultation

These decisions should not be delegated to a committee.

9. Although responsibility for the conduct of a review lies with the relevant body, the headteacher will, in practice, lead the review in school on its behalf. The headteacher, in turn, may find it helpful to be able to draw on a range of views from staff, members of the relevant body and specialist HR advice during the review.
10. A full review will encompass the staffing structure for all employees. It should be a genuine whole-school review. A review provides the opportunity to develop with staff and trade unions a shared vision of a future structure which will result in enhanced teaching and learning for pupils.
11. In some circumstances it may only be necessary to review part of the staffing structure. It will be important to establish, as early as possible, the scope of any review and the group or groups of staff who may be directly affected. If the relevant body considers that the scope of the review is genuinely limited and that only part of the structure needs to be reviewed the headteacher should seek to agree with staff

and unions which employees should be formally consulted. The recognised unions should be consulted in all reviews.

12. The School Improvement Plan will be a key document to inform any review.
13. To assist in setting a timescale for managing the process, an illustrative timeline has been provided at Annex A. This maps the stages of the process, and gives an indication of the minimum time needed to carry out a full review. Key questions for headteachers and relevant bodies at Annex B provide a checklist of the main points in the guidance for headteachers and relevant bodies to confirm that they have followed the process.
14. As there is no single staffing structure which will fit the needs of every school, this guidance does not provide a template or a model structure; nor would it be appropriate to do so. Each school will need to look at and tailor its structure with regard to its particular needs and circumstances.

## Designing a new structure

15. Once all the necessary information is to hand and the headteacher has conducted any preliminary discussions, he/she will need to formulate a draft staffing structure and implementation plan to be put to the relevant body for approval as a basis for consultation. A template consultation document is provided at Annex D.
16. Costing the revised structure will be an important part of the process. In assessing the cost the headteacher will need to take into account the number and cost of each of the different types of posts they wish to have in the structure, e.g. leadership, TLRs, and support staff.
17. Any review should take into account equal pay considerations so that potential legal challenges from individuals are avoided. Any new or revised job descriptions for support staff should be submitted for job evaluation to determine the appropriate salary grade for the post.
18. Once the headteacher has determined the composition of the draft staffing structure it will be necessary to determine which of the existing staff should be appointed to which post in the new structure. The new staffing structure of a school must have a clear and transparent rationale. Each of the posts will require a draft job description. Each job description should include:
  - the purpose of the post;
  - to whom the post holder reports;
  - the people to be line managed by the post holder;
  - the generic responsibilities; and
  - the responsibilities specific to the post.

19. Using the draft job descriptions to inform the decision, the headteacher will need to indicate clearly (without at this stage putting names of individual staff against posts):
  - which posts are new;
  - which posts are a combination of several responsibilities previously in the structure.
20. Staff at all levels will be protected by the salary safeguarding arrangements in either the School Teachers' Pay and Conditions Document or, for support staff, the Pay Protection Policy, from sudden drops in total salary which might occur as a result of the proposed changes.
21. Where a post is identified as a new post it should be subject to normal recruitment procedures.
22. Where a post is largely unchanged and therefore almost an exact match to the responsibility of an existing member of staff that member of staff should be 'slotted in' to the post.
23. Where a post is a combination of a number of existing responsibilities held by current staff then the post should be advertised to those post holders only (ring-fenced) and an appointment made from that group following interview.
24. Where the duties of existing staff are revised the suitability of role, workload and contractual hours, training needs, and a review of pay and grading will have to be considered. Any revision of job descriptions should normally be agreed between the headteacher and the member of staff. Any extension of working hours must be by agreement.
25. There are a range of options that a school needs to consider in deciding the approach it will take in relation to implementing a new structure. The school may decide to progress towards implementation of a new structure gradually over a transition period, or may choose to proceed to implement the whole new structure all at once at given date.
26. In making a decision the factors that are likely to be relevant are:
  - the extent of change between the old structure and the new structure;
  - the current and anticipated budgetary considerations and the need to manage staffing costs, including any salary safeguarding costs, within budgetary limits;
  - the anticipated staff turnover during the relevant period.

## Finalising the new structure

27. The Headteacher should complete appendix D giving details of the proposals for the draft revised staffing structure or amendments.

28. All staff should be made aware of the review commencing and given a copy of these proposals.
29. The draft structure (appendix D) will be considered by the full relevant body.
30. Any governor, staff or otherwise, with a pecuniary interest or other conflict of interest in the matters under discussion must disclose it and, if necessary, withdraw from the meeting in accordance with The School Governance (Roles, Procedures and Allowances) (England) Regulations 2013. This does not mean that governors who are also members of staff should automatically be excluded from the relevant body's consideration of the draft structure and implementation plan on the basis that they have a pecuniary interest in the matter. The Regulations set out the circumstances in which a person will and will not be considered to have a pecuniary interest and provide, in particular, that a governor "will not be treated as having a pecuniary interest in any matter provided that the value of the relevant person's pecuniary interest is no greater than that of the pecuniary interest commonly held by those paid to work at the school"
31. In order to make informed decisions about the proposals members of the relevant body will need to be provided in writing with:
- the draft revised structure, including information about costs. At this stage, no named individuals should be identifiable in any part of the structure, but the structure should identify whether the posts are new; comprised of several existing responsibilities; or a post for matching ("slotting in") of responsibilities;
  - draft job descriptions;
  - the current structure and cost of each of the posts and an analysis of the implications of the new structure for the school budget, including the estimated costs of any safeguarding; and
  - the draft implementation plan.
32. The relevant body also needs to be clear that the draft revised structure and implementation plan they are being asked to approve is a basis for consultation. It should be made clear in discussion and in the minutes of the meeting that the relevant body will consider seriously all suggestions from staff and trade unions for amendments.
33. The relevant body may also wish to make its own amendments to the draft before approving it as a basis for consultation.
34. Following approval in principle by the relevant body, formal consultation with staff and trade unions should begin. The draft structure, implementation plan and all other documents presented to the relevant body (including Appendix D) should be sent to the secretaries of the recognised unions in Oxfordshire and made available to staff, together with a clear indication of the timescale for comments and a

reminder of what the next steps of the review will be. (A letter to staff is available in Appendix C)

35. Some schools will have established consultation mechanisms. Where these include all the recognised trade unions, these mechanisms could, with the agreement of all the unions, be used as the vehicle for consultation throughout the process
36. Employees who consider that they are directly affected by the proposals may wish to meet with the headteacher to discuss them. They may choose to be accompanied to such meetings by their union representative.
37. If requested by the trade unions, the headteacher should meet the unions collectively during the consultation period. It should also be open to individual staff and recognised trade unions to submit observations in writing.
38. The headteacher should keep a record of the dates of all meetings, those present, the key points made and the outcome.
39. The new staffing structure should not be regarded as final until it receives the final approval of the relevant body. It is recommended that this function is not delegated to ensure that the new structure has the support of the full relevant body.
40. The headteacher will present to the relevant body the draft staffing structure and implementation plan together with the comments received as a result of the consultation. The headteacher should advise of any amendments proposed as a result of the consultation, any proposals not incorporated and the reasons why.
41. The circulation of documents to the relevant body and the recording of its decisions should be made in the normal way.
42. The relevant body should consider the outcome of the consultation carefully. The options available are:
43. to adopt the staffing structure and implementation plan with any amendments proposed as part of the consultation which are accepted; or
44. to propose amendments to the draft structure and implementation plan which have not been subject to consultation.
45. If amendments are made which have not been the subject of consultation or there are concerns about some of the issues raised during consultation which have not been resolved, the relevant body can decide on a further period of consultation with staff and recognised unions. Where this option is adopted the staff and recognised unions should be notified in writing of the timescale of the extended period of consultation and the issues to be addressed during that period. The timescale of any further consultation should be proportionate to the scale of the amendments made by the relevant body, but should in no case be less than one week.

46. Once adopted by the relevant body, the new structure and implementation plan should be included as an annex to the school's pay policy.

## Implementing the new structure

47. The processes that the school will need to apply to introduce the new structure will depend on the nature of the changes proposed and turnover in the staffing structure. The template consultation document includes an example of an appointment process; this includes an explanation of slotting in and ring-fencing. Whether ring-fenced selection is needed will depend on the extent to which an individual's current responsibilities match the requirements of the new post at the point of implementation.
- 48. Where it is clear the restructure will lead to a redundancy situation, please refer to the Redundancy Policy (Appendix 2) and follow the process detailed in that document.**
49. The complexity of implementation will vary depending on the scale of the changes involved.
50. Each member of the teaching staff must be given a revised annual pay statement within a month of any determination which may affect his or her pay, including details of any safeguarding.
51. The Headteacher is advised to keep the relevant body, staff and recognised unions fully informed of progress during the implementation period.

## Appeal process

52. An employee may seek a review of any determination in relation to their pay or any other decision taken by the relevant body (or a committee or individual acting with delegated authority) that affects their pay. The employee should discuss the grounds for questioning the decision with the headteacher first, before putting the grounds for appeal in writing. The grounds for appeal are that the decision:
- incorrectly applied a provision of the School Teachers' Pay and Conditions Document (teachers only) or the school's pay policy;
  - failed to have proper regard to the agreed process;
  - failed to take proper account of relevant evidence;
  - took account of irrelevant or inaccurate evidence;
  - was biased; or
  - otherwise unlawfully discriminated against the employee.



53. The employee has the right to see all relevant papers, to make representations in person and be accompanied by a union representative or work colleague as appropriate.
54. Full details of the pay appeal process can be found in Oxfordshire's Model Pay Policy for Schools.

## Further guidance

55. For further guidance and support on any matters in relation to carrying out or implementing a review of a school staffing structure please contact a Schools [HR Adviser](#).

December 2017

## Annex A: Illustrative Timeline

Activity	Illustrative Timeline for review of staffing structure - minimum 11 working weeks												
Brief all members of staff	■												
Informal consultation and gathering of information - staff working party, individual discussions, etc.		■											
Relevant Body agrees draft structure and Implementation Plan			■										
Consultation period (minimum of 4 working weeks)				■									
Relevant Body approves Final Structure and Implementation Plan										■			
Publish Final Structure and Implementation Plan										■			
Implementation												Timescale dependent on scope and complexity of review	
Working weeks	1	2	3	4	5	6	7	8	9	10	11		

## Annex B: Key questions for Headteachers and relevant bodies

The key questions below provide a checklist of the main points in the guidance for headteachers and relevant bodies to confirm that they have followed the process set out in the full guidance.

### Getting Started

- Has the Relevant Body decided whether or not to establish a staffing working group to work with the headteacher on the review?
- Have clear principles for the review been established?
- Has the scope of the review been established?

### Process for conducting the review

- Has a timetable for the review been set, including formal consultation with staff and unions and meeting dates for the relevant body to consider the draft structure and implementation plan prior to consultation and to finalise
- the staffing structure and implementation following the close of consultation?
- Has the headteacher written to all staff and unions to announce the start of the review?
- Have the timescales and deadline for written responses on the draft structure been made clear and communicated to staff and recognised trade unions?
- Have staff and the recognised trade unions been given the opportunity to engage in discussion and consultation at appropriate stages of the review?

### Draft structure

- Is there a clear rationale for changes to posts in the staffing structure?
- What are the implications for change from the current structure in terms of distribution of posts, responsibilities, number of posts, and cost to the school budget?
- Is the proposed structure consistent with the provisions of relevant legislation, including equality of opportunity?

### Draft implementation plan

- Does the plan assume an immediate or phased implementation?
- How does the implementation plan impact on the school budget throughout the whole period of transition? Is it manageable?
- Are the posts in the new structure clearly identified as new, combined or matched responsibilities?
- What process will be used for filling new posts?

### **Draft job descriptions**

- Do all posts with Teaching and Learning Responsibility payments (TLRs) meet the criteria and factors set out in the School Teachers' Pay and Conditions Document?
- Has proper consideration been given to equal weighting and value in the distribution of responsibilities and the value of TLRs and leadership posts in the new structure?
- Have any changes to job descriptions for support staff been job evaluated to identify any changes to pay and grading?

### **Finalising the new structure**

- Has the agreed process for consultation been followed?
- What changes have been made to the draft structure and implementation plan as a result of the consultation?
- Are there any concerns raised by unions and staff during the consultation which have not been addressed?
- Have all the written responses to the draft structure, implementation plan and job descriptions from unions and staff been considered by the relevant body?
- Has the relevant body decided to make changes to the draft structure and implementation plan? (Where the draft structure, implementation plan and job descriptions are changed at the meeting, the relevant body will need to consider whether further consultation is necessary before finalising them.)

### **Implementing the new structure**

- Is there an agreed process for publishing the agreed structure and implementation plan?
- Has the Relevant Body considered the implications for the school's pay policy?
- Have staff who are entitled to salary safeguarding been clearly identified?

### **Open, fair and transparent management of the process**

- Has the review been conducted in an open, fair and transparent manner at all stages?

## Annex C: Template letter to announce the start of a review

*Note: You will need to insert details and key dates in the appropriate places.*

To: All members of staff Copy to:

Union Representatives Chair

of <the Relevant Body<sup>1</sup>><sup>1</sup>

Dear Colleague

### **Review of School Staffing Structure**

I am writing on behalf of the <Relevant Body> to inform all members of staff of its intention to carry out a review of the school's staffing structure. The purpose of this letter is to ensure that you are aware of the purpose and scope of the review; the process we will be following, including arrangements for consultation; and the timescale we will be working to.

The overall purpose of the review is to ensure that the management and deployment of all staff and the allocation of responsibilities and duties is effective and focused on teaching and learning to raise standards.

The scope of the review will include all groups of staff. All staff will receive full details of the proposals and will be invited to respond during the formal consultation period.

or

The scope of the review will include the following groups of staff <specify which groups of staff, e.g. teachers, classroom support staff, administrators, etc> Staff in these groups will receive full details of the proposals and will be invited to respond during the formal consultation period. If any other members of staff would like to be included in the formal consultation they should let me know before consultation starts.

During the review we will take account of:

- The school improvement plan and our priorities and vision for the school;
- The roles and responsibilities of all staff in the scope of the review;

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<sup>1</sup> The term 'relevant body' has been used throughout this document. In maintained schools this is the governing body. The differing structures of academies means that the academy trust will need to define the relevant body for the purpose of this consultation

The process that we will follow in carrying out the review is summarised below.

	<b>To be completed by</b>
Headteacher informs all staff and unions of the start of the review.	Insert date
Headteacher gathers relevant information, holds initial discussions and drafts a revised staffing structure.	Insert date
Relevant Body considers and approves the draft structure and implementation plan for consultation. (Annex D)	Insert date
Formal consultation with all staff and unions on the draft structure and implementation plan. A minimum of 4 working weeks should be allowed for formal consultation.	Insert date
Relevant Body receives feedback from the consultation and approves a revised or final version of the structure and implementation plan (after a further period of consultation if significant revision is necessary).	Insert date

Any written responses to the formal consultation will be required by <Insert date>.

Time will be given during the staff meetings on <Insert date> to explain the proposals and answer questions about the review.

Unions are invited to nominate a representative to whom information about the review will be sent. A copy of this letter has also been sent to the Oxfordshire secretaries of each of the recognised unions.

Further information about the review will be made available to all staff as the review proceeds. If you have any questions about the review please ask me.

Yours sincerely

Headteacher

## Annex D: Template consultation document

Template for consultation document including outline appointment process.

Note: any text in italics is provided as an example and should be replaced with school specific text or deleted as appropriate.

# Staffing Structure Review Consultation

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## Introduction

The purpose of this document is to make available to all staff and recognised trade unions the proposals for the staffing structure of <Name> School. The proposed structure and implementation plan has been approved for consultation by the Relevant Body<sup>2</sup>

The document is organised into six sections:

Section 1: The consultation process

Section 2: How to respond to these proposals

Section 3: The appointment process

Section 4: The proposed staffing structure

Section 5: Implementation Plan

Section 6: Job descriptions

Appendices: Pay and conditions – background information

## Section 1: The Consultation Process

The period of formal consultation begins on <date> and closes on <date> at <time>.

All responses to the consultation will be considered by the Headteacher and the staffing working party of the Relevant Body and adjustments will be made to the proposed structure if appropriate.

If necessary, there will be a further period of consultation.

Please note the last date by which you can respond to these proposals is **<date>**.

## Section 2: How to Respond to these Proposals

If you want to comment on these proposals there are two ways in which you can do so.

### **In writing**

You should address your response to <the Headteacher> marking the envelope “Staffing Structure” and delivering it to the school office or sending it by email to <email address>. All written responses must be received by **<time>** on **<date>**.

### **Through your union representative**

If you prefer to make representations through your union representative you are welcome to do so. A full copy of these proposals has been sent to the nominated representatives of the recognised unions: ATL, NASUWT, NUT, NAHT, ASCL and Unison.

### **If you would like further information**

<The Headteacher> will be available to answer questions about the proposed staffing structure at <time> on <date>.

## Section 3: The Appointment Process

### **How staff will be appointed to posts in the new structure**

For teachers and support staff the process of appointment to the new structure will be the same.

### **Where a job does not change**

For some staff a significant part of their existing responsibility or workload will be transferred



to the new staffing structure. This will be determined by an analysis of the post holder's current job description or work and future job description. Where there is a close match the post holder will be "slotted-in" to the new structure.

### **Where a job changes**

For posts which are entirely new or significantly different there will be an appointment process, this will be managed as detailed below. *<This is likely to be the case for some teaching posts of responsibility which will not be the same in the new structure as in the current structure and there will be some new opportunities for teaching assistants in the creation of Higher Level Teaching Assistant posts.>*

To ensure that individuals are appointed to a suitable post in the new structure and to reduce the number of individuals being displaced from their current salary level, a system of "ring-fencing" will be used.

- Ring-fencing means that a post will not be open for all to apply but only for the designated members of the ring-fenced group.
- An individual's pay level and current responsibility will determine his/her entitlement to be in a ring-fenced group. For teachers this will be determined by the value of permanent teaching and learning responsibility payments.
- Ring-fenced groups will include relevant teachers and support staff who are paid a protected salary.
- Posts in the new structure will be ringed-fenced to those individuals at the same or similar salary level in the current structure.
- Where more than one post is available at a particular level in the structure members of the ring-fenced group will be asked to express a preference from those posts available.
- Candidates will be assessed by interview against selection criteria for the post and the most suitable candidate will be appointed. The remaining candidate(s) will be considered for the next ring-fenced level down.

Posts filled by interview will follow a 'light-touch' appointment process to ensure the minimum hardship for those staff affected. For those posts that are ring-fenced selection criteria will be made available and each candidate will be asked to provide a written statement of his/her suitability for the post of no more than two sides of A4. The post will be given to the most suitable candidate based on his/her written statement and interview. Details of arrangements for interviews, including the composition of the panel, will be made available to all candidates in advance.

A post in the structure which has no similar role in the current structure and which represents a promotion opportunity will first be advertised internally within the school and open for all to apply. If a suitable candidate cannot be appointed from within the school, the post will be

advertised externally.

A timetable for appointments to the new structure will be drawn up when the new structure is confirmed. This will include posts which are ring-fenced with details of those who are eligible to apply. A member of staff who is not identified as eligible to apply and considers that he/she should be included in the ring fence can appeal to be included in the ring fence.

To appeal the member of staff should first discuss the issue with the headteacher. If he/she is not satisfied he/she should write to the Chair of the Relevant Body setting out the reasons for his/her appeal. The Chair of the Relevant Body will either review the issue him/herself or appoint another member of the Relevant Body to do so.

### **Where no similar post is available**

Where a similar job is not available to an individual in the new structure, a suitable available alternative post that makes best use of his or her skills and experience will be offered. "Suitable" depends on a number of factors including: pay, status and hours of work. Where an individual's salary level is safeguarded as a result; additional duties will be considered to reflect the safeguarded salary level. When the safeguarding ends the additional duties will also be taken away.

If a suitable alternative post cannot be found the individual may be at risk of redundancy and if dismissed due to this reason entitled to redundancy compensation.

## **Pay protection**

### **Safeguarding salaries for teachers**

The safeguarding arrangements for teachers' salaries will follow the statutory requirements contained in Section 2 of the current School Teachers' Pay and Conditions Document. Under these arrangements any safeguarded sums are for a maximum period of three years.

### **Safeguarding salaries for support staff**

The safeguarding arrangements for support staff will follow Oxfordshire County Council's Pay Protection Policy. Where there is an entitlement to safeguarding pay protection of up to the maximum of one grade above the grade of the new job, can be offered. The protected rate will be frozen and paid for a period of 12 months. At the end of the 12 month period the employee's pay will reduce to the top pay point of the grade of the new job.

## Section 4: The Proposed Staffing Structure

In this section the proposed staffing structure and its rationale should be described with information about the cost of the proposed changes. No named individuals should be identifiable but the structure should identify whether a post is new; comprised of several existing responsibilities or is a post which matches an existing role and will be filled by “slotting in”. An organisation chart or diagram representing line management arrangements is also helpful.

## Section 5: Implementation Plan

In this section the timescale for implementing the revised structure should be set out.

## Section 6: Job Descriptions

Outline job descriptions should be provided for all posts in the structure where a full review is being carried out and for those posts directly affected where the review is of part of the staffing structure.

# Appendices

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## Appendix 1: Pay and Conditions - Background Information

### Teachers

The statutory requirements for teachers' pay and conditions are set out in the School Teachers' Pay and Conditions Document (STPCD), and maintained schools and local authorities must abide by these. These requirements also apply to academies that have chosen to continue to use School Teachers' Pay and Conditions. A copy of the current document can be found on the GOV.UK website:

<https://www.gov.uk/government/publications/school-teachers-pay-and-conditions-2014>

Schools must also have a pay policy which sets out the basis on which they determine teachers' pay. This school has adopted the Oxfordshire Model Pay Policy for teachers.

### Teaching and Learning Responsibility Payments (TLRs)

A TLR may be awarded to a teacher for undertaking a sustained additional responsibility in the context of the school's staffing structure for the purpose of ensuring the continued delivery of high-quality teaching and learning and for which he or she is made accountable.

There are two levels of TLR payment for permanent positions within the School's staffing structure, the value of a TLR is determined by the relevant body in accordance with its pay policy and within the appropriate range. For a TLR 2 and for a TLR 1 the school will need to refer to the School's Pay Policy to confirm the value.

A TLR 3 may be awarded to a classroom teacher for a specific time-limited school improvement project. The purpose of the post and its duration must be established at the outset. The value of a TLR 3 must be determined by the relevant body. The range for a TLR 3 is in the School's Pay Policy TLR 3s are not subject to pay protection arrangements.

The criteria for TLRs are specified in the School Teachers' Pay and Conditions Document; with the exception of c and e below which do not have to apply to the award of a TLR 3, all of the criteria have to be satisfied for a TLR payment to be attached to a post. The criteria are as follows:

A TLR 2 can be awarded for a significant responsibility not required of all classroom teachers and that:

- a) is focused on teaching and learning;
- b) requires the professional skills and judgement of a teacher;
- c) is to lead, manage and develop a subject or curriculum area, or to lead and manage pupil development across the curriculum;
- d) has an impact on the educational progress of pupils beyond the teacher's
- e) assigned pupils;
- f) involves leading, developing and enhancing the teaching practice of other staff.

A TLR 1 must also include line management responsibility for a significant number of people.

### **Support Staff**

The pay and conditions for school support staff are those of the National Agreement on Pay and Conditions of Service for support staff, commonly known as the Green Book. Pay is determined by the duties of the job and is assessed through a process of job evaluation.

The Green Book job evaluation scheme was introduced in Oxfordshire in June 2003 to ensure that the appropriate grade for a job is decided objectively and fairly and applies to all Green Book staff. The demands of the job are assessed against 13 job factors and considered by a joint moderation panel.

Many jobs in schools fall into standard patterns. Details of standard roles are in the 'Guide to Evaluated Grades for School Support Staff Jobs' this can be found along with further information on current rates of pay and job evaluation on [Oxfordshire's Schools Intranet](#).

## Appendix 2

# Model Redundancy Policy for Oxfordshire Schools

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## Introduction

1. This Oxfordshire Model Redundancy Procedure is effective from 1 February 2016.
2. This procedure has been drawn up in consultation with recognised trade unions and associations: ASCL, ATL, NAHT, NASUWT, NUT and Unison.
3. This procedure provides a fair and objective approach to handling redundancies and has been developed in accordance with relevant employment law.
4. Advice on the application of this procedure is available from the school's HR Adviser.
5. This procedure applies to all employees working in the school. It should be read in conjunction with other relevant documents such as the School Teachers' Pay and Conditions Document (STPCD), Conditions of Service for School Teachers in England and Wales (Burgundy Book) and/or the National Agreement on Pay and Conditions of Service for support staff (the Green Book).
6. It is recommended that academies who have chosen to continue to use the STPCD, Burgundy Book, or Green Book also adopt this model procedure. Where an academy adopts this procedure the word 'school' should be taken to refer to the academy.
7. The term 'Relevant Body' has been used throughout this procedure. In maintained schools this is the governing body. The differing structures of academies means that the academy trust will need to define the Relevant Body for the purpose of this procedure.
8. The term 'head teacher' has been used throughout this procedure, however depending on the size and structure of the school the head teacher's role in the procedure may be delegated to other members of the senior leadership team, school business managers or line managers as appropriate. Where the head teacher is subject to these procedures, it will be managed by the Chair of the Relevant Body or other nominated governor.

## Redundancy costs

9. The costs of redundancy compensation, including any costs arising from the early release of pension benefits for eligible Local Government Pension Scheme members must be met by the school. Governors need to be mindful of this in making decisions. The Council's finance team can help maintained schools in managing these costs.
10. Relevant Bodies are strongly recommended to obtain an estimate of the costs of redundancy at an early stage.
11. For maintained schools handling redundancy, where Governing Bodies disregard Oxfordshire County Council advice the Council will not be responsible for the costs of any subsequent Employment Tribunal cases and all costs will be re-charged to the school.

## Responsibilities of the Relevant Body

12. Recommendations for dismissal by reason of redundancy are a matter for the school's Relevant Body.
13. For staff in Community, Voluntary Controlled, Community Special and Maintained Nursery Schools, the County Council is obliged to comply with the Governing Body's recommendations and to issue the notice of dismissal.
14. The Governing Body must notify the local authority, in writing, if it determines that any person employed or engaged by the authority to work at the school should cease to work there, and the reasons for that determination.
15. If the person is employed to work solely at the school, the local authority must terminate the person's contract giving notice as required under the contract
16. The local authority must take this action within 14 days of the date the notification was issued by the Governing Body.

## Statement of intent

17. The school, in consultation with the relevant recognised Trade Unions or Association, will seek to minimise the need to make employees redundant by careful management and planning and by seeking to find alternative employment for employees who are identified as surplus to the requirements of the school.

18. Where redundancy is unavoidable the school will seek to handle the redundancy fairly, consistently and sympathetically.
19. Selection for redundancy will not be undertaken on the basis of trade union membership or other representational activity, for asserting employment or other rights, for maternity related reasons or on grounds ruled out by the school's Equal Opportunities Policy.
20. Where redundancy is likely to affect pregnant employees or those on maternity leave, good practice guidance produced by ACAS will be followed. Managing redundancy for pregnant employees or those on maternity leave.

## Consultation

21. The Relevant Body will inform and consult trade unions and individual employees involved in any school re-structure at an early stage and in accordance with the School's Review of the School Staffing Structure Procedure

## When does redundancy apply?

22. Redundancy will arise only if one (or all) of the following circumstances applies:
  - the activity has ceased or is intended to cease.
  - the activity has ceased or is intended to cease in the place where the employee is employed.
  - the requirements for employees to carry out work of a particular kind have ceased or diminished or are expected to cease or diminish.
23. Employees on temporary or fixed term contracts who will be under a contract of employment at the time when consultation for redundancies occurs must be treated in the same way as employees on open-ended contracts. They may be eligible for redundancy compensation and/or pension payments, where applicable.

## Measures to avoid or minimise redundancies

24. The school will manage and plan resources appropriately in order to keep redundancies to a minimum. Where redundancies are unavoidable the cost effectiveness of any measures will be taken into consideration.



25. The school, in consultation with trade unions, will consider:
- restricting the recruitment of permanent staff
  - not filling vacancies arising from natural turnover
  - filling vacancies from among existing employees
  - reducing or eliminating overtime, where practicable
  - retraining and redeploying staff to alternative jobs
  - part-time working, including Flexible Retirement for 'Green Book' employees.

## Redeployment to alternative jobs

26. The school will make every effort to avoid redundancy by looking for alternative job opportunities in the school and by canvassing other schools.
27. It is up to the employee to decide whether the alternative work is suitable. The suitability is likely to depend on how the new job differs and particularly in relation to pay, status, location, working environment and hours of work.
28. When seeking to avoid redundancies by redeploying employees, volunteers for redeployment will be invited in the first instance. Where practical and appropriate, volunteers for redeployment will be given preferential consideration for vacancies which arise.
29. Where alternative employment has been identified and there are insufficient volunteers for redeployment, employees will be selected. Suitable alternative employment will be interpreted in accordance with the ACAS advisory booklet 'Redundancy Handling'.
30. Redeployments are subject to a trial period, not normally exceeding four weeks. The terms of the trial period will be put in writing to the redeployed employee when the offer of alternative employment is made.
31. Teachers will be entitled to salary safeguarding in accordance with the School Teachers' Pay and Conditions Document.
32. Support staff employed under National Agreement on Pay and Conditions of Service (Green Book), may receive pay protection in accordance with the Oxfordshire Pay Protection Policy.
33. The cost of any pay protection agreed will be met by the school in which the employee is currently employed.

34. Employees who unreasonably refuse an offer of suitable alternative employment may lose any entitlement to redundancy pay.

## Implementing redundancies

35. In order to implement redundancies as humanely as possible the school will adopt the following principles:
- consider carefully when to inform employees about potential redundancies and make sure that redundancies are not announced publicly until employees and trade union representatives have been informed;
  - notify employees personally of their position and the terms of their redundancy;
  - give redundant employees as much warning as possible;
  - allow employees time off to look for alternative work or training, in accordance with employment law;
  - assist employees in looking for alternative work where practicable;
  - consider the impact of redundancies on morale among employees and keep them informed.

## Redundancy Compensation

36. Employees must have at least two years' continuous service with the same or 'associated' employer, as set out in the Modification Order, to qualify for a redundancy payment if they are dismissed on the grounds of redundancy. Continuous service will be carried over in any transfer of employment under TUPE regulations, e.g. during academy conversion.
37. Redundancy compensation is based on an employee's age and length of employment. It is calculated in accordance with Oxfordshire County Council's current policy for such payments. This is to pay at actual salary rates for one and a half times the calculation for the statutory number of weeks' pay due. The statutory calculation is based on continuous service (maximum 20 years to count) with each year of service counting as follows: age up to 22, 0.5 week, 22-40, 1 week, 41 and over, 1.5 weeks.

## Notice

38. The dates a teacher can be issued with notice are outlined in the Conditions of service for School Teachers in England and Wales, the 'Burgundy Book', and in order for a dismissal to be effective the deadline dates must be met.

39. School support staff must be issued either their contractual or statutory notice entitlement, whichever is the greater amount up to a maximum entitlement of 12 weeks' notice depending on their length of service.

## Time off to look for other work and training

40. Employees are entitled to a reasonable amount of time off to look for another job and/or arrange training to help find another job.

## Right of Appeal

41. Employees have the right to appeal against selection for redundancy and should do so as soon as possible and within 5 working days of receiving the formal notification of the decision. Appeals against redundancy will be dealt with by a panel of Governors. This panel will be composed of Governors not involved in the original selection for redundancy and should contain no fewer members than were on the original committee.

## Supporting Employees

42. The school recognises that the redundancy process can be difficult for employees and will seek to support employees throughout the process including providing assistance to find alternative work. Employees will also have access to the school's Employee Assistance Programme including counselling services.

## Related Policies and Guidance

- Policy on Fixed Term and Temporary Contracts
- Pay Protection Policy
- Relocation and Disturbance Allowance Policy
- ACAS Redundancy Handling
- Managing redundancy for pregnant employees or those on maternity leave
- Redundancy guide timeline

## Review

This policy is regularly reviewed.

Revised November 2017