



THE FULHAM BOYS SCHOOL

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Revisions Table

<i>Version</i>	<i>Date</i>	<i>Edited by</i>	<i>Description of Change</i>

The master copy of this document can be found on the FBS Google Drive, under the “Policies” folder. This is one of a number of policies that are reviewed by the Governing Body, the full list can be found on the FBS Google Drive in the Policies Folder. Minor revisions that just adjust factual items (eg contact details / names) can be made by the author without formal review, and must be recorded in the Revisions table above. Revisions table front sheet was added to all policies Summer 2018.



REDUNDANCY POLICY AND PROCEDURES

Date of Next Review: Summer 2020

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DEFINITIONS

For the purposes of this Policy and all other School policies relating to employment the following definitions shall apply (not all defined terms will be material to this Policy or the procedures authorised by the governing body under it)

Appeal Committee	A Committee appointed to determine an appeal against the decision of another Committee. It must not include any prejudiced person but must include the same number of governors as were members of the Committee which made the previous decision against which the employee wishes to appeal.
Capability	An employee is capable who at all reasonable times demonstrates that s/he is fit, qualified and able to discharge all the demands made in the course of the work described in her/ his contract of employment. If, in some essential part of that work, a person, for whatever reason, evidently lacks professional or other relevant skills or competences or her/his performance is otherwise unsatisfactory that person is incapable in that respect. Lack of capability is not to be confused with misconduct or other disciplinary issues.
Capacity	This term has the same meaning as “capability”.
Chair of governing body	The person who is the chair of the governing body from time to time or, as the case may be, the governor nominated by the governing body to deputise for her/him.
Clear working day	A weekday other than a Saturday or a Sunday or a public holiday. A period of a stated number of clear working days is calculated from midnight on the day on which the triggering action or event takes place to midnight on the day before the event or action before which the period is expressed to expire e.g. a period of five clear working days after receipt of a notice will be calculated from midnight of the day on

which the notice was received to midnight on the last day of the period.

Clerk	The person appointed by the governing body as its clerk who shall also act as the clerk to a Committee or her/his substitute authorised from time to time by the Chair of the governing body for that purpose.
Committee	A committee to whom power is delegated by the governing body to act as a committee for the purposes of these procedures and such a committee shall comprise not less than one nor more than three untainted governors and such other independent persons selected by the Chair of the governing body
Companion	A person who accompanies the employee and who may be another employee of the School or a full time official employed by a trade union or lay trade union official as long as they have been certified in writing by their union as having experience of or received training in acting as a worker's companion at hearings or, in a case where a meeting or hearing concerns dismissal, a legal representative. Certification may take the form of an identifying card or letter. The person selected must be unprejudiced and her/his presence must not prejudice a fair hearing
Competence	The qualifications, skills and personal qualities contractually or otherwise reasonably required to fulfil the demands of the particular task in issue.
Complaint	An allegation made in writing that a named employee has behaved in an unacceptable way, which might justify disciplinary action being taken against her/him.
Counselling	For the purposes of these procedures this means any confidential one-to-one discussion for the support and assistance of an employee or other person.

Delegated powers	Powers to make any specified decision including to decide whether to hold a meeting or hearing or to make substantive or procedural decisions in the course of meetings or hearings expressly delegated to a Committee or its chair or the Headteacher or any other named or designated individual(s) by the governing body either under its constitution or by a decision of the governing body which has been minuted
Employee	Any employee of the School.
Exceptional case (relating to capability)	Very unsatisfactory performance that places the education of one or more pupils in jeopardy.
Governing body	The body of duly appointed directors and/or trustees and/or governors of the School.
Grievance	Any concern or problem that an employee as such raises in writing with her/his line manager or the Headteacher or the governing body on any matter relating to the administration or management of the School including a complaint by an employee against a management decision whether made by a line manager, the Headteacher or the governing body.
Gross misconduct	Misconduct so deliberate and serious that it could justify dismissal without previous warnings and without notice.
Headteacher	The teacher appointed or temporarily acting as headteacher of the School. Where the Headteacher is her or himself the object of the relevant procedure the term shall include the chair of the governing body or her/his deputy who will act as substitute for all necessary purposes.
Independent investigator	An independent person appointed by the chair of the governing body to carry out the initial investigation where the Headteacher and/or identified governors are either the subject of complaint, or have been involved in previous discussions relating to it or for some other appropriate reason.

Independent medical examination	A medical examination by a medical practitioner appointed and provided by the School with all relevant information who has not previously examined the employee whether or not also attended by a medical practitioner appointed by the employee at her/his expense . Such an examination will only take place in order to assess the capability of the employee including the likely date of a full return to work if at all and the desirability of any change to any duties or responsibilities and/or any reasonable adjustments to facilitate a full return to work and the probability of future absence and/or the underlying causes of past absence(s) and any need for referral or review of the outcome of the examination.
Investigator	The line manager or Headteacher or chair of the governing body or such other person (being either a governor or an independent person) appointed by the chair of the governing body as is appropriate in all the circumstances to investigate and establish the relevant facts.
Line manager	An employee of the School who has delegated responsibility from the governing body under the control of the Headteacher for the day to day management of an identified employee or group of employees. This will normally be a member of the senior leadership team.
Misconduct	An act or omission which is considered by the School to be either improper or otherwise unacceptable in contravention of School policies or rules and/or of professional standards and will be dealt with under the School's disciplinary policy and procedures.
Must	Indicates something which is required by law or formal policy or procedure adopted by decision of the governing body as to which there is no discretion under these procedures.
On duty	A member of staff is on duty when carrying out their contractual obligations or the

express instructions of the Headteacher on or off school premises.

On file

A record is on file if put and kept in an employee's personal file. Employees have access to their file through the Headteacher. Employees do not have access to confidential matters relating to other people or to confidential references which may be on their own file.

Prejudiced

To be potentially biased having previously read about, listened to or taken part in discussion of a relevant matter relating to a named employee or by being a personal friend or close relative of that employee. An unprejudiced person has no apparent bias arising from any such earlier involvement with the complaint or personal association with the employee.

Premature retirement

A valid application through the governing body by an employee who is a teacher aged 55 years or over and has completed the normal qualifying period for early retirement under the Teachers Pension Services or any other pension scheme in accordance with the scheme rules if any.

Procedures

The procedures authorised by the governing body and to be followed under the relevant School policy.

Pupils

Boys on the current School register

Records

Documents or other physical records including electronic data and documents setting out facts and other relevant matters.

Redundancy situation

The removal or reduction of a post which may result in dismissal of the employee currently in post where the governing body has ceased or intends to cease operating the School either in the place where the employee is employed or at all or where the requirements of the School for employees to carry out work of any particular kind have or are expected to cease or diminish for those or similar reasons.

School	The Fulham Boys School.
School day	A day when the relevant employee is contractually required to be present including any day when pupils may not be present.
Should	Indicates something which is generally accepted as good practice and recommended but is not required by law or formal regulation adopted by decision of the governing body.
Unions	Includes both recognised trade unions and professional associations of which the relevant employee(s) is a member at the material time.
Untainted governor	A governor who is unprejudiced in relation to the matter and whose ability to act and decide fairly in it is not impaired by previous direct involvement in that matter or by prior consideration of it by the governing body as such.
Voluntary redundancy/severance	Acceptance by an employee of termination of employment by dismissal in a redundancy situation either on the employee's application or on the invitation of the governing body.

1. POLICY

- 1.1 This document sets out the School's policy and procedures for managing redundancy in the unfortunate case that, whether for reasons of resources or restructuring or otherwise, a redundancy situation arises. The governing body of the School will ensure that all possible steps are taken to avoid compulsory redundancies and where this is not possible to reduce their number and mitigate their effects.
- 1.2 Responsibility for making any decision to declare a redundancy situation will lie with the governing body which will have the power to delegate functions to the Headteacher and to appoint and to give written terms of reference to any Committee under the following procedures.
- 1.3 The School will ensure that pastoral support for employees undergoing redundancy procedures is available on.
- 1.4 The governing body of the School is responsible for ensuring that fair, consistent and objective procedures exist for managing redundancy should it be necessary.
- 1.5 The procedures adopted under this policy are therefore intended to be workable, transparent, consistent, objective and fair so that they merit the confidence of all teaching and non-teaching employees and other stakeholders whilst bearing in mind the overriding objective of protecting the pupils and providing to them a safe and outstanding education at all times in accordance with the founding principles of the School and so far as is reasonably possible with the resources available.
- 1.6 In formulating its policy and establishing and operating its procedures for dealing with redundancy the School has and will at all times observe the principles of natural justice.
- 1.7 The School will ensure that action taken is fair and consistent and that there is close consultation with employees and with Unions when a redundancy situation is possible including as to the provisional timetable copies of which must be made available to all parties and to any Committee.
- 1.8 The School will ensure that in the event of a redundancy situation the legal rights of employees are fulfilled including the right of each employee continuously employed for a period of two years or more to receive the appropriate contractual redundancy payment subject to the statutory minimum bearing in mind that it is possible for there to be retained continuity of employment following transfer of employment. In order to fulfil this responsibility the governing body will take legal or other

independent advice as it sees fit.

1.9 In the formulation and implementation of its redundancy policy and procedures the School will also observe the guidelines set out in the current ACAS Code of Practice and any subsequently amended version or replacement of the Code and the provisions of the Equality Act 2010 and the law generally.

1.10 Current legislation relating to redundancy and the requirements of relevant employment law including those relating to equal opportunities have been considered and will be taken into account by the School in formulating its policy and establishing and implementing the following procedures.

1.11 The School will keep its policies for redundancy under review and will consult the London Diocesan Board of Schools and independent legal and other professional advisers whenever reasonable to do so in relation to the formulation of its policy and the establishment and implementation of its procedures. In implementing the following procedures the School will have regard to relevant Guidelines published from time to time by the London Diocesan Board of Schools.

1.12 The School will closely adhere to its policy and procedures and the Headteacher, senior leadership team and governors involved in implementing the procedures will undertake appropriate training.

1.13 The School will ensure that the following procedures will be adopted as part of each employee's contract and that all employees have easy access to a copy of the procedures in the Staff Handbook.

1.14 The School will take all reasonable steps to ensure so far as possible that the rights to privacy of individuals are protected in the course of any redundancy procedure; that proceedings are not prejudiced by any action of the School; and that governors who may be involved as committee members or otherwise in making formal decisions are not tainted.

1.15 The currently approved procedures under this policy are set out below and will be subject to review and amendment from time to time by the governing body

2. PROCEDURES

2.1 General

2.1.1 Committees (which includes Appeal Committees)

2.1.1.1 The membership of a Committee shall include not more than three nor less than one untainted governor appointed from time to time as necessary by the chair of the governing body acting impartially from the group of governors nominated for the purpose of appointment to Committees by a minuted annual decision of the governing body.

2.1.1.2 The chair of the governing body may appoint as additional members of any Committee such other independent person or persons as shall appear to be reasonably necessary for the purposes of that Committee but such additional members must be appointed at the time of constitution of the Committee.

2.1.1.3 The chair of the governing body must provide clear written terms of reference for a Committee upon constitution of the Committee including:

- (a) a statement of delegated powers of decision in relevant matters relating to formal hearings under employment procedures including redundancy procedures
- (b) strict confidentiality of the relevant matters to the members of the committee.
- (c) a requirement that the chair of the committee should provide a short written report to the next meeting of the governing body following conclusion of any inquiry, hearing or appeal as the case may be. This report should summarise briefly the nature of the concerns and the outcome of the procedure whilst respecting the employee's privacy.

2.1.1.4 The chair of a Committee shall be appointed by the chair of the governing body from the members appointed to that Committee when it is constituted and must be a member of the governing body.

2.1.1.5 Any employee governor is entitled to be appointed to a Committee provided that they are not potentially biased by any possibility of direct or indirect personal gain from the Committee's proceedings whether by way of salary increase or promotion or otherwise.

2.1.1.6 The proceedings of a Committee including any hearing shall be attended by the

Clerk and may be attended on the invitation of the Committee by other identified unprejudiced persons including such independent professional advisers as the chair of the Committee shall think fit but only members of the Committee have decision-making powers.

2.1.1.7 The role of any Committee is to implement the relevant School policy and procedures in accordance with the law and the principles of natural justice and in performing that role the Committee must allow reasonable periods of time to enable an employee to prepare their case and for all parties to consider alternative approaches.

2.1.1.8 A Committee must take all reasonable steps to ensure that decisions are made and the correct procedures are followed at all times in compliance with material statutory and other legal obligations and the principles of natural justice.

2.1.1.9 The Clerk must carry out her/his role under these Procedures carefully and honestly and in doing so must ensure that a full and accurate contemporaneous note of the proceedings in or connected with any Committee meeting or hearing including discussions and decisions and the reasons for any decisions are recorded in writing and that copies of such records and of all related correspondence and other material documents including written representations and evidence produced to the Committee by or on behalf the School or any employee are put and kept on the Committee's files for so long as is legally necessary in each case dealt with by the Committee under these Procedures.

2.1.1.10 Headteacher

2.1.1.10.1 The Headteacher has responsibility to the governing body to manage the business of the School and in the context of a redundancy situation should:

- (a) assist with the provision of information to Unions
- (b) make recommendations relating to the criteria to be used in the event of compulsory redundancy
- (c) present the management case to the Committee at any meeting or hearing
- (d) accompany the chair of the first Committee to any appeal hearing

2.2 Procedural Timetable

2.2.1 The timetable shall set out the following six procedural stages:

- Stage 1: assessment of budgetary position
- Stage 2: consultation and voluntary redundancy
- Stage 3: establishing criteria for compulsory redundancy
- Stage 4: decision to dismiss by reason of redundancy
- Stage 5: appeal against dismissal by reason of redundancy
- Stage 6: completion of redundancy procedure

2.2.2 Consultations shall be deemed to commence when the chair of the Committee shall have provided to the Unions the written information required under paragraph 21 below.

2.2.3 The governing body shall as soon as reasonably possible agree a provisional timetable which must provide for consultations under these procedures to commence early enough to enable valid and effective contractual notice of termination to be given to every employee likely to be affected if dismissed by reason of redundancy and in any case where 20 or more employees are likely to be affected must provide for consultations to commence not less than 30 calendar days prior to the date upon which the first dismissal by reason of redundancy takes effect , that is the date when the affected employee must leave under contractual notice.

2.3 Stage One – Assessment of Budgetary Position

2.3.1 Appointment of a Committee

2.3.1.1 If in the consideration of a draft annual budget it appears to the chair of the governing body that the costs of employment to be incurred by the School will be such as to result in a loss the chair of the governing body shall appoint a Committee to consider the possibility of a redundancy situation arising and to manage any redundancy procedure which may be set in train in close consultation with the Headteacher and the chair of the governing body.

2.3.1.2 The chair of the governing body should inform the governing body of the fact of appointment of the Committee imposing conditions of strict confidentiality.

2.3.2 Review and Monitoring

2.3.2.1 The Headteacher should review and revise the employment structure under the School's development plan in consultation with the Committee under conditions of strict confidentiality and informally consult the Educational Finance Agency or other

the relevant statutory body to which the governing body is statutorily accountable as to the revised structure and as to the possibility of redundancies bearing in mind the need to deliver the School's educational objectives whilst avoiding unnecessary compulsory redundancies.

2.3.2.2 Throughout a redundancy procedure the Committee should monitor the School's budgetary and staffing position and in case of sufficient improvement should be prepared to cease or withdraw redundancy procedures bearing in mind that once notice of dismissal has been given it may only be withdrawn with the consent of both parties although an employee may lose her/his right to receive any redundancy payment if they unreasonably reject an offer of suitable alternative employment.

2.4 Stage 2: Consultation and voluntary redundancy

2.4.1 Consultation

2.4.1.1 All employees should be informed as soon as it appears that posts are likely to be made redundant and any consultation of Unions has commenced.

2.4.1.2 The Committee must consult with the area representative(s) of Unions the Headteacher attending on the consultation if possible on the following matters:

- (a) avoiding dismissals
- (b) reducing the number of employees to be dismissed
- (c) mitigating the consequences of any dismissals

2.4.1.3 Consultations with Unions must be initiated as soon as possible after the Committee has made a preliminary decision that a redundancy situation exists and before any formal announcement to employees and should be continued throughout the process with the aim of reaching agreement on a scheme if reasonably possible to do so.

2.4.1.4 The Committee should so far as reasonably practicable provide to the Unions the written information detailed in section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992 as amended or substituted from time to time notwithstanding that any redundancy situation involves fewer than 20 employees allowing adequate time for the Unions to consider proposals and for the Committee to consider any counter-proposals. The information provided should include:

- (a) the reasons for the proposed reduction in posts

- (b) a general indication of the numbers and descriptions of employees it is proposed to dismiss by reason of redundancy
- (c) the total number of employees of the School and in the category of employee where redundancies are anticipated
- (d) the proposed method of selecting the employees who may be dismissed and the criteria to be used
- (e) the proposed method of carrying out the dismissals including the period over which the dismissals will take effect
- (f) the proposed method of calculating the amount of any redundancy payment to be made to employees who may be dismissed by reason of redundancy, if different from the statutory payment.

2.4.1.5 Any subsequent variations and amendments to the information originally notified should also be notified as soon as possible in writing.

2.4.1.6 The provisional timetable for the procedure determined by the Committee should also be agreed with the Unions if possible.

2.4.1.7 Provision of the required information should be by hand to the area representatives of the Unions in person or by post to the relevant Union head office or to such other address as shall be notified to the Committee or by such other means as may be agreed between the School and the Unions.

2.4.1.8 Detailed written information relating to possible payments for premature retirement and redundancy including the statutory payments should be provided by the Committee to employees on request as soon as reasonably practicable.

2.4.2 Formal Meeting with employees

2.4.2.1 If after commencement of the consultations with Unions the governing body is of the opinion that a reduction in employment is unavoidable the chair of the governing body shall direct the Committee to invite and the Committee shall invite all employees likely to be affected to attend a formal meeting and should also invite the area representatives of the Unions to attend the same meeting for the provision of formal information as to the redundancy situation.

2.4.2.2 The chair of the Committee shall chair the formal meeting with employees and shall provide at the formal meeting the following information orally and in writing:

- (a) the reasons for having to consider redundancies
- (b) an invitation to apply for premature retirement or voluntary redundancy and the date by which such applications must be received (which should usually be within ten clear working days of the date of the meeting)
- (c) a reminder that no employee has a right to premature retirement or voluntary redundancy and an explanation of any restrictions on the categories of employee invited to make applications for premature retirement or voluntary redundancy in order to take account of the requirement to provide a balanced curriculum making clear that there will be no discrimination against those having legally protected characteristics
- (d) the date by which decisions will be made about compulsory redundancies in the light of applications received for premature retirement or voluntary redundancy
- (e) a summary of the procedures which will be followed including the rights of those recommended for dismissal by reason of redundancy to make representations to the Committee and to an appeal
- (f) a provisional timetable for the procedures taking into account any potential formal hearings and appeals and, where it is intended to effect redundancies at the end of the relevant School year, the necessity for procedures to be completed before the end of the Easter term in that year
- (g) information as to the entitlement of employees having concerns to advice from and representation by their Unions
- (h) details of the availability of the Headteacher and some named governor (not a member of the Committee) for informal discussions with individual employees the opportunities for which should be clearly notified at the formal meeting
- (i) details of how employees may obtain copies of staff profile forms setting out the criteria which may be used by the Committee in connection with redundancy decisions

2.4.2.3 The chair of the Committee shall meet with representatives of the Unions before the formal meeting in order to invite them to attend and/or to brief them as to the information to be provided or matters to be discussed.

2.4.2.4 The Headteacher shall hold a meeting to discuss any new post or job description proposed to replace an existing post or job description with any individual employee

concerned at which the Headteacher should be accompanied by a governor (not a member of the Committee) and the employee may attend with a companion.

2.4.2.5 The Committee must make every reasonable effort to reach agreement with the Unions within the period allowed by the provisional timetable and must not make any final decision on a redundancy scheme without consultation with and consideration of any representations or counter-proposals put forward by the Unions and must respond to any such representations or counter-proposals in writing giving reasons for rejection of any counter-proposals.

2.4.3 Notification to the Secretary of State

2.4.3.1 If the governing body intends whether voluntarily or compulsorily to make 20 or more employees redundant then formal notice of that intention must be given to the Secretary of State for Business Energy and Industrial Strategy or the equivalent minister from time to time not less than 30 calendar days before the first dismissal takes effect.

2.4.4 Notification of Voluntary Redundancies

2.4.4.1 Written confirmation of acceptance or rejection of any application for voluntary redundancy must be sent to the applicant employees not less than five clear working days after the final date for making applications notified to employees at the formal meeting.

2.5 Stage 3: Establishing criteria for compulsory redundancy

2.5.1 Determination of criteria

2.5.1.1 Criteria for selecting employees to be dismissed by reason of redundancy must be determined by the Committee taking into account what is required for the School to retain a balanced staff to deliver the educational objectives of the School and the school development plan within the budgetary constraints determined by the governing body to exist as at the date of the determination and must be objectively reasonable and fair and may include skills, qualifications, subject knowledge, expertise, flexibility, contribution to the religious character of the School and experience.

2.5.1.2 Criteria for selecting employees to be dismissed by reason of redundancy must not be determined by the Committee before all reasonable steps have been taken to consult upon and agree with the Unions what those criteria should be focussing discussions on posts not individual employees.

2.5.1.3 Criteria for selecting employees to be dismissed by reason of redundancy should be listed in order of priority and expressly related to the School development plan and in order to determine the order of priority the Committee may seek and obtain relevant information and independent professional advice.

2.5.1.4 Determination by the Committee of the criteria and the list of respective priorities of criteria for selecting employees to be dismissed by reason of redundancy must not take place before the final date for making applications for premature retirement/voluntary redundancy already notified to employees at the formal meeting.

2.5.2 Selection

2.5.2.1 The Committee must consider and decide upon the posts to be reduced or removed and select the members of staff to be made redundant in accordance with the criteria and list of priorities determined by the Committee.

2.5.2.2 In making its decisions as to posts and employees the Committee should take into account the advice of the Headteacher; consultations with Unions and the most up to date School budget information reasonably available.

2.5.2.3 The Committee may in an appropriate case decide to require all members of staff in the selected post or posts to undergo competitive interview by the Committee against selection criteria determined by the Committee in advance before making its decision on the identity of the employee or employees to be made redundant.

2.5.2.4 All deliberations, consultations and decisions of the Committee shall be recorded in writing and treated as confidential.

2.5.3 Notification of Selection

2.5.3.1 Written notification of the Committee's selection decision shall be given by the chair of the Committee to the selected employee(s) which notice shall:

- (a) state the reasons for the Committee decision to reduce or remove the relevant post, and
- (b) set out the employee's right to a hearing provided that copies of any written representations s/he may wish to make are received by the Clerk not less than five clear working days prior to the hearing in order to make representations to the Committee as to why s/he should not be made redundant, and
- (c) set out the employee's right to attend such a hearing with a companion

- (d) state the date of the meeting at which the Committee will make its decision as to dismissal of the employee which shall be not less than ten clear working days after the giving of the notice unless it has not been fixed as at the date of the notice in which case it should be stated that the Clerk will give the employee not less than ten clear working days' notice in writing of the hearing date as soon as possible thereafter
- (e) enclose all material documents to which the Committee has had regard in making its selection decision including the Committee's selection criteria, budget information, curriculum analysis and any plan for staff restructuring.

2.5.3.2 If appropriate the notice of the Committee's selection decision should be given to the employee personally at a meeting by either the chair of the Committee or the Headteacher and the employee should be informed in advance of her/his right to have a companion at the meeting.

2.5.3.3 A copy of the notice of the Committee's selection decision should be sent to the area representative of the Union of which the employee is a member.

2.6 Stage 4: Dismissal by reason of redundancy

2.6.1 Notice of Committee hearing

2.6.1.1 The Clerk shall give to the employee not less than ten clear working days' written notice of the date of the Committee meeting at which the employee may make written and oral representations relating to whether or not the employee should be dismissed by reason of redundancy provided that written notice of such representations are received by the Clerk not less than five clear working days before the hearing date.

2.6.1.2 The notice of hearing shall include by enclosure or otherwise all such information concerning the Committee's preliminary decision and the hearing as shall reasonably be required to enable the employee to prepare representations and shall state the employee's right to have a companion at the hearing with her/him.

2.6.2 Persons entitled to attend the hearing

2.6.2.1 The notice of hearing should identify the persons who are entitled to and will be attending the hearing being:

- (a) the members of the Committee and any professional advisers to the Committee.
- (b) the Headteacher who will present the case for dismissal by reason of redundancy and any companion.
- (c) the employee and any companion.

2.6.3 Hearing Bundle of Documents

2.6.3.1 Before the date of the hearing the Clerk shall send to all persons attending the hearing copies of all material documents including:

- (a) the original information sent to all employees and union representatives concerning the proposal to make redundancies
- (b) the statement of criteria and list of priorities used by the Committee in making its decision
- (c) the employee's scores against the criteria
- (d) the written notice of selection for dismissal by reason of redundancy
- (e) the employee's written representations
- (f) the agenda for the hearing

2.6.4 Conduct of the hearing

2.6.4.1 The chair of the Committee is in control of the hearing and shall make such decisions as s/he thinks fit as to the conduct of the hearing in the exercise of her/his reasonable discretion and in accordance with the principles of natural justice.

2.6.4.2 The chair of the Committee in conducting the hearing should:

- (a) welcome and introduce those present
- (b) state that the hearing is private and all information and representations are confidential to those present
- (c) outline and if reasonably possible obtain agreement to the procedure to be followed

(d) ask the parties to remain available for an agreed period after the Committee withdraws at the end of the hearing in case further information or clarification is required on any material point stating that in that case the hearing will resume with all parties present for that purpose

(e) explain the process for notifying the parties of the Committee's final decision.

2.6.4.3 The chair of the Committee may, subject to the requirement to adhere to the provisional timetable, adjourn the hearing for any good reason including the presentation of new evidence or the making of further representations which requires further time for consideration or investigation by any party in which case the chair shall give directions for the adjourned hearing including further written notice and the making of further written representations and provision of material documents.

2.6.5 Several Redundancies

2.6.5.1 Where there is more than one employee selected for dismissal by reason of redundancy who has requested a hearing the same Committee members must consider all the proposed redundancies. Each redundancy must however be considered separately although may be heard jointly if several employees are represented by the same union representative and have elected to have their cases heard together rather than separately in which circumstances the chair of the Committee must ensure that the case in respect of each employee is stated separately at the hearing and that each employee has the opportunity to make separate representations in the presence or absence of the others as s/he wishes.

2.6.6 Notification of the Committee's final decision

2.6.6.1 The chair of the Committee either notifies the parties of the Committee's final decision orally at the end of the hearing or that they will be notified later in writing.

2.6.6.2 Written confirmation of a final decision notified orally at the hearing or written notification of the Committee's final decision shall be given by the Clerk to the employee and copied to the employee's Union representative if any as soon as reasonably possible after the hearing and shall include a statement of the employee's right to appeal specifying the last date for making such an appeal.

2.7 Stage 5: Appeal against dismissal by reason of redundancy

2.7.1 Notice of appeal

2.7.1.1 An employee has a right to appeal against the Committee's final decision to dismiss her/him by reason of redundancy.

2.7.1.2 The employee's right to appeal must be exercised by giving written notice of intention to appeal to the Clerk to the governing body not less than ten clear working days after receipt of the written notice confirming the Committee's final decision.

2.7.2 Appeal Committee

2.7.2.1 An Appeal Committee should be appointed as soon as possible after an employee has requested a hearing before the Committee under Stage 4 of these Procedures but in any event shall be appointed as soon as the employee's notice of appeal is received and its membership identified to the employee in writing.

2.7.3 Notice of Appeal Hearing Date

2.7.3.1 A date for a hearing of an employee's appeal by the Appeal Committee being not less than ten clear working days after receipt of the notice of appeal by the Clerk and immediately notified by the Clerk in writing to the employee.

2.7.4 Persons entitled to attend the Appeal Hearing

2.7.4.1 The notice of hearing should identify the persons who are entitled to and will be attending the hearing being:

- (a) the members of the Appeal Committee and any independent professional advisers
- (b) the chair of the Committee which made the final decision to dismiss appealed against who will present the case for dismissal by reason of redundancy and/or the Headteacher if s/he will present the case and any companion
- (c) the employee and any companion

2.7.5 Appeal Bundle of Documents

2.7.5.1 Before the date of the hearing the Clerk shall send to all persons attending the hearing copies of all material documents including:

- (a) the original information provided to all employees and representatives of Unions concerning the proposal to make redundancies
- (b) the statement of criteria and list of priorities used by the Committee in making its final decision to dismiss by reason of redundancy
- (c) the employee's scores against the criteria

- (d) the written notice of the Committee decision to select the employee for dismissal by reason of redundancy
- (e) the employee's written representations to the Committee

The members of the Appeal Committee should read the content of the Appeal Bundle prior to the appeal hearing.

2.7.6 Conduct of the hearing

2.7.6.1 The chair of the Appeal Committee is in control of the hearing and shall make such decisions as s/he thinks fit as to the conduct of the hearing in the exercise of her/his reasonable discretion in accordance with the principles of natural justice.

2.7.6.2 The chair of the Appeal Committee in conducting the hearing should:

- (a) welcome and introduce those present
- (b) state that the hearing is private and all information and representations are confidential to those present
- (c) outline and seek consent to the procedure to be followed
- (d) ask the parties to remain available for an agreed period after the Appeal Committee withdraws at the end of the hearing in case further information or clarification is required on any material point stating that in that case the hearing will resume with all parties present for that purpose
- (e) explain the process for notifying the parties of the Appeal Committee's decision
- (f) the chair of the Appeal Committee may, subject to the requirement to adhere to the provisional timetable, adjourn the hearing for any good reason including the presentation of new evidence or the making of further representations which requires further time for consideration or investigation by any party in which case the chair shall give directions for the adjourned hearing including further written notice and the making of further written representations and provision of material documents

2.7.7 Notification of the Appeal Committee's decision

2.7.7.1 The chair of the Appeal Committee either notifies the parties of the final decision orally at the end of the hearing or that they will be notified later in writing.

2.7.7.2 Written confirmation of the Appeal Committee's decision notified orally at the hearing or written notice of the outcome of the appeal shall be given to the employee as soon as reasonably possible after the hearing.

2.7.7.3 In the event that the appeal against dismissal by reason of redundancy is allowed the governing body must consider the effect on the budget of the School and whether to continue with the redundancy procedure in respect of the relevant post or posts in which case it must revert to Stage 1 of these Procedures.

2.8 Stage 6: Completion of the redundancy procedure

2.8.1 In the event that:

- (a) any appeal against dismissal was not allowed following a hearing, or
- (b) any such appeal was withdrawn, or
- (c) no appeal was notified by the employee within the time limit for an appeal, or, exceptionally
- (d) an appeal was properly commenced but there was insufficient time for a hearing before the date upon which formal notice of dismissal must be given in accordance with the provisional timetable originally notified to all employees at the formal meeting under Stage 2 of these Procedures

the School must give formal written notice of dismissal to the employee (with a copy being supplied to the employee's union representative if any) by the chair of the Committee or the Appeal Committee as the case may be which notice must, in all cases, include the words "*This letter constitutes formal notice of the termination of your employment by the School, which will take effect on [supplying the relevant date]*".

2.8.2 The date stated for termination of employment in the notice of dismissal must comply with the terms of the employee's contract unless otherwise agreed in writing signed by the employee.

2.8.3 An employee working out a notice of dismissal by reason of redundancy must be allowed a reasonable opportunity including time off work to look for new employment or to arrange at her/his own expense for training for new employment.