

Document Pack



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THURSDAY, 29TH JUNE 2017

TO: THE EXECUTIVE BOARD MEMBER – DEPUTY LEADER

I HEREBY SUMMON YOU TO ATTEND A MEETING OF THE EXECUTIVE BOARD MEMBER DECISIONS MEETING FOR THE DEPUTY LEADER WHICH WILL BE HELD IN DEMOCRATIC SERVICES COMMITTEE ROOM, COUNTY HALL, CARMARTHEN, AT 9.30 AM, ON WEDNESDAY, 5TH JULY, 2017 FOR THE TRANSACTION OF THE BUSINESS OUTLINED ON THE ATTACHED AGENDA.

Mark James CBE

CHIEF EXECUTIVE



PLEASE RECYCLE

Democratic Officer:	Catherine Gadd
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Ref:	AD016-001

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5th July 2017

Executive Board Member:	Portfolio:
Cllr. Mair Stephens	Deputy Leader

Close Personal Associations / Relationships at Work Guidance for Schools

Recommendations / key decisions required:

To endorse the adoption of the Council's updated Close Personal Associations / Relationships at Work Guidance for Schools.

Reasons:

The purpose of this guidance is to assist Managers, Headteachers, Governors and HR Advisors, in dealing sensitively, but effectively, with situations where employees have, or form, a close personal association / relationship with someone with whom they work.

Directorate: Chief Executive's / People Management & Performance	Designation:	Tel No. & E Mail Address:
Name of Head of Service: Paul R. Thomas	Assistant Chief Executive (People Management & Performance)	01267 246123 PRThomas@carmarthenshire.gov.uk
Report Author: Julie Stuart	Principal HR Officer	01267 246375 JStuart@sirgar.gov.uk

Declaration of Personal Interest (if any):

None

Dispensation Granted to Make Decision (if any):

N/A

DECISION MADE:

Signed: _____

DATE: _____

EXECUTIVE BOARD MEMBER

The following section will be completed by the Democratic Services Officer in attendance at the meeting

Recommendation of Officer adopted	YES / NO
Recommendation of the Officer was adopted subject to the amendment(s) and reason(s) specified:	
Reason(s) why the Officer's recommendation was not adopted:	

EXECUTIVE SUMMARY

EXECUTIVE BOARD MEMBER DEPUTY LEADER

5th JULY

Close Personal Associations / Relationships at Work Guidance for Schools

Background

As a result of incidences raised by Managers and the HR team guidance was developed corporately to support in dealing sensitively with issues at work where close personal associations / relationships are involved.

The guidance has recently been updated to meet the needs of schools.

Carmarthenshire County Council and its schools recognise that a significant number of close personal associations / relationships are formed at work. Also as a large employer, situations arise within the Authority where parent and child, grandparent / grandchild, siblings or other relatives are employed within the same team, establishment or work area.

In the majority of cases, it is unlikely that an association/relationship between colleagues would have any impact on the work of the authority. However, from time to time a close personal association / relationship at work can interfere with and / or threaten to harm the work and / or service provision.

The implications of close personal associations/relationships at work can include:

- effect on the trust and confidence of colleagues in relation to a conflict of interest, fair treatment, their own ability to discuss issues openly within a Team or with their line manager;
- Perception of service users or the general public in relation to the Professionalism and fairness of the authority and its employees;
- Operational issues affecting the ability to deliver the service effectively;
- Conflicting loyalties and breach of confidentiality.

The purpose of this guidance is, therefore, to assist managers, Headteachers, Governors and HR Teams within People Management, in dealing sensitively, but effectively, with situations where employees have, or form a close personal association / relationship with someone with whom they work.

Over the recent years there has been a significant rise in the enquiries made by line managers to the HR Team seeking advice on how to deal with sensitive and difficult people management issues that have arisen in departments due to close personal relationships in the workplace.

Examples of the types of difficult people management issues that have arisen over the last few years:

- Family members working on the same shift patterns and caring for the same domiciliary care service users facing allegations of theft from a service user;
- A manager having indirect line management responsibility for a spouse facing allegations of bias and favouritism
- A manager responsible for a project team realising that a cohabiting couple were members of the project team took the decision to remove the female from the project on the assumption that the partners would wish to take annual leave at the same time. The manager subsequently faced allegations of sex discrimination
- Family members working in the same team who bring a family disagreement into the workplace facing disciplinary action
- A relief employee making allegations of bullying when her mother was employed as an acting manager.

This Guidance is produced to support the Education Workforce Council's Codes of Professional Conduct and Practice.

DETAILED REPORT ATTACHED?	NO
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IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed:  Assistant Chief Executive (People Management & Performance)

Policy and Crime & Disorder	Legal	Finance	ICT	Risk Management Issues	Organisational Development	Physical Assets
YES	YES	NONE	NONE	NONE	YES	NONE

1. Policy, Crime & Disorder and Equalities

The recommendations support the Council's Strategic Aim 'Building a Better Council' and 'Making Better Use of Resources'

2. Legal

The employment law covering this area is complex including discrimination and harassment on the grounds of ethnicity, gender and disability where compensation claims are unlimited.

7. Staffing Implications

The HR Team will provide advice and guidance to schools on the application of the Close Personal Associations / Relationships at Work Guidance for Schools.

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed:  Assistant Chief Executive (People Management & Performance)

1. Scrutiny Committee

None

2. Local Member(s)

None

3. Community / Town Council

None

4.Relevant Partners

None

5.Staff Side Representatives and other Organisations

Trade Unions - 25th May 2017; Headteacher Focus Group - 20th June 2017

Section 100D Local Government Act, 1972 – Access to Information List of Background Papers used in the preparation of this report:

THERE ARE NONE

Title of Document	File Ref No.	Locations that the papers are available for public inspection



Close Personal Associations / Relationships at Work Guidance for Schools

Effective : September 2017



CLOSE PERSONAL ASSOCIATIONS / RELATIONSHIPS AT WORK GUIDANCE FOR SCHOOLS

1. INTRODUCTION

- 1.1 [Insert Name of School] recognises that a significant number of close personal associations / relationships are formed at work. Situations also arise within the school where parent and child, grandparent / grandchild, siblings or other relatives are employed within the same school.
- 1.2 In the majority of cases, it is unlikely that an association / relationship between colleagues would have any impact on the work of the school. However, from time to time a close personal association / relationship at work can interfere with and / or threaten to harm the work and / or service provision.
- 1.3 The implications of close personal associations / relationships at work can include:
- Effect on the trust and confidence of colleagues in relation to a conflict of interest, fair treatment, their own ability to discuss issues openly within a team or with their Headteacher / line manager;
 - Perception of service users or the general public in relation to the professionalism and fairness of the school and its employees;
 - Operational issues affecting the ability to deliver the service effectively; and
 - Conflicting loyalties and breach of confidentiality.
- 1.4 The purpose of this guidance is, therefore, to assist Headteachers, Governing Bodies, managers and the HR Team within people management, in dealing sensitively but effectively with situations where employees have, or form, a close personal association / relationship with someone with whom they work.
- 1.5 These provisions are intended to avoid any possible conflict of interest or accusation of bias, favouritism or prejudice. They are also intended to ensure that all employees feel confident of fair treatment without the fear that a close personal association will influence their own, or other employees', treatment or broader working relationships.

2. SCOPE

This guidance will apply to Governors and staff working in the school, except those who are directly employed by the Local Authority.

3. PRINCIPLES

- 3.1 To avoid any accusation of bias, employees and Governors must not be involved in the recruitment procedure where they are a relative or partner of, or have a close personal association / relationship with, the individual being considered for appointment. Similarly, employees must not be involved in decisions relating to discipline, dismissal, grievance, promotion or pay adjustments for that employee.

CLOSE PERSONAL ASSOCIATIONS / RELATIONSHIPS AT WORK GUIDANCE FOR SCHOOLS

3.2 The aim is to build a school that is committed to maintaining high standards of conduct in the area of close personal associations / relationships at work. This will be achieved by:

- Promoting high standards of conduct and integrity amongst school employees;
- Not interfering unduly in employees' private lives but taking legitimate action when close personal associations / relationships at work have an actual or potential impact on the school;
- Managing issues involving close personal associations / relationships at work promptly, effectively, fairly and lawfully; and
- Describing the types of close personal associations / relationships at work that the school considers inappropriate.

3.3 This guidance is not designed to deal with issues of misconduct or grievance relating to close personal associations / relationships. These should be dealt with in accordance with the school's Disciplinary Policy & Procedure, and Grievance Policy & Procedure.

4. ROLES AND RESPONSIBILITIES

4.1 Headteacher / Governors / Managers will:

- Deal promptly and sensitively with issues involving close personal associations / relationships at work;
- Conduct matters involving close personal associations / relationships at work in a fair and reasonable way;
- Maintain confidentiality where possible; and
- Deal with any matter requiring formal disciplinary action using the Disciplinary Procedure.

4.2 Employees (which includes the Headteacher) will:

- Ensure that any close personal associations / relationships at work do not interfere with, or prejudice, their employment;
- If a close personal association / relationship at work interferes with, or prejudices, their employment s/he will co-operate under this procedure to resolve the situation; and
- Raise concerns with the line manager, Headteacher or Governor promptly.

CLOSE PERSONAL ASSOCIATIONS / RELATIONSHIPS AT WORK GUIDANCE FOR SCHOOLS

4.3 Human Resources will:

- Provide advice and guidance to Headteachers, Governing Bodies, Managers and employees relating to close personal associations / relationships at work;
- Ensure consistency in the application of this guidance; and
- Maintain confidential records in accordance with Data Protection principles.

5. DEFINITION OF CLOSE PERSONAL ASSOCIATIONS / RELATIONSHIPS

5.1 When considering whether to declare a close personal association the employee (or governor) should consider whether there could be any perceived influence or bias. Close personal associations / relationships within this guidance are defined as employees who are:

- Married, Civil partners, in a partnership or co-habiting arrangement;
- Immediate family members of the applicant or employee e.g. parent, son / daughter, brother / sister, grandparent / grandchild;
- Other relations of the applicant or employee e.g. extended family such as aunts / uncles, cousins, nieces / nephews;
- Any other individuals with whom there is a close personal association e.g. close friendships or relationships, business associates (outside the school). It also includes a previous association e.g. former spouse, where there could be a degree of bias;
- A person with whom you are / have been in conflict or dispute; and
- Where any employee is uncertain about whether an association should or should not be declared, s/he should err on the side of caution and declare it to their line manager, Headteacher or Governing Body at the school (depending on whether the close personal association / relationship relates to the above). The key test is whether such an association could be seen to affect an individual's personal judgement.

6. RECRUITMENT AND APPOINTMENT OF EMPLOYEES

6.1 Participation in the appointment process

To avoid any accusation of bias, an employee, Headteacher, Governor or Manager must not be involved in any appointment process where they are related, or have a close personal association / relationship outside work with the individual being considered for appointment.

CLOSE PERSONAL ASSOCIATIONS / RELATIONSHIPS AT WORK GUIDANCE FOR SCHOOLS

6.2 Requirement to disclose a close personal association

All applicants are required to disclose on the recruitment application form if they are related to a Councillor, School Governor or employee of the School / Authority.

Applicants are asked to state the name of the person and the nature of the relationship. Failure to disclose such a relationship may disqualify the applicant from the recruitment process for that post. Any applicant who directly or indirectly seeks the support of the Headteacher, Governor, Manager or Councillor for any appointment within the school will be disqualified from continuing the recruitment process for that post.

6.3 Where there is a relationship between an applicant and the Headteacher, Governor or Manager

Where the applicant, if appointed, would work in the same school as an employee with whom they have a close personal association, the implications of this should be considered and discussed at the end of the selection process. This is to ensure that the appointment would be appropriate taking into account operational issues and standards.

The type of issues that should be explored could include:

- Issues in relation to finance and procurement roles and responsibilities within a job which are governed by Financial Procedure Rules for Schools;
- Potential conflict of interest and confidentiality issues, including the impact on the perceptions and employee relations within the school; and
- Impact on pupils or the general public, including issues relating to trust and confidence and the public image of the school.

6.4 Authority to Appoint

Where, following consideration of all the factors above, the appointing Headteacher or Governor considers that a candidate can be appointed, despite a declared relevant close personal association, they should seek approval from the Governing Body.

To avoid questions arising later, the Headteacher or Governing Body are required to make a written record of the fact that the decision to appoint, despite a declared relationship, was made with appropriate authority. This record should be kept with the candidate's original application form on their personnel file held by Human Resources.

7. **WHERE AN ASSOCIATION DEVELOPS BETWEEN A HEADTEACHER, GOVERNOR OR MANAGER AND A TEAM MEMBER**

7.1 Where a close personal association involves the above:

CLOSE PERSONAL ASSOCIATIONS / RELATIONSHIPS AT WORK GUIDANCE FOR SCHOOLS

- Consider making alternative supervision / line management arrangement of the team member for issues involving a potential conflict of interest. These include matters related to pay, promotion, job opportunity and discipline issues. This will normally mean a change to this aspect of the line management arrangement whereby the team member is supervised by another manager¹ but management of work related functions remains unaltered;
- Consider any other operational issues that might occur and how these might be managed. Specific operational issues in relation to financial responsibilities that need to be considered are the separation of duties, probity and other financial safeguards within the Financial Procedure Rules for Schools;
- Assess any impact on pupils and the general public, including issues relating to trust and confidence, and the public image of the school; and
- Consider if it is appropriate to communicate such agreed adjustments etc. to other colleagues in the school to manage any concerns.

7.2 Expectations should be clearly defined and managed as appropriate. Refer to protocol in Appendix A.

8. COLLEAGUES AFFECTED BY A CLOSE PERSONAL ASSOCIATION

Employees who feel they are affected by a close personal association at work, involving other colleagues, should feel that they can approach their line / senior manager, Headteacher, Governor and / or HR team at any time and without prejudice, to discuss their concerns.

9. PROVISION OF REFERENCES

When providing references, the referee should make clear whether they are providing a personal reference on behalf of a colleague, or a formal reference on behalf of the school. This is in line with the Authority's Reference Guidance.

If you are not providing a reference in your capacity as a line manager i.e. formally on behalf of the school, then the reference should not be produced on the school's headed stationery.

10. FINANCIAL REGULATIONS

Where a close personal association might exist between two individuals involved in financial transactions, the Financial Procedure Rules for Schools should be followed

¹ Please note that changes to line management responsibility may result in a re-evaluation of the manager's post and could impact on the grade (this does not apply to Teachers).

CLOSE PERSONAL ASSOCIATIONS / RELATIONSHIPS AT WORK GUIDANCE FOR SCHOOLS

to ensure the appropriate separation of duties, probity and other financial safeguards are followed.

11. ASSOCIATIONS WITH CONTRACTORS OR POTENTIAL CONTRACTORS

11.1 No special favour should be shown in the tendering process to businesses run by, for example, friends, partners or relatives. Employees who engage or supervise contractors, or have any other work relationship with contractors, and have previously had or currently have a close personal association with someone who works for contractors, must declare that relationship to their line manager or Headteacher; or Governing Body if they are themselves are the Headteacher.

11.2 All employees involved in procurement within the school are required to comply with the Financial Procedure Rules for Schools.

12. FAILURE TO DISCLOSE A CLOSE PERSONAL ASSOCIATION

Failure to disclose a close personal association could leave an employee open to allegations of misconduct should subsequent issues arise. This could result in formal disciplinary action in accordance with the School's Disciplinary Policy & Procedure.

13. ENSURING EQUALITY OF TREATMENT

The school is committed to ensuring equality in everything that we do. The Equality Act 2010 has replaced and strengthened all previous equality legislation. This Policy must be applied consistently to all employees irrespective of age, disability, gender (sex), gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief and sexual orientation.

If you have any equality and diversity concerns in relation to the application of this policy and procedure, please contact a member of the HR team who will, if necessary, ensure the policy and procedure is reviewed accordingly.

If you require this publication in an alternative format please contact People Management on 01267 246100 or email:

PMPBusinessSupportUnit@carmarthenshire.gov.uk

This Guidance is also available in welsh

CLOSE PERSONAL ASSOCIATIONS / RELATIONSHIPS AT WORK GUIDANCE FOR SCHOOLS

APPENDIX A.

OFFICERS DECLARATION OF PERSONAL INTERESTS

Before considering whether you need to complete this form, please ensure that you are familiar with the School's Code of Conduct and the guidance on personal interests, gifts and hospitality, a copy of which should be available to you when you receive this form.

This form must **only** be completed if you have a personal interest to declare, in which case it must be returned to your line manager. You should also use the form to tell us about any other paid employment that you have outside the School - for further details see the guidance.

If you do not currently have an interest to declare please retain this form for possible future use. If a personal interest arises at any time in the future you must inform your line manager in writing, either by completing this form or confirming the interest by e-mail or letter. Remember that you should also apply for consent before accepting any gift or hospitality with a value of over £25 - see the guidance for more details.

Failure to disclose interests could result in formal disciplinary action.

Name:	_____	Employee No.:	_____
School:	_____		
Post	_____		
Title:	_____		

DECLARATION

I hereby disclose the following personal interests:

Signed: _____ Date: _____
(Employee)

CLOSE PERSONAL ASSOCIATIONS / RELATIONSHIPS AT WORK GUIDANCE FOR SCHOOLS

APPENDIX A.

FOR OFFICE USE ONLY

No action required*
Mitigating action to be taken as detailed below*
Referred to Headteacher*
Referred to Chair of Governors*

Signed: _____
(Line Manager)

Date: _____

No action required*
Mitigating action to be taken as detailed below*
Referred to Chair of Governors*

Signed: _____
(Headteacher)

Date: _____

ACTION BOX

I confirm that a copy of this completed form has been returned to the employee.

Signed: _____
(Nominated Officer)

Date: _____

To the employee - Please ensure that you retain the signed document as evidence that you have declared the interest(s) specified above and please ensure that you adhere to any requirements indicated in this decision.

CLOSE PERSONAL ASSOCIATIONS / RELATIONSHIPS AT WORK GUIDANCE FOR SCHOOLS

STRICTLY CONFIDENTIAL

APPENDIX B.

RELATIONSHIP PROTOCOL

Introduction

The following protocol is agreed to ensure probity between parties.

The protocol is to protect the integrity of both parties, ensure probity and transparency and avoid allegations of favouritism.

Protocol

The protocol details the restrictions and agreed processes for particular aspects of the work relationship. It is agreed that:

1. The following will be agreed and approved (or countersigned) by an appropriate manager, Headteacher or Governor:
 - Travel claims;
 - Subsistence claims;
 - Training course attendance;
 - Development programmes;
 - Attendance at conferences;
 - Changes to PC access or set up;
 - Time off; and
 - Purchase of new equipment.

The more senior officer in structural terms will not authorise any of the above. Alternative arrangements will be agreed.

2. The following will require the Headteacher or Governing Body (depending on the close personal association) to approve and countersign any proposals which involve the less senior officer in structural terms.
 - Promotion within the current work area or to other services within the school;
 - Transfer within the current work area;
 - Acting up arrangements;
 - Accelerated incremental progression within existing grade;
 - Re-grading from one grade to another;
 - Any bonus or overtime payments proposed; and
 - Any honorarium payments proposed.
3. Both parties agree that they will not share confidential information and will not reveal to each other any information known about the other with regards to their employment at the school.
4. Both Parties will not be involved in any interview process which involved the other party.

CLOSE PERSONAL ASSOCIATIONS / RELATIONSHIPS AT WORK GUIDANCE FOR SCHOOLS

STRICTLY CONFIDENTIAL

APPENDIX B.

5. If there is any grievance, disciplinary, redundancy or similar situation involving either party, then the other party will not be involved in this process unless they are a material witness required to do so by the Investigating Officer (who would be made aware of this protocol).
6. Where something is not specifically referred to in this protocol it is agreed that the spirit of the protocol will be observed.
7. Should the relationship cease the protocol will remain in force until (insert name of the school) no longer employs one of the parties.
8. Both parties will receive a copy of this Protocol.

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5th July 2017

Executive Board Member:	Portfolio:
Cllr. Mair Stephens	Deputy Leader

Model Grievance Policy & Procedure for Schools

Recommendations / key decisions required:

To endorse the adoption of the Council's updated Model Grievance Policy & Procedure for Schools.

Reasons:

The 'Grievance Procedure for Schools' is outdated, having not been updated in over a decade, and doesn't reflect current practice within schools.

Directorate: Chief Executive's / People Management & Performance	Designation:	Tel No. & E Mail Address:
Name of Head of Service: Paul R. Thomas	Assistant Chief Executive (People Management & Performance)	01267 246123 PRThomas@carmarthenshire.gov.uk
Report Author: Julie Stuart	Senior Business Partner	01267 246375 JStuart@sirgar.gov.uk

Declaration of Personal Interest (if any):

None

Dispensation Granted to Make Decision (if any):

N/A

DECISION MADE:

Signed:

DATE: _____

EXECUTIVE BOARD MEMBER

The following section will be completed by the Democratic Services Officer in attendance at the meeting

Recommendation of Officer adopted	YES / NO
Recommendation of the Officer was adopted subject to the amendment(s) and reason(s) specified:	
Reason(s) why the Officer's recommendation was not adopted:	

EXECUTIVE SUMMARY
EXECUTIVE BOARD MEMBER DEPUTY LEADER
5th JULY

Model Grievance Policy & Procedure for Schools

This Grievance Policy, Procedure and Guidance have been developed to ensure that employees, managers and companions are clear about their individual roles and responsibilities for raising and resolving grievances in the workplace.

Anyone working for the School may, at some time, have problems or concerns about their work, working conditions or relationships with colleagues that they wish to discuss. It is also clear that it is in the School's interest to resolve problems before they can develop into major difficulties for all concerned.

Where the problems or concerns relate to perceived unacceptable behaviour, this policy should be read in conjunction with the School's Behavioural Standards in the Workplace Guidance. The guidance defines unacceptable behaviour and identifies strategies that everyone can use to overcome the debilitating effects of such behaviour.

This policy and procedure has been developed in line with ACAS Code of Practice 1 - Disciplinary & Grievance Procedures which came into force on 11th March 2015.

DETAILED REPORT ATTACHED?

NO

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed:  Assistant Chief Executive (People Management & Performance)

Policy and Crime & Disorder	Legal	Finance	ICT	Risk Management Issues	Organisational Development	Physical Assets
YES	YES	NONE	NONE	NONE	YES	NONE

1. Policy, Crime & Disorder and Equalities

The recommendations support the Council's Strategic Aim 'Building a Better Council' and 'Making Better Use of Resources'

2. Legal

The Model Grievance Policy & Procedure for Schools has been developed in line with ACAS and CIPD guidance.

7. Staffing Implications

The HR Team will provide advice and guidance to schools on the application of the Model Grievance Policy & Procedure for Schools.

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed:  Assistant Chief Executive (People Management & Performance)

1. Scrutiny Committee

None

2. Local Member(s)

None

3. Community / Town Council

None

4. Relevant Partners

None

5. Staff Side Representatives and other Organisations

Education & Children's Services Employee Relations Forum - 15th June 2017

Section 100D Local Government Act, 1972 – Access to Information List of Background Papers used in the preparation of this report:

THERE ARE NONE

Title of Document	File Ref No.	Locations that the papers are available for public inspection

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Model Grievance Policy & Procedure for Schools

Effective : September 2017



MODEL GRIEVANCE POLICY & PROCEDURE FOR SCHOOLS

For resolving employee concerns, problems and complaints at work
NB: This Policy should be read in conjunction with the Behavioural Standards in the Workplace Guidance

1. INTRODUCTION

The Grievance Policy, Procedure and Guidance have been developed to ensure that employees, managers and companions are clear about their individual roles and responsibilities for raising and resolving grievances in the workplace.

Anyone working for the School may, at some time, have problems or concerns about their work, working conditions or relationships with colleagues that they wish to discuss. It is also clear that it is in the School's interest to resolve problems before they can develop into major difficulties for all concerned.

Where the problems or concerns relate to perceived unacceptable behaviour, this policy should be read in conjunction with the School's Behavioural Standards in the Workplace Guidance. The guidance defines unacceptable behaviour and identifies strategies that everyone can use to overcome the debilitating effects of such behaviour.

This policy and procedure has been developed in line with ACAS Code of Practice 1 - Disciplinary & Grievance Procedures which came into force on 11th March 2015.

2. DEFINITION

A grievance is a concern, problem or complaint that an employee raises with the school.

Issues that may cause a grievance include:

- Terms and conditions of employment;
- Health and safety;
- Work relations;
- Bullying and harassment;
- New working practices;
- Working environment;
- Organisational change; and
- Discrimination.

3. SCOPE

This Policy & Procedure applies to staff working in the school, except those who are directly employed by the Local Authority and those working in the school via an employment agency. It does not cover collective disputes or disciplinary matters. Employees raising a concern under the Public Interest Disclosure Act should refer to the Whistleblowing Policy. School staff wishing to raise a grievance against an individual employed directly by the Local Authority should do so using the Local Authority's Grievance Policy & Procedure. Employees raising a concern about post

MODEL GRIEVANCE POLICY & PROCEDURE FOR SCHOOLS

grading should refer to 'Grievances Relating to Post Grade'. Teachers wishing to appeal against pay decisions should do so via the Pay Appeals Procedure contained within the Teachers Pay Policy.

4. GENERAL PRINCIPLES

Grievances should be raised at the earliest opportunity after the incident or issue arises and every effort made by the employee and his / her line manager to work at resolving the concerns promptly and informally where possible and appropriate. This approach has many advantages as it enables early and effective resolution and minimises disruption at work. The aim is to resolve concerns and improve working relationships at the earliest opportunity.

It is intended to promote fairness and transparency by ensuring that there are specific and clear rules and procedures for handling grievance situations and that employees who have a grievance about their employment are aware of their rights.

The aim of this policy is that grievances will be dealt with promptly and fairly. There should not be any undue delay of meetings, investigations, decisions or confirmation of those decisions. The timescales in this policy should be maintained where at all possible and should only be varied by agreement of all parties.

Employees raising a grievance should be able to do so without fear of victimisation as a result of the grievance or any subsequent investigation or management action. All grievances shall be dealt with in a non-discriminatory and consistent way.

All parties are expected to take concerns seriously, recognise their own contribution to the situation and work towards a positive and constructive resolution. Concerns will be considered impartially and fairly, and resolved by implementing appropriate remedial action promptly.

Where a grievance cannot be resolved at the informal stage an employee can progress his / her concerns to the formal stage of the Grievance Procedure at all formal stages of the procedure the employee will have the right to be accompanied by a companion. A companion may be a trade union representative or official¹; or a work colleague.

If an employee is unable to put the grievance in writing (for example because of a disability or difficulty with expressing themselves in writing), support should be offered to enable him / her to formulate a written grievance or an alternative means of stating their grievance should be considered. For example, an employee may seek help from a trade union official or work colleague.

If the employee is unable to attend a formal grievance meeting s/he must advise of the reasons as soon as possible. If the reason is outside the employee's control and

¹ The TU representative who is not an employed official of a trade union must hold written certification from their Union that they have experience of or have received training in acting as a companion. This may take the form of a card or letter.

MODEL GRIEVANCE POLICY & PROCEDURE FOR SCHOOLS

unforeseeable at the time the meeting was arranged (e.g. illness), another meeting will be arranged. If the Trade Union representative or work colleague cannot attend, another date can be arranged, provided it is not more than 5 working days after the original date.

If it is decided to proceed with a formal grievance meeting without the employee being present, s/he should be given the opportunity to sending a representative to attend the meeting on his / her behalf, or to make written representations which can be considered at the meeting.

Where an employee has not been notified of the decision following either of the meetings as defined in point 6, the employee may appeal to the next stage of the procedure.

If, in the course of any disciplinary or capability process, an employee raises a grievance, the Headteacher / Chair of Governors must consider whether it is appropriate to temporarily suspend the disciplinary or capability process in order to deal with the grievance. Where the disciplinary or capability and grievance cases are related it may be appropriate to deal with both concurrently. A suspension should not be unnecessarily protracted and should allow for the grievance to be dealt with as quickly as possible. Advice should be sought from the HR team and reference made to the ACAS Guide.

Where a grievance concerns more than one employee in the same school the Collective Disputes Procedure may apply. The Grievance Procedure relates specifically to individual and distinct grievances.

The Grievance Procedure directly applies to an individual and as such the existing terms and conditions of the aggrieved employee will be protected until the grievance procedure has been exhausted, (this is not meant to imply that a change is certain to take place) except where this would constitute a hazard, or where statutory obligations apply. The above clause will also not apply in situations where changes are made to working arrangements and the change is in line with contracts of employment or job profiles such as a change of base for example.

Employees, Headteachers and managers must be allowed a reasonable time in which to prepare for a grievance meeting, therefore, in some circumstances, the timescales referred to in the procedure can be extended by mutual agreement.

Occupational Health Support may be offered to employees involved in grievance investigations and meetings. Please contact the HR team for advice.

Headteachers, Line Managers, Investigating Officers and Grievance Hearing Panel members must consider disabled employees' needs during the process and make reasonable adjustments as necessary. For example, ensuring that locations have appropriate access, written information is provided in a suitable format etc.

MODEL GRIEVANCE POLICY & PROCEDURE FOR SCHOOLS

5. ROLES AND RESPONSIBILITIES

The following is provided as guidance only. There may be circumstances which require different roles and responsibilities. All Headteachers and managers who are likely to be involved at informal stages or grievance hearings should be provided with appropriate training and / or support. Please contact the HR team for advice.

5.1. Human Resources (HR)

To ensure consistency, the HR team will provide advice at every stage of the procedure and will monitor and report on the application of the Policy. HR will also be responsible for ensuring that written records are retained on personal files for the appropriate period and following the principles of the Data Protection Act.

5.2. Employees

Employees should raise their grievance promptly, usually with the Line Manager / Headteacher, clearly explaining the problem or concern and suggesting how it can be resolved at the informal stage, where appropriate. When explaining the grievance employees are reminded to stick to the facts and avoid subjective or inflammatory comments. Employees are encouraged to work with their Line Manager / Headteacher to try and resolve their grievance informally to maintain positive working relationships. Where the grievance relates to alleged unacceptable behaviour the employee must refer to the School's Behavioural Standards in the Workplace Guidance. If the grievance relates to the Line Manager then the employee should raise their concern with the Headteacher; and if the grievance relates to the Headteacher then the employee should raise their concern with the Chair of Governors (or the Vice Chair of Governors in exceptional circumstances).

5.3. Line Manager / Headteacher

The Line Manager / Headteacher is usually responsible for dealing with the grievance raised by the employee. The Line Manager / Headteacher is responsible for acting promptly, clarifying the grievance raised, establishing the facts and confirming decisions to the employee (with advice from HR). The Line Manager / Headteacher should take care to listen to the grievance in a calm, fair and objective manner and explore all reasonable options for informal resolution, where appropriate. Where the grievance relates to alleged unacceptable behaviour, the employee must refer to the School's Behavioural Standards in the Workplace Guidance. If it is considered inappropriate for the Line Manager / Headteacher to examine the grievance another manager may take the lead (Please speak to the HR team for advice). The Headteacher may also, by mutual agreement, consult with the Chair of Governors. However, where the Chair of Governors has been consulted s/he may not participate if / when the matter is considered by the Staff Grievance Sub-Committee at Stage 2. Any written records held by the Line Manager / Headteacher should follow the principles of the Data Protection Act.

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5.4. Companion

An employee may be accompanied at all formal stages of this procedure by a companion which may be a trade union official or representative², or a work colleague. Please see Role of the Companion at Appendix A.

6. COLLECTIVE GRIEVANCE

Where a grievance is raised by more than one employee, the nature of the grievance and the desired resolution are the same, the grievance will be treated as a collective grievance unless discussions between Human Resources and the Trade Union result in agreement that it should be regarded as a Collective Dispute (see Model Collective Dispute Policy for Schools).

A Trade Union Representative can raise a collective grievance on behalf of employees.

A spokesperson may be elected from within the group to speak collectively on their behalf.

In all instances, the group of employees should formally lodge their grievance in writing by completing the Formal Grievance Form in Appendix B. One form should be submitted but must be signed by all employees who share the grievance.

The Collective Grievance procedure will be the same as for individual grievances.

7. RAISING A GRIEVANCE - INFORMAL PROCEDURE

Complaints should be resolved informally, quickly and sensitively whenever this is possible.

Employees who believe they have been the subject to, have witnessed or are alleged to have behaved inappropriately should refer to the School's Behavioural Standards in the Workplace Guidance. This guidance explains the School's view regarding the standards of behaviour that employees have a right to expect and are expected to show to others. It also illustrates how to identify and deal with unacceptable behaviour.

Informal resolution is likely to involve direct discussions between an aggrieved employee and the person or persons perceived to be either the source of the grievance or who are best placed to assist in its resolution.

It is recognised that employees may be reluctant to engage in such a discussion without the support of a companion, a mediator or an intermediary.

² The TU representative who is not an employed official of a trade union must hold written certification from their Union that they have experience of or have received training in acting as a companion. This may take the form of a card or letter.

MODEL GRIEVANCE POLICY & PROCEDURE FOR SCHOOLS

Every effort should be made by the employee and the Line Manager / Headteacher to try and resolve the grievance informally. **The employee should therefore discuss the matter with the Line Manager / Headteacher in the first instance.** Where an employee has a grievance against their Line Manager then the employee should raise the matter informally with the Headteacher; and if the grievance relates to the Headteacher then the employee should raise the matter informally with the Chair of Governors (or the Vice Chair of Governors in exceptional circumstances).

In such informal meetings either party may withdraw at any point.

If an employee has difficulty explaining their grievance because of language or other difficulties then they are encouraged to seek help from a trade union representative or official, another employee or a HR Advisor.

8. RAISING A GRIEVANCE - FORMAL PROCEDURE

8.1. Stage 1

Every effort and intention will be made to resolve complaints and concerns at the informal stage as inevitably this produces better and more sustainable outcomes for all concerned. There may however be occasions where the incident or issue cannot be resolved informally then depending upon the circumstances the employee may raise the grievance formally and in writing to the Headteacher by completing the Formal Grievance Procedure Form at Appendix B.

The written grievance must be signed and dated, and should include:

- a) The nature of the grievance;
- b) A description of the informal action that has already been taken or if no action has been taken, the reason why;
- c) An indication of what outcome is sought and how this might be achieved.

Where an employee has a grievance against the Headteacher and the grievance has not been resolved satisfactorily at the informal stage, the employee should raise the matter formally with the Chair of Governors.

Where the Headteacher has a grievance against the Governing Body he should first of all endeavour to resolve the matter by directly approaching the Chair of Governors.

The Headteacher / Chair of Governors must acknowledge receipt of the formal grievance within 10 working days.

The Headteacher / Chair of Governors (or nominated representative) should invite the employee to at least one meeting at a reasonable time and place so the grievance can be discussed. This should take place as soon as possible and the employee should take all reasonable steps to attend.

MODEL GRIEVANCE POLICY & PROCEDURE FOR SCHOOLS

Following this meeting, a decision may be taken to appoint an Investigating Officer to investigate the concerns further; or to invoke another procedure e.g. Disciplinary Procedure.

The outcome of the meeting should be notified in writing to the employee within 10 working days. If this is not practical, this time limit can be extended by mutual agreement.

8.2. Stage 2

If the employee is not satisfied with the outcome, s/he may raise the grievance formally and in writing with the Chair of Governors within 10 working days of receipt of the Headteacher's (or nominated representative's) formal decision. This should be done by completing the Grievance Procedure Form (Appendix B). The Chair of Governors must acknowledge receipt of the formal grievance within 10 working days.

The Chair of Governors will invite the employee to at least one stage 2 meeting at a reasonable time and place so the grievance can be discussed. The stage 2 grievance will be considered by the Staff Grievance Sub-Committee, consisting of 3 members of the Governing Body who have not been involved previously. The meeting should be held at a reasonable time and place. This should take place as soon as possible and the employee should take all reasonable steps to attend.

The decision at the Stage 2 meeting will be final and should be notified to the employee within 10 working days.

9. **GRIEVANCE MEETINGS**

During a grievance meeting, the employee should be allowed to explain their complaint and say how they think it should be settled. If necessary, the Chair of the grievance meeting may wish to adjourn to enable him / her to gather further information or obtain advice. A date for a re-convened meeting will be agreed at that time if possible. Guidance for managers on how to conduct a grievance meeting can be found at **Appendix C**.

Following the meeting, a written response should be sent to the employee within 10 working days.

10. **INVESTIGATION**

If an Investigating Officer has been appointed under 8.1 above, then an investigation should commence to establish the facts of the case.

The Investigating Officer should be a senior member of staff or a Governor, who must be independent of the matter.

An Investigation Planning Template can be found in Appendix D.

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The Investigating Officer will write to the employee who has raised the grievance to invite them to a meeting to discuss the issue(s) and gather the facts. The discussion should be recorded on the Investigation Record template in Appendix E.

Where appropriate, the Investigating Officer will write to any employee(s) who are the subject of the grievance to inform them of the basis of the grievance and to invite them to a meeting where they will be given an opportunity to respond.

The Investigating Officer will determine whether to speak to any other parties as part of the investigation, including the interview of potential witnesses.

All statements should be taken in line with the template in Appendix E, and will be an accurate but not verbatim record of the meeting. Any individual who makes a statement as part of the investigation will be required to sign the statement as a true record and return it for retention by the Investigating Officer. The individual may return comments to the Investigating Officer, who may amend the record accordingly if in agreement, or alternatively will attach the comments where agreement is not reached.

Following the investigation, the Investigating Officer will conclude that:

- a) There is no evidence to support the grievance and no further action should be taken;
- b) The grievance is partially upheld;
- c) The grievance is upheld;
- d) That another procedure should be invoked e.g. Disciplinary Procedure, Behavioural Standards in the Workplace Guidance etc.

The Investigating Officer will confirm the decision in writing, setting out the reasons for the decision and any recommendations of agreed actions for the parties to take. The employee does not have the right to know what action will be taken in relation to another employee.

The letter will outline the procedure for raising a Stage 2 grievance where the employee is dissatisfied with the outcome at Stage 1.

11. GRIEVANCES FOR EMPLOYEES WHO HAVE LEFT OR LEAVE THE AUTHORITY DURING THE PROCEDURE

Wherever possible a grievance should be raised and dealt with before an employee leaves employment. However, if an employee lodges a grievance after leaving his / her employment then the School is under no obligation to hear the grievance.

In these circumstances, the Line Manager / Headteacher is advised to seek advice from the HR team.

12. KEEPING RECORDS

Written records must be kept throughout the grievance process, including:

- The nature of the grievance;

MODEL GRIEVANCE POLICY & PROCEDURE FOR SCHOOLS

- What was decided and actions taken;
- The reasons for the actions;
- Whether an appeal was lodged;
- The outcome of the appeal; and
- Any subsequent developments.

Records should be retained on the employee's personal file.

Records should be treated as confidential and kept in accordance with the Data Protection Act 1998.

If an employee is represented by a Trade Union official or work colleague, copies of grievance meeting notices, meeting notes, response letter etc. will be sent to that person, unless the employee advises otherwise, in writing.

13. CONFLICT OF INTEREST

Any perceived conflicts of interest must be raised with the HR Advisor at the earliest opportunity.

14. MONITORING THIS POLICY & PROCEDURE

The application of this policy and procedure will be monitored by People Management. This will include monitoring in relation to the protected characteristics as set out in the Equality Act 2010. All Schools must ensure that they advise the HR team of all formal and informal grievances raised.

15. ENSURING EQUALITY OF TREATMENT

This policy must be applied consistently to all employees irrespective of race, colour, ethnic or national origins (including citizenship), language, disability, religion, belief or non-belief, age, sex, gender reassignment, sexual orientation, parental or marital / civil partnership status, pregnancy or maternity.

If you have any equality and diversity concerns in relation to the application of this policy and procedure, please contact a member of the HR team who will, if necessary, ensure the policy / procedure is reviewed accordingly.

If you require this publication in an alternative format please contact People Management on 01267 246100 or email:

PMPBusinessSupportUnit@carmarthenshire.gov.uk

This Guidance is also available in welsh

MODEL GRIEVANCE POLICY & PROCEDURE FOR SCHOOLS

Appendix A.

The Role of a Companion during the Disciplinary and Grievance Process

Introduction

1. Employees who raise a grievance or who are the subject of the Authority's disciplinary procedure are entitled to be accompanied at appropriate stages of the procedure (see procedure for details).
2. Employees must be advised of this right and given the appropriate time to locate and brief a companion.
3. The companion will receive copies of all correspondence, reports etc. relating to the disciplinary or grievance process unless the employee indicates otherwise.

When does the right apply?

4. Employees have the statutory right to be accompanied by a companion where the disciplinary meeting could result in:
 - a formal warning being issued to the employee (i.e. a warning that will be placed on the employee's record);
 - the taking of some other disciplinary action (such as demotion or dismissal) or other action; or
 - the confirmation of a warning or some other disciplinary action (such as an appeal hearing).
5. Employees have a statutory right to be accompanied by a companion at a grievance meeting which deals with a complaint about a duty owed by the employer to the employee, for example, if there is a breach of legislation or a contract term.
6. Informal discussions, counselling sessions or investigatory meetings do not attract the statutory right to be accompanied. Meetings to investigate an issue are not disciplinary meetings. If it becomes apparent that formal disciplinary action may be needed then this should be dealt with at a formal meeting at which the employee will have the statutory right to be accompanied.
7. The Authority will however extend the right to request to be accompanied to an employee who is the subject of an informal investigation provided this does not unduly delay the process.

Who can be a companion?

8. The companion may be:
 - A work colleague;
 - An official employed by a trade union; or
 - A workplace trade union representative, as long as they have been reasonably certified in writing by their union as having experience of, or having received

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Appendix A.

training in, acting as a worker's companion at disciplinary or grievance hearings. Certification may take the form of a card or letter.

Unless there are exceptional circumstances, only one companion will be allowed at a hearing.

9. Employees may ask an official from any trade union to accompany them at a disciplinary or grievance hearing, regardless of whether the union is recognised or not. However, where a union is recognised in a workplace, it is good practice for employees to ask an official from that union to accompany them.
10. Work colleagues or trade union officials do not have to accept a request to accompany an employee, and they should not be pressurised to do so.

Training and Time off for acting as a Companion

11. Trade unions should ensure that their officials are trained in the role of acting as an employee's companion. Even when a trade union official has experience of acting in the role, there may still be a need for periodic refresher training.
12. A worker who has agreed to accompany a colleague employed by the same employer is entitled to take a reasonable amount of paid time off to fulfil that responsibility. This should cover the hearing and it is also good practice to allow time for the companion to familiarise themselves with the case and confer with the worker before and after the hearing. A lay trade union official is permitted to take a reasonable amount of paid time off to accompany a worker at a hearing, as long as the worker is employed by the same employer. In cases where a lay official agrees to accompany a worker employed by another organisation, time off is a matter for agreement by the parties concerned.

Applying the Right

13. The school should allow a companion to have a say about the date and time of a hearing. If the companion cannot attend on a proposed date, the employee can suggest an alternative time and date so long as it is reasonable and it is not more than five working days after the original date.
14. Before the hearing takes place, the employee should tell the authority who they have chosen as a companion. In certain circumstances (for instance when the companion is an official of a non-recognised trade union) it can be helpful for the companion and a representative from the authority to make contact before the hearing.
15. The companion should be allowed to address the hearing in order to:
 - Put the employee's case;
 - Sum up the employee's case; and
 - Respond on the employee's behalf to any view expressed at the hearing.

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Appendix A.

16. The companion can also confer with the employee during the hearing. It is good practice to allow the companion to participate as fully as possible in the hearing, including asking witnesses questions. The authority is, however, not legally required to permit the companion to answer questions on the employee's behalf, or to address the hearing if the employee does not wish it, or to prevent the authority from explaining their case.
17. In the same way that employers should cater for a worker's disability at a disciplinary or grievance hearing, they should also cater for a companion's disability, for example providing for wheelchair access if necessary.
18. Employees should not be disadvantaged for using their right to be accompanied or for being companions.

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Appendix B.

FORMAL GRIEVANCE PROCEDURE

THIS FORM MUST BE COMPLETED AT EACH STAGE OF THE PROCEDURE. PLEASE INDICATE WHICH STAGE IS BEING INVOKED.

GRIEVANCE TO BE CONSIDERED AT STAGE 1 / 2 *

*** Delete as appropriate**

Please complete all sections of Part A when registering a formal grievance. Where possible, please arrange for the form to be typed or use capital letters.

PART A		TO BE COMPLETED BY THE EMPLOYEE	
Name:	_____	Job Title:	_____
Department:	_____	Section:	_____
Employee No.:	_____	Location:	_____
Contact Tel No:	_____	Line Manager:	_____
Please outline the nature of the grievance (using no more than 2/3 sentences)			
Please provide full details of the grievance including dates wherever possible (if necessary continue on a separate sheet of paper). Copies of relevant documents that relate to the grievance should also be attached.			
If the grievance relates to unacceptable behaviour please refer to the behavioural standards guidance in the first instance. I confirm that I have followed the above guidance prior to submitting this formal grievance. Please circle...			
Yes		No	Not Applicable
In accordance with the Grievance Procedure you have the right to be accompanied at the Grievance Meeting by a trade union representative or suitable work colleague. If being represented by a Trade Union, please provide the following details:			
Name of Trade Union: _____		Name of TU Rep or Companion: _____	
E-Mail Address: _____		Contact Telephone Number: _____	
What outcome are you seeking to resolve your grievance?			
Signed: _____		Date: _____	
PART B		TO BE COMPLETED BY THE SCHOOL	
DATE RECEIVED: _____			
RECEIVED BY: _____		JOB TITLE: _____	

MODEL GRIEVANCE POLICY & PROCEDURE FOR SCHOOLS

Appendix C.

Preparing for a Formal Grievance Meeting Guidance for Managers

Contains Extracts from the ACAS Guide - Discipline and Grievances at Work

1. What is a grievance meeting?

In general terms a grievance meeting deals with any grievance raised by an employee.

2. Preparing for the meeting

Managers should:

- Arrange a meeting promptly, in private where there will not be interruptions e.g. telephones should be diverted and mobile phones switched off;
- Consider arranging for someone who is not involved in the case to take a note of the meeting and to act as a witness to what was said;
- Whether similar grievances have been raised before, how they have been resolved, and any follow-up action that has been necessary. This allows consistency of treatment;
- Consider arranging for an interpreter where the employee has difficulty speaking English;
- Consider whether any reasonable adjustments are necessary for a person who is disabled and / or their companion; and
- Consider whether to offer independent mediation.

3. Conduct of the meeting

Managers should:

- Remember that a grievance hearing is not the same as a disciplinary hearing, and is an occasion when discussion and dialogue may lead to an amicable solution;
- Make introductions as necessary;
- Invite the employee to re-state their grievance and how they would like to see it resolved;
- Put care and thought into resolving grievances. They are not normally issues calling for snap decisions, and the employee may have been holding the grievance for a long time. Make allowances for any reasonable 'letting off steam' if the employee is under stress;
- Consider adjourning the meeting if it is necessary to investigate any new facts which arise;
- Sum up the main points; and

MODEL GRIEVANCE POLICY & PROCEDURE FOR SCHOOLS

Appendix C.

- Tell the employee when they might reasonably expect a response if one cannot be made at the time, bearing in mind the time limits set out in the organisation's procedure.

4. Be calm, fair and follow the procedure

Grievances can sometimes be taken as personal criticism - managers should be careful to hear any grievance in a calm and objective manner, being as fair to the employee as possible in the resolution of the problem.

Following the grievance procedure can make this easier.

5. Grievances about fellow employees

These can be made easier by following the grievance procedure and the Behavioural standards in the workplace guidance (insert link).

An employee may be the cause of grievances among his or her co-employees - perhaps on grounds of personal hygiene, attitude, or capability for the job.

Employers must deal with these cases carefully and should generally start by talking privately to the individual about the concerns of fellow employees. This may resolve the grievance.

6. Dealing with special cases

Whistleblowing cases will be dealt with under the Authority's Whistleblowing policy and Procedures.

The same grievance raised by one or more employee from the same department will be dealt with under the Authority's Collective Disputes Policy.

Clearly confidentiality is of prime importance when handling any such grievance, although the outcome may need to be made known if, for instance, someone is found to have bullied or harassed an individual and the result is disciplinary action.

MODEL GRIEVANCE POLICY & PROCEDURE FOR SCHOOLS

Appendix D.

Investigation Planning Template

The Process for the Investigation

- 1) Plan and prepare for the investigation and inform employees involved. The purpose of the investigation is to establish whether or not there is a case to answer.
- 2) Establish the facts by determining the sequence of events that led up to the incident or complaint.
- 3) Interview witnesses and collect evidence.
- 4) Write your report outlining your conclusions.

Your Approach

The Investigating Officer needs to:

- a) Be observant
- b) Build rapport with witnesses or others involved
- c) Be impartial
- d) Use a range of questioning techniques to ascertain the facts
- e) Remain calm when dealing with aggressive or upset people
- f) Be able to challenge where contradictions arise
- g) Be able to summarise thoughts and ideas clearly
- h) Make sound decisions without prejudice

<p>What is the incident or complaint you are investigating? You need to be clear about the terms of reference and the parameters within which you investigate.</p>

<p>Who do you need to speak to? Witnesses, the person accused of the offence, other involved.</p>	<p>What specific information do you want from each person?</p>

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Appendix D.

What was the sequence of events leading up to the incident or complaint?	Who was involved?

From whom do you need witness statements?

What other documents or evidence do you need to see? You need to collect information that you believe would or would not support the case. Other forms of evidence could include performance standards, training and development records, type and quantity of supervision.

MODEL GRIEVANCE POLICY & PROCEDURE FOR SCHOOLS

Appendix D.

After you have carried out your investigation ask yourself the following:

In your opinion what are the known facts? Do they seem fair and reasonable?

Is there any information that is unknown or speculative?

Is there a case to answer?

MODEL GRIEVANCE POLICY & PROCEDURE FOR SCHOOLS

Appendix E.

Signature of employee to confirm the accuracy of the information contained in this document fairly reflects the conversation held between the parties to the meeting

Employee Name (Printed): _____

Employee Signature: _____

Signature of the Investigating Officer conducting the investigation meeting to confirm the accuracy of the information contained in this document fairly reflects the conversation held between the parties to the meeting

Investigating Officer Name (Printed): _____

Investigating Officer Signature: _____

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5th July 2017

Executive Board Member:	Portfolio:
Cllr. Mair Stephens	Deputy Leader

Model Redundancy / Surplus Staffing Policy for Schools

Recommendations / key decisions required:

To endorse the adoption of the Council's updated Model Redundancy / Surplus Staffing Policy for Schools

Reasons:

The 'Governing Body Procedure for Addressing Surplus Staff Situations' is outdated, having not been updated in over a decade, and doesn't reflect current practice within schools.

In the constantly changing world of education, schools and their governing bodies regularly face managing the challenges created by contractual change, falling rolls, workforce remodelling and changes in funding. Any of these have the possibility of requiring staff redundancies.

The new Model Redundancy / Surplus Staffing Policy for Schools has been developed to provide Headteachers and Governing Bodies with a logical step by step approach to managing redundancy situations within their schools, and includes a range of useful documents and templates, which can be referred to throughout the process.

This policy has been developed in consultation with Trade Union colleagues and Headteachers from a cross-section of Carmarthenshire Schools.

Directorate: Chief Executive's / People Management & Performance	Designation:	Tel No. & E Mail Address:
Name of Head of Service: Paul R. Thomas	Assistant Chief Executive (People Management & Performance)	01267 246123 PRThomas@carmarthenshire.gov.uk
Report Author: Julie Stuart	Senior Business Partner	01267 246375 JStuart@sirgar.gov.uk

Declaration of Personal Interest (if any):

None

Dispensation Granted to Make Decision (if any):

N/A

DECISION MADE:

Signed:

DATE: _____

EXECUTIVE BOARD MEMBER

The following section will be completed by the Democratic Services Officer in attendance at the meeting

Recommendation of Officer adopted	YES / NO
Recommendation of the Officer was adopted subject to the amendment(s) and reason(s) specified:	
Reason(s) why the Officer's recommendation was not adopted:	

EXECUTIVE SUMMARY
EXECUTIVE BOARD MEMBER DEPUTY LEADER
5th JULY

Model Redundancy / Surplus Staffing Policy for Schools

In the constantly changing world of education, schools and their governing bodies regularly face managing the challenges created by contractual change, falling rolls, workforce remodelling and changes in funding. Any of these have the possibility of requiring staff redundancies.

Redundancy can be stressful for everyone involved: employer and employee, colleagues, families and friends; and the need for sensitivity is paramount throughout the process.

The responsibility for initiating the redundancy process generally lies with the governing body through its general duty to determine the annual budget for the school. In other circumstances the Headteacher may make proposals regarding the staffing structure of the school which may lead to a redundancy process.

This policy outlines the roles and responsibilities of key stakeholders and aims to guide Headteachers and Governing Bodies through the complex process of staff redundancies.

DETAILED REPORT ATTACHED?

NO

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed:  Assistant Chief Executive (People Management & Performance)

Policy and Crime & Disorder	Legal	Finance	ICT	Risk Management Issues	Organisational Development	Physical Assets
YES	YES	NONE	NONE	NONE	YES	NONE

1. Policy, Crime & Disorder and Equalities

The recommendations support the Council's Strategic Aim 'Building a Better Council' and 'Making Better Use of Resources'

2. Legal

The Model Redundancy / Surplus Staffing Policy for Schools has been developed in line with ACAS and CIPD guidance.

7. Staffing Implications

The HR Team will provide advice and guidance to schools on the application of the Model Redundancy / Surplus Staffing Policy for Schools.

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed:  Assistant Chief Executive (People Management & Performance)

1. Scrutiny Committee

None

2. Local Member(s)

None

3. Community / Town Council

None

4. Relevant Partners

None

5. Staff Side Representatives and other Organisations

Education & Children's Services Employee Relations Forum - 15th June 2017

Section 100D Local Government Act, 1972 – Access to Information List of Background Papers used in the preparation of this report:

THERE ARE NONE

Title of Document	File Ref No.	Locations that the papers are available for public inspection

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Model Redundancy / Surplus Staffing Policy & Procedure for Schools

Effective : September 2017



MODEL REDUNDANCY / SURPLUS STAFFING POLICY & PROCEDURE FOR SCHOOLS

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MODEL REDUNDANCY / SURPLUS STAFFING POLICY & PROCEDURE FOR SCHOOLS

1. INTRODUCTION

In the constantly changing world of education, schools and their governing bodies regularly face managing the challenges created by contractual change, falling rolls, workforce remodelling and changes in funding. Any of these have the possibility of requiring staff redundancies.

Redundancy can be stressful for everyone involved: employer and employee, colleagues, families and friends; and the need for sensitivity is paramount throughout the process.

The responsibility for initiating the redundancy process generally lies with the governing body through its general duty to determine the annual budget for the school. In other circumstances the Headteacher may make proposals regarding the staffing structure of the school which may lead to a redundancy process.

2. WHAT IS REDUNDANCY?

Under the Employment Rights Act 1996, a redundancy arises when employees are dismissed because:

- The employer has ceased or intends to cease to carry on the business for the purposes of which the employee was employed or in the place where the employee was employed; or
- The requirement of the business for employees to carry out work of a particular kind, or in the place where they were employed, has ceased or diminished or are expected to cease or diminish.

3. SCOPE

This Policy & Procedure applies to employees working in the school, except those who are directly employed by the Local Authority and those working in the school via an employment agency.

4. GENERAL PRINCIPLES

- 4.1 Compensation payments will be made in accordance with the statutory provisions, Local Government Compensation Regulations and Employers' Discretionary policies in force at the time. Discretionary policies do not infer contractual rights and are subject to change at any time.
- 4.2 Redundant employees will serve a notice period in accordance with their contractual rights or statutory entitlement if that is greater, although this entitlement to notice may be waived by the employee concerned. Only in cases where operational

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considerations make it impractical for notice to be served will pay in lieu of notice be payable.

- 4.3 A Business Case must always be submitted in accordance with the agreed procedure. (See Retirement, Severance & Redundancy Business Case Guidelines).
- 4.4 Where possible, volunteers for redundancy will be sought in the first instance. However, the Governing Body reserves the right to apply selection criteria if particular knowledge and skills must be retained or if the number of volunteers exceeds the number of redundant posts.
- 4.5 The recognised Trade Unions will be consulted at all stages of this procedure.
- 4.6 If 20 or more employees are facing redundancy within a 90-day period at one establishment then collective consultation will apply.
- 4.7 Employees who are absent from work for whatever reason but particularly when on maternity, adoption, additional paternity leave or due to long term illness must be kept informed at all stages of this procedure and given the same information and opportunities as other affected employees.
- 4.8 Employees have the right to be accompanied by a recognised trade union official or work colleague at all formal stages of this procedure.
- 4.9 The needs of disabled employees must be considered during the process and reasonable adjustments made as necessary.

5. ENSURING EQUALITY OF TREATMENT

This policy must be applied consistently to all employees irrespective of race, colour, ethnic or national origins (including citizenship), language, disability, religion, belief or non-belief, age, sex, gender reassignment, sexual orientation, parental or marital / civil partnership status, pregnancy or maternity.

If you have any equality and diversity concerns in relation to the application of this policy and procedure, please contact a member of the HR team who will, if necessary, ensure the policy / procedure is reviewed accordingly.

6. ROLES AND RESPONSIBILITIES

6.1 Headteacher / Governing Body

Advice must be sought from the Human Resources team as soon a potential redundancy arises. Within the parameters of this procedure the Headteacher and Governing Body are responsible for producing the business case, implementing an agreed consultation plan and liaising with employees to ensure they are kept up to date at all stages and that all alternatives to redundancy are considered including

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redeployment to other schools, where the Redeployment Policy has been adopted, or departments within the Council.

6.2 Human Resources (HR)

The HR Team will advise the Headteacher / Governing Body at all stages of the procedure and will ensure that legal requirements are adhered to in relation to consultation, notice periods, redundancy payments etc. HR will also ensure that notice letters are issued and redeployment or other options considered and enacted.

7. **ALTERNATIVES TO REDUNDANCY**

As soon as there is a requirement for reducing the size of the workforce, alternatives to redundancy should always be considered. This may include:

- Recruitment freezes;
- Curtailing use of agency / supply workers;
- Part-time working or other flexible working options; and
- Natural wastage.

8. **PROCEDURE**

8.1 Identifying a Redundancy Situation

It is recommended that the Headteacher / Governing Body conducts an annual review of the staffing structures and numbers of teaching and support staff employed at the school.

The purpose of the review will be to balance existing and future staffing needs against projected pupil numbers, projected budget and Welsh Government initiatives so that any adjustment in staffing levels or structures can be achieved with the minimum impact on staff.

Secondary Schools may wish to conduct a Staff Audit (Appendix A) at this stage.

The Headteacher should discuss the school's circumstances with a representative of the Education Department, who will advise on the various options that may be available to the school, which includes model staffing structures.

The outcome of this review should be reported to a meeting of the Staffing and Finance Sub Committees of the Governing Body.

If the review identifies a need to reduce staffing levels or a change to the staffing structure, it may be that redundancy procedure will need to be invoked. The Headteacher should contact their HR Advisor for advice at this stage.

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8.2 Instruction to Consult

The potential need for redundancy should be formally recognised by the Staffing and Finance Sub Committees, and would lead to the appointment of Governors to relevant Sub Committees i.e. a Staff Disciplinary and Dismissal (SD&D) Sub Committee and a Staff Disciplinary and Dismissal (SD&D) Appeals Sub Committee.

The Governing Body should ensure that relevant policies have been adopted i.e. Redundancy / Surplus Staffing Policy & Procedure prior to embarking on this process.

The Staffing Sub Committee will formally instruct the Headteacher to begin the consultation process with employees and Trade Unions regarding the surplus staff situation and the potential need for redundancy.

8.3 Equality Impact Assessment (EIA)

In order to ensure that the School is considering the potential equality impact of its proposed policies and practices, and in order to evidence that we have done so, every proposal will be required to be supported by the attached Equality Impact Assessment. Where this assessment identifies a significant impact then more detail may be required.

The initial EIA (Appendix B) is a simple and quick method of assessing the effect of a policy, function, procedure, decision including financial cuts on one or more of the protected characteristics.

The Headteacher / Governor responsible for the decisions must undertake, at least, an initial EIA and where relevant a detailed Equality Impact Assessment (Appendix C).

8.4 Change Review Panel

The Headteacher, with support from their HR Advisor, will attend a meeting of the Change Review Panel (Please see Terms of Reference in Appendix D) to discuss proposed changes. The Panel will provide advice and guidance, and will review the practical and equality issues arising from the proposals.

8.5 Prepare & Present Documentation

The Headteacher, with the advice of HR, will prepare the Consultation Pack which will be shared with employees and trade unions.

The pack should contain the following information:

- i) A brief report to explain the reasons for the change and to explain the school's proposals;
- ii) A letter outlining the process and dates of consultation meetings;
- iii) A draft timetable;
- iv) Draft job Profiles;
- v) The current and proposed staffing structures;

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- vi) Budget information;
- vii) Minutes of relevant Governing Body Sub Committee meeting(s) (redacted if necessary); and
- viii) Copy of the Section 188 Notice (if relevant).

The Headteacher will hold an informal meeting with all affected employees to distribute the documentation pack and explain the process that will follow.

Any employees currently away from work due to sickness absence, maternity / paternity leave, parental leave or on secondment must be invited to attend the meeting.

Employees should be informed at the meeting that if they wish to register an interest in voluntary redundancy, early retirement or a reduction in hours, they should advise the Headteacher as soon as possible. Employees should be reassured that they would be purely registering an interest at this stage and release cannot be guaranteed and any decisions will be based on the needs of the school.

8.6 Formal Consultation

The Headteacher will hold a formal consultation meeting with all employees likely to be affected by the redundancy and the recognised trade unions.

In any redundancy situation, the school will try to balance the protection of its core function i.e. the delivery of education to children, with the need to achieve the necessary savings. The key focus of this consultation stage is to consider every option that could remove or reduce the need for redundancies.

It is important to remember that consultation is different from negotiation, in that reaching agreement with those who are being consulted should be the aim, but is not a prerequisite.

A HR Advisor will be present at consultation meetings to advise on process, including the process for voluntary redundancy / early retirement.

The First Consultation Meeting, which will be clerked and minuted, will cover issues such as:

- a) The reason for the proposal;
- b) The number and description of posts at risk of redundancy;
- c) The total number of employees employed in any such posts in the school;
- d) The way in which employees will be selected for redundancy (please see Section on Knowledge & Skills Questionnaire and Selection Criteria);
- e) Discussion on the proposed new structure;
- f) Comments and suggestions for consideration;
- g) Alternatives to compulsory redundancy, including a voluntary reduction in hours, early retirement or voluntary redundancy (requests to be made to the Headteacher by a specified date, prior to the Second Consultation Meeting);
- h) The redeployment process; and
- i) The method for calculating the redundancy payment.

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It is advisable to allow sufficient time between the first and second consultation meetings to allow employees to consider what options may be available to them in terms of a possible reduction in hours or a job share arrangement, and to obtain an estimate of benefits should they request voluntary redundancy or early retirement.

The Second Consultation Meeting is an opportunity to:

- a) revisit any outstanding issues from the first consultation meeting;
- b) confirm whether any volunteers have come forward and whether any other solutions have been found;
- c) Describe the selection process in more detail;
- d) Provide an explanation to employees on how to complete the Knowledge & Skills Questionnaires form, along with the timescales for completion;
- e) Provide an explanation of the selection criteria which will be used by the SD&D Sub Committee when scoring the Knowledge & Skills Questionnaires;
- f) Explain the next stages of the process, which includes the Scoring Meeting, Representation Meeting and the right to appeal the decision of the SD&D Sub Committee;
- g) Confirm how the outcome of the meeting between the Headteacher and the Staffing Sub Committee will be communicated to employees and trade unions; and
- h) Reiterate the process for redeployment and how the redundancy payment will be calculated.

Comments and / or concerns raised by employees and / or trade unions regarding the process, the new structure etc. during the consultation meetings should be minuted for presentation to the Staffing and / or Finance Sub Committee.

8.7 Closing Consultation

The Headteacher will meet with the Staffing Sub Committee at close of consultation to confirm any outcomes i.e. whether any volunteers for redundancy / early retirement / reduction in hours etc. have been identified.

The Staffing Sub Committee will be responsible for endorsing any voluntary arrangements and for approving a revised school plan.

In the event that no suitable volunteers are identified, the Headteacher will explain the next steps in the procedure to, and agree the timetable with, the SD&D Sub Committee.

The Headteacher will then confirm the resolution of the Staffing Sub Committee in writing to the employees and trade unions, including the timetable for the next steps, to include:

- a) The deadline for submission of Knowledge & Skills Questionnaires (to be agreed) to the Clerk for verification by the Headteacher;
- b) A copy of the Selection Criteria (See Appendix E);

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- c) Confirmation of the proposed dates for the Representation Meetings with the SD&D Sub Committee; and the appeal meeting with the Appeals Sub Committee.

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8.8 SD&D Sub Committee - Selection Meeting

The SD&D Sub Committee will hold a Selection Meeting and will appoint a Chair. A HR Advisor will be present to provide procedural advice, where it is deemed necessary; and the Clerk to the Governing Body will be present to record any discussion of note, including the scoring of the Knowledge & Skills Questionnaires, any advice provided by HR, and the decision of the Sub Committee.

The Headteacher will also be available to answer any questions of a 'technical' nature that the Sub Committee may have. The Clerk will also minute any occasions where the Headteacher is invited in to the meeting, the questions posed to him / her and the answers given.

The Sub Committee members will each, individually, consider the Knowledge & Skills Questionnaires against the agreed selection criteria before they, as a panel, agree a score for each of the submissions. Please note that employees will be provided with a copy of their scoresheet if they are selected for redundancy, or if a request is made under FOIA.

The Chair will notify the employee(s) selected for redundancy of the SD&D Sub Committee's decision in writing. The letter must explain the employee's right of appeal against this decision, and also right to address the SD&D Sub Committee at a Representation Meeting.

8.9 Representation Meeting

Employees selected for redundancy are offered the opportunity to make representations to the SD&D Sub Committee. The employee(s) are entitled to be represented by a work colleague or a trade union official. The Headteacher may also be required to attend to answer any questions that arise.

The purpose of the Representation Meeting, which will be conducted in accordance with the Representation Meeting Protocol (Appendix F), is for the SD&D Sub Committee to explain the reasons for selection and for the employee to ask any questions relating to this. The employee may also wish to present reasons why they should not have been selected. However it should be noted that the meeting is not an opportunity for the employee to add to information already provided during the selection process or comment on the performance of other employees in the selection pool. At the end of the meeting the employee may wish to ask the Panel to reconsider its provisional selection decision.

Any documentation that either party wishes to present to the representation meeting should be shared in advance, usually not less than 3 working days before the representation meeting.

Representation meetings should take place as soon as practicable, and usually within 5 working days of written notification of the outcome of the selection process. The panel may adjourn the representation meeting should the employee present information requiring further investigation.

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The meeting may be postponed for up to 5 working days if the Trade Union representative or workplace colleague cannot attend. It should be noted that where the proposed date of the representation meeting has been shared with employees and their representatives at the outset of the process, it would usually be expected that parties would be available to attend on the pre-arranged date unless issues had been raised when the timeline was originally shared.

If, following the Representation Meeting, the SD&D Sub Committee confirms the selection, the employee must be notified, in writing, of the decision and of their right of appeal against that decision to the Appeal Sub Committee.

8.10 Appeal

An employee wishing to appeal against redundancy should notify the Clerk to the Governing Body within 10 working days of receiving the notice of selection for redundancy.

The Clerk to the Governing Body will convene the Appeals Sub Committee and will notify the employee and their trade union representative / work colleague in writing of the date, time and location of the meeting, giving a minimum of 5 working calendar days' notice.

A HR Advisor will attend the Appeal Hearing to provide advice to the Sub Committee.

The Appeal Hearing, which will be conducted in accordance with the Redundancy Appeal Hearing Protocol (Appendix G), will review the individual case against the established redundancy criteria. It will be up to the employee to show that the criteria have not been applied fairly or that the SD&D Sub Committee has not taken sufficient heed of their personal circumstances.

The Chair of the SD&D Sub Committee will be required to attend the Appeal Hearing to respond to any questions posed by the employee, their trade union representative and / or the Appeal Sub Committee.

The employee selected may reasonably request written confirmation of the details of the way in which the selection criteria were applied to them, but not details relating to other employees.

The appeal should take place as quickly as possible and the Sub Committee must not consist of any Governor who has been involved in the original redundancy decision, or who has a potential conflict of interest.

Following the Appeal Hearing, the employee must be notified of the final decision in writing. A copy of the letter must also be provided to the HR Advisor to the Appeal Panel.

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8.11 Notice & Redeployment

At the end of the appeal process, the Governing Body must advise the Local Authority HR Advisor of their decision, without delay. The dismissal notices should then be sent by the Local Authority within 14 days.

The written notice of dismissal will indicate that the employee is to be dismissed by reason of redundancy, give the effective date of termination, and explain the entitlement to a redundancy payment. The notice should also include the steps that are to be taken by the employer to identify any alternative employment that may become available during the notice period, what personal support is available and the right of the employee to time off to seek work.

8.12 Redundancy Payment

The school is required to send a termination of employment form to the HR Schools Team (hchoolsteam@carthenshire.gov.uk) in order to update the employee's employment record and to arrange for salary payments to cease with effect from the date of termination of employment. To avoid overpayment of salary, the deadline for receipt of the termination form is the 4th of the month in which the employee's employment ends.

The HR Advisor will make all necessary arrangements with the Payroll team for release of the redundancy payment and will liaise with the Pensions Section / Teachers Pensions as appropriate.

8.13 Salary Sacrifice Schemes e.g. Childcare Vouchers, Cycle 2 Work etc.

Any amount outstanding will be deducted from final payments in line with the terms and conditions of the salary sacrifice agreement (contact HR for advice).

8.14 Return of School Property

School property e.g. ID cards, keys, mobile telephone, laptop computers etc. must be returned to the Headteacher, along with passwords and access details, on or before the last day of employment.

9. **ADVICE & SUPPORT**

Headteachers and Governors may find the ACAS Learning On-line module on Handling Redundancies useful. Advice will also be provided by the HR Team throughout the redundancy process.

Employees should be offered the option of Cognitive Behaviour Therapy (CBT) via the Occupational Health Unit. The Line Manager / Headteacher is responsible for arranging this if requested.

10. **MONITORING THIS POLICY & PROCEDURE**

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The Headteacher and Governing Body must ensure that when managing redundancies, they are not unnecessarily impacting disproportionately on particular groups of employees e.g. females, disabled, older or ethnic minority employees.

Monitoring systems will be set up corporately to monitor dismissals on the grounds of redundancy.

11. REFERENCES

The following sources were referred to when developing this policy and procedure:

- Employment Rights Act 1996
- ACAS Advisory Booklet : How to Manage Collective Redundancies
- CIPD Policies and Procedures Guidance
- BIS Guidance

If you require this publication in an alternative format please contact People Management on 01267 246100 or email:

PMPBusinessSupportUnit@carmarthenshire.gov.uk

This Guidance is also available in welsh

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Appendix A.

Staff Audit

(Skills ~ Experience ~ Qualifications)

Name of Employee: Employee No.:

Please could you complete the following details as accurately as possible and return to by (electronic versions can be returned via e-mail). If an updated copy is not received by this date, it will be assumed that the existing version is the one you wish to be considered.

<u>TLR Level</u>	<u>Brief details of responsibilities</u>

Qualifications

1 st Degree (Title, Level & Date Awarded)	Subjects Covered
2 nd or Higher Degree (Title, Level & Date Awarded)	Subjects Covered
Diploma (Title & Date Awarded)	Subjects Covered
Teaching Qualification (Title & Date Awarded)	Subjects Covered

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Appendix A.

Teaching Experience

Commencement Date in School:			
Commencement Date in Current Post:			
Previous Teaching Experience (Please itemise below)			
Dates		School	Role
From	To		

Details of training undertaken within the last three years

Dates	Course	Subject Content

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Appendix A.

Please record below the details of any other relevant experience / skills that you feel could assist the school in addressing what is included in the School Improvement Plan (100 words max)

Further relevant information you wish to share (100 words max)

Thank you for the time you have taken to complete this audit.

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Appendix B.

Initial Equality Impact Assessment

School:		Completed by:		Date of Initial Assessment:	
				Revision Dates:	
Area to be assessed: (i.e. name of policy, function, procedure, practice or a financial decision)					
Is this an existing or new function / policy, procedure or decision?					
What evidence has been used to inform the assessment and policy? Please list.					
1. Describe the aims, objectives or purpose of the proposed function / policy, practice, procedure or decision and who is intended to benefit.					

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The Public Sector Equality Duty requires the School to have 'due regard' to the need to: a) Eliminate unlawful discrimination, harassment and victimisation; b) Advance equality or opportunity between different groups; and c) Foster good relations between different groups (see guidance notes)		2. What level of impact on each group / protected characteristics in terms of the three aims of the duty? Please indicate high (H), medium (M), low (L) or no effect (N) for each.	3. Identify the risk or positive effect that could result for each of the group / protected characteristics?		4. If there is a disproportionately negative impact what mitigating factors have you considered?
			Risks	Positive effects	
Protected Characteristics	Age				
	Disability				
	Gender Reassignment				
	Race				
	Religion / Belief				
	Pregnancy & Maternity				
	Sexual Orientation				
	Sex				
	Welsh Language				
	Any other area				

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5. Has there been any consultation / engagement with the appropriate protected characteristics?	Yes / No
6. What action(s) will you take to reduce any disproportionately negative impact, if any?	
7. Procurement Following collation of evidence for this assessment, are there any procurement implications for the service? Please take the findings of this assessment into your procurement plan. Contact the Corporate Procurement Unit for further advice.	
8. Human Resources Following collation of evidence for this assessment, are there any Human Resources implications to the activity, proposal or service?	
9. Based on the information in Sections 2 and 6, should this function / policy / procedure / practice or decision proceed to Detailed Impact Assessment? (recommended if one or more H under section 2)	Yes / No
Approved by:	<div style="text-align: center; border-bottom: 1px solid black; width: 100%; margin-bottom: 5px;"></div> Headteacher / Chair of Governors
Date:	

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Detailed Equality Impact Assessment

School:	Please see initial assessment
Completed by:	
Date of Detailed Assessment:	
Area to be assessed: (i.e. name of policy, function, procedure, practice or a financial decision)	Please see initial assessment
Is this an existing or new function / policy, procedure or decision?	
1. Describe the aims, objectives or purpose of the proposed function / policy, practice, procedure or decision and who is intended to benefit.	Please see initial assessment
2. Please list any existing documents, evidence or research which have been used to inform the 'Detailed Equality Impact Assessment'. (This must include relevant data used in this assessment)	
3. Has any consultation or	

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Appendix D.

involvement been undertaken with the protected characteristics to inform this assessment? (Please provide details of who and how consulted)				
4. What is the actual / likely impact?				
5. What actions are proposed to address the impact? (The actions need to be specific, measurable and outcome based)	What are we going to do?	Who will be responsible	When will it be completed?	How will we know we have achieved our objective?
6. How will actions be monitored?				
Approved by:	_____ Headteacher / Chair of Governors	Date:		

Change Review Panel : Terms of Reference

1. INTRODUCTION

In the constantly changing world of education, schools and their governing bodies regularly face managing the challenges created by contractual change, falling rolls, workforce remodelling and changes in funding.

2. AIMS AND PURPOSE

The purpose of the Change Review Panel is to monitor, review and challenge any proposed organisational changes (Please see Change Review Panel Checklist). This includes changes to structures e.g. restructure, redundancies, additional posts etc.

A core team will review the practical and equality issues arising from strategic proposals as well as management suggestions and proposals.

The membership will be increased as required to incorporate additional Legal, Job Evaluation or other appropriate officers as required.

3. REMIT OF THE GROUP

- Review and provide advice on organisational change across the Authority's schools from the early stages of the proposals until completion.
- Monitor requests for potentially contentious restructures or re-evaluations or those with the potential to impact on other posts or other areas of the Authority and review individual cases which may be highlighted by the Job Evaluation Manager or by the HR Advisors.
- Monitor requests to set up new posts including requests for 'indicative' grades. Review individual cases as highlighted by team members.
- Consider all proposals for changes to terms and conditions or for new terms and conditions to be established. Provide advice and respond to proposals. Monitor the application of existing terms and conditions.
- Consider any applications under the Authority's market supplement scheme to ensure they are supported by a business case and accord with the Scheme framework / guidance.
- Review any areas of concern highlighted by equalities monitoring.

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- Monitor honoraria / acting up arrangements and review individual cases as highlighted by team members.
- Consider any other issue that can be considered to fall within the group's remit.

4. FREQUENCY OF MEETINGS

Meetings to be held fortnightly or more frequently when required. Ad hoc meetings may be required to deal with 'one-off' issues e.g. major restructures.

5. MEMBERSHIP OF THE GROUP

The membership of the group may be reviewed from time to time but will initially consist of the following officers:-

Gareth Morgans	Chief Education Officer	}	Attendance
Aeron Rees	Head of Learner Programmes	}	within this
Andi Morgan	Head of School Effectiveness	}	group will be
Elin Forsyth	Principal Challenge Advisor	}	on a rota basis
Susannah Nolan	Group Accountant		
Julie Stuart	Senior HR Business Partner		

Additional officers may be invited to meetings where their advice is needed.

The Schools HR Advisors will attend to consider proposals presented by schools in their respective areas. The HR Advisors will be the link officers between the Change Review Panel and Schools.

Wherever practical, each meeting will be attended by no less than one member of the Education Department Management Team; the Group Accountant or nominated representative; and the Senior HR Business Partner or nominated representative, but meetings will go ahead as long as there are sufficient attendees to reasonably carry out the business. Other key staff will be invited to attend the group to present information as and when required.

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Appendix B.

Change Review Checklist

The Change Review Panel provides support and advice at an early stage to Headteachers / managers who are considering changes which have implications for structures and staffing. In general, schools who plan such changes thoroughly and well in advance can ensure that staffing implications can be planned for and discussed with employees and as a result the change is easier to manage.

To ensure that the Change Review Panel are able to provide full support and advice, we recommend that the following information is provided at the earliest opportunity, but no later than 5 working days in advance of the meeting, and using this template if possible. Additional information can be attached and / or can be discussed with the Panel at one of their regular meetings.

We anticipate that you will have consulted with your Challenge Advisor prior to, and during, the development of your proposals and that s/he will have supported you with the completion of this document.

You may find it useful to refer to the Model Redundancy / Surplus Staffing Policy for Schools before developing your proposals.

Please contact your HR Advisor to book time to meet with the Change Review Panel or to discuss how and when this document should be submitted. S/he should also be available to attend CRP meetings with you if required.

1. Reason for Review

--

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Appendix B.

2. Have alternative options been considered e.g. federation, partnership and collaboration, procurement etc.? (Please outline)

Please ensure that you are able to evidence that the following reviews have been undertaken and that you can draw upon those reviews in shaping and presenting your conclusion:

- Staffing (compared with typical staffing structures for a school your size nature etc.
- Curriculum
- Savings sought after line by line analysis of your budget expenditure and income

3. Anticipated impact on staffing structure and job roles:
(Include a summary of changes in job numbers, types of jobs, reduction in hierarchies)

4. Current staffing structure and proposed staffing structure (in diagrammatic form) to include employee names (where possible) and post grades. (This can be attached as a separate document if preferred)

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5. Summary of changes to job roles
(Include changes in status, pay grade, responsibilities, supervision, reporting lines etc.)

6. Job profiles and proposed grades for all posts in the new structure

7. Summary of potential adverse impact on employees including potential redundancies and down grading of posts e.g. where job profiles have been assessed at a lower grade, employees' status in hierarchy is affected

8. Summary of potential impact upon, and strategies to manage and mitigate any risks (your Challenge Advisor will provide guidance):

- a) Educational Standards
- b) Curriculum Coverage (Statutory core and non-core subjects)
- c) WESP
- d) Successful Futures
- e) Learning and Skills Measure (Secondary)
- f) Teaching and Learning

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Appendix B.

9. Cost of structure (current and proposed)

Please attach separate sheet if necessary. If the proposed structure results in increased costs, please explain why and how this will be funded. Please also confirm that Finance have checked and confirmed costings.

10. Implementation Plan and Timetable

(HR will advise on statutory consultation requirements)

You are now ready to present your full proposals to the Change Review Panel prior to consultation and implementation.

Please contact your HR Advisor to arrange a suitable date.

You will receive written confirmation of actions agreed within 5 working days of the meeting.

MODEL REDUNDANCY / SURPLUS STAFFING POLICY & PROCEDURE FOR SCHOOLS

Appendix E.

Redundancy Selection Criteria Guidance for Schools

1. INTRODUCTION

We are committed to providing a stable and secure working environment for our employees. However, there may be times and circumstances where contractual change, falling rolls, workforce remodelling and changes in funding may necessitate the need for redundancies.

This guidance should be read in conjunction with the Model Redundancy / Surplus Staffing Policy & Procedure for Schools and sets out the recommended approach to selecting employees for redundancy should a redundancy situation occur.

2. METHOD OF SELECTION

The Governing Body will consider the most appropriate selection method, taking account of the requirements of the school at the time.

Where there is no significant changes to roles, but there is a diminishing need for these roles, the method of selection will generally be by using a redundancy selection matrix, assessing employees against objective selection criteria; and Knowledge & Skills Questionnaires.

3. SELECTION POOL

The Staffing Sub Committee of the Governing Body will identify how many roles are at risk of redundancy and will determine a pool from which employees will be selected. The Governing Body will ensure that the pool for selection has been fairly defined. The pool will normally consist of employees who carry out the same, or similar work, and perform jobs that are interchangeable.

It may be appropriate, in exceptional circumstances, to propose the exclusion of an individual employee from the selection pool if they possess a unique skill or qualification which needs to be retained by the school e.g. British Sign Language etc.

In certain circumstances, it will not be necessary to determine a pool from which to select employees for redundancy, for example, where there is only one employee whose role is affected or where the whole school is closing.

4. SELECTION CRITERIA

Once the Staffing Sub Committee has determined the selection pool, the Staff Discipline & Dismissal (SD&D) Sub Committee will apply criteria to decide which employees from the pool will be provisionally selected for redundancy. The SD&D

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Sub Committee will ensure that, as far as possible, the criteria applied are objective, in that they are not based on the subjective opinion of the individuals applying the criteria.

The School will strive to use criteria that are measurable and supportable by documentary records, data or other evidence, for example, attendance, performance appraisal and supervision records (where appropriate), capability or disciplinary records etc.

In collective redundancy situations, selection criteria and weighting will be drawn up in consultation with recognised trade Unions. Care must be taken in agreeing criteria to ensure that it is not directly or indirectly discriminatory.

Some selection criteria are automatically unfair. The school will not select an employee for redundancy based on any of the following reasons:

- Pregnancy, including all reasons relating to maternity;
- Family, including parental leave, paternity leave (birth and adoption), adoption leave or time off for dependants;
- Acting as an employee representative;
- Acting as a Trade Union Representative;
- Joining or not joining a Trade Union;
- Being a part-time or fixed-term employee;
- Their age, disability, gender reassignment, marriage and civil partnership, race, religion or belief, sex or sexual orientation;
- Pay and working hours, including the Working Time Regulations, annual leave and the National Minimum Wage; and
- Asserting a statutory right.

The selection criteria that the school uses will depend on a number of factors, including the needs of the service at the time and the roles under consideration.

The following list gives examples of the criteria that may apply:

- Attendance
To determine an employee's attendance record, the school will examine attendance records in the 3 years leading up to the commencement of the redundancy consultation. The school will not take account of absences due to pregnancy, maternity, other family-friendly leave or disability.
- Disciplinary
To determine an employee's disciplinary record, the school will examine personnel files for formal warnings and recorded informal disciplinary concerns identified through informal / formal stages of the Disciplinary Policy*

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- Capability Records
To determine an employee's capability record, the school will examine personnel files for formal improvement notes and recorded capability concerns identified through informal / formal stages of the Capability Policy*
- Job Performance
To determine an employee's performance record, the school will examine appraisal documentation and supervision records (where appropriate).
- Relevant Knowledge and Skills
The school will distribute Knowledge and Skills Questionnaires to the established pool relevant to the job role, service users, customers and the school.
- Relevant Qualifications and Training
To determine an employee's relevant qualifications and training record, the school will examine personnel files and training records. This may also be identified via the Knowledge & Skills Questionnaire.
- Length of Service
Only as one of a number of criteria.

The particular selection criteria used will be determined, depending on any relevant business requirements at the time, taking into consideration any need to retain specific knowledge, skills and a balanced workforce.

- * *Note: Recorded disciplinary / capability concerns identified through informal / formal stages of the Disciplinary / Capability policies can be in the form of letters or memos to individuals; file notes; diary notes or minutes from meetings. Incidents for which there is no written record are not sufficient. Records of incidents which have never been raised with the individual concerned will not be used.*

5. APPLICATION OF SELECTION CRITERIA

The Staff Discipline & Dismissal (SD&D) Sub Committee will score employees against the selection criteria in a reasonable, fair and consistent manner. At least three governors will apply the criteria independently with advice from a HR Advisor, before they, as a panel, agree a score for each of the submissions.

The SD&D Sub Committee will not apply the selection criteria in a discriminatory manner, for example on the basis of part-time status, pregnancy or maternity leave. If an employee within the pool for selection is disabled, the school will consider reasonable adjustments to the selection procedure to remove any disadvantage that the disabled employee would otherwise face.

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6. SCORING AND WEIGHTING

The SD&D Sub Committee will use a redundancy selection matrix to score each employee. The matrix will set out the criteria against which employees will be assessed in a clear and transparent manner. It will set out the scoring ranges and how much weight or importance the school attaches to each criterion.

The SD&D Sub Committee will score employees against the selection criteria by considering documentary evidence or other knowledge obtained about the employee. Employees will not be scored by comparing them against each other. It is important that scores are supported by accurate records and governors are required to provide documentary evidence for this purpose.

7. MAKING AN INDEPENDENT ASSESSMENT

Copies of the redundancy criteria, scoring matrix and Knowledge & Skills Questionnaires will be issued to the SD&D Sub Committee and each member will be required to make independent assessments of each employee against the agreed criteria.

Governors should consider the specific details of the criteria and make judgements, based upon evidence, about the score which an employee is assigned.

When making judgements about performance, appraisal / review documentation should be examined and performance against targets should be measured. If during the selection process it becomes clear that employee performance records are incomplete for one or more employee, the performance criteria should be removed as a selection criterion.

If using knowledge and skills selection criteria, the specific requirements in relation to these areas should be identified at the outset of the process, so that fair and consistent judgements about individual employees can be made.

8. MODERATION

Once Governors have made independent assessments of employees and have assigned scores appropriately, a moderation exercise should take place where they agree the final scores as a Sub Committee, ensuring that the decisions made can be justified based on the information which has been assessed.

9. ENSURING EQUALITY OF OPPORTUNITY

This guidance must be applied consistently to all employees irrespective of race, colour, ethnic or national origins (including citizenship), language, disability, religion, belief or non-belief, age (except in calculation of redundancy compensation

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payments), sex, gender reassignment, sexual orientation, parental or marital / civil partnership status, pregnancy or maternity.

10. SELECTION CRITERIA DESCRIPTIONS

10.1 Disciplinary Records

To use disciplinary records as a selection criterion, be sure that all records are up to date and that all warnings are current. Expired warnings must **NOT** be used. Points allocated for outstanding / live warnings should be deducted from the selection matrix score, weighted as shown on the Redundancy Matrix Form.

In the case where an employee has more than one live warning for separate offences, then scores will be deducted for each separate warning as set out in the table below. For example, -4 for a live informal warning and -6 for a separate live formal written warning will bring the total score for the individual to -10.

	<u>Score</u>
No current disciplinary warnings	0
Current First Written Warning	-6
Current Final Written Warning	-8
Current Final Written Warning plus Action Short of Dismissal	-10

10.2 Capability Records

To use capability records as a selection criterion, be sure that all records are up to date and that all improvement notices are current. Expired improvement notices must **NOT** be used. Points allocated for outstanding / live improvement notices should be deducted from the selection matrix score, weighted as shown on the Redundancy Matrix Form.

In the case where an employee has more than one live improvement notice for separate capability concerns, then scores will be deducted for each separate improvement notice as set out in the table below. For example, -4 for a live informal warning and -6 for a separate live formal written warning will bring the total score for the individual to -10.

	<u>Score</u>
No capability warnings	0
Current Stage 1 Capability	-6
Current Stage 2 Capability	-8
Current Stage 3 Capability plus Action Short of Dismissal	-10

10.3 Relevant Qualifications and Training

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

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	<u>Score</u>
Fully qualified or equivalent as specified on the person specification	5
Part qualified and actively training towards full qualification	4
Part qualified and not actively training towards full qualification	3
Not qualified, not part qualified but training towards full qualification	2
Not qualified and not actively training towards full qualification	0

10.4 Relevant Knowledge and Skills

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

The Staffing Sub Committee will set the selection criteria, in consultation with the trade unions, and arrange for the Knowledge & Skills Questionnaire to be populated ready for completion by all employees in the selection pool. The Headteacher will be available to assist the SD&D Sub Committee with the verification of responses.

10.5 Length of Service

Length of service is only to be used as one of a number of criteria.

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

Where length of service is used, managers must obtain employee start dates from HR. The individual with the longest service, according to start date with the Authority, will be deemed as the employee to be retained in employment. The individual with the shortest employment will be selected for redundancy. Employment will be classed as Carmarthenshire County Council employment only and not continuous Local Government Service.

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Redundancy Selection Matrix

Employee Name: _____ Job Title: _____
 School: _____ Department: _____

Criteria	Assessment	Evidence	Weighting	Score	Weighted Score	Notes
Disciplinary*				/ -10		
Capability*			Minimum 2	/ -10		
Relevant Qualifications / Training				/		
Relevant Knowledge / Skills				/ 5		
Length of Service			N/A	N/A		Tie Breaker Only
Total Score						

Assessor's Name: _____ Signature: _____ Date: _____

* *Note: Unless the employee has no disciplinary / capability action or sanctions on file this figure should be a minus number.*

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Knowledge & Skills Questionnaire (Teaching Assistants)

Post

Title:

Name of Employee: Employee No.:

Please select only the criteria which is relevant to your individual school's situation from the list below. This list is not exhaustive.

Criteria	Yes / No	Points Awarded <small>(Please refer to Key)</small>	Weighting
NVQ Level 4 / HLTA or Degree level qualification			
CACHE Diploma or NNEB equivalent qualification			
NVQ Level 3 Qualification in Child Care			
NVQ Level 2 Qualification in Child Care			
SEN / ALN Experience / Qualification			
More Able & Talented Experience			
Experience / Particular skills in delivering support / enrichment programmes			
Experience of preparing pupils for National Literacy Tests			
Experience of preparing pupils for National Numeracy Tests			
Experience of making pupil assessments			
Foundation Phase Experience			
Key Stage 2 Experience			
Behaviour Management / Pupil Welfare			
Welsh Language Skills or Qualifications			
Musical Instrument Ability			

Points Key:

(Applies to all of the above)

3 Points = Current Responsibility / Current Evidence

2 Points = Recent but not current responsibility / evidence i.e. within the last 3 years

1 Point = Evidence of but not recent i.e. more than 3 years ago

0 Points = No evidence

Weighting

The Staff Disciplinary & Dismissal Sub Committee should determine the weighting factors at the start of the process, once the selection criteria has been agreed. Criteria should be

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listed in priority order. Each criterion may then be given a factor of 5, with the lowest priority given a factor of 1.

Please note the weighting factor and the score should be multiplied to obtain the total for the specific criteria.

PLEASE NOTE:

- If an employee has been on maternity leave or long-term sickness covered by the Equality Act, the timescale (3 years) should be extended in line with the period of leave.
- The Staff Disciplinary & Dismissal Sub Committee will need to verify every response on this form. Submitting false information on this form may be deemed an act of Gross Misconduct under the School's Disciplinary Policy.

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Knowledge & Skills Questionnaire (Primary Teaching)

Post

Title:

Name of Employee: Employee No.:

Please select only the criteria which is relevant to your individual school's situation from the list below. This list is not exhaustive.

Criteria	Yes / No	Points Awarded <small>(Please refer to Key)</small>	Weighting
Do you hold a TLR2 / TLR?			
Have you held management responsibility other than a TLR?			
Experience of monitoring, assessing and reporting pupil progress across the curriculum at the end of Key Stages?			
SENCO Experience?			
ALN Experience?			
More Able & Talented Experience			
Experience of teaching Foundation Phase?			
Experience of teaching KS2?			
Curriculum Leader Core Subject English / Welsh Literacy?			
Curriculum Leader Core Subject Maths?			
Curriculum Leader Core Subject Science?			
Currently hold / previously held curriculum leadership development role for a foundation / Key Stage 2 subject? Please list.			
Welsh Language Skills?			
Experience of contributing to LEA / National Initiatives?			
Lead role experience in Global Awareness or Cultural Diversity?			
Digital Framework			

Points Key:

(Applies to all of the above)

3 Points = Current Responsibility / Current Evidence

2 Points = Recent but not current responsibility / evidence i.e. within the last 3 years

1 Point = Evidence of but not recent i.e. more than 3 years ago

0 Points = No evidence

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Weighting

The Staff Disciplinary & Dismissal Sub Committee should determine the weighting factors at the start of the process, once the selection criteria has been agreed. Criteria should be listed in priority order. Each criterion may then be given a factor of 5, with the lowest priority given a factor of 1.

Please note the weighting factor and the score should be multiplied to obtain the total for the specific criteria.

PLEASE NOTE:

- If an employee has been on maternity leave or long-term sickness covered by the Equality Act, the timescale (3 years) should be extended in line with the period of leave.
- The Staff Disciplinary & Dismissal Sub Committee will need to verify every response on this form. Submitting false information on this form may be deemed an act of Gross Misconduct under the School's Disciplinary Policy.

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Weighting

The Staff Disciplinary & Dismissal Sub Committee should determine the weighting factors at the start of the process, once the selection criteria has been agreed. Criteria should be listed in priority order. Each criterion may then be given a factor of 5, with the lowest priority given a factor of 1.

Please note the weighting factor and the score should be multiplied to obtain the total for the specific criteria.

PLEASE NOTE:

- If an employee has been on maternity leave or long-term sickness covered by the Equality Act, the timescale (3 years) should be extended in line with the period of leave.
- The Staff Disciplinary & Dismissal Sub Committee will need to verify every response on this form. Submitting false information on this form may be deemed an act of Gross Misconduct under the School's Disciplinary Policy.

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Appendix F.

Representation Meeting Protocol

The format of the representation meeting will be as follows:

- The Chair will introduce the parties present and will explain the procedure to be followed and the format of the meeting;
- The Chair will explain the reasons why the employee has been provisionally selected for redundancy with reference to the outcome of any skills audit or selection process. The employee and their representative may ask any questions relating to this.
- The employee and their representative will be given an opportunity to present reasons why s/he should not have been selected. This may include asking the SD&D Sub Committee to reconsider its initial selection decision. The employee is not permitted to add to the information given during the selection process or comment on the performance of others. The SD&D Sub Committee may ask questions relating to the points raised by the employee.
- The Headteacher may be asked questions by either the employee or the SD&D Sub Committee.

Having considered the representations from the employee, and answers given by the Headteacher, the SD&D Sub Committee and the HR Advisor will adjourn the meeting whilst it considers whether the member of staff will be dismissed on the grounds of redundancy or return to the previous stage of the process to select another member of staff for compulsory redundancy.

The decision may be given orally by the Chair of the SD&D Sub Committee and a letter confirming the decision will be sent to the employee(s) concerned. The right of appeal will be included.

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Appendix G.

Redundancy Appeal Hearing Protocol

The format of the Appeal Hearing will be as follows:

- The Chair will introduce the parties present and invite the Headteacher and a representative of the Staff Discipline & Dismissal Sub Committee (normally the Chair of the Sub Committee) to present details of the process followed and how the decision to select the employee was reached;
- The employee and their representative will be given the opportunity to make an oral statement and / or submit a written submission to explain why they believe the original decision was unreasonable and why it should be overturned;
- All parties present will be given the opportunity to ask questions at relevant times during the process;
- The Headteacher / representative of the Staff Discipline & Dismissal Sub Committee, the employee and their representative will be given the opportunity to sum up their respective positions at the end of the meeting.

The Appeal Sub Committee and the HR Advisor will adjourn the meeting to consider its decision.

The Appeal Sub Committee will either:

- Ratify the nomination; or
- Overturn the decision.

The employee, Headteacher and Staff Discipline & Dismissal Sub Committee should be notified in writing of the outcome of the appeal within five working days of the date of the meeting.

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Appendix H.

Redundancy Stages / Timetable

(To be used in conjunction with the Redundancy / Surplus Staffing Policy for Schools)

STAGE	ACTION	DATE
1	<p><u>Identifying a Redundancy Situation</u></p> <p>Governing Body meet to consider the school's budget and current staffing structure, and determine potential redundancy situation. Decision taken to commence redundancy procedure.</p> <p>Equality Impact Assessment to be conducted at this stage.</p>	Date
2	<p><u>Change Review Panel</u></p> <p>The Headteacher, with support from the School's HR Advisor, will attend a meeting of the Change Review Panel to discuss proposed changes.</p>	Date
3	<p><u>Informal Meeting with Staff</u></p> <p>The Headteacher will hold an informal meeting with all affected staff to distribute relevant documentation and to explain the process that will follow.</p> <p>Employees should be invited to register an interest in voluntary redundancy, early retirement or a reduction in hours at this stage.</p>	Date Date
4	<p><u>Formal Consultation</u></p> <p>The Headteacher will hold a First Consultation Meeting with staff to discuss the reason for the proposal, its impact and the selection criteria for redundancy.</p> <p>A Second Consultation Meeting will be held approximately 7-10 days later to revisit any outstanding issues from the first consultation meeting.</p> <p>Staff and Trade Unions should be advised of the date for close of consultation and issued with instructions for submitting comments and / or concerns regarding the process and / or the new structure.</p>	Date Date Date
5	<p><u>Staffing Sub Committee</u></p> <p>The Headteacher will meet with the Staffing Sub Committee at close of consultation to discuss comments received from staff and Trade Unions, and to confirm any outcomes i.e. whether any volunteers have been identified.</p> <p>The Staffing Sub Committee will be responsible for endorsing any voluntary arrangements and for approving the selection criteria, timetable and deadline for submission of Knowledge & Skills Questionnaires.</p>	Date

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Appendix I.

Teachers Premature Retirement and Redundancy Discretionary Compensation Policy

INTRODUCTION

It is recognised that schools may have to review their staffing levels and will have to reduce staffing numbers for a variety of reasons. Whilst this can often be managed without redundancies, this Policy provides details of compensation payments for teachers whose posts are made redundant or who are accepted as volunteers for redundancy.

It is the responsibility of the School's Governing Body to put forward recommendations for dismissal by reason of redundancy to the Local Authority (LA). The LA is required to comply with the governing body's recommendations and will issue the notice of dismissal. Both the School and the LA will make every effort to obtain redeployment for the employee concerned.

This Scheme complies with The Teachers (Compensation for Redundancy and Premature Retirement) Regulations 2015 No. 601, and The Teachers' Pension Scheme (Amendment) Regulations 2015; and should be read in conjunction with the Model Schools Procedure for Addressing Surplus Staff Situation.

There is a separate Discretionary Compensation policy for School Support Staff who are members of the Local Government Pension Scheme (LGPS).

SCOPE

This Policy applies to all teachers who are members of, or eligible for entry to, the Teachers Pension Scheme and who voluntarily apply for and are accepted under the terms of the Schools redundancy process or whose posts are declared redundant (compulsory redundancy).

This policy also applies to centrally employed teachers who are directly employed by the Local Authority in terms of compensation payments but decisions regarding redundancy dismissals and redeployment are the sole responsibility of the Council.

GENERAL PRINCIPLES

It is the Local Authority's discretion to grant premature retirement and related benefits on the grounds of redundancy or organisational efficiency. Unreduced premature benefits can only be paid if the reason for payment complies with the current Teachers Pensions Scheme Regulations. For example:

- Premature retirement is not an option at the end of a fixed term contract (although it is an option if the redundancy or organisational efficiency causes the fixed term contract to end prematurely).

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- The employee must stop all teaching work before premature retirement payments can be made. If they are a supply teacher their contract must have ended. A non-working day is not a break in service.
- Premature retirement payments cannot be paid in addition to a severance payment.

Access to pension benefits is available when the teacher has reached the age of 55, has a minimum of two years continuous service at the termination date and where supported by a business case using the LA business case template.

A business case will be required for all redundancy severance terminations even when premature retirement is under consideration.

COMPENSATION FOR REDUNDANCY TERMINATION

Statutory redundancy payments are currently capped at £475 per week (figures effective from 1st October 2015) and also capped at 30 weeks maximum payment subject to age and service at date of leaving (See Appendix K).

Teachers who fall within the scope of this policy and who meet the appropriate eligibility requirements will receive one of the following:

Teachers who are eligible for release of pension	Access to premature retirement benefits and a redundancy payment based upon the statutory payment level
Teachers who are NOT eligible for release of pension	A redundancy payment based on actual salary, age and length of service of the teacher up to a maximum of 30 weeks

ORGANISATIONAL EFFICIENCY RETIREMENT

Early release of pension benefits may apply when employees retire in the interests of organisational efficiency. No other compensation is payable.

DISCRETIONARY SEVERANCE SCHEME - CENTRALLY EMPLOYED TEACHERS ONLY

Centrally employed teachers (i.e. those who are employed directly by the Local Authority) who apply for and are released on the grounds of voluntary severance under the terms of Carmarthenshire County Council's Discretionary Severance Scheme are eligible for:

- A severance compensation payment as outlined in the Severance Scheme; OR
- Access to premature retirement pension benefits (if aged 55 and over).

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Appendix I.

BUSINESS CASE APPROVAL

Each redundancy and / or retirement of a Teacher must be supported by a business case which gives the reasons for the redundancy and / or retirement and details the cost to the Local Authority. This should be presented on the agreed business case template and should provide all the information required. Schools are recommended to liaise closely with their Finance Officer / Group Accountant and Human Resources Advisor when developing the case. It should then be signed by the Chair of the Governing Body, the budget holder within the Local Authority and agreement for the teacher's release by the Director of Education and Children's Services. The Business Case template is available from your HR Advisor or Group Accountant. Payments will only be approved when all corporate checks and validations are complete. A Teacher must not be released from employment until the business case has been fully approved.

The cost of redundancy and early retirement will be funded in full by the Local Authority unless the Council believes there is 'good reason' to recharge them to the school's delegated budget. 'Good reason' includes a deliberate disregard of the advice given by, or on behalf of, the Director of Education and Children's Services, Director of Corporate Services and / or the Assistant Chief Executive (People Management & Performance).

In the case of deliberate disregard of this advice, all costs, including redundancy payments and any costs arising at a later date, including costs relating to Employment Tribunal claims, may be recharged to the school's delegated budget.

It should be noted that the Local Authority will not meet the additional cost of benefits in the event that the retiring teacher's salary has increased by more than 10% except for the standard salary increases during the three years prior to retirement.

REVIEW

This policy will be reviewed on a regular basis.

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Appendix J.



Discretionary Compensation Regulations Discretions to be introduced on 9th August 2014



The Authority is required to publish its policy in respect of the Discretionary Compensatory Regulations under the Local Government Pension Scheme (LGPS). These discretions are subject to change, either in line with any change in regulations or by due consideration by the Authority. These provisions do not confer any contractual rights.

LGPS Regulations 2013

- The Authority has used its discretion not to contribute to a shared cost APC scheme (**Regulation 16 (2)(e) and 16 (4)(d)**).
- The Authority will consider whether all or some benefits can be paid if an employee reduces his/her hours or grade (flexible retirement). Each application will be considered on its own merits following full consideration of all financial and service delivery implications. The Authority may waive the resulting actuarial reduction on benefits paid on flexible retirement, in whole or in part, providing that appropriate supporting evidence is presented (**Regulation 30 - 6 -8**).
- The Authority may waive, in whole or in part, the actuarial reduction on benefits which a member draws before normal pension age (early retirement), providing appropriate supporting evidence is presented and full consideration of all financial and service delivery implications (**Regulation 30 - 8**).
- The Authority has used its discretion not to grant additional pension to an active member or within 6 months of ceasing to be an active member by reason of redundancy or business efficiency (**Regulation 31**).

LGPS (Transitional Provisions, Savings and Amendment) Regulation 2014

- The Authority will consider all requests to “switch on” the 85 year rule for a member drawing benefits on or after age 55 and before age 60, providing that appropriate supporting evidence is presented and full consideration of all financial and service delivery implications (**Schedule 2, para. 1(2) and 2(2)**).
- The Authority may waive, on compassionate grounds, the resulting actuarial reduction applied to benefits from pre 1 April 2014 membership, providing that appropriate supporting evidence is presented and full consideration of all financial and service delivery implications (**Schedule 2, para. 2(3)**).

LGPS (Early Termination of Employment) (Discretionary Compensation) Regulations 2006

- The Authority will base the redundancy pay at actual weeks pay where this exceeds the statutory weeks pay limit (Regulation 5).
- The calculation for redundancy pay will be based on the statutory redundancy weeks pay x 1.5. e.g. under the statutory redundancy table the maximum redundancy weeks calculation is 30 weeks, the Authority will pay up to a maximum of 45 weeks. Where an individual has reached aged 55 they will also receive release of unreduced pension benefits built up to the date of termination (Regulation 6).
- For efficiency of service retirements where an individual has reached aged 55 they will receive release of unreduced pension benefits built up to the date of termination (Regulation 6).

Discretions Adopted at Full Council - 9 July 2014

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Appendix J.



Discretionary Compensation Regulations Discretions to be introduced on 9th August 2014



- Where there is a mutual agreement for the release of an individual under the Authority's Severance Scheme the Authority will use its discretion to give compensation payments based on actual salary. The discretionary payments will be based on age and service, with a multiplier to be applied of 1.5, and limited to a maximum of 45 weeks. Where an individual has reached aged 55 they will also receive release of unreduced pension benefits built up to the date of termination.
- 2 years continuous qualifying service is required to access these Compensation Arrangements.

LGPS (Benefits, Membership and Contributions) Regulations 2007

- Each request for early payment of deferred benefits on or after age 55 and before age 60 will be considered on its own merits following full consideration of all financial and service delivery issues. The Authority may waive the resulting actuarial reduction on compassionate grounds applied to deferred benefits paid early, providing that appropriate supporting evidence is presented. **(Regulation 30 - 2 and 5)**.
- The Authority has used its discretion not to augment membership for a member leaving on the grounds of redundancy or business efficiency on or before 31st March 2014 **(Regulation 12)**.
- The Authority will consider all requests to grant an application for early payment or suspended tier 3 ill health pension on or after age 55 and before age 60, providing that appropriate supporting evidence is presented and full consideration of all financial and service delivery implications. The Authority may waive, on compassionate grounds, the actuarial reduction applied to benefits paid early, providing that appropriate supporting evidence is presented. **(Regulation 30A -3 and 5)**

LGPS Regulations 1997 (as amended)

- The Authority may grant application, from a post 31.3.98 / pre 1.4.08 leaver or from a councillor, for early payment of benefits on or after age 55 and before age 60, as appropriate and in light of the circumstances relating to each case. The Authority may waive, on compassionate grounds, the actuarial reductions applied to benefits paid early for a post 31.3.98 / pre 1.4.08 leaver or a councillor leaver, as appropriate and in light of the circumstances relating to each case **(Regulation 31 - 2 and 5)**
- The Authority may grant to councillor optants out and pre 1.04.08 employee optants who continue in service, to receive a pension and lump sum from their NRD without reduction, after taking into account the circumstances relating to each case **(Regulation 31 - 7A)**

Dyfed Pension Fund Administering Authority discretions are available on www.dyfedpensionfund.org.uk. The full list of discretionary policies for Carmarthenshire County Council can also be found on this site.

**If you require this information in any other format please contact your
HR Team on 01267 246100**

Discretions Adopted at Full Council - 9 July 2014

MODEL REDUNDANCY / SURPLUS STAFFING POLICY & PROCEDURE FOR SCHOOLS

Appendix K.

Statutory Redundancy Pay Table

Service (Completed Years)

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

To use the table, look up your age and the number of complete years' service you have with the employer. Where the two cross on the table, that is the number of weeks' pay you would receive.

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5th July 2017

Executive Board Member:	Portfolio:
Cllr. Mair Stephens	Deputy Leader

Suspension Protocol For Schools

Recommendations / key decisions required:

To endorse the adoption of the Council's Suspension Protocol for Schools.

Reasons:

The purpose of this guidance is to assist Headteachers in dealing sensitively, but effectively, with situations where it is necessary to suspend a member of staff from the school, with pay, while investigations are carried out.

Directorate:	Designation:	Tel No. & E Mail Address:
Chief Executive's / People Management & Performance		
Name of Head of Service: Paul R. Thomas	Assistant Chief Executive (People Management & Performance)	01267 246123 PRThomas@carmarthenshire.gov.uk
Report Author: Julie Stuart	Senior Business Partner	01267 246375 JStuart@sirgar.gov.uk

Declaration of Personal Interest (if any):

None

Dispensation Granted to Make Decision (if any):

N/A

DECISION MADE:

Signed:

DATE: _____

EXECUTIVE BOARD MEMBER

The following section will be completed by the Democratic Services Officer in attendance at the meeting

Recommendation of Officer adopted	YES / NO
Recommendation of the Officer was adopted subject to the amendment(s) and reason(s) specified:	
Reason(s) why the Officer's recommendation was not adopted:	

EXECUTIVE SUMMARY
EXECUTIVE BOARD MEMBER DEPUTY LEADER
5th JULY

Suspension Protocol for Schools

Background

There may be instances where suspension from the school with pay is necessary while investigations are carried out. Examples include potential gross misconduct cases, health and safety concerns or where there are risks to an employee or pupil(s), property or responsibilities to other parties.

This protocol explains the circumstances in which it may be appropriate to suspend; provides a step by step process to be followed once the decision to suspend has been made; provides a checklist for the Headteacher; and guidance for the suspended employee.

DETAILED REPORT ATTACHED?

NO

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed:  Assistant Chief Executive (People Management & Performance)

Policy and Crime & Disorder	Legal	Finance	ICT	Risk Management Issues	Organisational Development	Physical Assets
YES	YES	NONE	NONE	NONE	YES	NONE

1. Policy, Crime & Disorder and Equalities

The recommendations support the Council's Strategic Aim 'Building a Better Council' and 'Making Better Use of Resources'

2. Legal

The policy has been produced in accordance with the relevant legislation, and Welsh Government Circular No. 002/2013 : Disciplinary and Dismissal Procedures for School Staff - Revised Guidance for Governing Bodies.

7. Staffing Implications

The HR Team will provide advice and guidance to schools on the application of the Suspension Protocol for Schools.

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed:  Assistant Chief Executive (People Management & Performance)

1. Scrutiny Committee

None

2. Local Member(s)

None

3. Community / Town Council

None

4. Relevant Partners

None

5. Staff Side Representatives and other Organisations

Trade Unions - 25th May 2017; Headteacher Focus Group - 20th June 2017

Section 100D Local Government Act, 1972 – Access to Information List of Background Papers used in the preparation of this report:

THERE ARE NONE

Title of Document	File Ref No.	Locations that the papers are available for public inspection

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Suspension Protocol for Schools

Effective : September 2017



SUSPENSION PROTOCOL FOR SCHOOLS

INTRODUCTION

1. There may be instances where suspension from the school with pay is necessary while investigations are carried out. Examples include potential gross misconduct cases, health and safety concerns or where there are risks to an employee or pupil(s), property or responsibilities to other parties.
2. The School's HR Advisor must be consulted before a decision to suspend is made. This is especially important where there are safeguarding concerns, where specialist advice from Children's Services or other agencies e.g. Police, may be required before taking any action.
3. Suspension must not be an automatic response when an allegation is reported; all options to avoid suspension should be considered prior to taking that step, including undertaking a risk assessment. If the case manager is concerned about the welfare of other children in the community or the member of staff's family, those concerns should be reported to the Local Authority Designated Officer (LADO) or Police. Suspension is highly unlikely to be justified on the basis of such concerns alone.
4. In exceptional circumstances, suspension may also be considered where there are **reasonable** grounds for believing that evidence has been tampered with, destroyed or witnesses pressurised during the investigation process or prior to the disciplinary hearing.
5. Suspended employees should be advised that this is not considered as disciplinary action.
6. It is in the interests of all parties to progress the investigation and disciplinary hearing (if appropriate) as quickly as possible.

All suspensions must be kept under review and brought to a conclusion at the earliest possible opportunity. (NB: in some cases, account will have to be taken of the requirements of professional codes and standards governing children).

Only the Headteacher or the Chair of Governors may suspend a member of staff. However, that suspension may only be lifted by the Governing Body (unless this responsibility has been delegated i.e. to the Chair of Governors, the Chair of the Staff Disciplinary & Dismissal Sub-Committee or the Staff Disciplinary & Dismissal Appeals Sub-Committee). Any such delegation must be minuted.

7. If a suspension is lifted the Governing Body must immediately inform the Local Authority.

SCOPE

8. This policy and procedure will apply to staff working in the school, except those who are directly employed by the Local Authority and those working in the school via an employment agency.

SUSPENSION PROTOCOL FOR SCHOOLS

GROUNDS FOR SUSPENSION

9. Before deciding to suspend a member of staff, consideration will be given to the following factors:
- Seriousness of the allegations relating to the individual and whether the allegations relate to safeguarding issues;
 - The need to preserve the integrity of the investigation;
 - The best interests of the individual against whom the allegation is made;
 - The best interests of the School, other employees, members of the public or pupils; and
 - Consistency with former similar allegations.

Where the allegations are of a safeguarding nature, the All Wales Child Protection Procedures 2008, should be considered and a referral made to the Central Referral Team as soon as a problem, suspicion or concern about a child becomes apparent, and certainly within 24 hours. Please direct all enquiries to the Central Referral Team either via e-mail at CRTChildren@carmarthenshire.gov.uk or by telephone on 01554 742322.

10. Following these considerations the Headteacher must then decide whether a transfer (such as, undertaking work that does not involve contact with pupils or working from home) would be appropriate as an alternative to suspension. This decision should be taken in conjunction with the Local Authority.
11. Prior to any suspension being implemented, the Headteacher must seek advice from the HR Advisor. (Please refer to Suspension Checklist at Appendix 1)
12. If the Headteacher is the subject of an allegation, the Chair of Governors, acting on behalf of the Governing Body, may be delegated the authority to suspend the Headteacher. The decision of the Governing Body to delegate authority to suspend staff must be minuted. The Chair of Governors will need to consider whether suspension is necessary and should discuss the matter with the HR Advisor before taking any action. Where reference is made to the Headteacher managing the suspension please substitute this for Chair of Governors where the Headteacher is the subject of allegations.

SUSPENSION INTERVIEW

13. Where suspension is considered an interview should be arranged between the Headteacher and the member of staff. Where consideration of suspension of the Headteacher the meeting should be conducted by the Chair of Governors.
14. The Headteacher should advise any member of staff called to an interview that they have the right to be accompanied by a trade union representative or companion.
15. If the employee is a trade union representative a member of the HR Team must discuss the case, having first gained the permission of the member of staff, with a senior Trade Union representative or Permanent Union Official prior to the meeting

SUSPENSION PROTOCOL FOR SCHOOLS

taking place. From the outset it should be made clear that the action being taken is not an attack on the functions of the trade union.

16. The Headteacher / member of staff should be informed at the start of the interview that an allegation has been made and that, at the conclusion of the interview, suspension may occur. It should also be made clear to the Headteacher / member of staff at the outset that the interview is not a formal disciplinary hearing, but is for the purpose of addressing a serious matter, and could lead to consideration under the governing body's disciplinary procedures.
17. The Headteacher or Chair of Governors should give the Headteacher / member of staff as much information as it is possible to disclose without interfering with the investigation of the allegation, including the reasons for any proposed suspension. The Headteacher / member of staff should be given an opportunity to make representations concerning the suspension, and offered a brief adjournment prior to responding.
18. If, at the end of the interview, the Headteacher / Chair considers that suspension is necessary, the Headteacher / member of staff should be advised that:
 - whether they are suspended from duty, or not;
 - whether they have restricted duties, etc.;
 - written confirmation of the suspension detailing the reasons will be given, if possible within one school day of the interview; and
 - they will be offered the name of a person not involved in the investigation with whom they can discuss employment matters and any support needs.

This nominated person will not take the place of the member of staff's union.

CONFIRMATION IN WRITING

19. The Headteacher must confirm the details of the suspension in writing to the employee no later than 3 working days following the suspension. A copy of this letter should be sent to the HR Advisor and will be retained on the employee's personnel file. (See Appendix 2 - Employee Guidance, which accompanies the letter. Advice should be sought from the HR Advisor regarding the wording of the letter)

SUPPORT AND REVIEW

20. The Headteacher, or nominated representative, is responsible for providing impartial support and maintaining regular contact with the suspended employee at reasonable intervals. The Headteacher, or nominated representative, will not be involved in the investigation and should keep a record of the visits and contacts during the suspension.
21. Suspensions should be reviewed at regular intervals. It is expected that the Governing Body will delegate responsibility for these reviews to the Headteacher who will keep the Chair of Governors informed. If it is the Headteacher who is suspended,

SUSPENSION PROTOCOL FOR SCHOOLS

the Chair of Governors should review the position at regular intervals. The outcome of the suspension review should be conveyed to the member of staff in writing. If the suspension is to continue the reasons for this should be given.

SUSPENSION WITH PAY

22. All employees who are suspended will be paid normal contractual pay.

SICKNESS ABSENCE DURING SUSPENSION

23. If an employee is sick during the period of suspension the normal notification requirements of the School's Sickness Absence Policy will apply. The period of sickness absence will be recorded and sick pay provisions will apply.

MATERNITY LEAVE DURING SUSPENSION

24. If an employee commences maternity leave during the period of suspension the normal notification requirements of the School's Maternity Policy will apply.

MEDICAL SUSPENSION

25. The Headteacher must ensure that, in cases where there is doubt over the fitness of an employee to work, advice is sought from an Occupational Health Advisor and HR Advisor before a decision to suspend is made, and in line with the School's Sickness Absence Policy.
26. Before returning to work following medical suspension the employee will be referred to the Occupational Health Unit. The employee is expected to co-operate fully with any request to attend for any health assessments.

If you require this publication in an alternative format please contact People Management and Performance on 01267 246100 or email PMPBusinessSupportUnit@carmarthenshire.gov.uk

SUSPENSION PROTOCOL FOR SCHOOLS

SUSPENSION CHECKLIST FOR HEADTEACHERS

The following procedure must be followed by the Headteacher or in the case of the Headteacher being subject to allegations the Chair of Governors when deciding to suspend.

- Head to chair the meeting and ask parties to introduce themselves and their role in the meeting if applicable.
- Head to explain the reason for the meeting i.e. 'It has come to my attention that (*insert allegation / incident*) on (*insert date*). This meeting is to give you the opportunity to explain to me what happened. I must inform you that when I hear your response, I will need to consider whether a disciplinary investigation is required and also whether it is necessary to suspend you from your duties'.
- Employee to give response.
- Headteacher to ask any relevant questions.
- Once Headteacher has heard the employee's response and asked questions to clarify events, Headteacher to adjourn the meeting briefly.

ADJOURN TO CONSIDER

- ✓ Did the employee admit s/he had committed serious misconduct?
- ✓ Was his/her response reasonable and did it allay concerns?
- ✓ Does anything need to be confirmed with a third party witness? Is there a risk that possible evidence could be accessed / amended or contaminated?
- ✓ The best interests of the individual against whom the allegation is made:
 - Is there a risk that in their current position the individual would be subjected to further allegations?
- ✓ The best interests of the School, other employees, members of the public or pupils
 - Is there a risk of that the complaint / incident being alleged could continue. Is there a recommendation by Child Protection Officers? Is there Police / audit involvement?
- ✓ Consistency with former similar allegations:
 - Seek advice from the HR Advisor to ensure that as an Authority we are applying a consistent approach.

SUSPENSION PROTOCOL FOR SCHOOLS

CONSIDER A TRANSFER

Following these considerations the Headteacher must then decide whether a transfer to another area of work or within the school would be appropriate. In doing so the Headteacher should consider:

- ✓ That the employee will not be in regular contact with the complainant(s);
- ✓ That the employee will not discuss the case with colleagues;
- ✓ That the role is achievable at the proposed location;
- ✓ That any temporary restrictions on duties imposed are realistic; and
- ✓ That the employee has access to the necessary support.

In order to implement a change such as this it will inevitably be necessary for the manager to liaise with other teams in order to achieve this. This should be managed sensitively and confidentially.

THE DECISION TO SUSPEND

- ✓ HR Advisor has been informed.
- ✓ Employee is informed. This will normally be undertaken by the Headteacher or nominated officer if the Headteacher is not available.
- ✓ Explain an allegation / complaint has been received and explain what this is in relation to... (complainants / pupils identities will need to be protected during this explanation). If this is also being investigated in accordance with the All Wales Child Protection Procedures or by the Police you will need to advise the employee of this, unless the Police have requested otherwise. Also explain that the investigation is taking place in accordance with the School's Disciplinary Procedures.
- ✓ If you are unable to outline the complaint in detail at this point due to Police / Safeguarding investigation please advise this.
- ✓ Explain to the employee that they will be suspended on full pay and that this is not intended as a punishment, but as a measure to protect the parties involved.
- ✓ Please advise the employee that this matter is confidential and not to approach any other employees regarding the allegation.
- ✓ Advise they will be contacted in writing no later than 3 working days following the meeting with details of the terms of suspension.
- ✓ Advise the employee they will shortly be given access to a named officer who will be their point of contact with the School.

SUSPENSION PROTOCOL FOR SCHOOLS

- ✓ Please assist the employee to collect any of their personal belongings, ensuring that they leave the premises.
- ✓ Identify an appropriate liaison officer (the head teacher or a nominated representative) make sure they are aware they will be contacted.
- ✓ Identify an investigating Officer (Refer to Disciplinary and Dismissal Procedures for School Staff : Welsh Government Circular 002/2013).

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SUSPENSION PROTOCOL FOR SCHOOLS

EMPLOYEE CONDUCT GUIDANCE FOR EMPLOYEES WHO HAVE BEEN SUSPENDED

When it is decided to suspend a member of staff it can be a traumatic experience for all those involved. This guidance information has been prepared to ensure that an employee who has been suspended fully understands:

1. Events relating to the suspension as laid down in the Schools Disciplinary Procedure;
2. What the employment status and rights of the employee are during suspension;
3. What is expected of the employee by their manager during the period of suspension;
4. What assistance the employee may wish to seek during their period of suspension.

FREQUENTLY ASKED QUESTIONS

Q Will I be paid if I have been suspended?

A You will normally continue to receive contractual pay during your suspension. However, if you are certified as unfit to attend for work, owing to ill-health or you are on maternity leave, your payments will be made in accordance with your conditions of service.

Q Will continuous service be affected by suspension?

A Suspension does not affect your employment rights. For the purposes of calculating continuous service in relation to benefits such as sickness, maternity, redundancy, pensions etc. the period of suspension counts as normal employment.

Q Do I have to stay at home during my normal working hours in case I am called back to work?

A You are required to make yourself available to your employer at reasonable notice (e.g. for a meeting or interview). Normally this would mean you should be prepared to report to work on the day following the request for you to report to work. However, you could be asked to return on the same day as the request is made, which would not be unreasonable if the request was made early in the day for an afternoon meeting and a representative was also available.

Q What happens if I wish to make a trip away from home during the period of suspension?

A You will be required to be available for work during term-time but you will not be required during school holidays. Requests should be made in writing to the Chair of Governors outlining the circumstances.

SUSPENSION PROTOCOL FOR SCHOOLS

Q Am I allowed access to my workplace and colleagues during suspension?

A The school does not wish to impede you in preparing your case. If you wish to visit your workplace during the suspension period you must first obtain the permission of the Headteacher or other nominated representative. S/he will need to be satisfied that there are reasonable grounds for your request and that your visit will not interfere with any related investigation.

The School, obviously, cannot prevent you from meeting with colleagues outside normal working hours. However, any breaches to the confidentiality of the investigation will be dealt with in accordance with the Schools Disciplinary Policy. Should Disciplinary action be taken you will not be prevented from preparing your case and any contact that you may require in order to do this will need to be approved by the Headteacher or other nominated representative beforehand.

Q How can I collect evidence to answer allegations arising from an investigation if I am not allowed access to my workplace or colleagues?

A You will normally be allowed access for this purpose. Please contact your Headteacher or nominated representative to arrange. Also if you are a member of a trade union your trade union representative will be able to help in the collection of evidence where access cannot be reasonably granted.

Q Where can I go for further advice whilst I am suspended?

A If you are a member of a trade union you are advised to seek advice from your trade union representative.

Your Headteacher or nominated representative will also keep in contact with you to both advise you of progress regarding the investigation and keep you updated with developments in connection with your job, section, department, etc. Your nominated Liaison Officer can arrange a referral to occupational health if you feel you would like to access additional support. You are strongly advised to take up any support that is available through the authority's occupational health service or your own GP.

Depending upon the nature of the investigation you may feel it appropriate to approach other outside agencies, e.g. Citizen's Advice Bureau, Legal Aid Scheme, etc.

Q How long can the suspension last?

A There are no specified time limits. However, suspension will be for as short a period as possible. Where a suspended employee is the subject of external investigations, police enquiries or charged with a criminal offence, the length of the suspension may be prolonged pending the outcome of police enquiries or legal proceedings. Where the investigation is subject to a delay the Investigating Officer will write to inform you of the delay and the reason for it.

SUSPENSION PROTOCOL FOR SCHOOLS

Q How will I know when the suspension has ended?

- A** Normally, suspension ends when, following the completion of the investigation, a decision is taken. This decision may be:
- take no action and end the suspension;
 - to proceed with formal disciplinary action;
 - to take some other form of action.

In any event, you will be notified in writing of the decision. Where disciplinary action is taken, the suspension will normally continue until the hearing takes place.

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