

**Policy Name:**

**EMPLOYMENT PROTECTION: POLICY FOR MANAGING CHANGE IN SCHOOLS**

**Version: Final**

**Consultees:**

**Headteacher/(HR) Group**

**NEU (formerly NUT and ATL), NASUWT, UCAC, ASCL, NAHT, UNISON and GMB**

**Last reviewed on: November 2010**

**Date Approved: October 2018**

**Review Date: October 2021**

**Review Date:**



|  |  |
| --- | --- |
| **EMPLOYMENT PROTECTION: POLICY FOR MANAGING CHANGE IN SCHOOLS** |  |

**1 Introduction**

1.1 Torfaen County Borough Council and school governing bodies are committed to the creation of as secure an employment environment as possible and recognise the benefits of good employment practice in achieving effective organisational performance. The Council and governing bodies recognise the importance of agreed procedures which have been fully consulted upon with employees and trade unions and which are followed and adhered to in order to avoid claims of unfair treatment. The advice and guidance provided within this policy and *“Employment Protection: Procedure and Guidelines for Managing Change in Schools”* aim to better protect governing bodies from challenges under employment legislation.

1.2 Whilst this policy essentially deals with redundancies that result from change it must be recognised from the outset that relying entirely on redundancy to achieve savings is a huge risk. The Council and governing bodies will need to look at a wide range of organisational and human resource policies to preserve and develop services as well as minimising the loss of important skills and knowledge.

1.3 This policy and *“Employment Protection: Procedure and Guidelines for Managing Change in Schools”* provides advice and guidance to governing bodies on the: -

* statutory framework for redundancies;
* need to avoid compulsory redundancies wherever possible;
* need to plan for redundancies;
* need to have a fair and objective procedure;
* need to consult with employees and trade unions;
* need to give notice of redundancy;
* use of selection criteria for redundancy;
* termination of temporary/fixed-term contracts of employment; and
* need to seek suitable alternative employment for those employees identified as at risk of redundancy.

1.4 This policy and *“Employment Protection: Procedure and Guideline for Managing Change in Schools”* also provides governing bodies with advice and guidance on: -

* the review of school staff structures;
* federated schools; and
* school closures/amalgamations.

1.5 Working with governing bodies, employees and trade unions through the *“Staffing Compact”* agreed with school governing bodies and included as (Appendix 4) in *“Employment Protection: Procedure and Guidelines for Managing Change in Schools”* the Council has an excellent record for managing redundancies particularly through a period when the number of pupils on roll in schools has been falling requiring regular reviews of staff levels. In addition, the Council and governing bodies are faced with many changes and there is a need to carry out continuous reviews in the desire to seek improvement. For example, the Council is continuously reviewing both primary and secondary education provision and this has already resulted in a number of school closures and amalgamations. The Council has also published its proposals under the 21st Century Schools programme for Torfaen. This is a Welsh Government (WG) requirement which must address surplus places.In pursuing these objectives the Council has worked to minimise any hardship to employees by working closely with them and their representatives.

**2 Scope/ Application of the Policy**

2.1 This policy and *“Employment Protection: Procedure and Guideline for Managing Change in Schools”* will apply to:-

* those school based employees appointed by governing bodies; and
* school governing bodies.

**3 Redundancy Payments**

3.1 Employees with at least 2-years’ continuous service in posts that are redundant are eligible to receive a redundancy payment. Other than for teachers over the age of 55 the Council will base redundancy payments on actual pay which is double the number of statutory weeks capped at a maximum of 60 weeks’ pay. Teachers over the age of 55 will only receive a single redundancy payment. For further information see Section 12 in *“Employment Protection: Procedure and Guideline for Managing Change in Schools.”*

**4 Voluntary Redundancy/Voluntary Early Retirement**

4.1 The Council participates in two pension schemes - the Teachers Pensions Scheme (TPS) and the Local Government Pension Scheme (LGPS). Teachers over the age of 55 who are being made redundant and who are not being replaced can access their pension on a non-actuarial reduced basis. The Council has agreed to exercise discretion and award 3-added years. The LGPS regulations do not allow for augmented benefits.

4.2 Teachers over the age of 55 who have been granted voluntary early retirement to allow placement of a redeployee can access their pension on a non-actuarial reduced basis. The Council has agreed to exercise discretion and award 1-added year. Under the LGPS the Council has discretion whether or not to apply actuarial reductions for employees seeking early retirement. For further information see Appendix 3 in *“Employment Protection: Procedure and Guideline for Managing Change in Schools.”*

**5 Suitable Alternative Employment**

5.1 Employees identified for redundancy are given prior consideration where suitable alternative employment is available. For further information see Appendix 3 in *“Employment Protection: Procedure and Guideline for Managing Change in Schools”*.

**6** **Monitoring and Control**

6.1 This policy and *“Employment Protection: Procedure and Guidelines for Managing Change in Schools”* will be kept under review and revised as required to reflect developments in relevant employment legislation and best practice.

**7 Further Information**

7.1 This policy and *“Employment Protection: Procedure and Guidelines for Managing Change in Schools”* has been prepared in accordance with: -

* Trade Union and Labour Relations (Consolidation) Act 1992;
* Trade Union and Employment Rights Act 1993;
* Employment Rights Act 1996;
* School Standards and Framework Act 1998;
* Maternity and Parental Leave etc. Regulations 1999 (MPL Regulations);
* Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999;
* Employment Act 2002 (Dispute Resolution) Regulations 2004;
* New Maintained Schools (Wales) Regulations 2005;
* Staffing of Maintained Schools (Wales) Regulations 2006;
* Employment Act 2008;
* Equalities Act 2010; and
* The Staffing of Maintained Schools (Wales) (Amendment) Regulations 2014.

7.2 The procedure detailed in this policy and *“Employment Protection: Procedure and Guidelines for Managing Change in Schools”* also reflects the requirements of the advice from (ACAS) and the Local Government Employers Association in *“Redundancy: the 39 Steps”*.

7.3 There are also the national conditions of service for each type of employee, namely the: -

* *“Conditions of Service for School Teachers in England and Wales”* (the *“Burgundy”* Book); and
* *“Conditions of Service for all Local Authority Employees”* (the *“Green”* Book).

7.4 In addition, the annual *“School Teachers’ Pay and Conditions Document”* is also a useful reference point for teaching staff.