



# **SCHOOL CLOSURES/AMALGAM ATION - STAFF PROCEDURE**

**For schools and educational settings in  
the London Borough of Hackney**

Version 2.0, December 2024

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## Contents

<b>1. Introduction</b>	<b>3</b>
<b>2. School closures</b>	<b>3</b>
2.1 Stages of the proposed school closure	3
2.2 Reasons for considering closing a school	4
2.3. Avoiding school closures	4
<b>3. School amalgamations</b>	<b>4</b>
<b>4. Local authority statutory procedure</b>	<b>5</b>
<b>5. Hackney Education’s school/amalgamation - staff procedure</b>	<b>6</b>
5.1 Relationship between the statutory procedure and Hackney Education’s school closure/amalgamation - staff procedure	6
5.2 Notification to the relevant stakeholders	7
5.2.1 Recognised Trade Unions	7
5.2.2 Notification to the Redundancy Payments Service	7
5.2.3 Governing bodies	7
5.3 Special arrangements for employees who are absent	7
5.4 The consultation period	8
5.5 Consultation document	8
5.5.1 Sharing the consultation document	9
5.6 Informal meeting	9
5.7 The formal consultation meeting	9
5.8 During the consultation period	10
5.8.1 Individual meetings	10
5.9 Conclusion of the consultation period	10
<b>6. Displaced staff</b>	<b>11</b>
6.1 Redundancy Procedure	11
6.1.1 Notice of dismissal	11
Pregnant employees and women on maternity leave	12
6.1.2 Appealing the redundancy decision	12
6.1.3 Redundancy appeal hearing	12
6.1.4 Documentation	13
6.1.5 Procedure for appeal hearing	13
6.1.6 Outcome of appeal	13
6.1.7 Notification of decision	13
6.2 Employee tenders notice	13
6.3 Entitlements of redundant employees	14
6.4 Calculation of payments	14
6.4.1 Service	14
6.4.2 Salary	14

	2
6.4.3 Redundancy payment	15
6.4.4 Pensions	15
6.5 Responsibility for Costs	16
<b>7. Supporting redundant staff to find alternative employment</b>	<b>16</b>
7.1 Support available for staff	16
7.2 Redeployment opportunities within Hackney Council	16
<b>8. Further information</b>	<b>17</b>

## Version control

The table below shows the history of the document and the changes that were made at each version:

Version	Date	Summary of changes
1.0	December 2023	First published version.
2.0	December 2024	Section 5.1: Wording stating the School Closure/Amalgamation - Staff Procedure will commence after Stage 4 of the statutory procedure removed.

# 1. Introduction

This School Closure/Amalgamation - Staff Procedure forms part of Hackney Education's [Organisational Change Policy](#).

This procedure should be used in conjunction with the [Organisational Change Policy](#) and the guidance and templates contained within the Organisational Change toolkit.

The purpose of the Organisational Change Policy and the School Closure/Amalgamation - Staff Procedure is to outline Hackney Education's approach to potential school closures and amalgamations in relation to staff and should be followed when schools and settings are at risk of closing (discontinuing) or amalgamating.

This procedure outlines the approach for dealing with staffing matters in relation to potential school closures/amalgamations in the context of the statutory guidance (please refer to Section 1.1).

This procedure is in relation to the closure of maintained schools within the London Borough of Hackney.

**Decision maker:** For the purposes of this document the decision maker will normally mean the local authority e.g. Hackney Council who will have overall responsibility for school closures/amalgamation process. Depending on the circumstances, it may be appropriate for the decision maker to be represented by the Hackney Education HR, the Governing Body for the School, the Headteacher or another appropriate individual/s.

## 2. School closures

### 2.1 Stages of the proposed school closure

Under section 15 of Education and Inspections Act 2006, a local authority can propose the closure of a community, foundation, voluntary, community special, foundation special or maintained nursery school; and the governing body of a voluntary, foundation or foundation special school may publish proposals to close its own school.

The statutory process is set out in the [Establishment and Discontinuance Regulations](#) and in the statutory process outlined in the [DFE's guidance: Opening and Closing Maintained Schools](#).

Alternatively, the governing body of a foundation or voluntary school may give at least 2 years' notice of its intention to close the school to the Secretary of State and the local authority.

## 2.2 Reasons for considering closing a school

The DfE's guidance: [Opening and Closing Maintaining Schools](#) states that the reasons for closing a maintained school include, but are not limited to, where:

- there are surplus places elsewhere in the local area which can accommodate displaced pupils and there is no predicted demand for the school in the medium to long term;
- it is to be amalgamated with another school;
- it has been judged inadequate by Ofsted and the Secretary of State has revoked the academy order;
- it is no longer considered viable;
- it is being replaced by a new school.

## 2.3. Avoiding school closures

Closing a school is a difficult decision which impacts on the whole school community including the children, parents and school staff and would normally only be taken when all other options to keep the school open have been exhausted.

When a school is being considered for closure which may result in the displacement of staff, the Local Authority will explore all possible alternatives to the potential school closure.

## 3. School amalgamations

According to the DfE's guidance: [Opening and Closing Maintaining Schools](#), there are 2 ways to amalgamate 2 (or more) existing maintained schools:

- The local authority and/or governing body (depending on school category) can publish proposals to close 2, or more, schools and the local authority (or a proposer other than the local authority depending on category) can publish a proposal to open a new school. Where this is a \*presumption school, this will be subject to publication of a section 6A notice . This will result in the creation of a new school.
- The local authority and/or governing body (depending on school category) can publish a proposal to close one school (or more) and enlarge/change the age range/transfer site of an existing school (following the [statutory prescribed alterations process](#) as necessary), to accommodate the displaced pupils. The remaining school would retain its original school number, as it is not a new school, even if its phase has changed. This is sometimes referred to as a 'merger'.

*\*Where a local authority identifies the need for a new school, section 6A of EIA 2006 places the local authority under a duty to seek proposals to establish an academy (free school) via the 'free school presumption'.*

## 4. Local authority statutory procedure

The DfE's guidance: [Opening and Closing Maintaining Schools](#) outlines the steps the local authority for maintained schools needs to take when making a decision on the permanent closure of a school.

Stage	Details
<b>Stage 1: Consultation</b>	It is a statutory requirement to consult any parties the proposer (e.g. the local authority) thinks appropriate before publishing proposals to open or close a maintained school.
<b>Stage 2: Publication</b>	A statutory proposal should be published within 12 months of the initial consultation period being completed. It marks the start of the representation period or formal consultation.
<b>Stage 3: Representation</b>	This is the formal consultation period. The proposer should consult organisations, groups and individuals they feel to be appropriate during the representation period though any person or organisation can submit comments on the proposal to the local authority (LA), to be taken into account by the decision maker. The representation period starts on the date of publication of the statutory proposal and MUST last for 4 weeks.
<b>Stage 4: Decision</b>	All of the responses received during Stage 3 must be considered by the decision maker. Related prescribed alterations proposals should also be considered and, where possible, determined at the same time. The LA will be the decision maker on a school closure proposal, unless the closure proposal is 'related' to another proposal that is to be decided by the Schools Adjudicator.
<b>Stage 5: Implementation</b>	The decision made in stage four is implemented. There is no maximum limit on the time between the publication of a proposal and its proposed date of implementation. However, decision makers should be confident the proposers have good justification (for example an authority-wide reorganisation) if they propose a timescale longer than 3 years. The proposer must implement a proposal in the form approved, including any modifications made by the decision maker.

## 5. Hackney Education's school/amalgamation - staff procedure

### 5.1 Relationship between the statutory procedure and Hackney Education's school closure/amalgamation - staff procedure

The government guidance [Opening and closing maintained schools](#) outlines the statutory procedure for establishing (opening) a new maintained school and/or discontinuing (closing) an existing maintained school.

This procedure is focused on outlining the process of the staffing aspect of a school closure and follows the principles of a restructure process.

**Important:** The scope of this procedure does not include decisions on whether to close/amalgamate the school as this decision will be made through the statutory procedure as outlined below.

This staff procedure outlines Hackney Education's responsibilities in terms of consulting with and supporting staff who are potentially being made redundant due to the closure of a school.

This procedure is focused on providing staff with a fair and transparent process during the implementation of the school closure and will provide staff with information and support on finding alternative employment and their rights during a potential redundancy situation.

The stages of the School's closure/amalgamation staff procedure are:

Stage	Details
<b>Stage 1: Notification to stakeholders (see Section 4.1)</b>	The decision maker will make relevant stakeholders aware of the school closure implementation plans in relation to staff and seek their involvement in the consultation and supporting staff during the implementing plan for the closure.
<b>Stage 2: Consultation (See Section 4.2)</b>	The decision maker will carry out a consultation period with staff and relevant stakeholders to ensure that staff are clear on the reasons for the school closure and the potential implications for them.
<b>Stage 3: Implementing the closure</b>	Following the end of the consultation period, the decision maker will consider any feedback from the staff and relevant stakeholders and publish the school closure implementation plan for staff including any revisions based on the feedback received.

## 5.2 Notification to the relevant stakeholders

### 5.2.1 Recognised Trade Unions

Trade Unions will have already been included in the statutory process and are included in this procedure in line with Hackney Council's responsibilities to consult with Unions (see below).

**The Trade Union and Labour Relations (Consolidation) Act 1992** - . When an employer is proposing to dismiss as redundant 20 or more employees at one establishment within 90 days or less, the employer has a duty to consult with the appropriate representatives of any of the employees who may be affected by the proposed dismissals, or who may be affected by the measures taken in connection with those dismissals. In accordance with s.188 of the Trade Union and Labour Relations (Consolidation) Act 1992 (TULR(C)A), the employer must begin consultation in good time and observe the minimum consultation periods.

**The Employment Rights Act** makes it clear that employers must undertake consultation with the recognised Trade Union representatives with a view to reaching agreement.

### 5.2.2 Notification to the Redundancy Payments Service

If between 20 and 99 employees may be dismissed as redundant, notification to the Redundancy Payments Service must be made at least 30 days before the first dismissal takes effect.

If one hundred or more employees may be dismissed as redundant, at least 45 days notification must be given. (These periods are the same as the minimum periods permitted for consultation).

The notice must be in the prescribed form and must be given in the prescribed manner, and identify the appropriate representatives concerned and state the date upon which consultation began.

The prescribed form is called a [HR1](#) and will be completed by the decision maker.

### 5.2.3 Governing bodies

The Chair of the Governing Body should also be included in the communications about the potential school closure/amalgamation so they are able to, in their role as school's legally accountable body, support the school community (including affected staff) during the implementation phase.

## 5.3 Special arrangements for employees who are absent

Staff who are absent from work on maternity/adoption /shared parental leave or long term sick leave should be included in consultation in the same way as other affected members of staff, although it may be necessary to change how they are consulted if they are absent from work.

Arrangements for staff on maternity, adoption, shared parental leave, or long term sickness, should be made to ensure they can fully take part in the consultation process and are not unfairly disadvantaged. They should be given the opportunity to attend at least one individual meeting or, where this is not possible, have planned telephone calls to give them the opportunity to participate in the consultation.



Failure to properly consult a member of staff on maternity/adoption leave/shared parental leave or other types of long term leave about possible redundancy is likely to be unlawful discrimination.

The timescale of the consultation should reflect the need to include staff absent in this way but it is important that this does not make the process unreasonably long. It is important to note that staff that are absent on maternity or other forms of parental leave are legally entitled to additional employment protection.

## 5.4 The consultation period

The decision maker (e.g. the local authority) will complete a period of meaningful, formal consultation with staff affected by the school closure.

The decision maker's obligations will depend on whether more than 20 employees are likely to be made redundant.

No. of staff to be dismissed	Minimum consultation period (before the first dismissal takes effect)
Less than 20 staff	No specified time period
20 – 99 staff	30 days + notification to Redundancy Payments Service
100+ staff	45 days + notification to Redundancy Payments Service

The consultation period should commence from the date of the formal notification to staff and Hackney Education normally recommends a minimum of **4 weeks for consultation**. Due to the impact of the school closure on staff and the need to coordinate timelines with the academic year, this period may be extended beyond 4 weeks.

As the school closure will place staff at risk of redundancy, the decision maker must follow the notification and consultation guidelines as stated in this document and ensure all staff are written to separately and confidentially.

## 5.5 Consultation document

A representative from the decision maker, with advice from Hackney Education HR Team or their own HR provider, will create a briefing document which should outline the following:

- Background and reason for the school closure.
- Potential impact on staff.
- Impact on budget.
- Timescales including formal consultation meetings, 1-1s and the date the school is proposed to close.
- Feedback channels for staff and/or their representatives to feed back their questions, ideas and views
- Numbers and descriptions of employees proposed to be dismissed as redundant.

- Proposed method of carrying out the dismissals, including the period over which the dismissals are to take effect.
- Proposed method of calculating the amount of any redundancy payments to be made.
- Proposed methods of supporting staff to find alternative employment.
- Any support and assistance that will be available for those affected
- FAQ factsheet.
- Contact details for consultation.

### **5.5.1 Sharing the consultation document**

The consultation document should be shared with affected staff during the informal meeting at least 5 working days before the formal consultation meeting. The document should also be shared with the recognised Trade Union representatives and any other stakeholders as required, providing appropriate notice, and where possible prior to it being sighted by the affected staff.

## **5.6 Informal meeting**

Prior to formal consultation commencing (no less than five working days) the representative from the decision maker will normally hold a short informal meeting with affected staff to outline the proposed plan and timelines for the school closure.

During the meeting, the headteacher should share any documentation such as the:

- Consultation document - including timeline.
- Organisational Change Policy and this School Closure/Amalgamations - Staff Procedure
- Invite letter to formal meeting

## **5.7 The formal consultation meeting**

Formal consultation should be held as soon as practicable and should be attended by:

- A representative from the decision maker, normally a senior officer from the local authority will chair the meeting (inviting the Executive Headteacher (or Headteacher) and the Chair of Governors to support the process).
- Hackney Education HR Team or their own HR provider to advise and support the process
- All leadership, teaching and non-teaching staff who will be affected by the schools closure,
- Recognised Trade Unions representatives should also be invited to attend the formal consultation meeting.

The purpose of the formal consultation meeting is to ensure affected staff employees are clear about the reasons for the school closure and how this will potentially impact on them.

During the consultation meeting, the representative from the decision maker, referring to the Consultation Document should:

- explain the rationale for the school closure in detail.
- seek to ensure staff fully understand the implications of the school closure for them.
- encourage staff members and trade union representatives to comment, make suggestions or ask questions about the implementation plans in regards to staff.

As the school closure is expected to involve displacement of staff when the schools closes, the consultation should cover:

- The reasons for having to consult on redundancies.
- A date by which decisions will be made about any compulsory redundancies.
- Arrangements to support staff to find alternative employment where possible
- A provisional timetable.

The above information is required to be given in writing to all representatives of unions in the school and to area representatives.

During the consultation process staff will be able to provide feedback in relation to how the implementation of the school closure can be carried out in relation to staffing matters, including the arrangements that will be available to support staff to find alternative employment, where possible.

Any suggestions received will be considered carefully and the decision maker will decide on whether they can be adopted or implemented.

The decision maker should conclude by outlining the length of the consultation period which may include further consultation and/or 1-1 meetings with staff (please refer to Section (5.8.1)).

## **5.8 During the consultation period**

Consultation should continue throughout the consultation period with the aim of reaching agreement on the best approach to implementing the school closure for staff.

The decision maker should ensure that all staff and the appropriate stakeholders have an opportunity to be consulted with and make comments on the proposed staffing plan in relation to the school closure by whatever means possible. This could include but not be limited to the staff noticeboard, the Intranet, team briefings, further meetings with staff, etc.

Throughout the consultation period, it is recommended that, in order to keep everyone updated on progress, good communications are maintained with staff and their Trade Union representatives.

### **5.8.1 Individual meetings**

Staff who are affected by the school closure should be given the opportunity to have at least one individual meeting with a representative from the decision maker. This meeting is an opportunity for the individual to discuss how the proposed school closure will affect them and what the next steps are for them in terms of this procedure.

The individual can also give their response to the proposed implementation plan for staff and make any suggestions or comments.

Staff have the right to be accompanied by their Trade Unions representative during their individual meeting/s. HR may also be in attendance during these meetings.

## **5.9 Conclusion of the consultation period**

At the end of the consultation period, the decision maker should confirm to staff and trade union representatives that the formal consultation period has now ended and confirm what the next steps will be.

The decision maker should consider any additional proposals and comments with the support of Hackney Education HR Team or their own HR provider before a final briefing document is prepared.

The decision maker should then draft a final briefing document outlining the feedback received and any revisions made to the plans.

The final briefing document should be shared with staff, the union representatives and any additional stakeholders as appropriate. Affected staff will receive their individual outcome letters (see Section 6).

## 6. Displaced staff

The staff will become under notice of redundancy and the Redundancy Procedure (Section 6.1) will come into effect and should be followed, allowing employees the right to appeal against selection for redundancy to the decision maker.

### 6.1 Redundancy Procedure

#### 6.1.1 Notice of dismissal

Where the decision is to dismiss staff due to redundancy as their place of employment is closing, the decision maker will inform them of the decision in writing and:-

- provide the employee with reasons for the dismissal;
- confirm the date their employment will end and any entitlements (such as redundancy payments) and
- confirm the appeal rights; employee has the right to appeal the dismissal decision
- explain to the employee that they are a redeployee in Hackney Council please refer to Section 7.2.

Staff who have been selected for redundancy, will be given 12 weeks' notice of when their employment will end. Should an appeal against dismissal on the grounds of redundancy be successful, the dismissal notice would be withdrawn.

Redundancy is a dismissal and it is important that the employee is provided with reasons for their dismissal and has the opportunity to ask questions in relation to their redundancy, at a meeting if necessary. This may have been adequately covered at the individual consultation meeting, in which case the final decision can be confirmed in writing.

If not, or if it's particularly sensitive then another meeting may be appropriate.

Normal meeting rules will apply:-

- The representative from the decision maker should give the date for the formal meeting in advance, allowing for preparation time;
- Employees may request the postponement of a meeting by up to 5 working days if their chosen representative or colleague is not available; Only one postponement of a formal meeting is normally allowed.
- Employees are entitled to be accompanied to any formal meetings by a trade union representative or work colleague.

- If the employee fails to attend a reconvened meeting, the outcome will be communicated in writing.

**Please note:** The specific notice periods for teachers, if their employment is terminated. Usually by 31st May, 28th February or 31st October.

The specific notice periods for headteachers, if their employment is terminated. Usually by 30th September, 31st January or 30th April.

### **Pregnant employees and women on maternity leave**

These employees must be treated more favourably during their redundancy notice period than any other redundant employees, even those who are better qualified. A failure to meet this obligation could result in the dismissal being automatically unfair as well as being unlawful discrimination.

However, if there are no suitable alternative vacancies, an employee may be made redundant during or after maternity leave providing:

- There is a genuine redundancy situation.
- There is no suitable alternative work available.
- Redeployment has been considered.
- The correct procedures have been followed.

For further information, please refer to the ACAS guidance on [Managing Redundancy for Pregnant Employees or those on Maternity Leave](#).

### **6.1.2 Appealing the redundancy decision**

If the staff member wishes to appeal against the decision to dismiss them by reason of redundancy, appeal must be received in writing to the Director of Education within 5 working days of the date of the notification of their redundancy and copied to the Head of HR at Hackney Education.

Staff have the right to appeal their redundancy dismissal on the following grounds only:-

- the Organisational Change Policy and the School Closure/Amalgamation - Staff Procedure was not followed properly and that this has significantly affected the decision; or
- the job is not redundant in law; or
- they have been selected unfairly or that unfair criteria were used

Appeals may not be made on the following grounds:-

- personal disagreement with the Organisational Change Policy or the School Closure/Amalgamations - Staff Procedure
- personal disagreement with the statutory decision making process to close/amalgamate the school.

### **6.1.3 Redundancy appeal hearing**

The decision maker will nominate a panel of three appropriate representatives from the local authority to hear the redundancy appeal. One of the Redundancy Appeal Panel members will be nominated to chair the meeting.

The Chair will invite the staff member to a meeting, unless the matter can be appropriately addressed in writing without the need for a meeting.

Where a meeting is held, the staff member has the right to be accompanied by a union representative or a work colleague.

A Human Resources Partner may attend to advise the panel.

### **6.1.4 Documentation**

The Redundancy Appeal Panel receives copies of all papers relating to the redundancy. These papers should include:

- Information sent to staff and unions explaining the need for the school closure/amalgamation and subsequent redundancies.
- Any written representation submitted by the staff member or their representative.
- The decision maker's written reasons for recommending dismissal by reason of redundancy.

Each member of the Redundancy Appeal Panel must read the documentation carefully before the meeting.

### **6.1.5 Procedure for appeal hearing**

The representative from the decision maker will normally present the case for the dismissal by reason of redundancy to the Redundancy Appeal Panel.

The member of staff will present the reasons why they are appealing the dismissal decision in line with the reasons outlined in 6.1.2.

### **6.1.6 Outcome of appeal**

The possible outcomes of an appeal are:

- Appeal rejected and no change to the decision to dismiss on the grounds of redundancy.
- Appeal successful, in which case the outcome will be referred to the Director of Education.

### **6.1.7 Notification of decision**

The Chair of the Redundancy Appeal Panel will confirm the outcome of the appeal to the employee in writing within 10 working days. The decision is final.

The parties concerned are notified by being recalled to hear the decision of the panel and the decision is confirmed in writing. In some circumstances, the panel may need more time to consider their decision in which case the parties will be notified of the outcome in writing.

## **6.2 Employee tenders notice**

If, during the consultation period, the employee tenders their notice to leave, that notice cannot be withdrawn, and the employee is regarded as having resigned rather than being made redundant. If the employer has served notice on the employee it may be withdrawn in order to offer re-engagement or redeployment.

## 6.3 Entitlements of redundant employees

Redundant employees will be entitled to written notice of termination of employment in line with their conditions of service or by mutual agreement.

Redundancy payments will be payable from the date of dismissal due to redundancy. All relevant documentation should be signed and returned by the redundant employee in sufficient time to process and in any event no later than 6 weeks after the effective date of dismissal.

Whilst under notice employees have the right to reasonable time off during working hours to seek alternative work.

## 6.4 Calculation of payments

### 6.4.1 Service

- Any break of service of 7 days will break the continuity of service for a redundancy payment.
- Any break in service of 28 days will break continuity of service for a severance payment.
- Only complete years of service are counted.

The Redundancy Payments (continuity of Employment in Local Government (Modification) Order 1999) provides that continuity of service is preserved for the purposes of calculating a redundancy payment for schools' staff who have worked successively without a break in local authority maintained schools, former grant maintained schools, city technology colleges, maintained further education colleges or universities/colleges funded by the Higher Education Funding Council for England.

This means that if an employee is made redundant by any one of these employers, the length of service used in redundancy payment calculation is based on all their continuous employment in any of them (provided there are no breaks of more than one week between periods of employment).

Conversely, if an employee is made redundant by any one of these employers but takes up a post with one of the bodies set out above within four weeks and one day, they will not be entitled to a redundancy payment because the previous service is carried forward to the new employment.

**Please note:** Breaks due to sickness, maternity leave, parental leave, temporary lay off and annual leave, provided the contract continues throughout, do not constitute a break in service.

Support staff under Local Government terms and conditions (Green Book) who return to local government service following a break for maternity reasons, or reasons concerned with caring for children or other dependants he or she will be entitled to have previous service taken into account in respect of the sickness and maternity schemes provided that the break in service does not exceed eight years and that no permanent paid full time employment has intervened.

### 6.4.2 Salary

- Salary is calculated on the average of the last twelve weeks of pay.
- Salary is defined as all contracted gross pay.

- Any temporary or “acting-up” allowance will only be included if it has been part of the salary package for twelve months or more.

### 6.4.3 Redundancy payment

All employees must have 2 years continuous service to be eligible for a statutory redundancy payment. In addition those eligible for a statutory redundancy payment will receive a severance payment based on a multiplier of the redundancy payment of 1.7. Therefore statutory redundancy payments are calculated according to the formula for statutory redundancy pay, but are further calculated according to;

1. The employee’s actual weekly pay (averaged over the previous 12 weeks leading to the date of dismissal); and
2. A multiplier of 1.7 (i.e. the figure using the statutory redundancy pay formula is then multiplied by 1.7 to reach the final amount to which an employee is entitled).

The process of calculating redundancy payments and pension benefits is the responsibility of Hackney Education and through a HR Business Partner and the appropriate pension authority but the ready reckoners provided may be used to obtain **estimates**.

When providing this information to staff or Trade Union representatives it should be made very clear that the information given is only an **estimate of benefits** and that confirmation of the monies available will follow later and employees will be required to check and confirm the calculations.

The Statutory Redundancy Ready Reckoner table available in the Organisational Change Toolkit.

Redundancy payments of under £30,000 are not subject to PAYE or NI deductions. Payments in excess of that sum are subject to tax deduction for the amount over and above the £30,000.

### 6.4.4 Pensions

#### Support staff

If a member of support staff is made redundant and is aged at 55 or above, pension benefits are payable immediately and they will also receive a redundancy payment.

When their pension is automatically released as a result of being made redundant and there is a pension fund strain cost to be met, then a corresponding offset against the discretionary severance element will be made. This will not affect the amount of redundancy payment that they receive, but could, in the case of there being a pension fund strain cost to be met, affect the discretionary severance element.

#### Teaching staff

If a teacher is made redundant and they are aged at 55 or above, they can choose for the pension benefits to be payable to them, plus they will receive a redundancy payment.

If they choose to release their pension as a result of being made redundant and there is a pension fund strain cost to be met, then a corresponding offset against the discretionary severance element will be



made. This will not affect the amount of redundancy payment that they receive, but could, in the case of there being a pension fund strain cost to be met, affect the discretionary severance element.

If a teacher has an additional role outside of the school, these arrangements will need to be reviewed as there may be additional strain costs to be incurred for the additional role.

## **6.5 Responsibility for Costs**

The decision maker will be responsible for funding redundancies costs and the costs for support for staff.

# **7. Supporting redundant staff to find alternative employment**

Every effort will be made to ensure that all staff who have been affected by school closures have access to all facilities available to find a new position including within Hackney.

Staff who have been displaced due to school closures do not have redeployment rights to roles in other schools within the borough due to statutory guidance which confirms that it is the governing body who is responsible for the recruitment of staff within their school.

However every effort to support staff to find alternative work in Hackney Council will be made.

## **7.1 Support available for staff**

The decision maker should provide as much information, advice and help as possible. Further advice and support is available as follows:

1. Career counselling/job application and interview preparation - contact Hackney Education HR Team or your own HR provider.
2. Trade union or professional association.
3. The school's Employee Assistance Programme

## **7.2 Redeployment opportunities within Hackney Council**

Staff in maintained schools in Hackney are employees of Hackney Council and are entitled to be considered for suitable alternative opportunities with Hackney Council.

An employee offered a suitable alternative position will not be entitled to a redundancy payment. The offer of redeployment must be in writing and be effective within one month and one day of the agreed termination date. Any offer after that date could render the employer liable for the redundancy payment.

The offer of redeployment must be suitable in terms of pay, status, place of employment etc. It should be noted that an employer is not entitled to force changes of contract upon an employee.

Where an alternative job is found but which is significantly different from the original contract, the employee has a statutory right to a trial period of four weeks.

The trial period is a minimum of 4 weeks but this may be adjusted by the agreement of both parties to allow for a realistic period that adequately reflects the job requirement. In the case of teaching staff moving to a new area of work the agreed period may be one school term.

If, during or at the end of the trial period, the redeployment is deemed unsuccessful by either or both parties the entitlement to redundancy becomes effective and the monies are payable from the revised termination date.

An employee's refusal to accept a redeployment position or to claim any trial period has been unsuccessful must be backed by sound personal reasons or the employee could forfeit their rights to a redundancy payment.

## **8. Further information**

- [Organisational Change Policy](#)
- [Proposed schools closures/amalgamations - FAQs](#)