

## **PROCEDURE FOR HANDLING TEACHER REDUNDANCIES**

### **PRINCIPLES**

- 1.1 Governors have responsibilities for budget and staffing management. The Employing Authorities, Boards of Governors, Principals and teacher unions are committed to working together to avoid compulsory redundancies occurring.
- 1.2 As soon as a relevant body identifies the possible need to dismiss as redundant any teacher, it shall advise the staff and the full-time officials or nominees of the five recognised teachers' unions, namely ATL, INTO, NAHT, NASUWT and UTU of the situation without delay. At the same time it shall appoint an Appeals Panel (normally consisting of 3 of its members) and they shall take no further part in the redundancy procedure until 2.4(a) below.
- 1.3 Governors should consider the potential for achieving the required level of reduction by measures which may avoid redundancy. For example:
  - a) Natural wastage - resignation, age retirement, ill-health retirement etc;
  - b) Career break or secondment;
  - c) Job share or part-time working;
  - d) Redeployment within the school.

It will be necessary to seek expressions of interest in any of the above options or in voluntary redundancy.
- 1.4 In the event of redundancy being unavoidable the employing authority shall make every reasonable effort to redeploy any redundant teacher(s), including the possibility of transferred redundancy.
- 1.5 The prescribed post of principal is excluded from this Redundancy Procedure.

### **PROCEDURE**

- 2.1 Whenever a relevant body is proposing to dismiss as redundant any teacher it shall immediately advise, in writing, the relevant recognised teachers' unions, setting out in sufficient detail to allow for meaningful consultation:
  - (a) the specific reasons for the proposal, indicating whether they arise from financial, curricular or other considerations;
  - (b) the number and description of teachers whom it is proposed to dismiss as redundant;
  - (c) the total number of teachers employed by the school; and
  - (d) the criteria to be used for selecting teachers for redundancy. See Appendix 1 for guidance.

The needs of the school are paramount in this process.
- 2.2 The relevant body shall:

- (a) consider any representations made by the teacher union representatives; and
- (b) reply in writing to those representations and, if any are rejected, state the reason for such rejection.

2.3 If after the consultation at paragraph 2.2 redundancies are still considered inevitable, the relevant body shall ensure that the criteria to be used for selection for redundancy are applied and only at this stage shall the name(s) of the teacher(s) so selected be forwarded in writing to the relevant recognised teachers' unions.

#### 2.4 Statutory Dismissal Requirements

A redundancy is a dismissal therefore the relevant body must ensure it complies with the Employment (Northern Ireland) Order 2003 (Dispute Resolution) Regulations (Northern Ireland) 2004 when notifying those staff nominated for redundancy which is incorporated in the process below:-

A teacher nominated for redundancy should be notified in writing by the redundancy selection panel and invited to a meeting to discuss the selection for redundancy and contemplation of dismissal. The letter should set out the reasons for the redundancy, as well as the selection method and also set out the right to be represented by a Trade Union Representative or a teaching colleague.

At the meeting with the teacher their selection for redundancy and the contemplation of dismissal will be discussed. The teacher will be provided with the opportunity to raise matters concerning his/her selection for redundancy.

Following the meeting, having carefully considered representations made by the teacher and his/her representative, the teacher will be notified, in writing, by the redundancy selection panel of the decision and the right of appeal to an Appeals Panel of the Board of Governors. There will be a further right of appeal to an Independent Appeals Panel as detailed in section 2.5 below.

#### 2.5 Independent Appeals Procedure.

- (a) The terms of reference of the Independent Appeals Panel shall be:
  - (i) to determine whether the principles and procedures have been properly followed; and if so,
  - (ii) to determine whether the relevant body has acted reasonably in selecting the appellant for redundancy.
- (b) (i) The appeals panel shall consist of an independent chairman appointed by the Labour Relations Agency and two panel members, one nominated by the employing authority, the other nominated by the Northern Ireland Teachers Council.

- (ii) The teacher or the full-time representative of his union or nominee may, within five working days of receiving notification of a determination/decision by the relevant body, lodge a formal notice of appeal to the Secretary of Arbitration, Labour Relations Agency, and shall simultaneously copy it to the other party.
- (iii) The appeal shall be heard within twenty working days of receipt of the formal notice of appeal by the Secretary of Arbitration who shall be responsible for the setting up and administration of the appeal.
- (iv) In cases where the termination date is the 31 August or 30 September, four calendar months notice is required. In both cases, where an appeal has been heard on or before the 30 April in that year, but the decision has not been given by this date, then the effective date of dismissal for reasons of redundancy will be the 31 August in the event of the appeal being rejected. In all other cases the period of notice shall be three months.
- (v) Where the guidelines have not been properly followed, the appeal should be upheld without the need for the appeal panel to consider the second part of its terms of reference. However it should if possible give its reasons for deciding that the guidelines have not been properly followed.
- (vi) All appeal panel notes should be destroyed as soon as possible after the hearing.
- (c) References to the Labour Relations Agency in these procedures are not to be construed, in any way, as creating a contractual relationship between the Labour Relations Agency and any person or organisation. Such references are merely indicative of the role of the agency in providing an independent administration for appeals and in nominating independent chairpersons for appeals panels.
- (d) Management and Teachers' Sides have agreed not to have legal or professional industrial relations consultants representing the two parties at an appeal.

2.6 A teacher in continuous employment who is selected for redundancy has the right to reasonable time off with pay to look for another job or to make arrangements for training for future employment.

#### **NOTE**

1. For the purposes of this Circular, 'relevant body' means:
  - (a) in the case of a school without a delegated budget, the employing authority; and
  - (b) in the case of a school with a delegated budget, the Board of Governors of the school.
2. This circular replaces the Procedure for Handling Teacher Redundancies, 1997.