

London Borough of Waltham Forest Schools Redundancy Costs Application for Funding

Guidance



Introduction

The aim of this guidance is to set out a fair and transparent process for funding approval of redundancy costs for maintained schools and for early year's settings.

Criteria for funding

The primary legislation for the issues addressed by this guidance is set out in Section 37 of the Education Act 2002 which makes clear that decision making responsibilities in securing the termination employment contracts of teaching and support staff in schools through redundancy lie with the Governing Body.

Consequently the Local Authority (LA) role in consideration of any matter of possible staff redundancy would be only on making decisions about funding any such proposal, in accordance with relevant statutory requirements.

Section 37 of the Act also makes it clear that the costs incurred in respect of securing the dismissal of staff through redundancies, shall not come from the school's delegated budget unless the LA has good reason for refusing to fund all or part of the costs. 'Good reason' is not defined. However a good reason might be that the LA believes the proposed redundancy was unnecessary; efforts to secure redeployment were not adequately explored; the payments are too high; or if the school holds a surplus revenue balance which could reasonably be used to fund the additional costs.

Where redundancy costs for school staff including teaching and support staff arise the LA will only consider funding if the following criteria have been met and agreed by the LA following detailed consideration of a school's business case.

Schools must complete an Application for Funding form; provide the business case for the redundancy; and evidence that they have robust policies and procedures in place. The form and supporting evidence must be submitted to the LA at least **four weeks** prior to commencing consultation. This will enable the LA to have time to consider the application for funding and ask for clarifications or more evidence if required. The LA will communicate its decision at least **one week** before the consultation is due to commence.

1. EVIDENCE OF POLICIES AND PROCEDURES CRITERIA

The school must provide evidence that:

- a) The school has an agreed procedure and policy in place which has been followed to make any reduction to staffing

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- b) The school has a clear plan in place to try and avoid any redundancy through re-deployment of staff affected, including possible redeployment to other schools within the LA
- c) The school has carried out a thorough investigation of ways to avoid any redundancy

2. BUSINESS CASE CRITERIA

The LA requires a business case to be produced for all redundancy funding requests. The business case written as part of the organisational change process and approved by the Governing Body must be submitted with the Application for Funding form. The business case must include evidence that:

- a) There is a clear and detailed rationale for the proposed staffing reduction.
- b) The proposed reduction in staffing is based on an accurate assessment of the school's current financial position.
- c) The proposed reduction in staffing is based on a reasonable and accurate prediction of the school's future financial position.
- d) The level of financial reserves are such that these could not be reasonably used to meet redundancy costs.

3. APPLICATION FOR FUNDING FORM

The application form must:

- a) Detail all costs involved and state where costs are entailed to achieve financial savings, the full details of the savings and the period over which savings will be achieved.
- b) Confirm that advice has been sought and taken from the LA Education Improvement and Finance Teams and both the Schools Human Resources provider and the LA HR service along with the names of those who provided the advice.

Decision by the LA

The application for funding will be considered by a panel comprising the following officers:

- Divisional Director, Education Improvement – Cate Duffy
- Head of HR Delivery, - Gerry Kemble
- Strategic Finance Advisor, – Duncan Pike

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APPLICATION FOR FUNDING FORM

School Name	
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Total Funding applied for	£
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School Financial Position

Revenue budget 20__/20__	£
Opening Reserves as at 1 April 20__	£
Closing Reserves as at 31 March 20__	£
Reserves as % of Revenue Budget	%

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Costs and other information

Please detail all costs and state where costs are entailed to achieve financial savings the period over which the savings will be achieved.

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Advice Sought from:

	Name	Date
LA Education Improvement		
LA Finance		
LA HR Service		
HR Advisor*		

*If the school has commissioned an alternative provider to the LA's traded HR service

Policies and Procedures

Evidence of Policies and Procedures	Separate attachment	Included in Business Case
Policy and procedure on staffing reductions		
Clear plan to avoid redundancy through re-deployment		
Thorough investigation to avoid redundancy		

Decision Making

Please provide dates of meetings held to discuss and approve the restructure and enclose copies of the minutes

	Date(s)
Senior Leadership Team	
Governing Body	

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Please list any other relevant factors not stated in the business case:

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Statement of HR Advisor

I confirm that my advice has been sought and followed.

	Name	Signature	Date
HR Advisor			

	Name	Signature	Date
Head Teacher			
Chair of Governors			

Please complete and return with the proposal document to:

Gerry Kemble
Head of HR Delivery
London Borough of Waltham Forest
Town Hall
Forest Road
Walthamstow
London E17 4JF

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Local Authority Authorisation/Approval

Decision

Funding Approved	Yes / No
If approved, amount	£

If approved, but amount is less than applied for, please state reasons:

	Name	Signature	Date
Divisional Director, Education Improvement			
Head of HR Delivery			
Strategic Finance Advisor			

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CRITERIA FOR APPROVAL

	Yes	No
Evidence provided		
Consultation document and application for funding form received at least 4 weeks prior to commencing consultation		
The school has an agreed procedure and policy in place which has been followed to make any reduction to staffing		
The school has a clear plan in place to try and avoid any redundancy through re-deployment of staff affected, including possible redeployment to other schools within the LA		
The school has carried out a thorough investigation of ways to avoid any redundancy		
There a clear and detailed rationale for the proposed staffing reduction		
The proposed reduction in staffing is based on an accurate assessment of the school's current financial position		
The proposed reduction in staffing is based on an accurate assessment of the school's future financial position		
The level of financial reserves are such that these could not be reasonably used to meet redundancy costs		
Advice has been sought from LA Education Improvement		
Advice has been sought from LA Finance		
Advice has been sought from LA HR Service		
Advice has been sought from HR Advisor		
Advice from HR Advisor has been followed		

Confirmation of receipt will be sent to the school by Head of HR Delivery within 3 days of receipt of the fully completed funding application and agreed consultation document.

The decision of the LA will be communicated at least one week before the consultation is due to commence.