

# Halfway Nursery Infant School



## School Redundancy Policy

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## **1. GENERAL PRINCIPLES**

### **1.1. INTRODUCTION**

This policy has been drawn up by Sheffield City Council following consultation with the recognised Trade Unions representing teachers and support staff.

The decision to dismiss by reason of redundancy is a matter for the school Governing Body. However, Sheffield City Council remains the employer in Community, Community Special, and Voluntary Controlled schools. In the case of Voluntary Aided, Foundation and Trust schools, the Governing Body is the employer.

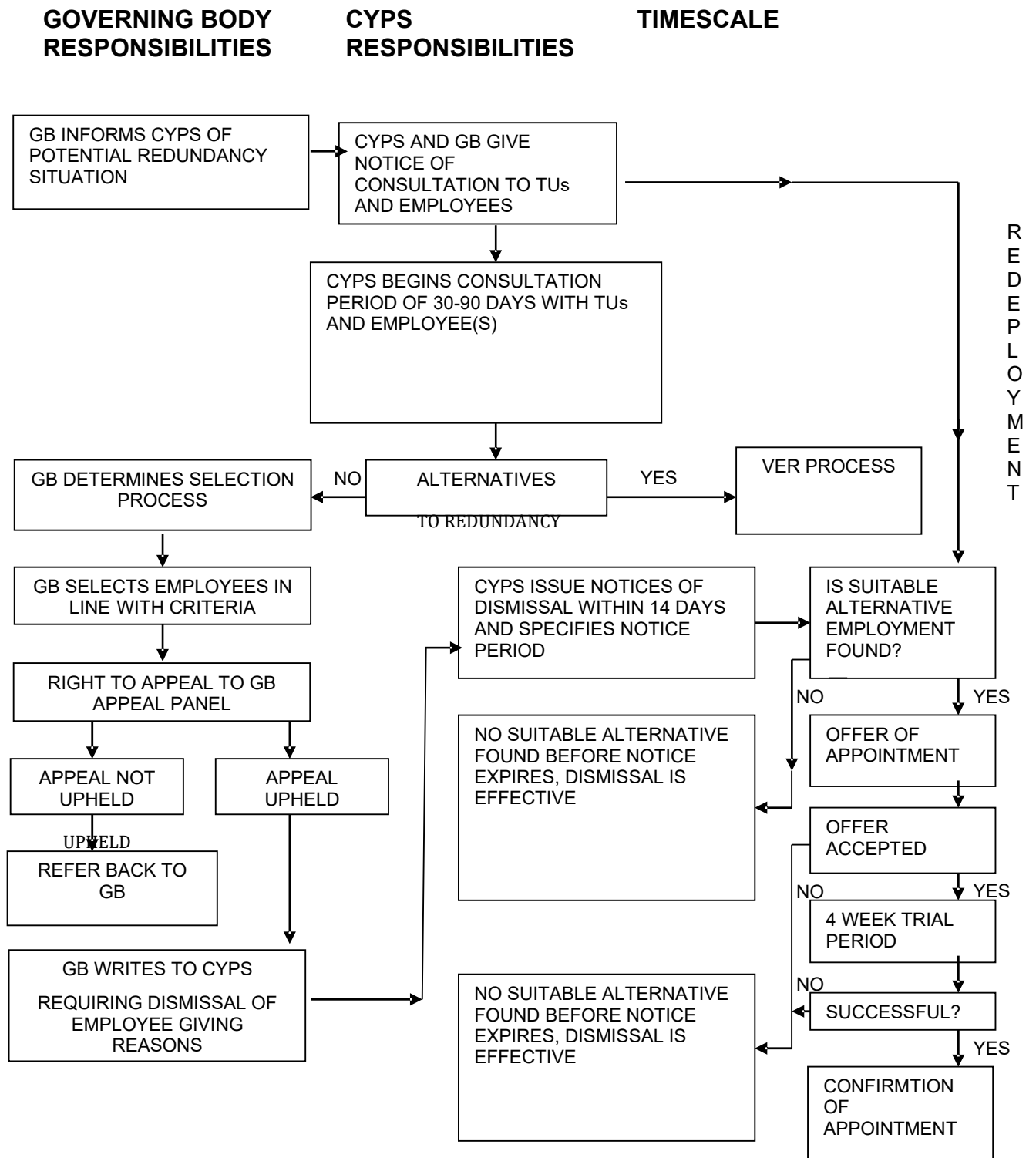
Governing Bodies are responsible for making policy decisions regarding changes in schools. It is the responsibility of the Headteacher to manage and achieve the policy objectives set by the Governing Body.

The Staffing (England) Regulations 2009 place a requirement on Governing Bodies operating under schemes of delegation to inform the Council (in practice Children and Young People's Human Resources - CYPS HR) of employees whom the Governing Body have decided will no longer be employed at the school, for any reason, including redundancy.

It is good practice for every employer to provide security of employment for all employees as far as possible. CYPS HR and schools, in consultation with Trade Unions, should seek to avoid redundancies through the consideration of alternative employment and other options. Where compulsory redundancy is anticipated CYPS HR will advise schools on how to manage this in as fair, consistent and sensitive way as possible and will support schools in minimising the impact on colleagues and the school community.

In considering any reduction in employees, Governors should agree a realistic time scale for implementation. The flowchart at section 1.2 outlines the process and timescales and an example timeline proforma can be found at appendix A.

## 1.2 FLOWCHART OF THE REDUNDANCY PROCESS



### **1.3 SCOPE**

This policy will apply to school employees at risk of redundancy. It should be noted that statutorily only those employees who have more than 2 year's continuous service at the date of termination will be entitled to a redundancy payment. This service may be as a result of a number of consecutive fixed term contracts or may result from an employee's earlier continuous service with an associated employer e.g. another Council or related employer as defined in the Redundancy Payments (Continuity of Employment in Local Government) Order 1999.

Where employees on fixed term contracts have continuous service in excess of 12 months and the post is due to end at the same time as redundancies are anticipated to take effect, these employees should be treated in the same way as ongoing employees. They should be offered the same support and consultation and be subject to the same selection criteria. They should also be allowed the same opportunity to make representations and appeal against a decision to end their contract. Guidance should be sought from CYPS HR regarding redundancies following fixed term and temporary contracts.

### **1.4 FINANCIAL IMPLICATIONS**

CYPS will normally fund the costs of redundancy payments, where the Governing Body has acted reasonably to avoid the redundancy and has followed a reasonable redundancy procedure.

Where it has been determined that the Governing Body has acted unreasonably, CYPS may charge to the school's budget any costs arising, including any redundancy payments, settlements of claims, awards made by an Employment Tribunal and any legal costs incurred in defending or settling claims.

## **2. LEGAL FRAMEWORK**

Under the Employment Rights Act 1996, redundancy is defined as taking place:

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

## **3. AVOIDING REDUNDANCY**

Change to staffing requirements can arise for a number of reasons, such as:

- changing curriculum requirements
- changes in legislation and policies
- school development planning
- falling pupil numbers
- budget changes
- school reorganisation, including closures

In order to minimise or avoid redundancies there are a number of strategies for Governing Bodies to consider:

- employee turnover
- restricting recruitment
- filling vacancies from amongst existing employees
- training or re-training
- secondments
- job share
- voluntary reduction in hours
- voluntary early retirement (where there is no cost to the Council)
- voluntary redeployment

## **4. REDUNDANCY PROCESS**

If the strategies outlined above have been considered and redundancies still cannot be avoided, the Governing Body will need to determine the number and type of posts that may be surplus to the school's requirements. The Governing Body must restrict discussions to broad issues only. This will avoid members of the Redundancy and Appeal Panels having detailed prior knowledge of the circumstances and ensure a fair hearing.

### **4.1. ROLES AND RESPONSIBILITIES**

As the Headteacher will have direct involvement in implementing redundancy procedures it is advised that dismissal on the grounds of redundancy should be undertaken by a Redundancy Panel with a minimum of three Governors. The number of Governors on the Appeal Panel should not be fewer than on the Redundancy Panel. No Governor may be a member of both panels. It is advisable that Staff Governors are not members of either panel in order to ensure impartiality. Advance consideration should be given to the composition of each panel.

#### **4.1.1. Role of the Redundancy Panel**

The role of the Redundancy Panel will be to:

- Consider the proposals set out by the Headteacher
- Notify relevant Trade Unions and CYPS HR at the earliest opportunity of potential redundancies
- Arrange a consultation meeting with staff and trade unions
- Determine appropriate selection criteria in consultation with trade unions
- Agree the timetable
- Consider proposals put forward during consultation and formally respond
- Consider information provided by the Headteacher based on the staff skills audit, or participate in assessment methods if applicable (e.g.. an interview), and make the final decision on selection
- With the Headteacher, meet with employees to inform them of their selection for redundancy
- Write to the selected employees and inform them of their right to an Appeal Hearing
- At Appeal hearings the Headteacher and Chair of the Redundancy Panel will present the case to the Appeal Panel
- Confirm in writing to employees the outcome of the hearing and right to appeal
- Notify CYPS HR of the decision, requiring dismissal notices to be issued and giving reasons (if there is no appeal)

#### **4.1.2. Role of the Appeal Panel**

The role of the Appeal Panel will be to:



- Hear any appeals from employees together with representations from the Headteacher and Chair of the Redundancy Panel
- Notify employees in writing of the outcome of the appeal
- Notify CYPS HR of the decision, requiring them to issue dismissal notices

#### **4.1.3 Role of the Headteacher**

The role of the Headteacher will be to:

- Plan the process and advise the Governing Body on the procedure
- Issue the consultation letter on behalf of the Redundancy Panel
- Advise the Redundancy Panel and lead the redundancy process
- Advise the Redundancy Panel on selection methods, criteria and administration
- Manage interview processes as appropriate
- Meet with employees to verify information submitted relating to experience and skills
- Advise the Redundancy Panel in applying the criteria and identifying employees for potential redundancy
- With the Chair of the Redundancy Panel, meet with employees to inform them of their selection for redundancy
- Present the Statement of Case along with the Chair of the Redundancy Panel at the Appeal Hearing
- Ensure that employees, including those who may be absent from work, or on maternity leave are consulted
- Organise note-taking for consultation meetings and Appeal Hearings

#### **4.1.4 Role of Children and Young People's Human Resources**

The role of CYPS Human Resources will be to:

- Provide advice, guidance and support to the Headteacher, Governing Body, Redundancy and Appeal Panels
- Receive written information from Governing Bodies regarding potential redundancy situations
- Inform relevant Trade Unions of potential redundancies across CYPS
- Inform the Department for Business, Innovation and Skills of potential redundancies at least 30 days (for 10 to 99 employees) and at least 90 days (for 100 or more employees) before dismissal.
- Attend consultation meetings, the meeting to select employees for redundancy and Appeal hearings to advise Panels
- Provide support to employees seeking redeployment
- Ensure issue of dismissal notices

### 4.3. CONSULTATION

The Council and the Governing Body have a duty to consult Trade Unions about potential redundancies as soon as this is contemplated; and to inform all employees at risk of redundancy. Information should be shared with employees and further meetings held with appropriate staff groups as more information becomes available. A letter will be provided to the Trade Unions with the following information:

- the reasons for the proposals to reduce staffing levels
- the total number of employees at the school, broken down into categories
- the total number and description of employees whom it is proposed to dismiss by reason of redundancy
- the proposed method of selection for redundancy
- the proposed method of effecting the redundancies, including the period over which the dismissals will take effect
- details of the method of calculation of any redundancy payments other than those required by law
- the date of the first consultation meeting

The statutory timetable for consultation is as follows:

No of employees to be dismissed at the establishment	Period over which redundancy takes effect	Minimum consultation period
20 - 99	Within 30 days	30 days
100 +	Within 90 days	90 days

There is no set period laid down where redundancies involve less than 20 employees; however it is recommended as good practice to apply the 30 day consultation period.

Statutory consultation must be completed before redundancy notices are issued.

#### 4.3.1. Consultation with Trade Unions

The objective of consultation is to enable discussion of the process and explore options to mitigate against redundancy. Proposals made by the Trade Unions will be considered by the Redundancy Panel and a response will be given. As part of the consultation process, the Redundancy Panel will need to demonstrate that any proposals by the Trade Unions have been given full consideration.

The consultation process will include:

- strategies to avoid redundancy
- strategies to reduce the number of employees to be dismissed and to mitigate against the consequences of such dismissal
- dates of the first and any subsequent consultation meetings
- the reason for the proposed staffing reduction
- full budgetary information where the reason for the proposed staffing reduction is financial

- full details of the procedure to be used
- full details of the selection criteria for identifying the posts(s) to be declared redundant
- timescales

Strategies to avoid redundancy must be explored throughout the process.

#### **4.3.2. Consultation with Employees**

The Headteacher will inform employees of the potential redundancies and the date of the first consultation meeting, which should take place at the earliest opportunity. Those invited to attend should include all employees likely to be affected, relevant Trade Unions representative(s), a representative of the Redundancy Panel, and a representative of CYPS HR.

The purpose of the meeting is to inform employees of the situation and timetable and explore ways to:

- avoid dismissals
- reduce the numbers of employees to be dismissed
- mitigate the consequences of the dismissals

#### **4.3.3. Absent Employees**

The Headteacher must ensure that employees who are absent from work are consulted and kept informed. This is particularly important for employees who are on maternity leave as it is automatically unfair discrimination to select a woman for redundancy on the grounds of her pregnancy.

If an employee on maternity or adoption leave at the date of selection is selected for redundancy, their notice period will be extended until the end of their maternity or adoption leave. If it is not possible to redeploy them, they will not be required to repay Occupational Maternity Pay.

Employees who are on long term absence due to ill health may be disabled for the purposes of the Equality Act (2010) and should not be subjected to any detriment by reason of their disability.

Absent employees should be offered the same support and consultation and be subject to the same selection criteria as other employees. They should also be offered the same opportunity to make representations and to appeal against any decision to end their contract. Any reasonable adjustments to assist disabled employees will be considered.

Employees who are pregnant, on maternity or adoption leave or who are disabled have the right to extended support in the redeployment process. Under Regulations 10 of the Maternity & Parental Leave etc Regulations 1999 employees on maternity leave who will not continue to be employed under their existing contract must be offered suitable alternative employment ahead of other employees.

Governing Bodies and Headteachers should consult HR to ensure that these employees are supported appropriately.

#### **4.3.4. Record Keeping**

Details of consultation meetings should be recorded and documented so that the school can clearly demonstrate that it has followed policy and procedure and abided by statutory requirements.

Notes of meetings with Trade Unions and employees should be copied to relevant parties.

### **4.4 SELECTION FOR REDUNDANCY**

#### **4.4.1 Identifying Employees**

The Redundancy Panel, advised by the Headteacher, will meet to agree the staff pool from which reductions will be sought and how employees will be selected for redundancy. Consultation with Trade Unions and employees affected should continue throughout this process.

Governors should also consider if any employees are to be excluded from the pool, for example because of a specialist skill or experience or appointment to a particular area.

#### **4.4.2 Selection Criteria**

In considering and establishing appropriate criteria it is essential that it is a fair, objective and consistent method of identifying employees who may be potentially redundant. It should not discriminate against employees on the grounds of sex, race, disability, religion or belief, sexual orientation, gender preference, marital status, part time working, age or trade union membership. The list below sets out examples of criteria which could be used:

- curriculum needs of the school
- management and organisational needs of the school
- qualifications
- experience
- future skill requirements
- conduct / capability (relating to formal procedures)
- attendance records (when absence is not related to disability or maternity)

Advice should be sought from CYPS HR regarding selection criteria.

#### **4.4.3 Selection process**

Governors should determine the appropriate selection process, for example a skills audit or other assessment method (e.g. an interview). This should form part of the consultation process with staff and trade unions.

If a skills audit is to be used the appropriate form should be given to all employees in the pool along with the selection criteria. Weightings can be applied to specific criteria, according to the priorities of the school.

A minimum of 5 working days should be allowed for completion and return of the skills audit forms to the Headteacher. Employees will be offered the opportunity to discuss completion of their skills audit form with an agreed member of SLT who is not otherwise involved with the process.

Individual meetings will be held with employees by the Headteacher in order to verify information submitted. If an employee chooses not to attend, the Headteacher will undertake the verification process in their absence.

A selection matrix will be drawn up by the Headteacher showing an anonymised summary of employees' scores.

Where an interview is to be used, this should be competence based and carried out in accordance with good practice for appointment to posts.

#### **4.4.5 Selection by the Redundancy Panel**

The Redundancy Panel will meet to apply the criteria and provisionally select employees. The Headteacher should arrange for notes to be taken of the meeting to ensure records detailing the reasons for the decision are available for Redundancy Appeals. Members of the committee should receive a copy of the documents e.g. selection criteria, skills audit forms, selection matrix and interview score sheets. The Headteacher should ensure that other relevant information is available i.e. job descriptions and person specifications. The professional judgement of the Headteacher should normally be the means of evaluating the information given by employees.

The selection criteria must not be altered during the selection process.

#### **4.4.6 Informing Employees**

The Headteacher and the Chair of the Redundancy Panel should normally inform employees personally, unless other arrangements have been agreed, that they have been selected for potential redundancy and that they are entitled to an Appeal Hearing.

Employees should be advised to contact their Trade Union representative at this point, if they have not already done so.

A formal letter will be issued to the employee notifying them of their selection for redundancy and advising them of their right to appeal.

## **4.5 APPEALS**

### **4.5.1 Representation to the Appeal Panel**

Employees are entitled to make representations to the Appeal Panel and attend an Appeal hearing before any dismissal is confirmed. If an employee does not exercise their right to an Appeal Hearing, a further letter should be issued confirming their dismissal.

The Headteacher and Chair of the Redundancy Panel will prepare a statement of case including the selection matrix for all those considered for redundancy, although names should be omitted to preserve confidentiality. The statement of case should include reasons for the redundancy, consultation process and an explanation of the selection criteria. This must be given to the employee together with a copy of the conduct for the hearing 5 working days prior to the hearing.

Any documents submitted by the employee should be forwarded 2 days before the hearing.

The panel may be advised by a representative of CYPS HR whose role will be to advise on points of law and procedure regarding the case.

#### **4.5.1.1 Conduct of the Appeal Hearing**

The purpose of the hearing is to consider appeals from employees who have been selected for redundancy.

- The Chair introduces all parties and outlines the purpose of the meeting.
- The Headteacher/Chair of the Redundancy Panel may make a statement concerning the selection of the employee against the criteria.
- The employee/representative has the opportunity to ask questions of the Headteacher/Chair of the Redundancy Panel.
- The members of the Panel may then ask questions of the Headteacher/Chair of Redundancy Panel.
- Employee and/or representative may make a statement concerning his/her appropriateness for selection in relation to the criteria determined.
- The Headteacher/Chair of Redundancy Panel have the opportunity to ask questions of the employee/representative.
- Members of the Panel then ask questions of the employee/representative.
- The Headteacher/Chair of Redundancy Panel, followed by the employee/representative, to have an opportunity to sum up if they so wish.

- The employee/representative and the Headteacher/Redundancy Panel will then withdraw and the Panel will consider its decision.
- The Chair will announce the decision of the Panel
- The decision will be confirmed in writing to the employee/representative and it will be confirmed that there is no further right to appeal.

#### **4.6. DISMISSAL**

The Chair of the appropriate panel will notify the Executive Director CYPS in writing within 1 working day of the decision that the employee will no longer work at the school. The Executive Director in consultation with CYPS HR will issue a formal notice of dismissal within 14 days. In the case of dismissal in a Voluntary Aided, Foundation or Trust school, it is the duty of the Governing Body to issue formal notice unless it has asked the Council, in writing, to issue such notice on its behalf.

#### **4.7 NOTICE PERIODS**

In accordance with the School Teachers Pay and Conditions Document, teachers must be given notice of redundancy by 28 February, 31 May and 31 October (31 January, 30 April, 30 September for Headteachers) in order to comply with statutory requirements for the redundancy to take effect at the end of the respective school term.

However, teachers must be given statutory notice of 1 week's notice for every year of continuous service, up to a maximum of 12 weeks, therefore notice dates may be earlier than those stated above.

Notice periods for support staff vary according to length of continuous service. Support staff are given 1 week's notice for every year of service, with a minimum of 1 month's notice and up to maximum of 12 weeks. Contractual notice periods, which can be up to 12 weeks for support staff, must also be taken into consideration.

Employees will receive the period of notice to which they are entitled whether or not they are entitled to a redundancy payment.

## **5. REDUNDANCY PAYMENTS**

Statutory entitlements to redundancy pay are calculated in accordance with the Employment Rights Act 1996 and the Redundancy Payments (Continuity of Employment in Local Government) Order 1999.

An employee who is dismissed by reason of redundancy will be entitled to a redundancy payment providing they have at least 2 years continuous service with the Council or related employers as listed under the Redundancy Payments (Continuity of Employment in Local Government) Order 1999.

Advice should be sought from CYPS HR in relation to current statutory entitlements.

If an employee selected for redundancy secures alternative employment with a Local Authority or other body recognised under the Redundancy Modification Order, the offer is made to them before their notice is effective and the new post commences within 4 weeks of the effective date of dismissal, they are not redundant and are not entitled to a redundancy payment.

## **6. REDEPLOYMENT**

Support will be offered to an employee being dismissed on the grounds of redundancy to find suitable alternative employment and this will continue until the date of redundancy. This process should commence as soon as possible once an individual has been notified of their potential redundancy.

Employees who are under notice of redundancy will be entitled to reasonable paid time off to look for alternative employment e.g. attendance at interviews.

If a post becomes available in school during the redundancy process those who are potentially redundant should be considered, providing they have the necessary skills, experience and qualifications.

Under Regulations 10 of the Maternity & Parental Leave etc Regulations 1999 employees on maternity leave who will not continue to be employed under their existing contract must be offered suitable alternative employment ahead of other employees.

Governing Bodies and Headteachers should seek advice from CYPS HR in relation to the redeployment process and appropriate support and advice for affected employees.



## APPENDIX A: REDUNDANCY TIMELINE PROFORMA

Date	Activity
	Consultation meeting with TUs and staff: consult re pool, timetable and selection criteria
	Consultation meeting with staff: review skills audit
	Consultation meeting with TUs and staff: finalise selection criteria and skills audit
	Distribute skills audit form to staff
	Timetabled discussion with appropriate member of School's Leadership Team: teachers and support staff
	Completed skills audit forms returned
	Skills audit verification interviews with Headteacher: teachers and support staff
	Selection panel meet to apply criteria and staff are notified of their selection
	Appeal panel hearing
	Dismissal notice issued if necessary
	Date of dismissal

**Appendix B (1)**  
**Model Letter to Trade Unions to notify of Potential Redundancy Situation**

Dear #

**POTENTIAL REDUNDANCY SITUATION**

I am formally notifying you of a potential redundancy situation at # school, as a result of (budget deficit, declining pupil numbers etc).

**I am inviting you to a consultation meeting with myself and a representative of the Redundancy Panel, as well as a meeting with the staff.**

The agenda for the meeting is:

- the reason for the proposed redundancy
- the number and category of staff who may be dismissed
- the total number in the category affected
- the redundancy selection process and timetable
- joint consideration of alternatives, including consideration of ways to avoid any dismissals, reduce the number of dismissals and mitigate the consequences of any dismissals

A further consultation meeting is planned for # at which discussion can take place on the proposed selection criteria and methods, and the skills audit.

If you have any queries in the meantime please do not hesitate to contact me.

Yours sincerely

Headteacher

## Appendix B (2)

### Model letter to Trade Unions regarding consultation

Dear #

Consultation Meeting with the Trade Unions on # at #

I write to summarise the issues discussed at the above meeting and also enclose a copy of the notes of that meeting. Consideration has been given to the points and issues you raised at the meeting, by the Redundancy Panel and myself.

*(School comments: to include response to any alternatives which would solve or reduce the number to be dismissed.)*

I am now confirming that the following selection method and criteria will be used by the Redundancy Panel. *(as amended at or following the consultation meeting – if this has been the case)*

I will be pleased to receive any further comments about this issue by (date) after which the skills audit forms will be distributed.

I remind you that the Redundancy Panel will consider representations on the application of the selection criteria and will not consider the criteria that have been determined, as this consultation period is the opportunity to discuss and comment upon the criteria. As agreed at the meeting, I confirm the timescale is as follows;

*date of redundancy panel selection meeting*

*date of Appeal Hearing*

Should you have any queries, please do not hesitate to contact me.

Yours sincerely

Headteacher

**Appendix B (3)**  
**Example Letter to selected employee notifying the employee of their selection for redundancy**

Dear #

**POTENTIAL REDUNDANCY DISMISSAL**

I write further to the recent consultation regarding the potential redundancy situation at...school. The Redundancy Panel and Headteacher have given careful consideration to the situation and have attempted to avoid a redundancy situation. Unfortunately this has not been possible due to (budget position, declining pupil numbers etc). Governors have therefore applied the selection criteria, as detailed in the Skills Audit and consequently you have been identified from the pool as being potentially redundant.

You are entitled to an Appeal Hearing with the Redundancy Panel, at which you may be,represented by your trade union representative.

I have arranged for an Appeal Hearing with the Redundancy Panel to take place on .... at.....

A Statement of Case will be provided to you in advance of the Hearing, along with the Selection Criteria Score Matrix. You are asked to treat this information as confidential.

You will also receive a copy of the Redundancy Procedure, which includes the format for the conduct of the Hearing.

I should be grateful if you would inform me in writing by... whether or not you wish to have a Hearing. If you wish to submit any documentation yourself, please provide me with it at least two days prior to the Hearing and I will then ensure copies are available for the Redundancy Panel.

I wish to assure you that every effort will be made to support you in seeking alternatives to redundancy, and Officers from Human Resources will work closely with you regarding any posts that may be suitable.

Yours sincerely

Headteacher

**Appendix B (4)**

**Example Letter to selected employee who does not exercise their right to a selection or appeal hearing**

Dear #

**SELECTION FOR REDUNDANCY**

I write further to my letter dated...regarding your selection for potential redundancy.

You have decided that you do not wish to exercise your right to an Appeal Hearing regarding your selection for redundancy.

Your identification was based upon the application of the selection criteria by the Redundancy Panel, following a period of consultation with you and the Trade Unions.

In accordance with the procedure, I will now notify the Executive Director; Children and Young People's Directorate of the situation, and you will receive a formal letter giving you notice of dismissal on the grounds of redundancy. This letter will include details of your entitlement to any redundancy pay.

I wish to assure you that officers from Human Resources will continue to support you in seeking alternatives to redundancy.

Yours sincerely

Chair of Redundancy Panel

## **Appendix B (6)**

### **Example Letter for employee confirming outcome of Appeal Panel**

Dear #

#### **APPEAL AGAINST SELECTION FOR REDUNDANCY REPRESENTATION AGAINST SELECTION FOR REDUNDANCY**

I write to confirm the decision of the Appeal Panel following the Appeal Hearing on.....

The Panel consisted of #, # and #. You were represented by #, your Trade Union Representative.

The Panel took careful note of the points made in your support by you and your Trade Union Representative, #. The Panel also listened very carefully to the supporting comments made by the Headteacher. After giving your case very serious consideration, the conclusion of the Panel was that the selection procedure had been followed fairly and the selection criteria had been adhered to. Consequently the governors have upheld your selection for redundancy.

I will now inform the Executive Director; Children and Young People's Service of the situation, and you will then be sent a formal letter giving you notice of dismissal on the grounds of redundancy. This letter will include details of your entitlement to any redundancy pay.

I wish to assure you that Human Resources will continue to support you in seeking suitable alternative employment.

Yours sincerely

Chair of Appeal Panel