

BCS-RJP-VW-EdPolicies-StaffAdj

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**To: Headteachers of all
Norfolk schools**

Dear Colleague,

Staff Adjustment Policy for Teachers 2003

I thought it might be helpful to send you a summary of the current Norfolk LEA procedures in view of the fact that a number of schools are considering these issues at this time. The summary is attached. It is the same as was issued in 2001, except in respect of the ending of fixed term contracts in compulsory redundancy situations, this matter being dealt with in the next paragraph.

You may remember that I sent to you advice on the use of fixed term contracts in schools with MI 42/03 dated 28th February, 2003. I advised you that ending fixed term contracts in a redundancy situation in advance of considering permanent employees may be less favourable treatment and potentially could be considered unlawful. I have sought further advice on this point and, in the circumstances, I believe it would be most sensible to delete the reference to ending of fixed term contracts from the Staff Adjustment Policy and particularly from the section on compulsory selection criteria (Section D of the Summary enclosed has been amended to reflect this). However, this is not to say fixed term contracts can never be terminated on the date in the contract when it coincides with the date of the staff adjustments (normally 31st August in the Summer Term). It will depend on the original reason for the fixed term contract and whether that is a sufficiently "objective ground" for the contract to end (e.g. covering sickness absence or maternity, fluctuating pupil numbers). If you have concerns on this point, then you should contact your school's Personnel Consultant or Bob Hedley, Personnel Manager (Consultancy).

I would also like to emphasise the following points:-

- a) Redeployment should be encouraged for all ages wherever possible in view of the continuing recruitment difficulties;
- b) Teachers selected for redundancy and aged between 50 and 55 who may previously have had an expectation of early retirement, may be kept in employment by the County Council and school for a further term, normally the Autumn Term, to give greater time to move to another post;
- c) The full range of severance payments will be utilised by the County Council and schools in appropriate circumstances rather than agree to support early retirements with more costly long-term actuarial strain early retirement costs. This would be as a minimum, redundancy pay based on statutory maximum earnings, or statutory redundancy pay based on normal earnings or enhanced severance payments based on the statutory scheme;
- d) Early retirements of teachers will normally only be supported for those teachers aged 55+, where redeployment is not possible. This would include unenhanced full pension;
- e) In certain circumstances, in efficiency of the service situations, a one-off severance payment can be paid as opposed to releasing the unenhanced full pension;
- f) Overall school restructurings will only be financially supported in situations where there are serious problems in a school, particularly of a financial or school improvement nature.

Please remember that Governors need to formally agree all staff adjustments and particularly redeployments, early retirements and redundancies. The County Council's attached policy gives a framework within which Governors can make decisions and the framework will be used by the County Council in deciding its financial support to particular schools and situations. Consequently, it is important that your school's Personnel Consultant and Personnel Assistant are consulted as early as possible about any particular situation and well in advance of Governors making final decisions.

Please note the attached policy document has superseded Section 2 of the Personnel Handbook which will be updated shortly.

Should you have any queries on this letter, please contact your school's Personnel Consultant or Personnel Assistant.

Yours sincerely,

Bryan Slater
Director of Education