

# NORFOLK COUNTY COUNCIL

## SUMMARY OF STAFFING ADJUSTMENT SCHEME FOR TEACHERS

### A. PURPOSE AND SCOPE

1. This document sets out the ways in which the County Council will support schools and teachers where adjustments in staffing are required because:
  - i) there is a need for a teacher to leave their current post to improve the efficiency of the service provided by the school;
  - ii) a school needs to reduce the numbers of teaching staff employed in the school or in a particular part of it;
  - iii) a teacher wishes to retire early from or change their current post for personal reasons.

2. In each of these situations, the methods available to schools and the LEA to achieve the required adjustments are:

**Redeployment** where a teacher moves from a post in one school to a different post in another school.

**Stepping Down** where a teacher moves from a post at a higher responsibility level to one at a lower level of responsibility.

**Severance** where a teacher's contract is ended with some form of financial compensation, usually in the form of redundancy pay on actual earnings, redundancy pay on statutory earnings or compensation.

**Early Retirement** where a teacher's contract ends before normal retirement age but with immediate access to pension benefits.

The LEA will decide which staffing adjustment method it will support financially on the basis of the criteria set out in this document and the overall cost effectiveness of the solution(s) proposed.

3. The LEA has a policy of avoiding compulsory redundancy wherever practicable and therefore expects schools to use redeployment and stepping down as the main ways of dealing with a need to reduce or adjust staffing, particularly at a time when there are recruitment difficulties and the age profile of the profession is increasing.
4. Although this scheme applies to teachers, Headteachers and Deputies, there are similar procedures which can be used for non-teaching staff.

Further advice on these should be sought from the school's Personnel Consultant.

5. This scheme covers all schools with a delegated budget, ie Community, Foundation and Voluntary Aided schools.

## **B. ROLES AND RESPONSIBILITIES**

1. **Governing Bodies** are responsible for all staffing adjustment decisions affecting staff in their school.
2. **The LEA** will meet any costs arising from these decisions provided that:
  - They are consistent with the LEA's scheme;
  - LEA officers have been consulted for advice and support the decision;
  - There is clear evidence of effective forward planning and consultation on staffing requirements which seeks to resolve staffing adjustment situations by retention of staff and with a cost effective solution.
3. **The LEA** will also support and advise schools in dealing with staffing adjustments through the work of the following officers:
  - School Improvement Support Officers (SISOs)
  - Review and Development Advisers (RDAs)

who can advise on overall management or curriculum implications.

- Personnel Consultants

who can support the whole staffing adjustment process and provide advice on management issues, staff consultation issues, employment law, personnel procedures, and interpretation of the LEA's scheme.

The advice of the school's Personnel Consultant should be sought as early as possible and normally at least four weeks before Governors make decisions on these matters.

4. The Director of Education will personally exercise statutory discretion on behalf of the County Council and will operate approval procedures to ensure all situations/cases financially supported are approved.

## **C. STAFFING ADJUSTMENT METHODS**

### **1. Redeployment**

- 1.1 Redeployment is the LEA's preferred method of solving staff adjustment situations, particularly when many schools are experiencing recruitment difficulties.

- 1.2 Where a redeployment is proposed on service efficiency or redundancy grounds, the LEA will determine the level of support it can provide. This must be agreed in advance of decisions being made by Governors if the LEA is to financially support the redeployment.

In certain circumstances, the LEA may wish to exercise compulsory redeployment procedures where the LEA is the employer. This would be subject to Governors' rights and responsibilities in appointing staff.

- 1.3 Where financial support is agreed, it will consist of one or more of the following:

a) Support to a school appointing a redeployee

- A payment of up to £1,000, for justifiable reasons such as INSET, curriculum development and additional resources.
- Reimbursement of salary protection costs for a teacher deployed to a lower graded post, on a tapering basis, i.e.

First two years	-	100%
Third year	-	75%
Fourth year	-	50%
Fifth year	-	25%
Sixth year	-	0%.

b) Support to a teacher being redeployed

- Protection of salary where a teacher is redeployed to a lower graded post (in line with the provisions in the current Teachers' Pay and Conditions Document).
- Payment of a recruitment/retention allowance for one year (although to assist career development, the LEA would expect the school to allocate additional responsibilities commensurate with the level of the allowance).
- Reimbursement of extra home to school travel costs, paid at actual public transport costs incurred or the current public transport mileage rate for a maximum period of four years.

- 1.4 In a redundancy situation, if redeployment has been attempted through the auspices of the LEA and has not been achieved before the contract termination date, the LEA will financially support a severance payment based on redundancy/actual earnings.

1.5 Where a teacher requests redeployment for personal reasons, the LEA would assist them in finding and applying for suitable alternative posts but would not provide any financial support.

1.6 Teachers aged between 50 and 55 selected for redundancy may have their dismissal deferred for one term to allow more time to achieve redeployment. The LEA will financially support this further term of employment provided that the teacher:

- uses that time to improve their professional/career development;
- is working during that term;
- actively seeks suitable alternative employment throughout the term;
- does not unreasonably refuse an offer of alternative employment.

For teachers being redeployed during or after the one term's extra employment, redeployment incentives will only be available under paragraph 1.3(b) above.

## 2. **Stepping Down**

2.1 It may be possible for a teacher aged 50 to 60 in a management allowance position to step down to a lower paid vacancy but protect their pension at the previous higher salary. In such cases, the LEA will consider supporting the additional pension costs falling to the member of staff for up to five years where this:

- ✓ could prevent a compulsory redundancy;
- ✓ improve the efficiency of the service;
- ✓ is cost effective for the school and the LEA.

2.2 Where a teacher aged 50 or more asks to step down for personal reasons, they would normally be expected to meet the additional pension costs themselves.

## 3. **Severance**

3.1 Where a school is in a redundancy situation, employees can volunteer to be made redundant and would normally receive a severance payment. This would normally be based on their actual weekly pay and the number of weeks' pay to which their continuous service would entitle them under the statutory redundancy pay scheme.

- 3.2 A similar payment will be made to a teacher if no voluntary solution is available to enable the school to make a required reduction, and it is necessary to make a teacher compulsorily redundant.
- 3.3 A redundancy situation for the purposes of this policy is one in which:
- there is a need to remove at least one permanent post from a school's staffing budget; and
  - there will be no replacement and the budget will be thereby reduced on a permanent basis; and
  - there are no voluntary redeployments available to effect a reduction in establishment;
- OR
- a vacancy is created that will be specifically reserved for a member of staff from another school who has volunteered for redeployment in order to reduce a post at the other school.
- 3.4 In certain circumstances, e.g. where alternative employment is available, the LEA may only be prepared to support a redundancy payment based on the statutory maximum earnings figure.

#### 4. **Early Retirement**

##### **For personal reasons (age 55 to 60)**

- 4.1 Where a teacher aged from 55 to 60 wishes for personal reasons to leave their post with immediate early access to pension benefits, they will be able to do so on direct application to Teachers' Pensions. The benefits they receive will be reduced on an age-related basis (using the actuarial tables set out below) to reflect the additional cost to the Teachers' Pension Scheme.

##### **Early Retirement - Pension**

Age	
Complete years	%
55	74.2
56	78.6
57	83.3
58	88.4
59	94.0

##### **Early Retirement - Lump Sum**

Age	
Complete years	%
55	84.3
56	87.2
57	90.2
58	93.4
59	96.6

No school or LEA approval is required although either can defer the retirement and release of the pension for up to six months after the requested date.

## **In redundancy situations**

### **4.2 *Early agreement to avoid the situation***

Where, to avoid a potential redundancy, a school wishes to support a teacher's application for early retirement with pension benefits based on actual pensionable service, the LEA will consider financially supporting such a request where:

- the teacher concerned is aged between 55 and 60;
- early agreement would be to the substantial advantage of the service or facilitate redeployment.

In such cases, no severance payments will be made.

- 4.3 The LEA will consider financially supporting similar requests in respect of employees below the age of 55 in the form of a one-off severance payment without access to pension benefits.

### **4.4 *Compulsory redundancy***

The LEA will also financially support an early retirement when compulsory redundancy is unavoidable provided that:

- the teacher is aged between 55 and 60;
- redeployment has been attempted but not achieved before the contract termination date;
- there is no suitable alternative employment available.

A separate redundancy payment/actual earnings will also be made.

- 4.5 For teachers aged 50 to 55, the LEA will normally only support the payment of a redundancy payment as in 3.1 after all efforts have been made to redeploy, including that under 1.6. If after these measures have been taken, in very exceptional circumstances, the LEA may in addition support the release of the early retirement pension.

## **On efficiency of service grounds**

- 4.6 The Director of Education may exercise his discretion to support an early retirement (without enhancement) of a teacher in the age range 50 to 60, where this would substantially and directly improve the service and lack of capability issues due to competence are not

paramount. In other cases, the LEA will only support a one-off compensation payment, normally not exceeding four months' pay, although employees in the age range 55 to 60 will be able to access the actuarially reduced pension (see paragraph 4.5) if they wish.

#### **On ill-health grounds**

4.7 Where a teacher of any age is seeking early retirement on grounds of ill-health, s/he may apply to Teachers' Pensions whose medical panel will need to assess them as permanently unfit to teach in order for their application to be approved. The school's Personnel Consultant or Personnel Assistant can advise on possible applications and give support to the school and the teacher.

4.8 From 1<sup>st</sup> April, 1997 onwards, ill-health retirees have not been able to be re-employed, even as a supply teacher, unless they are prepared to forgo their ill-health pension.

#### **D. COMPULSORY SELECTION CRITERIA**

1. In situations where voluntary measures have failed, staff will only be selected for compulsory redundancy in relation to the overall management and curriculum needs of the school. The selection criteria are:-
  - Curriculum strengths;
  - Range of subjects offered;
  - Experience (including specific INSET);
  - Qualifications;
  - Costs to the Norfolk County Council of severance arrangements.
2. If the application of these criteria do not achieve a selection, then length of continuous service with Norfolk schools will be applied on the basis of "last in, first out".

#### **E. INTERNAL RESTRUCTURING**

The costs of staffing adjustments arising from internal restructuring to achieve objectives regarded as worthwhile by the school, but which do not have critical school improvement or other service reasons, will normally need to be met by the school.