



# **PRINCIPLES GOVERNING REDEPLOYMENT AND REDUNDANCIES IN DIOCESAN SCHOOLS**

**September 2005**

(minor revisions August 2012)



**DIOCESAN EDUCATION SERVICE**

Archdiocese of Birmingham Registered Charity No 234216

*Making Christ Known Today*



# PRINCIPLES GOVERNING REDEPLOYMENT AND REDUNDANCIES IN DIOCESAN SCHOOLS

## 1. General Principles

- 1.1 Catholic schools have been established to support Catholic parents in their responsibility for the education of their children in accordance with the teaching of the Catholic Church. In the Archdiocese of Birmingham, the Trust Deed, governing the character of diocesan schools, makes it clear that they exist for baptised Catholics.
- 1.2 Catholic schools are, therefore, an integral part of the Catholic community and central to the Church's mission.
- 1.3 In their statements in both 'The Common Good' and 'The Common Good in Education' the bishops refer to the twin Catholic principles of subsidiarity and solidarity.
- 1.4 By subsidiarity, the bishops mean that decisions should be taken at the lowest appropriate level. Applied to, and within, schools it gives support to the concepts of self-governing schools, local management and delegation of authority.
- 1.5 By solidarity, the bishops mean that we are all responsible for each other. Applied to, and within, schools it underpins the concepts of mutual help, consideration and support, especially for those in need, the poor, the vulnerable and defenceless.
- 1.6 It is recognised that the governing body, as employers, are responsible for decisions about the number and type of staff that are employed in the school. They have the sole right and responsibility to advertise and make appointments.
- 1.7 In the light of the nature and purpose of Catholic schools, and in particular the principles of subsidiarity and solidarity, governors should recognise the responsibility placed on all parties in the education service to work in partnership to address issues arising from falling rolls and surplus place removal. This may include considering offering appointments to staff redundant at other schools.

## 2. Appointments within redeployment process

- 2.1 Where an LA is in the process of reorganising schools, Catholic schools should respond positively to any request from the LA to consider appointing staff made redundant at other schools. There can be no requirement on a governing body to appoint such a teacher if he / she does not match the person specification determined by the school. But it is important to ensure that teachers in these circumstances are given every opportunity to demonstrate their knowledge, skills and abilities.

## 3. School Reorganisation / Redundancy

- 3.1 Falling rolls and the need to address surplus places at LA and school level may result in the 'amalgamation' of schools. Technically schools do not amalgamate; two or more schools may be closed and re-opened as a new school. In circumstances such as these, where the 'amalgamation' is part of an LA reorganisation to address surplus places, the LA is likely to have drawn up agreed procedures with the local teacher organisations. It would be good practice for the DES to be involved early at a local level and thus ensure that the LA's procedures also apply to the particular needs of any Catholic voluntary aided schools which may be affected by the outcome of consultation and review.

- 3.2 The DES would at all times and at every stage in the procedure promote the avoidance of redundancy, encouraging redeployment, and resolution of the difficulty by voluntary measures, wherever possible.
- 3.3 At the very earliest opportunity where it is necessary to consider the prospect of redundancy governors should notify the LA, the DES and recognised teacher organisations and follow the LA's established code of practice. The purpose being to share the problem with the LA, the DES and the associations and how it can be addressed, firstly, with a view to avoiding redundancy. Governors should meet with the representatives of the LA, DES and teacher associations.
- 3.4 If redundancies are then considered to be necessary, if it is not possible to progress on a voluntary basis then the statutory process should begin to:
- Consult on the criteria for redundancy (taking account of the needs of the school);
  - Apply the agreed criteria to select a potential displaced teacher;
  - Allow for representation from any individual provisionally nominated teacher or teachers before any decision is made (to the Governors's First Committee);
  - Allow the right to appeal (to the Governors's Appeals Committee).
- 3.5 In considering potential redundancies, governors should ensure there is no unlawful discrimination. Likewise, since existing staff have all been appointed by the governors as suitable persons to hold posts in a Catholic school, non-Catholic teachers should be no more liable for displacement than Catholic members of staff simply because of their religious beliefs.
- 3.6 The designation of a member of staff for displacement must be made by the Governors's First Committee (on behalf of the governors as employers, not the headteacher or any other body).

## **4. Appeals Against Designation for Redundancy**

### **A. Preliminary Stages**

- 4.1 This section sets out the initial procedures for any aggrieved party in a redundancy situation. It is intended that the following procedures should be as informal as possible and should not preclude the statutory right of an aggrieved teacher to use the grievance procedure.
- 4.2 The person designated for redundancy must be so informed in writing by the clerk to the governing body, together with the reason for his/her selection. Copies of the information must be circulated to all bodies listed below:
- the Director of Schools at the DES (who will notify the Secretary of the Teachers' Panel of the JNCC of the date and time of the appeal hearing);
  - the headteacher;
  - the accredited school representative of the recognised teachers' union;
  - the LA.
- 4.3 The designated teacher must be informed of the appeal procedure and provided with a copy.
- 4.4 If the designated teacher wishes to appeal he/she should submit to the Appeals Committee, via the clerk to the governing body, a written statement of the case upon which the appeal is based within 10 working days of receipt of notification that he/she has been designated for redundancy.
- 4.5 The Chair of the Appeals Committee, will request a report from the Chair of the First Committee referenced in paragraph 3.4.

### **B. At the Appeal Hearing**

- 4.6 The employee shall be given such notice as may be specified in the LA code of practice of the time and place of the Hearing and shall be allowed to be represented by his/her trade union representative or some other person of his/her choice and shall be enabled to call witnesses and

produce documents relevant to his/her case at the Hearing. Each witness shall withdraw upon concluding their evidence and having been questioned.

- 4.7 Separate rooms will be provided for all parties and care should be given to provide parity in terms of any facilities made available, for example appropriate accommodation and refreshments, etc.
- 4.8 The First Committee's representative(s) shall put the case in the presence of the appellant and his/her representative and may call witnesses.
- 4.9 The appellant (or his/her representative) to have the opportunity to ask questions of the First Committee's representative on the evidence given by him/her and any witnesses whom he/she may call.
- 4.10 The Appeals Committee may ask questions of the First Committee's representative and witnesses.
- 4.11 The appellant (or his/her representative) to put his/her case in the presence of the First Committee's representative and to call such witnesses as he/she wishes.
- 4.12 The First Committee's representative to have the opportunity to ask questions of the appellant and his/her witnesses.
- 4.13 The Appeals Committee may ask questions of the appellant and his/her witnesses.
- 4.14 The First Committee's representative, followed by the appellant (or his/her representative) are to have an opportunity to sum up their case if they so wish.
- 4.15 Everyone except the Appeal Committee and the person appointed as Clerk to the Committee together with the officers from the LA / DES will withdraw.
- 4.16 If recall is necessary to clear points of uncertainty on evidence already given, both parties are to return notwithstanding that only one may be concerned with the point giving rise to the doubt. Both parties would have the right to comment on new evidence.
- 4.17 The Appeal Committee may announce the decision to the parties personally, and confirm in writing, or alternatively they may announce the decision in writing within the time-scales recommended by the LA code of practice, as may be determined.

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Minor changes in August 2012

These were not consequential, but reflected changes in terminology, DSC to DES and LEA to LA





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