

ITEM NO: 6

DECISION-MAKER:	EMPLOYMENT AND APPEAL PANEL		
SUBJECT:	REDUNDANCY AND/OR PREMATURE RETIREMENT PAYMENTS TO SCHOOL STAFF –CANTELL SCHOOL		
DATE OF DECISION:	6 MAY 2009		
REPORT OF:	Director of Children's Services and Learning and Headteacher on behalf of Governing Body of Cantell School		
AUTHOR:	Name:	Clive Webster and Ruth Evans, Headteacher Cantell School	Tel: 023 8083 2771
	E-mail:	clive.webster@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY

There is a confidential appendix attached to this report the confidentiality of which is based on Category 1 of paragraph 10.4 of the Council's Access to information Procedure Rules. The information contained therein is potentially exempt as it relates to individual personal details and information held under the Data Protection Act 1998. Having applied the public interest test it is not appropriate to disclose this information as the individuals' legal expectation of privacy outweighs the public interest in the exempt information.

SUMMARY

The report seeks approval of 2 specific cases, for the costs of redundancy and premature retirement associated with redundancy in schools to be met by central Council funds, where the terms have been agreed in line with the current policy for funding schools in Southampton.

RECOMMENDATIONS:

- (i) to confirm that the current policy has been correctly applied in reaching the individual calculations set out in the confidential Appendix 1
- (ii) to authorise the individual payments from the central budget in accordance with the Council's statutory duty to make payment if (i) is correct and in accordance with the Schools Finance Scheme

REASONS FOR REPORT RECOMMENDATIONS

1. To fulfil the City Council's duty as an employer and to enable schools to manage their budgets and their staffing in accordance with Education and Employment legislation, and locally agreed procedures for handling reduction in staffing.

CONSULTATION:

2. The Governing Body of Cantell School met on 6th March 2009 and considered a report from the Headteacher setting out the staffing implications of the curriculum analysis for 2009/10, the current and predicted budget position of the school and the predicted number on roll for September 2009. At this meeting the Governing Body approved a reduction in staffing as at 31.8.09. Prior to this meeting consultation took place with staff at the school and school based representatives, and the Local Authority over the

need to reduce and the steps to be followed. Following the decision to reduce staffing, formal consultation took place with representatives of the professional associations on 23 March. A further meeting is planned with the professional associations to discuss selection for redundancy.

3. The following documents are attached:
 - i. Headteacher's report to the Governing Body on 6th March 2009
 - ii. School's financial position
 - iii. Curriculum analysis 2009/10

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

4.
 - (i) The school has explored the scope for internal redeployment. Teacher A has been considered for a teaching role in the school along with 2 other internal candidates, whose skills and experience were greater than Teacher A and therefore they were appointed. There are no other employment options available at this stage for Teacher A or Teacher B. The school will make every effort will be made to avoid compulsory redundancy wherever possible.
 - (ii) The school has made contact with other schools to seek their co-operation in considering any potential redundant staff from Cantell for any suitable vacancies. Potentially redundant staff will be put on the SCC redeployment register.
 - (iii) Both teachers will be given access to external redeployment support covering the provision of practical advice and guidance eg preparation of application forms, seeking other employment etc.
 - (iv) Teacher B has expressed an interest in voluntary early retirement as an alternative to redundancy.
 - (v) The SCC redeployment process will also be explored.

DETAIL

5. This report follows the removal of delegated powers from the Executive Director of Children's Services by Council on 15th March 2006, as follows (Delegation 5.4.22):-
 - i. To agree **TERMS of PREMATURE RETIREMENT WITH ENHANCEMENT** to teaching staff, and
 - ii. To authorise **REDUNDANCY PAYMENTS** if a redundancy dismissal occurs.
6. The legal position with regard to schools and governing bodies' right to determine terms of redundancy payments and premature retirement compensation for school staff is set out in the Education Act 2002. Appendix 3 to this report provides a plain English summary of these provisions.
7. The Authority, as employer, is responsible for paying the costs of the terms agreed by the governing body in cases of redundancy payment, premature retirement on the rounds of redundancy, and premature retirement in the interests of the efficiency of the service. If the Authority disagrees with the terms agreed by the GB, then it may decide that the costs should be taken from the school budget.

8. In April 2007, the Employment and Appeal Panel agreed a policy for the funding of redundancy and premature retirement for teaching staff and support staff in schools. The policy aims to ensure that school employees are treated consistently with other employees of the City Council as far as possible given the powers of school governing bodies under local management. Under the terms of this policy, the Council will exercise its discretion to recover from the school budget the costs incurred by schools in respect of redundancies (beyond the statutory minimum) and premature retirements where it considers the costs to be excessive in comparison to its own policy on premature retirements and severance payments.
9. The confidential Appendix 1 to this report sets out the individual case where approval is sought for the costs of the redundancy payment and enhanced premature retirement benefits to be met from central funds

FINANCIAL/RESOURCE IMPLICATIONS

Capital

10. None

Revenue

11. The total cost to central Council budgets of the attached redundancy and premature retirement would be as follows.
12. Cost in this financial year (including one off redundancy payment, one off lump sum retirement payment, and one off charges to the pension fund);

Redundancy payments: £10268.31

One off mandatory lump sum payments : £2417.73

Total £12686.04
13. Ongoing costs for future years(including mandatory employers' costs for teachers):- £805.91 per annum

Property

14. None

Other

15. None

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

16. The powers and duties of the Local Authority (and the functions which by law are deemed to be delegated to the Governing Body to exercise on the Council's behalf) are set out in the attached summary to the law. The Panel will be acting on behalf of the Education Authority in its role as employer to give effect to the terms agreed by the Governing bodies and to determine whether the school or the Council bear the cost of those decisions in accordance with the Council's approved policy. Where discretion as to enhanced payment applies, the Panel will be asked to exercise that discretion as to whether or not an enhanced payment should be made.

Other Legal Implications:

- 17. In carrying out the functions referred to in this report the Council will be required to have regards to all relevant equalities legislations and the Human Rights Act 1998.

POLICY FRAMEWORK IMPLICATIONS

- 18. The proposals set out in this report are consistent with the Council's approved Policy Framework.

SUPPORTING DOCUMENTATION

Appendices

1.	Individual calculation for premature retirement and redundancy payment (Confidential Appendix not for publication)
2.	Policy for the funding of redundancy and premature retirement for teaching staff and support staff in schools
3.	Extract from The Governors' Guide to the Law
4.	Report to the Governing Body of Cantell School

Documents In Members' Rooms

1.	None
----	------

Background Documents

Title of Background Paper(s)

Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)

1.	None	
----	------	--

Background documents available for inspection at: N/A

FORWARD PLAN No: N/A **KEY DECISION?** No

WARDS/COMMUNITIES AFFECTED:	N/A
------------------------------------	-----