



MIDDLESEX
LEARNING
PARTNERSHIP

REDUNDANCY POLICY

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| APPROVED BY: | HR & Pay Committee |
| DATE: | February 2025 |
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REDUNDANCY POLICY

1. Introduction

It is our intention to manage the trust in a manner which results in secure employment for our employees. We will always try to avoid the need for compulsory redundancies but, in some situations, this may regrettably be necessary, for example where the pattern or volume of our work changes and requirements for particular roles may reduce.

In following any redundancy procedure in accordance with this policy, we will not discriminate directly or indirectly on grounds of age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, religion or belief, sex or sexual orientation. Part-time workers and fixed-term employees will not be treated less favourably than full-time or permanent employees.

This policy only applies to employees of the trust who have greater than two years' continuous service (which will be referred to as "you" in this policy). It does not form part of your terms and conditions of employment and is not intended to have contractual effect. It is provided for guidance purposes only and we reserve the right to amend this policy at any time.

2. The purpose of the policy

The purpose of this policy is to ensure that, whenever a reduction in employee numbers is proposed, we will:

- communicate clearly with all affected employees and ensure that they are treated fairly;
- handle any redundancy exercise in a fair, consistent and sympathetic manner;
- try to find ways of avoiding compulsory redundancies;
- consult with potentially affected employees and with recognised trade unions and/or employee representatives where applicable; and
- ensure any selection for compulsory redundancy is undertaken fairly and reasonably.

3. What is redundancy?

A redundancy arises where:

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

An employee who is dismissed shall be taken to be dismissed by reason of redundancy if the dismissal is wholly or mainly attributable to the factors stated above.

4. Avoiding compulsory redundancies

Where we are proposing to make redundancies, we will enter into consultation with all affected employees on an individual basis and, where appropriate, also with recognised trade unions and/or employee representatives.

In the first instance, we will consider steps that might, depending on the circumstances, be taken to avoid the need for compulsory redundancies.

Examples of such steps include:

- natural wastage;
- salary freezes;
- reviewing the use of agency staff, casual staff, self-employed contractors and consultants;
- restricting recruitment in all affected or potentially affected areas, including those areas into which affected employees might be redeployed;
- reducing overtime in affected departments or service areas;
- considering the introduction of job-sharing or other flexible working arrangements, where these are practicable;
- agreeing on a temporary variation to hours;
- identifying suitable alternative work that might be offered to potentially redundant employees; and
- inviting applications for early retirement or voluntary redundancy. In all cases, the acceptance of a volunteer for redundancy will be a matter of our discretion and we reserve the right not to offer voluntary redundancy terms or to refuse an application where it is not in the interests of the trust to do so.

Any measures adopted must not adversely affect the trust or its ability to deliver educational services and pastoral/support services to our pupils.

5. Consultation

Employers are required to consult with the 'appropriate representatives' of any of the employees who may be affected (directly or indirectly) by the proposed dismissals, or by any measures taken in connection with those dismissals. The consultation should include ways of avoiding the dismissals, reducing the number of employees to be dismissed, and mitigating the effects of dismissals. This duty applies even in cases of voluntary redundancies.

Where the trust concludes that it is necessary to consider redundancies it will agree the proposal for consultation with staff, the recognised trade unions, or employees' elected representatives of the affected staff. At this stage, no named individuals should be identified as potentially redundant. If a unique post has been provisionally identified however, it will be self-evident that a specific individual

is potentially at risk of redundancy. This may also be the case where the group of staff affected may be relatively small.

Consultation should begin in good time and be completed prior to any redundancy notices being issued. Timescales should take account of the appropriate contractual notice requirements to be met.

There is no statutory set period for consultation where the proposed redundancies involve fewer than 20 employees. In these cases, the trust should consider a period of time considered reasonable to allow for meaningful consultation with staff and their representatives.

In cases of a collective redundancy situation, where 20 or more redundancies are proposed, the statutory timetable for collective consultation should be regarded as a minimum and is as follows:

It is also necessary to notify the Redundancy Payments Service (RPS) (who act on behalf of the

| Number of Employees to be dismissed at an establishment over a 90 day period | Consultation must begin at least: |
|--|---|
| 20 – 99 | 30 days before the first dismissal takes effect |
| 100+ | 45 days before the first dismissal takes effect |

Secretary of State for Business, Innovation and Skills) of a proposal to dismiss 20 or more employees as redundant at one establishment within a period of 90 days or fewer.

6. Consultation with trade unions/elected employee representatives

Employers must disclose, in writing, to the appropriate representatives the following information concerning proposals for redundancies, so that they can play a constructive part in the consultation process:

- The reasons for the proposals
- The numbers and descriptions of employees it is proposed to dismiss as redundant
- The total number of employees of any such description employed at the establishment
- The way in which the employees will be selected for redundancy
- How the dismissals are to be carried out, taking account of any agreed procedure, including the period over which the dismissals are to take effect.
- The method of calculating the amount of redundancy payments to be made to those who are dismissed.

In addition, it is recommended that the following be also included where the redundancies are as a result of financial pressures or decline in pupil intake e.g. diminishing service:

- Appropriate budget information (current and projected) and likely shortfalls etc. where the reasons for the redundancies is due to financial reasons
- Curricular provision where relevant
- Pupil number trends and projections so that all those involved can have a clear picture of the existing and proposed staffing arrangements. It is recommended that the existing and proposed staffing structure charts are included.

When this information is given to the trade unions/elected employee representatives will be determined by any local arrangements. The information may be given at the consultation meeting with employees, or prior to the consultation meeting. However, where the elected employee representatives are from the selection pool, they should not receive the information prior to the consultation meeting with other affected staff.

7. Consultation with employees

The obligation for employers to consult also covers consulting with employees who are affected. A meeting should be arranged with the affected employees to notify them of the proposal and give them the relevant documentation. The information provided to employees will usually be the same as that given to the trade unions/elected employee representatives.

The consultation meeting with the affected employees will signify the start of the period of formal consultation.

Employees who are absent from work due to, for example, maternity leave or long-term sickness absence, will need to be included in the consultation process.

The trade unions/elected employee representatives should also be invited to this meeting. The period of notice given to the trade unions/elected employee representatives by the trust of the meeting will be determined by local arrangements, but it should be no less than a calendar week.

8. Selection pool

Employees will be potentially redundant if they are in the defined selection pool:

- Where a unique post with specific duties is deleted, the employee occupying that post would be identified as potentially redundant.
- Where numbers of staff employed in a generic post are reduced, all the employees in the generic post would be identified as potentially redundant.

9. Selection criteria

As far as possible, objective criteria, precisely defined and capable of being applied in an independent way should be used when determining which employees are to be selected for redundancy. The purpose of having objective criteria is to ensure that employees are not unfairly selected for redundancy. Care should be taken to ensure that the selection criteria are not directly or indirectly discriminatory under the Equality Act.

The following are examples of selection criteria which may be adopted although this list is not meant to be exhaustive. Normally one criterion would be applied although in some cases a additional criteria may be necessary; for example, if there are more than the required numbers of staff in posts under proposal for deletion who meet the set criteria.

a. Skills and experience

The needs of the trust are the paramount selection criteria. Selection would be made on the basis of the needs of the business and of the skills and experience which the employee could offer. .

To assist this process, employees may be asked to complete a appropriate staff profile to identify skills and experience which they might bring to alternative roles with the trust.

b. Attendance record

It will be necessary to ensure that records are accurate and reflect working days' absence, pro rata where appropriate. Before selecting on the basis of attendance, it is important to know the reasons for and the extent of any absences. This is particularly important when considering sickness absence and it will be necessary to look carefully at the duration of the spells of sickness; for example, whether an employee has had one continuous lengthy bout of sickness or whether the absences were of a more intermittent nature, but over a longer period. Accordingly, it may not always be the employee who has had the fewest days absence who is considered to have the best attendance record.

Absences related directly to pregnancy e.g., maternity leave and related sickness absence during pregnancy must be discounted. Also, any periods of absence directly relating to an employee's disability should be discounted when using attendance as a selection criterion.

c. Disciplinary records

It will be necessary to ensure that records of any disciplinary action taken are accurate. They must involve 'live' sanctions on the employee's file, with consideration being given to the nature of the original misconduct and the unspent life of the warning.

d. Capability/Performance

This criterion relates to individual standard of work performance. There should be objective evidence based on performance appraisal reviews to support selection. Any shortcomings in an employee's work performance should have been discussed with them prior to any potential redundancy consideration. This can be for example by means of an appraisal system or dealt with under the Capability Procedure.

e. Length of service (LIFO – Last in first out)

LIFO is based on total service with the employer. LIFO should only be used as a last resort and in combination with other criteria, where all other factors are equal. It is vital that legal obligations, particularly with regard to discrimination, are taken into account when seeking to use this criterion.

HR advice should always be sought when deciding on the appropriate selection criteria to be used.

10. Ringfencing

Where a post is redundant, but there are other potentially similar posts available or proposed, a ringfencing process may be used to assess suitability. Ringfencing for a position requires a substantial match between a postholder's current role and the job description of the ring-fenced role. This is typically 50-79% or more for generalised roles. For highly specialised roles, a higher match of 75%+ may be required due to the technical nature of the work. Employees may apply as part of a ring fence process for a job up to two grades higher than their existing job if there is a match.

The factors considered for determining a match include, but are not limited to:

- Job description comparison: by evaluating the overlap of key responsibilities, required skills for the job.
- Employee capability: Consider the employee's ability to quickly adapt to the new role with their existing skills and experience.
- Qualification match: similarity in educational or certification requirements
- Work environment: ensuring the role's location, hours and conditions are reasonably similar.

11. Fair assimilation

For direct assimilation into a role to be considered, a higher than a 70% job match is required for generalised roles. For highly specialised roles, a higher match of 80%+ may be required due to the technical nature of the work.

The factors considered for determining a match include, but are not limited to:

- Job description comparison: by evaluating the overlap of key responsibilities, required skills for the job.
- Qualification match: similarity in educational or certification requirements
- Work environment: ensuring the role's location, hours and conditions are reasonably similar.

12. Can employees choose voluntary redundancy?

Employees can express an interest in volunteering for redundancy and, in some cases, we may ask for expressions of interest. However, there is no guarantee that an expression of interest will lead to voluntary redundancy being agreed. Each case will be considered by reviewing the needs of the service, the costs and impact to the trust.

13. Making compulsory redundancies

In situations where it is not deemed possible to avoid compulsory redundancies, the criteria used to select employees for redundancy will be objective, transparent, fair, and based on the skills required to meet the trust's existing and anticipated need.

A record will be kept of the selection process and results.

If you have been provisionally selected for redundancy, you will be consulted with individually.

If you are selected for redundancy, you will be given written notice of termination of employment in accordance with your contractual notice and subject to minimum statutory requirements. At our absolute discretion, we may make payment in lieu of notice for all or part of your notice period.

You will also receive written confirmation of the payments that you will receive and the opportunity to appeal against the decision.

14. Alternative employment

We will continue to look for alternative employment for any employee selected for redundancy and will inform you of any potentially suitable vacancies that has arise prior to your termination date. The manner in which employees selected for redundancy will be invited to apply for and be interviewed for vacancies will be organised depending on the circumstances existing at the time. Alternative employment may be offered subject to a trial period, where appropriate. In this situation, the alternative employment will be subject to a statutory trial period of a minimum of 4 weeks' duration. Where retraining is necessary, the trial period may be longer, subject to prior negotiation and agreement. If the alternative employment is found to be unsuitable following trial, redundancy will take place as before the trial period.

If such suitable alternative employment is available, you will receive a written offer detailing the terms and conditions applicable to the new employment. Your acceptance should be in writing.

Employees are welcome to suggest any vacancies which they may feel constitutes suitable alternative employment. However, Trust HR will have ultimate responsibility in deciding suitability.

If you refuse the offer of alternative employment, you must do so in writing, setting out your reasons. Unreasonable refusal of an offer of a suitable alternative job will lead to loss of your right to a redundancy payment.

15. Pay protection

In the event of redeployment, pay protection will be offered where relevant in line with the pay and conditions of the postholder. At the time of writing, this is three years for teaching staff (in line with STPCD) and one year for support staff if they are redeployed to a position at a lower pay.

a. Eligibility

Pay protection applies to staff who are redeployed to a lower-paid role due to redundancy or restructuring. This applies where:

- The redeployment occurs within the trust
- (For teachers) The teacher's new role falls under the scope of the STPCD.

b. Duration of pay protection

Staff will receive pay protection for the period specified in their terms and conditions of service.

c. Pay protection applies to:

- The basic salary, as per their previous role.
- (For teachers) Any allowances or pay enhancements (e.g., Teaching and Learning Responsibility payments, recruitment or retention allowances) that were part of their previous remuneration under STPCD terms.

d. Conditions of pay protection

- Pay protection is conditional upon the employee continuing in the redeployed role within the trust.
- If the employee voluntarily moves to another position or employer during the pay protection period, the entitlement will cease.
- Pay protection is reviewed annually, and adjustments may be made in line with changes to national living pay increases made in line with changes to cost as set out in the STPCD.

e. End of pay protection

At the conclusion of the protection period:

- The employee's pay will be aligned with the salary scale and allowances applicable to their current role.
- Employee will be notified in advance of any adjustments to their pay.

16. Time off to seek work

If you are under notice of redundancy (and have at least two years' continuous service) you will be entitled to take a reasonable amount of paid time off work to look for alternative employment, attend interviews or to undertake training for future employment with prior agreement from a Senior Leader.

17. If you wish to leave before the end of the notice period

It may be possible for you to agree with us an earlier leaving date. However, this will be entirely at our discretion and if this is not agreed, you would have to resign to bring your employment to an early end. A resignation during the notice period would mean that you are not treated as "dismissed" by reason of redundancy. This means that there would be no entitlement to redundancy pay.

18. If you get another job outside of the trust before the notice period ends

Where the following situation applies:

- you receive an offer of a job from another organisation within the Modification Order, **and**
- that job offer was made while you were under notice of redundancy, and before the end of your notice period, **and**
- the start date of that new job is within four weeks (including five Sundays) of the end of the notice period,

the Redundancy Payment (Local Government) (Modification) Order 1999 (more commonly known as the "Modification Order") will apply and you will not be entitled to any redundancy pay. This is because the Modification Order operates to deem that your employment will have continued (for the purposes of redundancy payments (and pension is appropriate) into that new employment.

For further information on the Modification Order, please contact HR.

19. Redundancy pay

If you have two or more years' continuous service you may qualify for statutory redundancy pay, which is calculated by age, weekly pay (capped as per statute) and length of service (capped at 20 years), as detailed in the Employment Relations Act 1996.

20. Redundancy appeal procedure

If you wish to appeal against a decision to dismiss you by reason of redundancy, you should write in the first instance (unless informed otherwise) to HR, who will liaise with the Board of Governors and/or trustees as appropriate, to convene an appeal hearing. The appeal must be submitted within 10 working days of the decision you are appealing against, setting out the grounds and basis for your appeal.

Redundancy appeals will usually be conducted and determined by a panel of three members. These may be drawn from the governing body, the board of trustees, or other independent people with relevant skills and experience, for example trustees or governors from another school/trust. Membership of the panel will be decided by the trust.

You have the right to be accompanied by a work colleague or an accredited trade union official at any appeal hearing and will be given a full opportunity to state your case.

The appeal hearing will be minuted by a note taker and you will be supplied with a copy of the minutes as soon as is reasonably practicable after the hearing.

No decisions will be reached during the hearing itself. Our appeal panel will need to consider all the evidence, together with the representations you have made, and in some cases may need to carry out further investigations before a decision can be reached.

You will be notified of the result of the appeal in writing without unreasonable delay. The appeal decision is the final stage of our redundancy procedure.

21. Pension implications of being made redundant

a. Members of the Local Government Pension Scheme (LGPS)

If you are a member of the LGPS, are **over the age of 55** and have more than 2 years' membership in the LGPS, you are entitled to immediate payment of your benefits based on your membership built up to the day you leave employment. We are required to make any necessary payments to your pension fund to ensure that there is no reduction for you being paid earlier. Further details will be provided should this apply to you.

If you a member of the LGPS, are **under the age of 55** and have more than two years' membership in the LGPS, your pension built up to the date you leave employment will become a deferred benefit. It will increase each year with the cost of living and is payable at your normal pension age. You can choose to have your deferred benefit payable at any time from age 55 but it may be reduced for being paid early and for longer. You may request to transfer your deferred benefit to another pension scheme at any time before payment.

b. Members of the Teachers' Pension Scheme (TPS)

Your pension built up to the date you leave employment will become a deferred benefit. It will increase each year with the cost of living and will be payable at your normal pension age.

If you find employment at another school, academy, or trust which entitles you to membership of the TPS, you should be able to start or continue in your membership of the TPS (subject to the scheme rules in force at that time).

If you find employment which is non-teaching but with the local authority, you should be able to join

the Local Government Pension Scheme instead (subject to the scheme rules in force at that time).

If you find employment with an employer which does not entitle you to membership of the TPS, you may have a number of options (dependant on the scheme rules in force at that time):

- you may be able to **transfer** your TPS pension to a scheme run by your new employer;
- you may be able to keep your pension in the TPS, although you will not be able to contribute to it;
- your contributions will be refunded automatically if you have been a member of the scheme for less than two years.

22. Housing of employees in tied accommodation

In line with the terms of the service occupancy agreement, any employee who has been granted a license to occupy any property provided by the school (for example a caretaker living on site under a service occupancy agreement with the school as part of their role) whose employment is terminated for any reason (including redundancy), will be required to vacate the property immediately on their employment termination date.

Appendix 1

Redundancy checklist

Step 1:

At the time it is identified that there is a need to review the staffing structure, draw up a proposal for consultation with trade unions /elected employee representatives and employees. The proposal should include the current structure and the proposed structure together with the following information:

- The reason for the proposals
- The numbers and descriptions of employees it is proposed to dismiss as redundant
- The total number of employees of any such description employed at the establishment
- The way in which the employees will be selected for redundancy
- How the dismissals are to be carried out, taking account of any agreed procedure, including the period over which the dismissals are to take effect.
- The method of calculating the amount of redundancy payments to be made to those who are dismissed.

In addition, it is recommended that the following be also included where the redundancies are as a result of financial pressures or decline in pupil intake e.g. diminishing service:

- Appropriate budget information (current and projected) with likely budget shortfalls
- Curricular Provision
- Pupil number trends and projections.

Step 2:

If it is proposed to make 20 or more employees redundant within a 90 day period, the Redundancy Payments Service (RPS) (who act on behalf of the Secretary of State for Business, Innovation and Skills) will need to be notified.

Step 3:

Send proposal to trade union representatives/elected employee representatives and employees for consultation. Period of consultation should be in line with Section 5 of this document.

Step 4:

Invite affected employees to a meeting to explain the proposal. Employees should be advised to seek advice from their unions. It is recommended that trade union/elected employee representatives should also be invited to this meeting. Where practical, employees should be offered the right to an individual meeting to discuss the proposals. Employees have the right to be

accompanied by a trade union representative or work colleague at any such meeting.

Step 5:

At the end of the consultation period, consider all the views/suggestions received. Incorporate any views/suggestions which are considered acceptable and provide explanation for any which cannot be considered. Consider a further period of consultation where there is a significant change to the original proposal following incorporation of any of the responses received during the period of consultation.

Step 6:

Carry out selection to the posts in the revised structure as set out in the proposal document. If selection is to be based on skills and experience, a skills and experience audit will need to be carried out and the staffProfile forms can be used to assist this process. Interviews and other selection criteria may also be used to inform selection as appropriate.

Step 7:

Inform the employees selected for redundancy in writing of the decision and of their right of appeal.

Step 8:

Employees selected for redundancy have a right of appeal. Employees must submit an appeal in

writing within 10 working days of receiving a dismissal notice. Appeals should be heard

during the employee's period of notice.

Step 9:

Efforts for redeployment will continue throughout the period of notice.

Step 10:

Consider additional support for employees:

- Advice and counselling
- Reasonable time off with pay to look for alternative employment
- Practical guidance on completing application forms and attending interviews.

Appendix 2

Expression of interest

In completing this form, you are advised that in order to be considered for any roles in the new structure, you are required to meet the minimum criteria for the role. Interviews or other selection tools and exercises may be used to assess your suitability for any alternative role. Where there are more individuals than posts, then interviews or other selection tools and exercises will be used.

| | |
|---|--|
| Name | |
| Department | |
| Current Role | |
| Qualifications | |
| Please specify the advertised role/s you would like to express an interest in (please put them in order of preference): | |
| 1. | |
| 2. | |
| 3. | |
| 4. | |
| Signed: | |
| Date: | |

For office use only:

Date received _____

Date form processed _____

Appendix 3

| Staff profile form / skills audit | | | |
|---|--|---|--|
| <p>Please complete this form providing information on your skills and experience. The information will be used to make an assessment of your potential suitability for roles in the new structure. In addition, you may also be required to attend a selection interview and/or to undertake other selection exercises as appropriate to the requirements of the role.</p> <p>Assessment of the skills audit against the requirements of the role(s) will be carried out by the hiring manager, with advice from HR. Other staff may also be consulted with as appropriate to assist in the assessment.</p> <p>You should complete this form along with the expression of interest form and ensure that you provide sufficient information on this form to cover the jobs you are expressing interest in.</p> | | | |
| Name of school/trust | | | |
| Name of employee | | Job title/level | |
| Department/faculty | | Grade | |
| Current work pattern (please ✓ appropriate box) | | Current contract status (please ✓ appropriate box) | |
| Full time | | Permanent | |
| Part time (state hours worked) | | Temporary [other] | |
| All year round | | Temporary [ill health or absence cover] | |
| Term time only | | Temporary [maternity cover] | |
| Other [please specify] | | Other [Please specify] | |

Please ensure that when completing this form you provide all relevant details

| Core & specialist requirements <i>(these are areas which we consider are important requirements for support staff roles in this school)</i> | Please give details and examples with an indication of when you undertook this work/demonstrated this skill. If you do not have these requirements, you should state: N/A |
|---|--|
| 1. Relevant qualifications for the role(s) applying for | |
| 2. Relevant experience for the role(s) applying for | |
| 3. Relevant knowledge for the role(s) applying for | |
| 4. Relevant skills for the role(s) applying for | |
| 5. Evidence of excellent interpersonal skills | |
| 6. Evidence of excellent communication skills (oral and written) | |
| 7. Evidence of team working | |
| 8. Evidence of management experience (if relevant to the role) | |
| | |
| | |
| | |
| Current Role | |
| Please give a description of your current duties and relevant responsibilities carried out within the last 5 years. | |

| |
|--|
| |
|--|

Previous Employment History

| Post Held | Employer | Date | |
|-----------|----------|------|-------|
| | | From | Until |
| | | | |
| | | | |
| | | | |
| | | | |

Other supporting information

Please add any other supporting information that you think is relevant and will help your application

I confirm the above information is true and accurate to the best of my knowledge

Signature: _____

Date: _____

THIS SECTION WILL BE COMPLETED BY THE HEADTEACHER/SLT

Selection Criteria

Each criterion has a scoring range of 0 – 3 and allocated as follows:

- 0 - no evidence of knowledge and/or skill
- 1 - little evidence of knowledge and/or skill
- 2 - evidence of satisfactory level of knowledge and/or skill
- 3 - evidence of high level of knowledge and/or skill

| Core & Specialist Requirements | Evidence provided and considered | Score |
|---|---|--------------|
| Relevant qualifications for the role | | |
| Expertise and experience in XX | | |
| Knowledge of XX | | |
| Skills in XX | | |
| Evidence of excellent interpersonal skills | | |
| Evidence of excellent communication skills (oral and written) | | |
| Evidence of team working | | |
| Evidence of management experience (if relevant to the role) | | |

| | | |
|---|---|--|
| Attendance (if applicable) [Disability and maternity related absence will be disregarded] | As at date of assessment, 1 points if two trigger points reached 2 points if one trigger points reached 3 points if no trigger point reached | |
| Disciplinary Record (if applicable) | As at date of assessment, | |

| | | |
|--------------------|---|--|
| | 0 current disciplinary/capability warning on file 1 informal guidance issued 2 no current disciplinary/capability warning on file | |
| TOTAL SCORE | | |

| Assessment made by (name) | Signature | Date |
|---------------------------|-----------|------|
| | | |
| | | |
| | | |

