

Guidance Document

Transferred Redundancy Process - Teaching

2023-24

PLEASE NOTE THAT THIS GUIDANCE RELATES TO THE 2023-24 FINANCIAL YEAR ONLY

1 Principles of the Transferred Redundancy Process

The transferred redundancy process operates in order to protect the jobs of teachers who would otherwise be made redundant by transferring them to posts in other schools where a teacher has expressed an interest in *volunteering* for redundancy but where no redundancy actually exists in their school.

While there is no guarantee that a member of staff selected for a compulsory redundancy will secure redeployment through the transferred redundancy process, it is the aim of all the parties to use their best endeavours to offer as many possible opportunities of redeployment to those members of staff selected for compulsory redundancy.

It must be emphasised that whilst EA will endeavour to facilitate redeployment through the transferred redundancy process, it will be a matter for individual Board of Governors to determine whether or not they wish to engage with Transferred Redundancy and/or appoint a member of staff who is facing compulsory redundancy.

It is important to note that the Board of Governors is under no automatic obligation to offer redeployment to any employee facing compulsory redundancy in order to facilitate the wishes of the volunteer within the school.

2 Application Process

On receipt of this guidance, the Principal (or nominee) should circulate details of the Transferred Redundancy process amongst all permanent teaching staff in school, including staff on career break, maternity leave, sickness, secondment, etc. Teachers should be provided with this guidance document along with TR2023 (Teaching) Form.

If a teacher is interested in volunteering for Transferred Redundancy, they must complete **Section A** of the TR2023 (Teaching) Form and return it to their Principal without delay for consideration. Where it is deemed suitable to approve the teachers' application, **Section B**¹ of the Form must be completed by the Principal and submitted by email to eatr@eani.org.uk by **Friday 24 March 2023**.

The details provided in **Section B** of the form are subsequently used to populate the Transferred Redundancy List. The list will only include details of posts available for redeployment and will not include any personal information of the Teacher who is volunteering. Once the Transferred Redundancy List is populated, it will then be

¹ Please note that the criteria listed in this section does **not** have to be a direct curriculum replacement for the teacher noted in Section A

issued to those eligible teachers facing redundancy (Priority 1² schools only this year). Details of how this list is circulated is provided in Section 5 below.

Please note in the case where a TR2023 (Teaching) Form is submitted to EA for a teacher who is subject to an on-going human resources procedure/policy, details of the appropriateness of transferred redundancy should be summarised by way of a separate attachment to the application form. The EA will consider if transferred redundancy is appropriate in the circumstances.

Furthermore, if the teacher named in Section A holds a Teaching Allowance and is released through this process and if the Teaching Allowance is an ongoing requirement in the school, the allowance **MUST** be internally trawled i.e. not automatically awarded to the teacher you redeploy.

Due to the high volume of TR2023 (Teaching) Forms received by EA, it will not be possible to provide regular updates on the status of the application to either the school or the volunteer. EA will **ONLY** contact the Principal when a teacher facing redundancy wishes to apply for the post detailed on the Transferred Redundancy List for your school.

3 Redundancy / Compensation Terms for Teachers

A formal estimate of redundancy will not be provided for every teacher who expresses an interest in transferred redundancy. Formal estimates will only be requested from the Department of Education Teachers' Pay and Pensions team when a teacher facing compulsory redundancy applies for a post detailed on the transferred redundancy list and is recommended for appointment. The volunteer who is attached to this post will then be provided with a formal estimate from EA.

In the absence of a formal estimate, a 'Ready Reckoner' table has been included on the last page of this document (Appendix 1). This table is intended only as a guide and shows how statutory and enhanced redundancy pay is calculated for teachers who are entitled to receive such a payment. A teachers' entitlement to redundancy pay will depend on their individual circumstances and will therefore be considered on a case-by-case basis.

Subject to the requisite approvals, the Education Authority will be in a position to pay teachers made redundant total compensation which is "**up to 52 weeks salary**", that is up to a maximum of 52 weeks actual salary. For example, where a teacher is eligible for redundancy compensation of 30 weeks (statutory maximum) he/she will receive an additional 22 weeks' salary as an enhanced severance payment giving total compensation of 52 weeks' salary.

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1 Priority 1 Unavoidable Redundancies: Schools that are in a Closure/Amalgamation situation, with a Development Proposal which has been approved by the Minister of Education (closing or amalgamating in August 2023) or coming out of a collective agreement in August 2023.

Please be advised that ALL redundancies will be subject to Education Authority approval and DE funding approval. Any approval will take into consideration the established criteria for redundancies.

Further advice, if required, is available from your Employing Authority (contact list provided in Section 6 below).

4 Continuation of Service for those who accept voluntary redundancy

It is important for you to note that if you obtain other employment with the Education Authority or with an 'associated employer' prior to or within 4 weeks of your date of termination, the offer of voluntary redundancy will be withdrawn and any monies advanced will be recouped.

The Redundancy Payments (Continuity of Employment in Local Government etc.) Modification Order NI 1999 (referred to as the 'Modification Order') provides for continuity of service across a wide range of local government and related employers. The effect of the Modification Order is to make local authorities 'associated employers' for the purposes of the redundancy provisions of the Employment Rights NI Order 1996.

In order to safeguard public funds and to ensure compliance with the 'Modification Order' any employee leaving employment as a result of voluntary severance is required to advise EA if they obtain employment with an 'associated employer' prior to or within 4 weeks of their termination date. Employees considering acceptance of an offer of voluntary severance are advised that the term 'associated employer' as defined within the Modification Order is wider than education bodies and therefore they must refer to the full list of organisations involved prior to accepting an offer of voluntary severance. A full list of associated employers is provided in Part 2 Schedule 2 of the Order available using the link:

<http://www.legislation.gov.uk/nisr/1999/409/contents/made>

Information regarding the Modification Order is also available on the EA website through the HR Online page for redeployment and redundancy –

<https://www.eani.org.uk/ea-staff-hub/hr-online/redeployment-redundancy>

5 Transferred Redundancy Teaching – Stages

STAGE I

EA and CCMS will individually seek volunteers for transferred redundancy from those schools in which they act as Employing Authority. As detailed above, based on the information submitted in Section B of the TR2023 (Teaching) Form, EA and CCMS will compile a list of redeployment opportunities. Each list of redeployment

opportunities will be sent, in the first instance, to those eligible³ Teachers selected for redundancy that the employing authority is responsible for.

Similarly, Voluntary Grammar and Grant Maintained Integrated Schools will also seek volunteers for transferred redundancy in their schools and submit this information via the same process to the Education Authority. The Education Authority compiles a list of redeployment opportunities available in Voluntary Grammar and Grant Maintained Integrated Schools and issues it to eligible teachers selected for redundancy within Voluntary Grammar and Grant Maintained Integrated Schools.

Each individual list of redeployment opportunities will include the name of the schools, details of the post(s) available and the requirements for each of the posts, as stipulated by the relevant Board of Governors.

Teachers selected for compulsory redundancy, who wish to be considered for redeployment through the transferred redundancy process, are asked to complete an application form and indicate which post(s), in order of preference, they wish to apply for and return this to the appropriate Employing Authority.

The appropriate Employing Authority contacts the Principal of the school in which the redundant teacher is interested in applying too in preference order.

The Principal is provided with the teacher(s) details and application form(s) for consideration. Where, based on the information available, the Principal and/or Board of Governors considers the teacher meets the requirements of the post, the teacher will be invited for interview. Following interview, if the Board of Governors is prepared to redeploy the teacher, the teacher will be advised by the appropriate Employing Authority and the administrative arrangements will commence so as to facilitate the transfer. It is at this point, that the volunteer attached to the post will be provided with a formal estimate of redundancy to consider and accept.

If the Board of Governors is not prepared to invite the teacher for interview, or if following the interview, the Governors do not wish to proceed with an offer of redeployment, the Employing Authority will move to the next school in the teacher's preference order.

STAGE 2

Once Stage 1 of the redeployment process has been exhausted i.e. within each Employing Authority/VG and GMI, the transferred redundancy process proceeds to **Stage 2**.

Stage 2 involves the Education Authority collating a final list of all remaining redeployment opportunities from **all sectors** across Northern Ireland.

³ Permanent teachers selected for redundancy. A teacher who has acquired rights under Fixed Term Regulations e.g. 4 years continuous service will also be provided with redeployment opportunities.

The Employing Authority will distribute this list to all teachers who remain in a redundancy situation. As per Stage 1, those teachers will be requested to indicate to the Education Authority which post(s), in order of preference, they wish to apply for.

Those schools identified as preferences will be contacted by the appropriate employing authority and provided with the teachers' details and application form, again in preference order. Board of Governors will be afforded the same considerations as Stage 1.

Stage 2 will continue until 31 August 2023.

6 Contact Details

Advice and guidance relating to the Transferred Redundancy process is available from the following Education Authority Staff:

EA Transferred Redundancy Mailbox		eatr@eani.org.uk
Catherine Hughes	028 2566 1127	catherine.hughes@eani.org.uk
Mairead Harkin	028 8241 1476	Mairead.harkin@eani.org.uk
Michelle Martin	028 9056 6225	michelle.martin@eani.org.uk

READY RECKONER FOR CALCULATING THE NUMBER OF WEEKS' PAY DUE

Teaching Redundancies wef 31 August 2023

The redundancy payment due to each teacher depends on their age and length of continuous service (up to twenty years continuous service) at the date of redundancy. This determines the number of statutory week's pay due for redundancy purposes. In order to identify the number of statutory weeks due for redundancy purposes based on their age and length of service, please refer to the table below.

The statutory amount due to each teacher (as per table below) will be enhanced to a total compensation which is "**up to 52 weeks salary**", that is up to a maximum of 52 weeks actual salary. Only those due 30 weeks will receive maximum enhancement to 52 weeks.

Example 1:

Where a teacher is eligible for redundancy compensation of 30 weeks (statutory maximum) he/she will receive an additional 22 weeks' salary as an enhanced severance payment giving total compensation of 52 weeks' salary.

(30 weeks x 1.73333333333334)

Example 2:

Where a teacher is eligible for redundancy compensation of 12 week's statutory redundancy this will be enhanced to 20.8 weeks' pay.

(12 weeks x 1.73333333333334= 20.8)

Example 3:

Where a teacher is eligible for redundancy compensation of 19 week's redundancy pay due will be enhanced to 32.9 weeks' pay.

(19 weeks x 1.73333333333334= 32.9)

This page is intended only as a guide and shows how statutory and enhanced redundancy pay is calculated for teachers who are entitled to receive it. Whether or not you are entitled to redundancy pay will depend on your individual circumstances and Education Authority checks.

READY RECKONER TABLE

To calculate statutory weeks due (without enhancement)

Service	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	
Age (Years)																				
23	1.5																			
24	2	2.5																		
25	2	3	3.5																	
26	2	3	4	4.5																
27	2	3	4	5	5.5															
28	2	3	4	5	6	6.5														
29	2	3	4	5	6	7	7.5													
30	2	3	4	5	6	7	8	8.5												
31	2	3	4	5	6	7	8	9	9.5											
32	2	3	4	5	6	7	8	9	10	10.5										
33	2	3	4	5	6	7	8	9	10	11	11.5									
34	2	3	4	5	6	7	8	9	10	11	12	12.5								
35	2	3	4	5	6	7	8	9	10	11	12	13	13.5							
36	2	3	4	5	6	7	8	9	10	11	12	13	14	14.5						
37	2	3	4	5	6	7	8	9	10	11	12	13	14	15	15.5					
38	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	16.5				
39	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	17.5			
40	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	18.5		
41	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	19.5	
42	2.5	3.5	4.5	5.5	6.5	7.5	8.5	9.5	10.5	11.5	12.5	13.5	14.5	15.5	16.5	17.5	18.5	19.5	20.5	20.5
43	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	21
44	3	4.5	5.5	6.5	7.5	8.5	9.5	10.5	11.5	12.5	13.5	14.5	15.5	16.5	17.5	18.5	19.5	20.5	21.5	21.5
45	3	4.5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	22
46	3	4.5	6	7.5	8.5	9.5	10.5	11.5	12.5	13.5	14.5	15.5	16.5	17.5	18.5	19.5	20.5	21.5	22.5	22.5
47	3	4.5	6	7.5	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	23
48	3	4.5	6	7.5	9	10.5	11.5	12.5	13.5	14.5	15.5	16.5	17.5	18.5	19.5	20.5	21.5	22.5	23.5	23.5
49	3	4.5	6	7.5	9	10.5	12	13	14	15	16	17	18	19	20	21	22	23	24	24
50	3	4.5	6	7.5	9	10.5	12	13.5	14.5	15.5	16.5	17.5	18.5	19.5	20.5	21.5	22.5	23.5	24.5	24.5
51	3	4.5	6	7.5	9	10.5	12	13.5	15	16	17	18	19	20	21	22	23	24	25	25
52	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	17.5	18.5	19.5	20.5	21.5	22.5	23.5	24.5	25.5	25.5
53	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19	20	21	22	23	24	25	26	26
54	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	20.5	21.5	22.5	23.5	24.5	25.5	26.5	26.5
55	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	21	22	23	24	25	26	27	27
56	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	21	22.5	23.5	24.5	25.5	26.5	27.5	27.5
57	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	21	22.5	24	25	26	27	28	28
58	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	21	22.5	24	25.5	26.5	27.5	28.5	28.5
59	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	21	22.5	24	25.5	27	28	29	29
60	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	21	22.5	24	25.5	27	28.5	29.5	29.5
61*	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	21	22.5	24	25.5	27	28.5	30	30

* -The same figures should be used when calculating the redundancy payment for a teacher aged 61 and above.

Total compensation payable to any teacher will not exceed 52 weeks' salary.

Teachers receiving an enhanced severance payment will have to wait until normal retirement age (60) to draw their pensions (or may opt to draw an actuarially reduced pension if aged 55 to 59).