**ADDITIONAL INFORMATION ON NOTICE OF REDUNDANCY**

[**Notice**](http://www.intouch.ccc/elibrary/Content/Intranet/536/671/5053/6001/41410105256.doc) **Periods and Payment in Lieu of Notice**

1. The notice period will be an individual’s contractual or statutory notice period, whichever is greater (see table below).

NJC for Local Government Services

|  |  |
| --- | --- |
| Contractual Notice  Grade Notice Period  1-9 1 month  10-14 2 months  Above 14 3 months | Statutory Notice  Less than 2 years’ service 1 week.  More than 2 years’ service, two week's plus one additional week for each further complete year of continuous employment, up to a maximum of 12 weeks |

For example, an employee employed on Grade 9 or below has a contractual entitlement to one month’s notice. However, if s/he has more than 4 years’ service s/he would be entitled to one week’s service for each year of service. So, an employee with 6 years’ service would be entitled to 6 weeks’ notice, and as this is longer than the contractual notice period of one month, the 6 week notice period would be applicable.

Extract from Burgundy Conditions of Service

***4. Period of notice and termination of contract***

*4.1 All teachers shall be under a minimum of two months’ notice, and in the Summer term three months’, terminating at the end of a school term as defined in paragraph 1 in the burgundy book as follows:*

*the Summer term from May1 to August 31*

*the Autumn term from September 1 to December 31*

*the Spring term from January 1 to April 30*

*4.2 Notwithstanding paragraph 4.1 above, all head teachers shall be under a minimum of three months’ notice and in the Summer term four months, terminating at the end of a school term as defined in paragraph 1 above.*

*4.3 Notwithstanding paragraph 4.1 above, where a teacher has been continuously*

*employed for more than eight years he/she shall be entitled to receive additional*

*notice, as specified in the Employment Rights Act 1996.*

*4.4 The provisions of paragraphs 4.1 to 4.3 apply to the termination of a teacher’s*

*contract for any reason other than gross misconduct, including dismissal for ill-*

*health and redundancy.*

1. Pay in lieu of notice will normally only be made where it is not possible to give the period of notice to which an employee is entitled to under the terms of their contract of employment. In normal circumstances when giving notice of termination of employment, the employee would be expected to work their period of notice. Only in circumstances where there are good reasons for requiring the employee not to work their period of notice would a payment in lieu of notice be made.
2. It is not permissible to give or accept a longer period of notice than is provided for in the employee’s contract of employment in order to make an “*enhanced”* payment in lieu of notice.
3. Pay in lieu of notice needs to be approved by the relevant Senior Manager/Headteacher/Chair of Governors, and should meet one of the following criteria:

* Grant Reductions - where funding for a particular post will cease and therefore there will be no requirement for that post to continue after a given date, which may occur prior to the end of the employee's notice period;
* Budget efficiencies - where certain budget efficiencies need to take effect before the end of the employee's notice period;
* Restructure - where a restructure will take effect prior to the end of the employee's notice period and therefore there is no post/duties for the employee to perform;
* Closure of premises - where a site, e.g. a care home, will close prior to the end of the employee's notice period and there is no suitable alternative work to transfer the employee into during this period;
* Extenuating/special circumstances - where there is an objectively justified business case to release the employee from their employment prior to the end of their notice period.

[**Leaving**](http://www.intouch.ccc/elibrary/Content/Intranet/536/671/5053/6001/41410105256.doc) **Before the End of the Notice Period and Counter-Notice**

1. An employee may find that they wish to leave employment before the expiry of their notice period e.g. if they secure employment elsewhere.

In such circumstances the employee can send a letter, called a counter-notice, to their manager/Headteacher requesting to leave before the end of the notice period.

1. If a manager/Headteacher receives counter-notice from an employee they will need to assess the request in order to decide if it is reasonable to release them early. Where this is the case, the employee will not lose their right to a redundancy payment but they will forfeit their right to be paid for the period of notice that they do not serve. However, if there is a formal objection to the request to leave early, and the employee subsequently leaves before the end of their statutory notice period, they may forfeit their right to a redundancy payment.

[**Considering**](http://www.intouch.ccc/elibrary/Content/Intranet/536/671/5053/6001/41410105256.doc) **a Request to Leave Early**

1. In deciding whether to allow an employee to leave before the end of their notice period, the following should be considered:

* How much of the notice period is left – it may be more reasonable to release someone who is in the last week of their notice period than someone who is in the first week of their notice period;
* What would be the impact of releasing the employee early – would this affect business continuity or handover plans etc and would this be manageable or not.

1. An employee whose counter-notice is not accepted may take the matter to an Employment Tribunal and it is therefore important that to be able to justify any decision to object to the counter-notice, and to document this accordingly.
2. If an employee’s request for counter-notice is accepted the Service Centre/Payroll Provider should be notified of the new termination date to ensure that the employee is not overpaid.

[**Statutory**](http://www.intouch.ccc/elibrary/Content/Intranet/536/671/5053/6001/41410105256.doc) **Redundancy Pay Ready Reckoner (go to index)**

1. The redundancy payment due to an employee depends on their age and years of service (up to a maximum of twenty years). This determines the number of weeks’ pay due as set out in the statutory redundancy pay table. This table is used for both compulsory and voluntary redundancy.

To calculate the number of weeks’ redundancy pay, cross reference the person's age and complete years of service.

| **Statutory redundancy pay table** | | | | | | | | | | | | | | | | | | |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **Service (Years)** | | | | | | | | | | | | | | | | | |
| **Age** | **2** | **3** | **4** | **5** | **6** | **7** | **8** | **9** | **10** | **11** | **12** | **13** | **14** | **15** | **16** | **17** | **18** | **19** | **20** |
| 17\* | 1 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 18 | 1 | 1½ |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 19 | 1 | 1½ | 2 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 20 | 1 | 1½ | 2 | 2½ | - |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 21 | 1 | 1½ | 2 | 2½ | 3 | - |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 22 | 1 | 1½ | 2 | 2½ | 3 | 3½ | - |  |  |  |  |  |  |  |  |  |  |  |  |
| 23 | 1½ | 2 | 2½ | 3 | 3½ | 4 | 4½ | - |  |  |  |  |  |  |  |  |  |  |  |
| 24 | 2 | 2½ | 3 | 3½ | 4 | 4½ | 5 | 5½ | - |  |  |  |  |  |  |  |  |  |  |
| 25 | 2 | 3 | 3½ | 4 | 4½ | 5 | 5½ | 6 | 6½ | - |  |  |  |  |  |  |  |  |  |
| 26 | 2 | 3 | 4 | 4½ | 5 | 5½ | 6 | 6½ | 7 | 7½ | - |  |  |  |  |  |  |  |  |
| 27 | 2 | 3 | 4 | 5 | 5½ | 6 | 6½ | 7 | 7½ | 8 | 8½ | - |  |  |  |  |  |  |  |
| 28 | 2 | 3 | 4 | 5 | 6 | 6½ | 7 | 7½ | 8 | 8½ | 9 | 9½ | - |  |  |  |  |  |  |
| 29 | 2 | 3 | 4 | 5 | 6 | 7 | 7½ | 8 | 8½ | 9 | 9½ | 10 | 10½ | - |  |  |  |  |  |
| 30 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 8½ | 9 | 9½ | 10 | 10½ | 11 | 11½ | - |  |  |  |  |
| 31 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 9½ | 10 | 10½ | 11 | 11½ | 12 | 12½ | - |  |  |  |
| 32 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 10½ | 11 | 11½ | 12 | 12½ | 13 | 13½ | - |  |  |
| 33 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 11½ | 12 | 12½ | 13 | 13½ | 14 | 14½ | - |  |
| 34 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 12½ | 13 | 13½ | 14 | 14½ | 15 | 15½ | - |
| 35 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 13½ | 14 | 14½ | 15 | 15½ | 16 | 16½ |
| 36 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 14½ | 15 | 15½ | 16 | 16½ | 17 |
| 37 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 15½ | 16 | 16½ | 17 | 17½ |
| 38 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 16½ | 17 | 17½ | 18 |
| 39 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 17½ | 18 | 18½ |
| 40 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 18½ | 19 |
| 41 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 19½ |
| 42 | 2½ | 3½ | 4½ | 5½ | 6½ | 7½ | 8½ | 9½ | 10½ | 11½ | 12½ | 13½ | 14½ | 15½ | 16½ | 17½ | 18½ | 19½ | 20½ |
| 43 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 |
| 44 | 3 | 4½ | 5½ | 6½ | 7½ | 8½ | 9½ | 10½ | 11½ | 12½ | 13½ | 14½ | 15½ | 16½ | 17½ | 18½ | 19½ | 20½ | 21½ |
| 45 | 3 | 4½ | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| 46 | 3 | 4½ | 6 | 7½ | 8½ | 9½ | 10½ | 11½ | 12½ | 13½ | 14½ | 15½ | 16½ | 17½ | 18½ | 19½ | 20½ | 21½ | 22½ |
| 47 | 3 | 4½ | 6 | 7½ | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 |
| 48 | 3 | 4½ | 6 | 7½ | 9 | 10½ | 11½ | 12½ | 13½ | 14½ | 15½ | 16½ | 17½ | 18½ | 19½ | 20½ | 21½ | 22½ | 23½ |
| 49 | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 |
| 50 | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13½ | 14½ | 15½ | 16½ | 17½ | 18½ | 19½ | 20½ | 21½ | 22½ | 23½ | 24½ |
| 51 | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13½ | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 |
| 52 | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13½ | 15 | 16½ | 17½ | 18½ | 19½ | 20½ | 21½ | 22½ | 23½ | 24½ | 25½ |
| 53 | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13½ | 15 | 16½ | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 |
| 54 | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13½ | 15 | 16½ | 18 | 19½ | 20½ | 21½ | 22½ | 23½ | 24½ | 25½ | 26½ |
| 55 | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13½ | 15 | 16½ | 18 | 19½ | 21 | 22 | 23 | 24 | 25 | 26 | 27 |
| 56 | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13½ | 15 | 16½ | 18 | 19½ | 21 | 22½ | 23½ | 24½ | 25½ | 26½ | 27½ |
| 57 | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13½ | 15 | 16½ | 18 | 19½ | 21 | 22½ | 24 | 25 | 26 | 27 | 28 |
| 58 | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13½ | 15 | 16½ | 18 | 19½ | 21 | 22½ | 24 | 25½ | 26½ | 27½ | 28½ |
| 59 | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13½ | 15 | 16½ | 18 | 19½ | 21 | 22½ | 24 | 25½ | 27 | 28 | 29 |
| 60 | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13½ | 15 | 16½ | 18 | 19½ | 21 | 22½ | 24 | 25½ | 27 | 28½ | 29½ |
| 61+ | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13½ | 15 | 16½ | 18 | 19½ | 21 | 22½ | 24 | 25½ | 27 | 28½ | 30 |

17\* The table starts at age 17, as it is possible for a 17 year old to have 2 years’ service. Compulsory school leaving age can be 15¾ or 15 4/5ths where a child is 16 before 1 September.

61+ The same figures will apply for all employees aged 61 and above.

The number of weeks’ pay due is based on the following:

* 0.5 week's pay for each full year of service where age during year less than 22
* 1 week's pay for each full year of service where age during year is 22 or above, but less than 41
* 1.5 weeks' pay for each full year of service where age during year is 41+

When using the above amounts to calculate an employee’s entitlement to redundancy pay where an employee’s service crosses two bands, the figures in each band should be added together. For example:

Example 1 - if you are 25 with 7 years’ service, you will be entitled to 5 weeks’ redundancy pay. The 5 weeks entitlement is based on 0.5 weeks’ pay for each completed year of service between age 18 and 22 and 1 week’s pay for each completed year of service between age 22 and 25. (The middle band of 1 weeks’ pay only applies where an employee, who is entitled to a redundancy payment, has completed a year service at age 22 or above).

Example 2 - if you are 38 years old and have 12 years of service, you will be entitled to 12 weeks’ redundancy pay. The 12 weeks is based on 1 week’s pay for each completed year of service between age 26 and 38.

Example 3 – if you are 49 years old and have 15 years of service, you will be entitled to 19 weeks redundancy pay. The 19 weeks’ entitlement is based on 1 week’s pay for each completed year of service between age 34 and 41 and 1.5 weeks’ pay for each completed year of service between age 41 and 49.

[**Years**](http://www.intouch.ccc/elibrary/Content/Intranet/536/671/5053/6001/41410105256.doc) **of Service**

1. Years of service are defined by the Redundancy Payments (Continuity of Employment in Local Government etc) (Modification) Order 1999. This provides that, for mainstream local government staff, continuous service within local government and with a number of other prescribed associated bodies shall be taken into account in respect of entitlement to and calculation of a redundancy payment.

[**A**](http://www.intouch.ccc/elibrary/Content/Intranet/536/671/5053/6001/41410105256.doc) **Week’s Pay**

1. The actual weekly wage is that which the employee is entitled to under the terms of their contract at the calculation date.   The calculation date is the date on which the employer gives the employee the minimum notice to which they are legally entitled.

The actual weekly wage will be calculated as follows:

* Where hours of work do not vary - weekly wage will be calculated based uponbasic salary.  Whereby the annual salary is divided by 52.14.
* Where hours of work vary from week to week - weekly wage will be calculated using basic pay received within the last 3 month period.
* In exceptional casesa decision to consider the best 3 month period, in the last 12 months, will be considered (but only with approval from the Section 151 Officer/Corporate Director with responsibility for Finance).

[**Obtaining**](http://www.intouch.ccc/elibrary/Content/Intranet/536/671/5053/6001/41410105256.doc) **Employment with a Modification Order Body**

1. If the employer issues an employee with notice of redundancy and before the dismissal takes effect they accept an offer of employment from another body specified in Part II of Schedule 2 of the Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999, they will lose their entitlement to a redundancy payment.
2. This only applies where the relevant body makes the offer of a new job before the end of the employee’s notice period with the Council and the new employment starts within the four weeks after the date of redundancy.

[**Pensio**](http://www.intouch.ccc/elibrary/Content/Intranet/536/671/5053/6001/41410105256.doc)**n Benefits**

Compulsory & Voluntary Redundancy

1. Under the Local Government Pension Regulations a pensionable employee whose service is terminated on the grounds of redundancy and who is aged 55 or over is entitled to immediate payment of pension benefits, without reduction, in accordance with the Regulations.
2. Teachers’ pensions are governed by the regulations of the Teachers’ Pension Scheme. There is no automatic right for teachers to access their pension early i.e before 65. If you are between 55 and 65 then you can apply to the teacher pension scheme for early release but your pension would be reduced.