

## HUMAN RESOURCES

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**To: Principals of Controlled Nursery, Primary, Post Primary, Special Schools & Grammar Schools**

Dear Principal

### **PREMATURE RETIREMENT OF TEACHERS ON GROUNDS OF REDUNDANCY**

As previously advised in correspondence dated 1 November 2006, schools should have commenced a review of staffing requirements and, where necessary, initiated redundancy procedures to ensure that all documentation is received by 2 March 2007.

Schools should continue to refer to Department of Education Circular 1999/30 (available on the DE website) and the board's Circular No 2006/76 on redundancy procedures for further information in respect of the procedure to be followed.

Correspondence in November 2006 also highlighted the implications of the introduction of the Employment Equality (Age) Regulations (NI) 2006, which prohibits discrimination and harassment on the grounds of age. Principals have been advised that the use of '*last in first out*' as the sole selection criterion for redundancy is potentially discriminatory.

The board's guidance to schools allows for selection for redundancy (including voluntary redundancy) to be based in the first instance upon the curriculum and management needs of a school. The attached sheet provides guidance on some areas which Governors may wish to consider when discussing the needs of the school. Governors should be mindful that it is possible that employers who do not reasonably consider school needs over the simple adoption of a potentially age discriminatory criterion, i.e. last in–first out, may find themselves subject to challenge under the above Regulations. Governors deliberations on school needs should therefore be clearly recorded in the minutes of meetings and the criteria to be used must be clearly stated in all correspondence with teachers and each of the recognised Trade Unions.

Management Side of the Teachers Salaries and Conditions of Service Negotiating Committee is currently consulting with the Trade Unions side on how best to objectively determine compulsory redundancy selection criteria whilst avoiding the possibility of either directly or indirectly discriminating on the grounds of age. It is expected that these negotiations may result in a more comprehensive, if complex approach to the issue of redundancy selection in future.

In the meantime do not hesitate to contact either Cushla McAtarsney (Tel: 02837 512220) or Anne Kelly (Tel: 02837 512216) for further help, information or guidance should you require it.

Yours faithfully

**P Keating**  
**HEAD OF HUMAN RESOURCES**

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## **POTENTIAL AREAS FOR CONSIDERATION WHEN CONSIDERING SCHOOL NEEDS**

- 1 Statutory requirement for curriculum delivery and teachers contribution to curriculum.
- 2 Specialist roles undertaken in school which cannot be easily replaced.
- 3 Total teaching experience.
- 4 Leadership/management experience within the school.
- 5 Professional development since initial teacher training.
- 6 Contribution to the enrichment/value added content of the wider school curriculum.
- 7 Current disciplinary record.
- 8 Absence record (excluding maternity related or disability related illnesses).