

Woolenwick Junior School

Major Staff Restructuring Policy V1

Policy Name	Staffing Restructure
Created by	School/model policy
Responsibility of	Resources
Reviewed by	BR
This Review Date	December 2014
Next Review Due	December 2018
Cycle	4 years
Ratified by Full Governing Body on	10/12/2014
Policy will be published	Website

Version History

Version	Amendments	Date	Author
V1	Original document	04/12/2014	BR + model policy

1. Introduction

This policy is intended to help the Headteacher and Governors manage the processes involved in a major staffing restructure efficiently and fairly. Separate guidance applies where staff are at risk of redundancy.

This policy is only intended to cover a major staffing restructuring taking place, where changes are less significant, the school may decide to restrict consultation to a shorter timeframe or just to those directly affected by the proposed changes.

The review must be conducted with a view to ensuring that the management and deployment of all staff and the allocation of responsibilities and duties is effective and focused on teaching and learning to raise standards. All staff and where it is appropriate to do so, all internal representatives of recognised Professional Associations/Trade Unions must be consulted during any major restructure/review. The Headteacher is under a duty to advise and assist the Governing Body in conducting the review and preparing the implementation plan.

2. Underlying Principles

It is the school's responsibility to review the staffing structures from time to time to ensure they remain relevant to the needs of the school and within the school's budgetary constraints. In accordance with School Teachers' Pay and Conditions Document and Guidance on School Teachers' Pay and Conditions, relevant Bodies should review their staffing structures from time to time to ensure they remain relevant to the needs of the school. The Document states in Section 3 paragraph 14, "Relevant Bodies should keep their staffing structure under review. The pay policy should be revised in accordance with decisions taken from time to time, following consultation, in relation to the staffing structure, and a copy of the structure should be attached to the published copy of the pay policy. The pay policy should set out the value of any discretionary payments or allowances attached to posts included in the staffing structure."

The Headteacher should give consideration to the broad objectives and principles that the school is seeking to achieve with its new structure. They should take into account the principle that the resource of qualified teachers and support staff should be focused on issues concerned with teaching and learning. The principles determined by the school should, where appropriate reflect and complement national statutory provisions and national agreements.

3. The Stages In The Process Of A Major Staffing Restructure

3.1 Identification

The Headteacher and the Resources Committee, identify a possible need to make changes to the current staffing structure at any stage in the academic year and give an initial briefing to the Governing Body. If it is a major restructure it is essential that the school contacts the Schools' HR Advisory Team at an early stage in order that the necessary consultation can be planned and advice given.

3.2 Prepare a Major Staffing Restructure Draft

The school's proposed new staffing structure should be drafted by the Headteacher and presented to the Governing Body (this may be to Resources Committee if there are only minor staffing changes) for their agreement to consult with the relevant staff. The proposed structure should contain all posts of responsibility which the Headteacher considers necessary to effectively execute the leadership and management of the school. This could be achieved using a mixture of leadership posts (Deputy and Assistant Headships) and TLR posts. Also as part of any major staffing review the Headteacher may identify a need to change the class teaching structure.

Support Staff

Exactly the same principles apply to any major review or changes needed within the support staff structure

3.2.1 The Headteacher then prepares a draft major staffing restructure, including new job descriptions and an implementation plan.

3.2.2 The Governors approve or amend the draft as a basis for consultation

3.3 Initial Consultation

The Headteacher must consult the teaching and non-teaching staff, and the relevant internal Professional Association/Trade Union representatives on the draft major staffing restructure, and amend the draft as necessary. Following initial Governor approval a period of at least 28 calendar days should be allowed for consultation, within term time.

3.4 Representations

Any relevant additional information requested by employee representatives during the consultation must be provided without delay. The Governing Body must give serious consideration to the representations received, and provide a written response either accepting the representations or, if rejecting them, giving reasons. At the end of the consultation period staff representations should be

taken back to the Governing Body, together with the Headteacher's responses, for the Governing Body to consider, and amend the draft structure where appropriate before ratification.

3.5 Implementation

Governors approve the final draft and the Headteacher leads on the implementation of the major staffing restructure.

4. Designing The New Structure

4.1 Once the Headteacher has identified a need to restructure, has all necessary information to hand and has conducted any preliminary discussions, they will need to formulate a draft staffing structure and implementation plan to be put to the Governing Body for approval as a basis for consultation.

4.2 The process is an opportunity to review the whole school staffing structure to identify how teaching and learning can most effectively be led and managed.

4.3 The first step a Headteacher should take is to give consideration to the broad objectives and principles that the schools is seeking to achieve with its new structure.

4.4 The principles determined by the school should reflect and complement where appropriate national statutory provisions and national agreements and not contradict or change them. It may be appropriate to discuss the principles in staff or team meetings before the work on the detailed structure is developed so that all staff can be involved and be part of the process.

4.5 Where it is known in advance that a school's Headteacher will change during the review period, both the current and the incoming Headteacher need to be involved in the review process.

4.6 The most important task will involve mapping the school's improvement priorities, together with the overarching principles already discussed with staff, onto a structure of posts of different grades and types designed to deliver the school's priorities as efficiently and effectively as possible.

4.7 Costing the revised structure will be a crucial part of the process. In assessing this Headteachers will need to take into account the number and cost of each of the types of posts they wish to have in the structure. Financial Services for Schools may be able to help schools estimate future budget costs so that changes to staffing structures are sustainable on a long term basis.

4.8 The review should take into account equal pay considerations so that potential legal challenges from individuals are avoided.

4.9 Once the Headteacher has determined the composition of the draft staffing structure he/she will need to determine which of the existing staff should be appointed to which post in the new structure. The new staffing structure of a school must have a clear and transparent rationale and the Headteacher must take into account all previously held responsibilities.

5 Posts In The New Structure

5.1 When considering the new staffing structure the Headteacher will need to determine which of the following posts are required:

- a) **Leadership Group** - size and composition as well as ensuring that the responsibilities and duties complement but do not replicate other posts in the structure.
- b) **Teaching and Learning Responsibility (TLRs)** posts. In determining the level of responsibility which may be expected of a TLR post holder, close attention must be paid to the TLR criterion and factors according to the School Teachers' Pay and Conditions Document and the statutory guidance. The Document clearly states that the responsibility must be "additional" and must be

“significant” and “not required of all classroom teachers”. There is a list of factors attached to the overarching criterion and a TLR post must meet **all** of these points not simply a few of them.

- c) **Teaching staff** posts. Consideration should be given to curriculum provision requirements, having regard to uptake in each subject area when student options are selected. Regard should be given to anticipated intake which may result in the need to combine classes where numbers are falling or employing an additional teacher where numbers dictate, paying particular attention to relevant statutory requirements.
- d) **Support staff** posts. When making decisions regarding creating support staff posts, the review of the staffing structure may also provide the opportunity for the Headteacher to consider developing senior support staff roles and their inclusion in the senior management team.

5.2 Each of the posts will require a draft job description which should include:

- a) the purpose of the post
- b) to whom the post holder reports
- c) the persons line managed by the post holder
- d) the generic responsibilities and
- e) the responsibilities specific to the post

Using the draft job descriptions to inform the decision, the Headteacher will need to indicate clearly (without at this stage putting names of the individual staff against posts):

- (i) which posts are new (open)
- (ii) which posts are largely unchanged and therefore almost an exact match to an existing responsibility (slotted)
- (iii) which posts are a combination of several responsibilities previously in the structure (ring-fenced)

5.3 Where a post is identified as a new post it should be subject to normal recruitment procedures. However, as this policy is based on a restructure that does not involve compulsory redundancies, the Headteacher should be mindful of the budget implications of an external advertisement if the appointment will, in fact, increase the size of the teaching staff.

5.4 Where a post is largely unchanged and, therefore, almost an exact match to the responsibility of an existing member of staff then that staff member should be ‘slotted in’ to the post.

5.5. Where a post is a combination of a number of existing posts held by current staff then the post should be ring-fenced and only advertised to those post holders in that group and appointed from that group following interview.

5.6 Where the new structure envisages that certain functions formerly carried out by teachers should in future be discharged by other staff, including support staff, the Headteacher and Governing Body will need to consider the need for additional staff and the appropriate pay and grading for any new posts. Where the duties of existing staff are revised, the suitability of the role, workload, contractual hours, training needs, and a review of pay and grading will have to be considered. Any revision of job descriptions should normally be consulted on between the Headteacher and the member of staff. Also any extension of working hours must be by agreement. The School Teachers’ Pay and Conditions Document must be referred to when proposing changes to existing teaching staff conditions or when employing new teaching staff.

6 Salary Safeguarding

6.1 Teachers

All salary protections will be in accordance with the safeguarding arrangements and will be subject to a 3 year maximum in line with the School Teachers’ Pay and Conditions Document. Differences in hours worked will not be subject to protection and therefore any protected allowances would also be paid pro-rata if the new post were part-time. Each member of the teaching staff must be given a

revised annual pay statement within a month of any determination which may affect their pay, incorporating details of any safeguarding.

6.2 Support Staff

If a support staff member is deployed into a lower graded post, and holds a permanent contract, protection arrangements will be as follows:

- a) A maximum of **one grade only** will be protected.
- b) The rate of pay (not grade) at the time the staff member is deployed into the lower graded post will be frozen (i.e. no future increments or pay awards) for **2** years.
- c) At the end of the **2** year period the staff member will be paid at the maximum of the new (lower) grade.
- d) If the maximum of the new (lower) grade catches up, through national pay increases, before the **2** years is up, the protection will cease. From that date onwards the rate of pay at the new (lower) grade will be paid.
- e) Differences in hours or weeks per year will not be subject to protection.

If a reduction in hours is offered, then a decision will be made as to whether it is suitable alternative employment, taking into account the individual's personal circumstances.

Schools are responsible for meeting any safeguarding costs incurred.

6.3 Teaching and Learning Responsibility Payments (TLRs)

Where a TLR is no longer payable or is reduced as a result of a staffing restructure it will be safeguarded in accordance with the safeguarding arrangements as described in the School Teachers' Pay and Conditions Document.

Where safeguarding is in excess of £500 per annum, the member of staff will be required to undertake responsibilities commensurate with the safeguarding value. If the teacher declines the responsibilities, safeguarding will cease.

This will not normally be the work that has been removed from the structure, although it might be that the work is gradually phased out of the structure as the school has the ability to do this via safeguarding.

7 Discussions With The Human Resources Advisor in the event of a major staffing restructure

The timetable must allow adequate time for considered discussion with the Governing Body. It may be helpful to involve internal union representatives at this stage on a confidential basis before taking the draft to the Governing Body. The Headteacher should advise members to contact their Professional Association or Trade Union if they wish an external representative to attend and sufficient notice should be allowed to facilitate this. Consultation meetings will not however, be postponed to accommodate this.

The Headteacher is urged to consult with the school's Human Resources Adviser **sooner rather than later**. The Headteacher may, through FSS or Planning seek information about the future numbers on roll and budget.

The Human Resources Adviser will continue to give advice and support throughout the process and will provide model letters.

8 The Role Of The Governors in the event of a major staffing restructure

The new staffing structure should not be regarded as definitive until it receives the final approval of the school's Governing Body. This authorisation must not be delegated and Governors should consider carefully the merits of ensuring that the new structure is endorsed by the full Governing Body.

8.1 Chair of Governors

The Chair of Governors must ensure that:

- a) the Headteacher sets a date for the first Governors' meeting to consider the draft structure and implementation plan.
- b) the scheduled/proposed date for the first meeting allows sufficient time for the Governing Body to reconvene to finalise the staffing structure and implementation.

8.2 Timetable

The following three points should all be considered at Governing Body meetings.

- a) that the initial briefing is normally at a scheduled Governing Body meeting
- b) that the full Governing Body (or relevant subcommittee) approves the draft structure for consultation
- c) that the full Governing Body approves the final structure

8.3 Lead Governors

Headteachers should, throughout the review, work closely with one or two lead Governors (such as the Chair of Governors and the Chair of Resources) to ensure that:

- a) the outcomes of the review fit the Governors' strategic direction for the school
- b) the expertise of Governors can be called upon

9 Formal Consultation:

With Staff and Professional Associations/Trade Unions

Following approval of the draft structure by the Governing Body, formal consultation with staff and Professional Associations/Trade Unions should begin. The draft structure, implementation plan and all other documents presented to the Governing Body should be made available to staff, together with a clear indication of the timescale for comments and a reminder of what the next steps of the review will be.

A meeting to explain the proposal should be arranged with workplace representatives before the formal consultation period commences.

There must be a minimum period of at least 28 calendar day's consultation, within term time.

Consultation is not the same as negotiation, but neither is it simply a sharing of information.

It is the opportunity for staff and any workplace Professional Association/Trade Union representatives to:

- a) Understand the draft structure
- b) seek clarification and more information if necessary
- c) suggest changes to the proposal

It is the Headteacher's opportunity to:

- a) help people understand the proposals
- b) meet any reasonable request for more information
- c) improve the proposal in the light of suggested changes

The Headteacher should:

- a) be prepared to change the proposal
- b) explain why they have decided to accept or reject each suggestion

9.1 Who should the Headteacher consult in the event of a major staffing restructure?

Consulting with staff means consulting with all staff in the event of a major staffing restructure, not just those who are affected by the proposed changes. However, staff who are directly affected by the proposal may need more opportunities to discuss them with the Headteacher.

Consulting with Professional Associations/Trade Unions means consulting with the workplace representatives of each Professional Association/Trade Union. The recognised Professional Associations/Trade Unions are: ASCL, ATL, NAHT, NASUWT, NUT, UNISON and VOICE. (Note: GMB and Unite are not recognised in Hertfordshire).

It is not necessary to consult with Trade Union representatives outside the school, except where Professional Association/Trade Union members in the school make a specific request because they have no nominated representative on the staff.

9.2 Comments from staff on the draft plan

Staff and workplace Professional Associations/Trade Union representatives must be given a written copy of the proposals at the start of the consultation period.

Comments from staff may be:

- a) by individual written submission
- b) via a team leader as a team response
- c) via a Professional Association/Trade Union representative

Colleagues may wish to discuss the proposals in work groups or in Trade Union groups. Whilst such meetings should be arranged without disrupting pupils learning, every effort should be made to help staff members to attend. Organisers of meetings should clear arrangements for them as quickly as possible in advance by contacting the Headteacher or relevant line manager.

Outside the formal consultative period, the Headteacher may choose to meet with Trade Union representatives to share information on a confidential basis, both before the presentation of a draft structure to Governors and before the publication of the final structure.

The final presentation to the Governing Body should include the main outcomes of the consultation process including formal written submissions from the recognised Professional Associations/Trade Unions or others. The Headteacher should advise of any amendments proposed as a result of the consultation, any proposals not incorporated and the reasons why.

The circulation of documents to the Governing Body and the recording of its decisions should be made in the normal way.

The Governing Body should consider the outcome of the consultation very carefully. The options available are:

- a) to adopt the staffing structure and implementation plan with any amendments proposed as part of the consultation which are accepted; or
- b) propose amendments to the draft structure and implementation plan which have not been subject to consultation.

If amendments are made which have not been consulted on, or there are concerns about some of the issues raised during consultation which have not been resolved, the Governors can decide on a further period of consultation with staff and recognised Professional Associations/Trade Unions. Where this option is adopted the staff and recognised Professional Associations/Trade Unions should be notified in writing of the timescale of the extended period of consultation and the issues to be

addressed during that period. The timescale of any further consultation should be proportionate to the scale of the amendments made by the Governing Body, but should in no case be less than one term time week.

Once adopted by the Governing Body, the new structure and implementation plan should be included as an annex to the school's pay policy.

10 Implementing The New Structure

Teachers

If through the re-structure there is a change in the contract of a teacher the normal resignation/notice dates should be adhered to, however additional notice may be required if a teacher has more than 8 years of continuous service in accordance with the Employment Rights Act 1996:

The dates below allow for appropriate notice to be given when employees have accrued 12 years or more continuous service:

For implementation at the beginning of the autumn term (notice of change by 31st May);

For implementation at the beginning of the spring term (notice of change by 30th September);

For implementation at the beginning of the summer term (notice of change by 31st January).

Support Staff

Reference should be made to length of service where there is a significant change to the support staff members' contract

10.1 Timescale and Meeting Schedule

The consultation timescale should be based on calendar days. It should not include school holidays. The Headteacher should keep a record of the dates of all meetings, those present, the key points made and the outcome. The staff and the recognised Professional Associations/Trade Unions should be reminded in writing of the date of the meeting at which the Governing Body is expected to consider the outcome of the consultation and adopt the final structure.

10.2 Overview

Arrangements should be put into place for the Headteacher and Governing Body to maintain a clear overview of how all aspects of the implementation are progressing.

The Headteacher should keep the Governing Body informed of the progress with implementing the staffing structure.

Clarification

For the avoidance of doubt this policy only applies in the case of a major staffing restructure. Where staffing changes are less significant, the school may decide to restrict consultation to a shorter timeframe or just to those directly affected by the proposed changes.

APPENDIX 1

MAJOR STAFFING RESTRUCTURE LETTER TEMPLATE

Dear Colleague

REVIEW OF THE STAFFING STRUCTURE

I am writing to you on behalf of the Governing Body to announce the start of a major staffing structure review at <name of school>.

If you would like an external association/union representative to attend a meeting you will need to invite them to attend the relevant meeting. It should be noted that consultation meetings will not be adjusted to accommodate a representative's availability.

The Purpose and Scope of the Review

It is the school's responsibility to review the staffing structures from time to time to ensure they remain relevant to the needs of the school and within the school's budgetary constraints. Therefore the purpose of this review is to examine the current staffing structure and decide whether it will meet the needs of the school in the next three years. The school will be looking at its own particular needs and circumstances to ensure that a revised staffing structure provides the capacity to deliver the school's teaching and learning priorities. In deciding this many sources of evidence will be taken into consideration. These include:

- the school's strategic intent document
- the school's improvement plan
- school self-evaluation documents
- findings from OFSTED
- the school's financial resources

The review of the staffing structure will not be confined to teaching and learning responsibilities posts or to teaching posts. All roles and responsibilities will be considered.

Timescale (see Appendix 2)

Headteacher identifies need for restructure

Headteacher presents draft structure to the Governing Body

Approval or amendment of draft consultation paper by the Governing Body

Formal consultation period commences with workplace Professional Association/Trade Union representatives

Formal consultation period ends

Outcome of consultation considered by full Governing Body

Final version published

Implementation of revised staffing structure

Responses to the Draft Plan

Responses to the draft plan should be in writing to the Headteacher and/or the Governing Body and may be made in one of three ways:

- a) directly by an individual colleague
- b) through a Professional Association/Trade Union representative
- c) through a line manager

Employees may wish to discuss the proposals in work groups or in Professional Association/Trade Union groups. Whilst these will need to be arranged without disrupting pupils' learning, every effort

will be made to facilitate attendance at these meetings. Organisers of meetings should clear arrangements for them as soon as possible by contacting the Headteacher or relevant line manager.

Individual Meetings

Should you wish to meet with me on an individual basis to discuss aspects of the review you are welcome to do so.

In the meantime, if you do have any questions about the process, please do not hesitate to contact me.

Yours sincerely

Headteacher or Chair of the Personnel Committee

Appendix 2

Headteacher identifies the need for restructure, gathers relevant information, holds initial briefing with Governors and drafts the revised staffing structure
Headteacher presents draft structure to the appropriate Committee/Governing Body
Approval or amendment of draft consultation paper by the appropriate Committee/Governing Body
Draft consultation paper and implementation plan to full Governing Body, staff and workplace Trade Unions/Professional Associations. This may be passed to County Professional Association or Trade Union representatives by staff if applicable.
Formal consultation period of 28 calendar days commences
Formal consultation period of 28 calendar days ends
Consultation responses considered by full Governing Body, and final version approved.
Final version published
Implementation of revised staffing structure with appropriate notice where material changes to the employment contracts will result from the implementation of the new structure

Appendix 3

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