



SHANKLEA PRIMARY SCHOOL

Reviewing School Staffing Structure Policy

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Prepared by:	Helen Brown	Signature	Date
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SHANKLEA PRIMARY SCHOOL

1 Scope

This document sets out Shanklea Primary School's Procedure for Reviewing School Staffing Structures. It is based on Northumberland County Council's Procedure for Reviewing School Staffing Structures which is recommended for adoption for adoption by the governing bodies of all schools.

2 Purpose

The purpose of this procedure is to assist the governing body and head teacher to review all or part of the school staffing structure, which should be included as an annex to the school's pay policy. It takes account of national guidance from the Rewards and Incentives Group (RIG) and must be applied fairly to all employees irrespective of disability, sex, gender, race, religion or belief, age, sexual orientation or marital/civil partnership status.

The review may result in changes to the teaching and/or support staff structure including the type and number/full-time equivalent of posts, the duties involved, pay and grading and hours of work.

The procedure is the same for reviewing either the whole school staffing structure or part of it. There may be differences in the length of the consultation period, the scope of those to be consulted and the methods of communication used depending on the extent of the review.

3 Roles and Responsibilities

Governing Body: The governing body is responsible for conducting the structure review and approving the final structure. It can decide to delegate this to a committee. Where the review is considered by the full governing body, staff governors should be invited to any meeting and participate in the debate, except where the restrictions set out in Part 3 Section 14(2) of the School Governance (Procedures) (England) Regulations 2003 apply. These require governors to withdraw from the meeting and not vote on the matter where "there may be a conflict of interest between the interests of a relevant person and the interests of the governing body" or "there is any reasonable doubt about a relevant person's ability to act impartially in relation to any matter". Governing bodies should also ensure that there are sufficient governors available to form an appeals committee if required.

Head Teacher: The head teacher has a duty to advise and assist the governing body in conducting the review. They will usually lead the consultation exercise with staff

and recognised trade unions.

Recognised trade unions: Representatives of independent trade unions recognised for collective bargaining purposes must be consulted about proposed changes to staffing structures.

4 Identifying the need for review

The governing body may decide to review all or part of the school's staffing structure in response to new developments. Examples include changes to legislation, education policy, financial circumstances, school improvement priorities, the curriculum or pupil numbers.

5 Establishing the context and scope of the review

The school will need to establish its own context and principles for the review that take into account:

- its school improvement plan including the priorities and vision for the school, the findings from relevant Ofsted reports, school self-evaluations and the views of stakeholders;
- any external commitments the school has that impact on the use and employment of staff such as outreach work, agreements on jointly staffed projects with other schools in a partnership/network or shared appointments across more than one school;
- the school's financial circumstances; and
- statutory provisions and collective agreements including the National Agreement on Raising Standards and Tackling Workload and wider workforce remodelling.

Particularly in the case of a whole school structure review, staff and trade union representatives will need to be involved in establishing this context. This provides an opportunity to develop a shared vision of the future needs of the school.

Where the review does not involve the whole school staffing structure, the school will determine its scope by identifying those parts of the structure that are to be reviewed. This will include all areas that are affected, both directly and indirectly. An example of this is where a change to posts in one part of the structure will have an impact on the workload or duties of other staff.

6 Starting the review

The head teacher, on behalf of the governing body, will communicate the start of the

review to those staff within scope of the review and the relevant recognised trade unions. This will include the purpose and scope of the review; the timescale of the process, including the start and end of the formal consultation exercise and the dates of governing body meetings; and the arrangements for any meetings to be held with staff and trade unions during the review.

It is the responsibility of each relevant recognised trade union to confirm the name of the representative who will participate in the consultation exercise to the head teacher. The choice of representative is a matter for each union to determine. It may be someone external to the school even where there is an accredited representative on the school staff.

7 Drafting a structure proposal and implementation plan

The review will be conducted with a view to ensuring that the management and deployment of staff and the allocation of responsibilities and duties is effective and provides the capacity to deliver the school's key priorities. Within this overall principle, each school should tailor its structure with regard to its own particular needs and circumstances.

The proposed structure and implementation plan will include:

- An explanation of how the proposed structure differs from the current structure and how posts are intended to relate to each other in terms of line management. This will ideally be provided as an organisation chart or list of posts;
- Draft job descriptions for new or amended posts that include the purpose of the post, the post it will report to, the posts that will be line managed by the postholder and the duties and responsibilities;
- Proposed pay and grading for the post ensuring that equal pay has been considered and in the case of community and voluntary controlled schools that the local authority has been consulted on which of its grades is used for support staff posts;
- An analysis of the financial impact on the proposed changes to the structure within a three-year budget period;
- Using the draft job descriptions to inform the decision, an indication of which posts are new, which posts are a combination of several current responsibilities in the structure and which posts are largely unchanged and therefore almost an exact match to an existing post;
- Using the above analysis, the proposed process to make appointments to new or amended posts based on the following principles:
 - where a post is identified as a new post it will be subject to normal recruitment procedures (however this may be restricted to internal candidates in appropriate circumstances, for example where the proposed post is not additional to the staffing establishment);

- where a post is largely unchanged and therefore almost an exact match to the responsibility of an existing member of staff that member of staff will be “slotted in” to the post; and
- where a post is a combination of a number of existing responsibilities held by current staff then the post will be ringfenced to those post holders only and an appointment process undertaken; and
- A proposed timescale for implementing the revised structure including whether this is to be on a phased basis.

Particularly in the case of a whole school review, the head teacher will share the provisional plans informally with staff and the recognised trade unions before presenting these for the governing body’s approval as a basis for formal consultation. This will enable governors to be aware of their likely reception.

8 Approving a proposal for formal consultation

In order to make informed decisions about the proposals, the governing body members will be provided in writing with the above documents. The circulation of documents to the governing body and the recording of its decisions should be made in the normal way.

The governing body may wish to make its own amendments to the draft documents before approving them as the basis for consultation.

Governors need to be clear that the draft revised structure and implementation plan they are being asked to approve is as a basis for formal consultation. It will be made clear in discussion and in the minutes of the meeting that governors will consider seriously suggestions for amendment from those consulted.

9 Conducting the consultation exercise

All staff and representatives of recognised trade unions within the scope of the review will be formally consulted about the proposed structure and implementation plan. This must include any staff who are absent from school, for example on maternity/adoption leave or long-term sick leave.

The above documents will be made available to staff and the recognised trade unions with a clear indication of the timescale for comments to be received by the head teacher.

The length of the consultation period will be commensurate with the scope of the review and the scale of the amendments proposed to the structure. In the case of a review of the whole school structure, staff and trade unions will be given a minimum of four working weeks to comment on the draft structure and implementation plan;

in all other cases, the consultation period will be no less than one working week, unless all parties are in agreement.

The methods of communication used during the consultation period will also be appropriate to the scope of the review. Members of staff who are directly affected by the proposals may wish to discuss them in person with the head teacher (and may be accompanied by their recognised trade union representative if they wish). Where schools have established consultation mechanisms that include all of the recognised trade unions in scope, these mechanisms could, with the agreement of all the unions, be used as the vehicle for collective consultation throughout the process. Individual staff and recognised trade unions will also be able to submit comments in writing.

The head teacher should keep a record of the dates of any meetings, those present, the key points made and the outcome.

10 Considering the outcome of the consultation exercise and approving the final structure

The head teacher will present the comments received during the consultation exercise to the governing body including any formal written submissions. The head teacher will 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 will be made in the normal way.

The governing body will consider the outcome of the consultation and either:

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

If amendments are proposed which have not been subject to consultation or there are concerns about some of the issues raised during consultation that have not been resolved, the governors will hold a further period of consultation with staff and recognised unions. In these cases the staff and recognised unions in scope should be notified of the timescale of the extended period of consultation and the issues to be addressed during that period. The timescale of any further consultation will be proportionate to the scale of the amendments made by the governing body but should not be less than one week, unless all parties are in agreement. The governing body will need to meet again at the end of the extended consultation period to consider any comments made and approve a final revised structure.

The head teacher will inform the staff and recognised trade unions in scope of the governors' response to points raised during the consultation exercise, whether these have been accepted and the final structure and implementation plan approved by the governing body.

11 Implementing the new structure

The processes that the school uses to implement the new structure will depend on the nature of the changes proposed. The school should take advice under their personnel Service Level Agreement on the relevant process for implementing changes in responsibilities and contracts of employments. This will include the statutory right for any pay determination or contractual change to be notified in writing to a member of teaching or support staff within one month of the change.

Salary safeguarding for teachers under the School Teachers' Pay and Conditions Document or pay protection for support staff under the Pay Protection and Detriment Scheme may arise from the implementation of the new structure. These costs will be met from the school's budget for a period of up to 3 years. Where the pay determination of a teacher results in salary safeguarding of £500 or more, the school must review their responsibilities and allocate additional duties commensurate with the safeguarded sum for the length of the safeguarding period.

12 Relationship with other policies/procedures

Pay Policy: Once adopted by the governing body, the new structure and implementation plan should be included as an annex to the school's pay policy. Any new pay determination for a teacher gives them an individual right of appeal against the decision, as set out in the school's pay policy.

Redundancy: Any consultation exercise undertaken under the staffing review procedure will not satisfy the separate statutory requirements for redundancy consultation. Where a school proposes to make reductions in posts which meet the statutory definition of a redundancy, the school must follow the relevant redundancy policy rather than this procedure (although the change to the staffing structure should still be reflected in the annex to the school's pay policy). In other circumstances, a school may need to use both this procedure and the redundancy policy. This may be either concurrently (for example, where both proposed redundancies and other proposed adjustments to the staffing structure need to be pursued in the same timescale) or sequentially (for example, where the review of the staffing structure under this procedure identifies the need to make reductions which would then be pursued under the relevant redundancy procedure).