



ADJUSTMENTS TO SCHOOL STAFFING STRUCTURES

GUIDANCE ON THE PERSONNEL PROCESS

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Employee Relations
Operations (Schools) Team
Personnel & Performance Directorate

If you require further help in the interpretation of this guidance you can contact the Schools Personnel Helpline at schoolspersonnelhelpline@devon.gov.uk or telephone 01392 384567

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1. Introduction

1.1 Scope

The Education (Review of Staffing Structure) (England) Regulations 2005 placed a duty on relevant bodies to review the staffing structure and prepare, by 31 December 2005, a plan for the full implementation of any changes arising from the review by 31 December 2008. The 'Guidance for Schools' published to accompany the Regulations can be viewed at:

http://www.teachernet.gov.uk/management/payandperformance/pay/2005/Staffing_Structure_Review/

This supplementary guidance provides recommendations on the personnel processes which should be followed when schools make adjustments to their staffing structures to take account of new developments over the implementation period and, if followed, will fulfil the School's obligations under the Regulations.

This guidance should be applied in the case of any proposed permanent changes to the staffing structure. It is not necessary to consult on short-term temporary arrangements, unless they later become permanent. Also, schools may have specified, as part of the original 2005 consultation that the number of full-time equivalent staff in certain groups may be subject to change dependent upon budget e.g. teaching posts and teaching assistant posts; it would not be necessary to consult if this were the case and the numbers of these posts were changing. Examples of when consultation must occur would include (but would not be limited to) transfer of staff from DCCS onto the school structure; changes to the senior management structure/leadership posts; creation of TLR posts; changes to support staff structures.

In the event of any anticipated reduction in staffing, which may result in redundancy, schools must consult with their personnel link officer at the earliest opportunity. In such cases it may be appropriate to follow a more detailed process, as provided for in the Redundancy Procedure, as opposed to this guidance.

1.2 Principles

In relation to changes to staffing structures during the implementation period the 'Guidance for Schools' states, 'Any such changes would need to be the subject of further consultation'.

This guidance is based on good practice and is designed to promote a consistent and effective approach by schools when consulting on further adjustments to their structure plans. The Good Practice Checklist at **Annex A**, may be used in conjunction with this guidance.

The relevant body has a particular responsibility to ensure that they manage the processes fairly, equitably, objectively and must not discriminate either directly or indirectly on the grounds of a person's race, colour, ethnic origin, nationality, gender, sexual orientation, religion, marital status, disability or age.

2. Guidance

An illustrative timeline has been provided at **Annex B**. This covers the main activities which need to be undertaken and gives an indication of likely timescales; as a guide, a period of 6 weeks should be sufficient to complete the process. This suggested timeline is flexible locally, however, schools must ensure that there is reasonable time within which unions and individuals can consider the proposals and respond.

2.1 Informal Consultation and Initial Consideration of Adjustments to the School Staffing Structure

All school staff and recognised trade unions should be informally advised that the school will be putting forward a proposal for an adjustment to the staffing structure. **Annex C** provides two model letters for this purpose.

Following the issue of these letters, Headteachers should continue to consult informally with staff as they consider and prepare their proposal.

Consultation must be conducted in an open, fair and transparent manner at all stages.

Once the draft proposal is complete the Headteacher should present this to the governing body for approval as the basis for formal consultation.

As a minimum the draft proposal should include the following:

- The current structure and costs of each post which would be affected by the proposed adjustment;
- The revised structure with an analysis of the cost implications on the school budget over the whole period of transition i.e. up until 31st December 2008.

- No named individual's should be identifiable, but the structure should show whether posts are new; comprising of several existing responsibilities; or a post matching the responsibilities of another i.e. 'slotting in' will be appropriate.
- Draft job descriptions for applicable posts.

2.2 Formal Consultation and Approval of Final Proposal

Following the approval of the draft proposal as the basis for formal consultation the information should be appended to the letter to the unions provided at **Annex D** and sent to all recognised trade unions. **Annex D** also provides a letter for all staff, which must contain details of where the proposals are available to staff in school.

Issuing these letters signifies the commencement of the period of formal consultation. It is recommended that this period spans a minimum of 3 working weeks/15 working days, but it should be longer if possible.

It may be necessary to meet further with groups of staff or individuals, as appropriate, to accept comments on the formal proposals. All comments, written and verbal, should be properly recorded and considered. Individuals may wish to involve union representatives at this stage.

At the end of the period of formal consultation the final proposal should be prepared for submission to the governing body. This must include the outcomes of the consultation process, including any written representations from staff or unions.

The final proposal should be presented to the governing body and the Headteacher should advise of any amendments proposed as a result of consultation and any comments not incorporated, with the reasons why.

The final staffing arrangements should be appended to the School's Pay Policy for information.