



Slough and East Berkshire
C of E Multi Academy Trust



Consultation Guidance School Workforce Restructuring

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| Category: | Statutory |
| Owner: | SEBMAT Directors and Local Governing Bodies |
| Ratified by Trustees/Directors | July 2021 Signature: Chair of Directors <i>Chanes</i> |
| Policy created: | May 2021 |
| Policy reviewed and updated: | June 2021 |
| Date of next review: | June 2023 |
| This guidance will be subject to ongoing review and may be amended prior to the scheduled date of the next review in order to reflect changes in legislation where appropriate. | |

To Note:

This policy applies to all staff employed in schools and academies. Within this policy, references to the School, Headteacher, Governing Board and the Chair of Governors will, for Academies and Academy Trusts, be taken to mean a reference to the appropriate equivalent within those establishments. In instances where the Local Authority may need to be informed of matters, the trust will seek advice from HR.

| Section | Contents Page | | Page |
|-------------------|--|--|-------------|
| 1. | Introduction and Scope | | 3 |
| 2. | Consultation | | 3 |
| | 2.1 | Draft Proposal for Consultation | 3 |
| | 2.2 | Start of Consultation | 4 |
| | 2.3 | During Consultation | 4 |
| | 2.4 | Following Consultation | 4 |
| 3. | Implementation | | 5 |
| 4. | Review | | 5 |
| Appendix 1 | Proposal Document for Consultation Template | | 6 |
| Appendix 2 | Consultation Flowchart | | 7 |
| Appendix 3 | Example Current Structure Chart | | 8 |
| Appendix 4 | Example Proposed Structure Chart | | 9 |
| Appendix 5 | Example Restructure Proposal | | 10 |
| Appendix 6 | Model Consultation Timeline | | 11 |
| Appendix 7 | At Risk of Redundancy Notification Model Letter | | 12 |

1. Introduction and Scope

This guidance applies to all employees in schools and academies.

This document provides guidance on consulting primarily for the purposes of staffing restructures which may include consideration to a different way of delivering the service. Where the purpose is solely to make reductions in staffing, guidance given in the model Redundancy Policy should be followed. However, it is also recognised that redundancies may arise from a staffing restructuring exercise and hence this guidance would need to be used in conjunction with the model Redundancy Policy.

For academies, all reference to Headteacher should, where appropriate, be replaced with Principal/Head of School, all reference to the Governing Board should, where appropriate, be replaced with the Academy Trust, and all reference to school, should where appropriate, be replaced with Academy or Trust.

The recognised trade unions have been consulted.

2. Consultation

Organisational restructures can be an anxious time for staff affected by the changes. Keeping all staff and the recognised trade unions involved in developments and engaging in genuine consultation should make the process easier to manage. It should not only minimise the opportunity for misinformation and misunderstandings to arise but should also help to promote good staff morale and motivation.

Consultation should begin in good time and the process should be completed before any redundancy notices are issued as a result of a restructuring exercise. It is recommended that a minimum period of 30 days be given for consultation.

2.1 Draft Proposal for Consultation

Where the Governing Board has made a decision to review their staffing structure for delivery of the service in a more effective and/or cost efficient way, the Headteacher should prepare a draft proposal of changes for consultation (**Appendix 1**) which should include the following:

- Existing staffing structure chart and proposed draft staffing structure chart which should detail the job titles but should not include names of staff against these job titles. It should indicate which posts are new, which posts are largely unchanged and therefore almost an exact match to existing responsibilities.
- Job Descriptions for each of the posts within the proposed staffing structure. Support staff posts should have been provisionally evaluated.
- Reasons for the restructure to include any supporting documentation, e.g., budgetary information, pupil intake, changes to the curriculum, changes in statute governing schools. Data should include the previous and current year figures together with any forecasting regarding budgets, pupil intake and subject selection etc.
- Selection criteria to include the order in which the criteria will be applied and how any assimilation or appointment to any new post created will be dealt with.
- Timescale of the process including the consultation timescale and the dates of the Governing Board meetings to:

- a. consider the initial feedback and decide whether to amend the proposal in the light of this feedback and whether a further period of consultation is required regarding any amendments.
 - b. Consider the feedback on any amendments to the proposal and to agree the final proposal.
- The arrangements for any meetings to be held with the staff and the trade unions during the consultation period.
- How the employees can give comments and feedback during the consultation period i.e., in writing, request for a meeting, email etc.

2.2 Start of Consultation

A period of 30 days is recommended which starts from the time staff and their recognised trade unions have received details of the proposal.

As well as writing to staff and the recognised trade unions, the Headteacher should convene a joint meeting with staff and union representatives to describe the proposal, the proposed process and timescales and to answer any initial questions. It is advisable to have a HR representative present at the consultation meeting.

In the letter to the staff and recognised trade unions, the Headteacher should briefly state the purpose of the meeting and that the detailed proposal document will be made available at the meeting.

The letter should also suggest that each of the recognised trade unions nominate the person with whom all initial communication should be made. This may be someone external to the school regardless of whether they have an accredited representative at the school staff.

If there is a proposal to delete posts, the staff who are at risk should be provided with an At Risk of Redundancy Notification at the meeting (**Appendix 7**).

2.3 During Consultation

During the consultation period, the Headteacher should also bear in mind that individual staff will require adequate accommodation and time to discuss the implications of the revised staffing structure with the recognised trade unions. Such facilitation will need to be coordinated and be built into the process. Headteachers should also be prepared to allow trade unions representatives adequate accommodation and time to take advice and consult collectively with their members at an early stage.

Members of staff who consider that they are directly affected by the proposals may wish to meet with the Headteacher to discuss them. The member of staff should be allowed to be accompanied at such meetings by their union representative.

The Headteacher should keep a record of the dates of all meetings, those present and the key points made by all parties.

2.4 Following Consultation

The Headteacher will present to the Governing Board the final draft proposal (to include the staffing structure and implementation plan) and the feedback received. This will include formal written submissions from the recognised unions and others as result of the consultation.

The Headteacher should advise of any amendments to the proposal as a result of the consultation and the reasons for agreeing to those amendments, as well as any amendments proposed that were not considered and the reasons for not considering them.

The circulation of documents to the Governing Board and the recording of its decisions should be made in the normal way or as agreed when defining the process of consultation.

The Governing Board should carefully consider the feedback and outcome of the consultation together with any amendments or reasons not to amend any part of the final draft proposal. The options available are:

- to adopt the original proposal if no amendments have been made
- to adopt the revised proposal (to include staffing structure and implementation plan) with any amendments proposed as part of the consultation which are accepted
- to propose amendments to the revised proposal which have not been subject to consultation

If amendments are proposed which have not been the subject of consultation or there are concerns about some of the issues during consultation which have not been resolved, the Governors can decide on a further period of consultation with employees and recognised unions. Where this option is adopted the staff and recognised 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 Board but should not, in any case, be less than one week.

If the Governing Board makes the decision to adopt the staffing structure and implementation plan with any amendments proposed as part of the consultation which are accepted, the Headteacher will meet with staff to inform them of the new structure and pass on the revised document.

A copy of the final version of the consultation document needs to be sent to the trade unions explaining which responses have been incorporated and those which have not with reasons.

3. Implementation

On the day of implementation of the proposal, any employee whose post has been made redundant must be written to informing them of the redundancy and advising them of their rights and any benefits that may be due to them. Contractual notice must be given.

During the period of selection, employees should be given the opportunity to apply for posts that have been ring-fenced for them. Ring-fencing means that staff whose posts have been made redundant as part of a restructure are given the opportunity to apply for newly created posts before they are advertised elsewhere, either internally or externally.

Certain new posts may be very similar to existing posts and where this is the case the school should endeavour to 'assimilate' or slot in employees who may have been made redundant to those similar posts.

4. Review

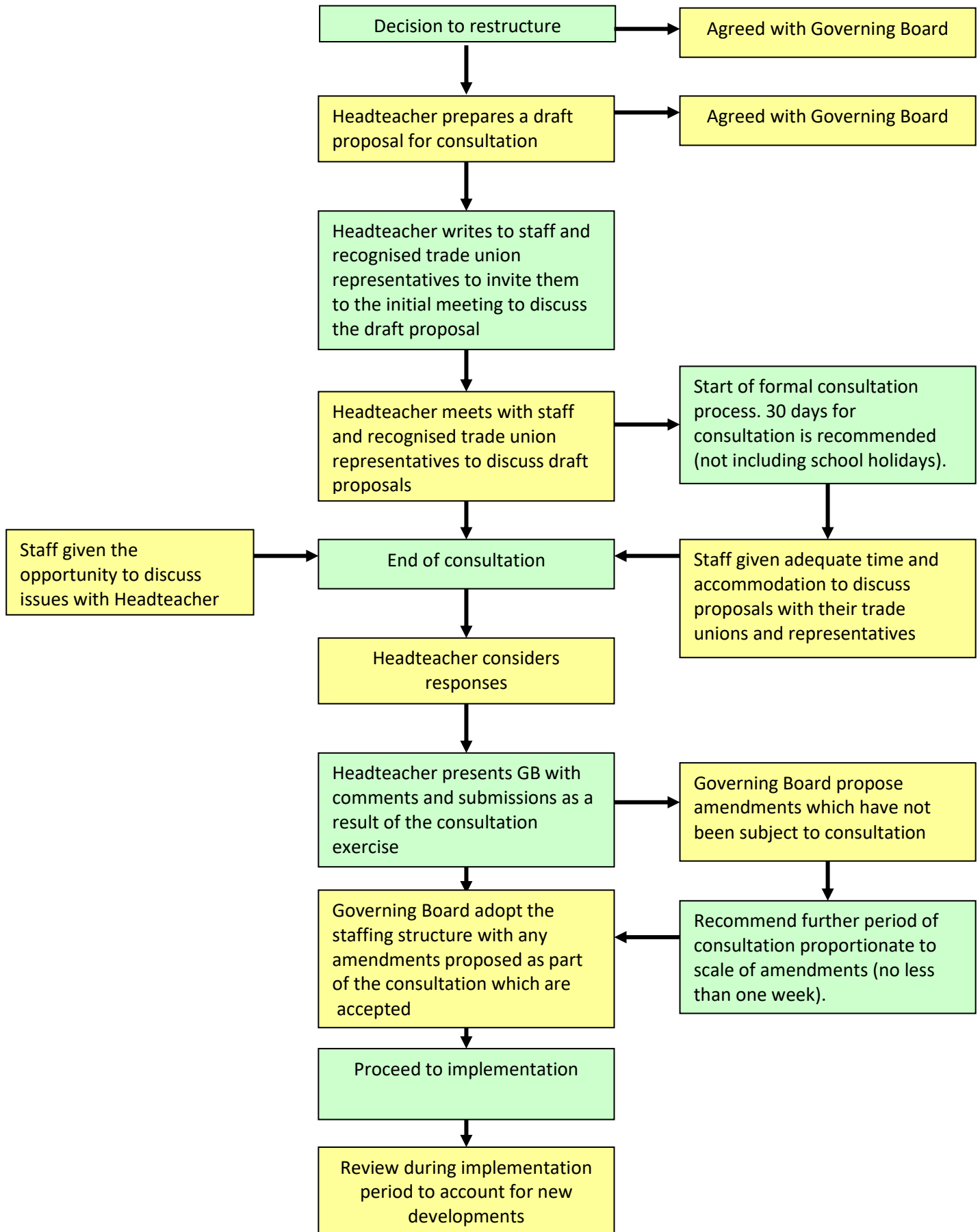
Schools may need to review and make amendments to the final proposal to take account of new developments over the implementation period. Any such changes as part of a review would be subject to further consultation.

Proposal Document for Consultation Template

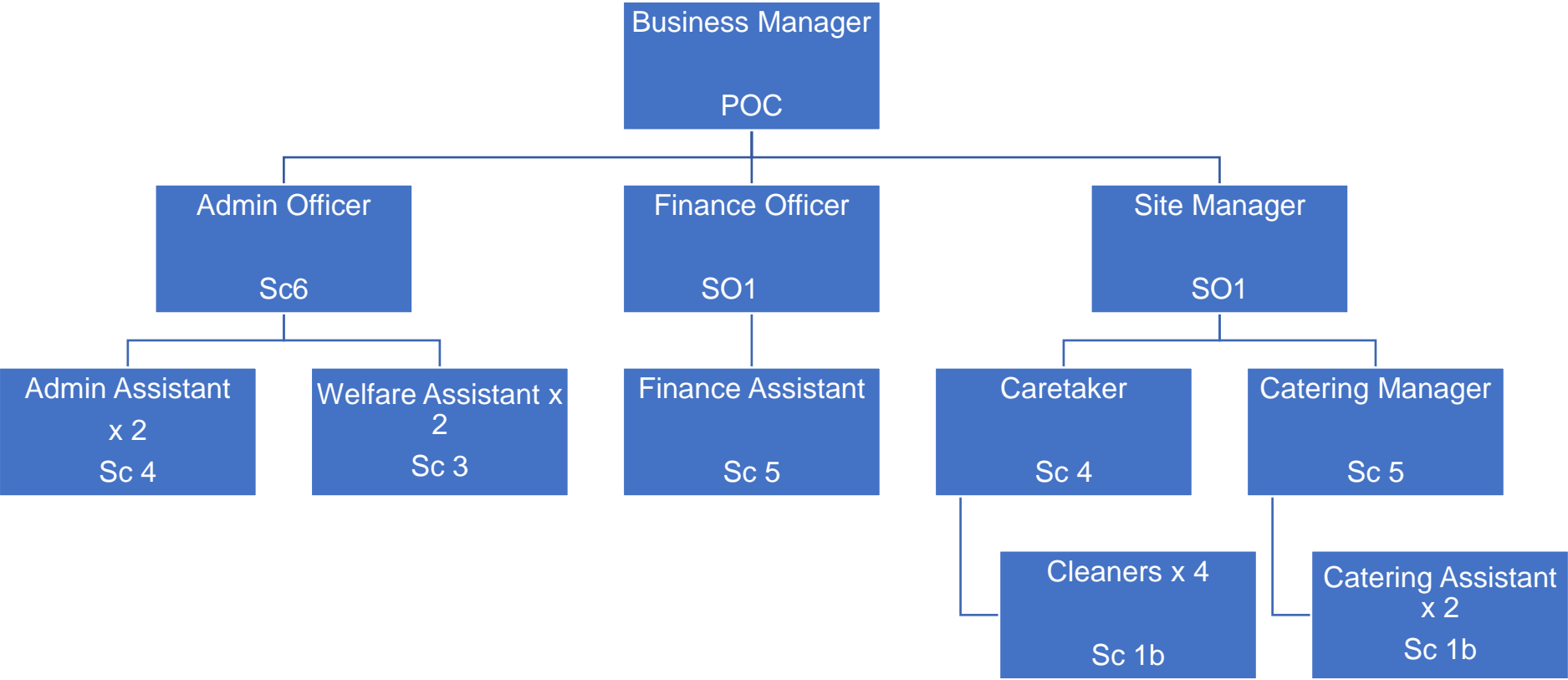
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|-------------------------------|--|
| 1. Introduction | <i>“..... School is consulting on a proposal to (State the purpose of the consultation)”</i> |
| 2. Background | <p><i>“The reasons why the proposal is being considered are (State your reasons for the proposed changes, this may include change in how the service is being delivered, budgetary constraints, changes in level of staffing required etc.)”.</i></p> <p><i>Documentary evidence may need to be produced e.g., budget and pupil levels for current, future and past years.</i></p> <p><i>What areas of the service will be affected?</i></p> <p><i>What benefits will be achieved by the changes?</i></p> <p><i>NB: Please note these are merely examples of what can be included to add weighting to your proposal.</i></p> |
| 3. Details of Proposal | <p><i>State how what you are proposing to do is to be achieved. Here you may wish to include:</i></p> <p><i>Existing structure chart</i></p> <p><i>Proposed structure chart (indicating post titles and grades – no employees should be identified at this stage)</i></p> <p><i>Revised job descriptions (provisional)</i></p> <p><i>You may wish to include what other alternatives have been explored to achieve the required outcome and why these were not pursued.</i></p> |
| 4. Selection Criteria | <i>State how staff will be selected to achieve the proposed staffing structure.</i> |
| 5. Consultation | <p><i>Include the indicative timeframe which incorporates:-</i></p> <p><i>Period of consultation with start date and end date of consultation</i></p> <p><i>Dates of meetings with staff and trade unions</i></p> <p><i>State how the staff and trade unions can communicate their comments and to whom</i></p> <p><i>Indicate what will happen at the end of the consultation</i></p> |
| 6. Implementation | <i>State the stages of the implementation process and related timescales</i> |

NB: Please note that this model is merely an example of what a proposal document can include. The actual content will depend on the nature and extent of the restructuring.

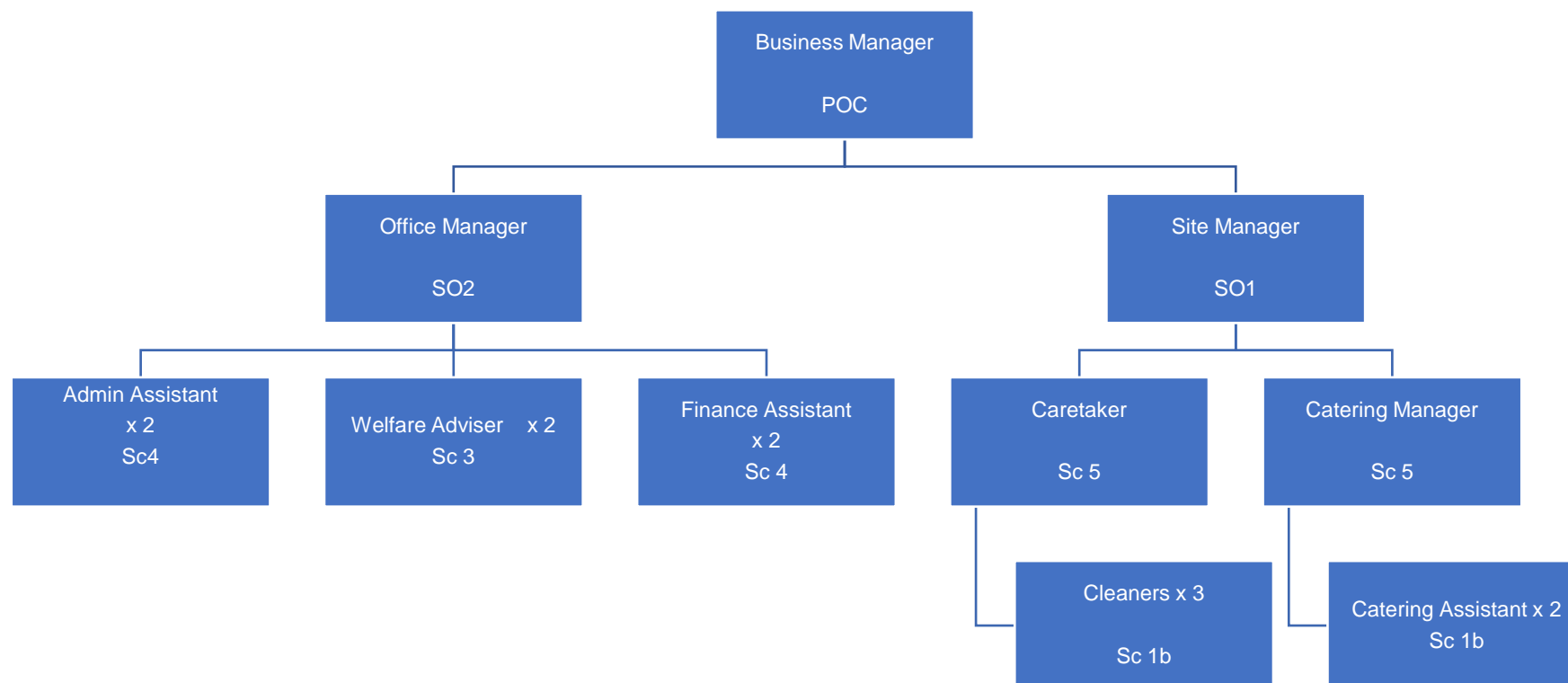
Consultation Flowchart



Example Current Structure Chart



Example Proposed Structure Chart



Example Restructure Proposal

In the above organisational charts, changes to the staffing structure have been highlighted in orange on the proposed structure chart.

Proposed Changes

The Administration Officer (Scale 6) and the Finance Officer (SO1) posts have been made redundant. Elements of each of these posts have been amalgamated into a new Office Manager post at SO2. The employees fulfilling the original roles will be ring-fenced for the new role and be offered an interview prior to the post being advertised elsewhere. If neither of these employees is suitable for the new role, they will both be made redundant and the post advertised.

The Welfare Assistant posts have changed slightly (to Welfare Adviser) but are still paid at the same grade. Although some of the responsibilities are different as defined under a new Job Description, the posts are significantly similar enough for the original post-holders to be slotted in. No redundancy exists.

The Finance Assistant post has been down-graded (reflected through lesser responsibility under the new Job Descriptions) and is therefore redundant. Two new posts have been created at the lower grade of Scale 4. The existing post-holder will be ring-fenced for one of the newly created roles but may decide not to apply due to the drop in pay grade. The existing post-holder would then be made redundant and the new posts would be advertised.

The Caretaker post has been re-graded to Scale 5 which is reflected in a new Job Description through more responsibility. The existing post-holder will be ring-fenced for this post but will be made redundant if unsuccessful at interview.

One of the Cleaners will be made redundant.

Amendment Example

During consultation, the cleaners worked out that if they each reduced their working hours from 15 to 11.25 per week then the efficiency in total cleaning hours required would be maintained but they could all retain their jobs.

Original

4 cleaners x 15 hours = 60 hours (Original cleaning time)

Proposal

3 cleaners x 15 hours = 45 hours (Required efficiency due to new cleaning equipment)
1 cleaner post made redundant

Proposed Amendment

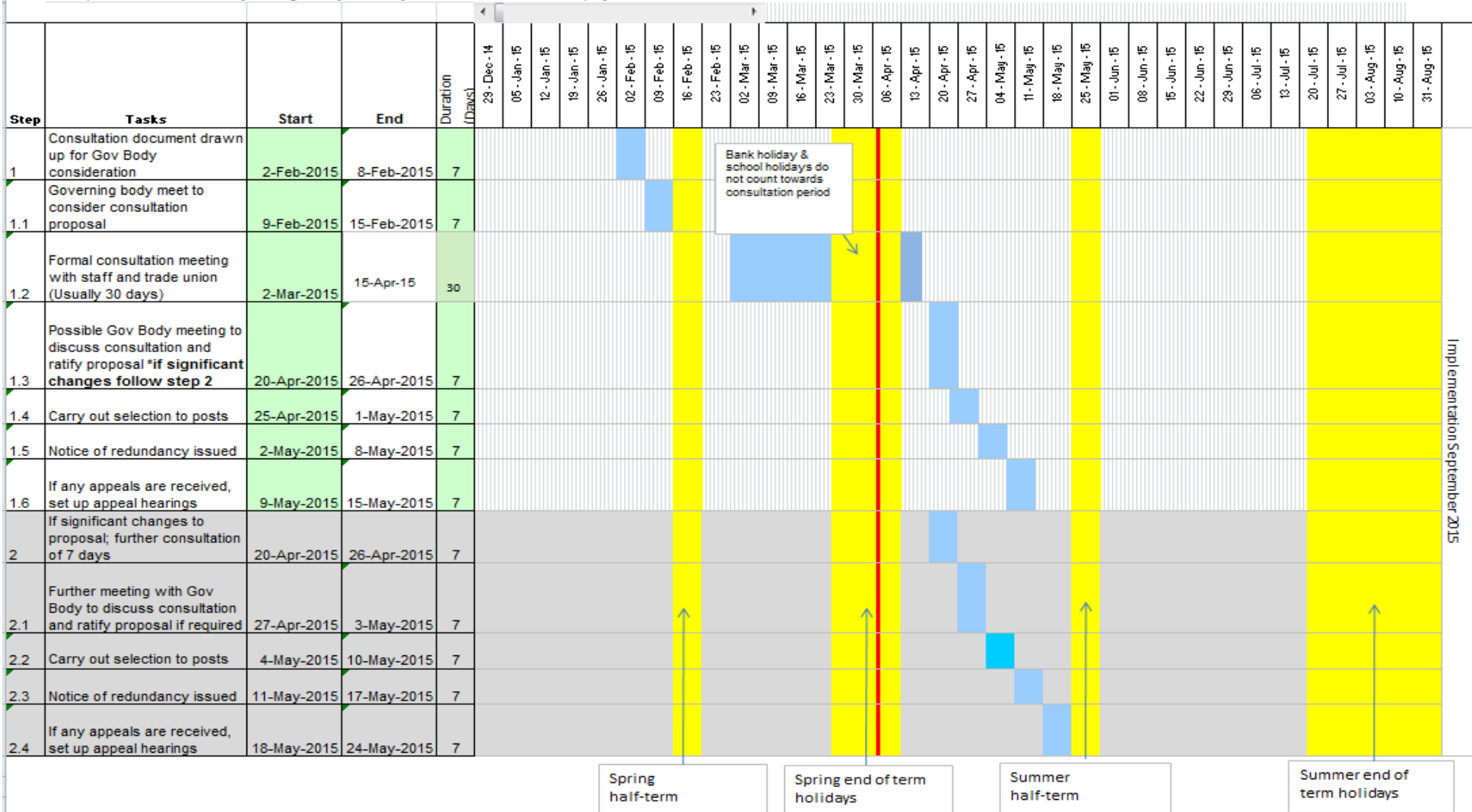
4 cleaners x 11.25 hours = 45 hours
4 cleaner posts with reduced hours

This would be a reasonable amendment and would need careful consideration by the Headteacher and Governing Board. Although the cleaning hours efficiency would be achieved, the aggregate on-costs for maintaining 4 employees as opposed to 3 are slightly higher.

Model Consultation timeline

Timeline for consultation for Redundancies at end of summer term

In this example notice of redundancy to be given by 31st May 2015 for termination of employment end of Summer term

*Teachers have three dates of the year by which notice of redundancy/dismissal needs to be served (28th February, 31st May and 31st October)

**Support staff have notice periods of between one and three months, notice of redundancy can be served at any time.

At Risk of Redundancy Notification (to employees at risk of redundancy)

STRICTLY PRIVATE AND CONFIDENTIAL

Dear *(insert name of employee)*

Proposal to Restructure

I write to inform you that your post of *(insert job title)* at *(insert location)* is at risk of redundancy and the reasons are set out in the attached proposal.

It is recognised that this will be a difficult time for you, and I would like to take this opportunity to remind you of the school's Employee Assistance Programme (EAP), should you require this support. Details of the EAP service are enclosed.

Yours sincerely

Headteacher
Encl.