

The King's C of E School



School Workforce Planning

Local Conditions of Service for School Based Employees

Updated May 2017

Review May 2018

A guidance document supporting this document is also available

CONTENTS

1.	Introduction	Page 3
2.	The Role of the Governing Board	Page 3
3.	Consultation Process	Page 3
4.	Starting the Restructure Process	Page 4
5.	Consultation Stages	Page 5
6.	Implementing the New Structure	Page 7
7.	Salary Protection (NJC Staff)	Page 7
8.	Salary Safeguarding (Teaching Staff)	Page 7
9.	Final Steps	Page 7
10.	Redundancy	Page 8
10.1	Voluntary Procedure to Effect Reduction	Page 8
10.2	Selection Procedure for Compulsory Redundancy	Page 8
10.3	Selection Criteria	Page 9
10.4	Notes on Application of Redundancy Selection Criteria	Page 9
10.5	Application of Redundancy Selection Criteria	Page 9
10.6	Arrangements for the Meeting of Appropriate Dismissal Committee/Panel	Page 10 Page 10
10.7	Representation	Page 11
10.8	Dealing with Delays	
APPENDICES		
	Appendix 1 – Letter to representatives of Trade Unions/ Professional	Page 12
	Appendix 2 – Disclosure of information to Trade Unions	Page 14
	Appendix 3 – Letter to employees who are absent from school	Page 15
	Appendix 4 – Review of school staffing structure flow chart	Page 16
	Appendix 5 – Ready Reckoner for Redundancy	Page 17

Policy

1. Introduction

- 1.1 Schools should review their staff structures regularly as part of their annual school improvement, curriculum and financial planning. These reviews should start from first principles to investigate whether the deployment of staff is as effective and efficient as possible.
- 1.2 This policy has been consulted upon and agreed by the employers representatives, the recognised teaching trade unions, professional associations and support staff trade unions, in acknowledgement that changes to the organisation of the school workforce are inevitable and may require Headteachers and Governing bodies to carry out a review/restructure to meet the changing needs or circumstances of a School.

2. The Role of the Governing Board

- 2.1 The Headteacher should present the draft proposed structure to the Governing Board initially, before consulting with staff/trade unions. If the draft structure is considered by the full Governing Board, staff governors should be invited as usual to the meeting and may participate as usual in the debate. Any governor, staff or otherwise, with a pecuniary interest or other conflict of interest in the matters under discussion must disclose it and, if necessary, withdraw from the meeting in accordance with the School Governance (Procedures) (England) Regulations 2003.
- 2.2 That does not mean that Governors who are also members of staff should automatically be excluded from the Governing Board's consideration of the draft structure and implementation plan on the basis that they have a pecuniary interest in the matter.
- 2.3 Governors also need to be clear that the draft revised structure and implementation plan they are being asked to approve is a basis for consultation. It should be made clear in discussion and in the minutes of the meeting that governors will consider seriously suggestions from consultees for amendment.

3. Consultation Process

- 3.1 Failure to follow statutory procedure may make any dismissal unfair and may leave the employer vulnerable to unfair dismissal compensation claims.
- 3.2 At the earliest opportunity there should be genuine consultation and engagement with all staff and **the recognised trade unions**. Consequently, it is necessary to keep all staff and the recognised trade unions informed of developments.

- 3.3 It is recognised that restructuring is potentially unsettling for employees and the aim should be to complete the process in the shortest practical time, whilst allowing for **meaningful** consultation.

4. Starting the Restructure Process

- 4.1 When a restructure is being undertaken, there should be a formal consultation period of 20 working days (This should not include school holidays). Any variation to this timescale should be agreed between parties, for example, there may be sound reasons why a shorter timescale is requested, where changes are less significant, providing there is consultation with the trade unions.
- 4.2 It is recommended that the Headteacher seeks the approval of the Governing Board to proceed to a review of the staffing structure of the School.
- 4.3 The review should take into account all pay considerations so that potential legal challenges from individuals are avoided. The school's HR provider will be able to advise schools on this issue.
- 4.4 Once Headteachers have determined the composition of the proposed staffing structure they will need to draft job descriptions for all of the posts that have changed. It may also be necessary to update existing job descriptions. Any revision of existing job descriptions should be subject to consultation and discussion between the Headteacher and the member of staff. The school's HR provider can provide advice on appropriate grading for non-teaching staff including where these need to be evaluated or approved by the job allocations team.
- 4.5 Where duties of existing staff are revised, the suitability of the role, workload, contractual hours, training needs and a review of pay and grading must be considered. Any extension of working hours must be by agreement between both parties. Changes in pay and conditions must be done in line with the employee's terms and conditions of service (i.e. STPCD for Teachers, NJC for support staff). Staff must be formally notified of a contractual change.
- 4.6 The draft job descriptions should inform the proposal, the Headteacher will therefore need to indicate clearly (**without at this stage putting names of individual staff against posts**):
- which posts are to be new;
 - which posts are to be largely unchanged and therefore almost exact match to an existing responsibility; and
 - which posts are to be a combination of several responsibilities previously in the structure.
 - which posts are to be removed

- 4.7 Where a post is largely unchanged to the responsibility of an existing member of staff that member of staff should be 'slotted in' to the post.
- 4.8 Where a post is a combination of a number of existing responsibilities held by current staff then the post should be advertised to those post holders only and appointed from that group following interview (i.e. the post will be ring fenced).

These two processes should be predicated on the annual skills audit.

- 4.9 When these two processes have been exhausted a post may be subject to normal recruitment procedures. The governing Board will decide how to proceed (and can seek advice from School's HR provider as appropriate).

5. Consultation Stages

- 5.1 Following approval by the Governing Board, formal consultation with staff and trade unions should begin in line with agreed timetables. A model letter inviting the trade unions to take part in the consultation process is attached in Appendix 1.
- 5.2 The employer should submit a signed formal written notification to recognised Unions, by completing a Disclosure of Information form (Section 188(4)) of Trade Union and Labour Relations (consolidation) Act 1992. (*Refer to Appendix 2 of this procedure*).
- 5.3 The employer should liaise with their HR provider to ensure that all of the legally required documentation is made available to the trade unions within the required timeframes. Schools should take particular note that failure to follow the advice from their HR provider to the letter, could leave them liable should (as a result of such an omission) the process be flawed and therefore invalidated. Similarly, it is particularly important that all members of staff (including those who are absent) should be invited to a staff consultation meeting (see Appendix 3).
- 5.4 When the proposed structure is published members of staff who consider that they are directly affected by the proposals may wish to meet with the Headteacher to discuss this. The member of staff may choose to be accompanied to such meetings by their union representative.
- 5.5 It should also be open to individual staff and recognised trade unions to submit comments/observations in writing to the Headteacher before the end of the consultation period. (*Refer to Appendix 4*).
- 5.6 The Headteacher should keep a record of the dates of all meetings, those present, the key points made and the outcome.
- 5.7 The staff and the recognised trade unions should be notified in the implementation plan of the date of the meeting at which the Governing Board is expected to consider the outcome of the consultation and

adopt the final structure.

- 5.8 The new staffing structure should not be regarded as final until it receives the final approval of the school's Governing Board.
- 5.9 The Headteacher/Governing Board should consider any amendments proposed as a result of the consultation. Any proposals not incorporated and the reasons why, should be recorded
- 5.10 Having considered the outcomes of the consultation very carefully, the options available are:
- to 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.
- 5.11 Where there are amendments to the draft structure (which have been accepted), the structure will be revised by the Headteacher and circulated to all staff and the recognised trade unions.
- 5.12 There will be a further consultation period of one week to enable staff (including any absent staff, see Appendix 3) and trade unions to feedback their comments.
- 5.13 There will be a meeting of the Governing Board to approve the revised or final version of the structure and implementation plan.
- 5.14 If the Governing Board considers that, as a result of the restructure process, there may be redundancies then the Governing Board should minute the decision and proceed to issue a Section 188 notice to declare potential redundancies. **Please note that relevant timescales should be adhered to.** For school based teaching staff dismissal on grounds of redundancy will be affected on one of the following specific dates, as appropriate:

30 April
31 August
31 December

For non-teaching staff the redundancy timescales will be variable. Employers should consult with their HR provider to ensure that the correct timescales are adhered to in respect of staff on NJC or Soulbury conditions of service.

- 5.15 A 30 day consultation period is legally required where compulsory redundancies are likely if 20 or more posts are at risk.

6. Implementing the New Structure

6.1 The Headteacher can then implement the new structure, i.e. identify posts that can be filled by:

- Assimilation/Slotting in
- Internal recruitment
- External recruitment

and conduct recruitment for the new structure. The Headteacher must seek advice from the School's HR provider regarding ring fencing etc. Affected staff can request a one to one meeting with the Headteacher to discuss their circumstances.

7. Salary Protection (NJC staff)

Where support staff are appointed to a new post in the structure either by assimilation or selection, they accept the post to be a suitable alternative and their case will not be entitled to pay protection (in accordance with NJC terms and conditions of service).

8. Salary Safeguarding (Teaching Staff)

The School Teachers' Pay and Conditions Document sets out the statutory entitlements for teachers to receive safeguarded sums for a maximum of three years from the implementation of the restructure. Salary safeguarding should be implemented in accordance with the requirements/criteria contained within the STPCD. Teachers receiving safeguarding will undertake agreed alternative responsibilities.

9. Final Steps

The new structure should be published and attached to the School's Pay Policy.

The Headteacher/Governing Board must ensure that:

- a) Staff that are entitled to safeguarding provisions are clearly identified
- b) Staff are issued with pay statements, incorporating details of any safeguarding
- c) New job descriptions (suitably evaluated) and contracts or amendments are issued to staff
- d) All staff are notified of contractual changes in writing by the school's HR provider
- e) Should the change in the staffing structure result in redundancy, the redundancy processes are carried out in accordance with those set out below.

10. Redundancy

Employers are reminded that it is their statutory responsibility to avoid redundancy if at all possible. When considering any potential redundancy situation, employers must ensure colleagues that are absent for any reason receive information regarding the processes and invitations to any consultation meetings.

10.1 Voluntary procedure to effect reduction

- (i) Voluntary redundancy is considered to be an acceptable method of achieving a required reduction. The Headteacher must publish to all staff the fact that voluntary redundancy is a possibility and invite staff to make a declaration of interest. Once all interests have been declared, the Governing Board will make a decision on which, if any, of the interested parties may be a suitable candidate for voluntary redundancy; this will be based on the exigencies of the service. **NB, there is no legal right to redundancy**
- (ii) Headteachers should consider how best to inform, and if necessary support, staff of the decisions reached by the Governing Board.

An employee who volunteers for early retirement or redundancy and considers he/she has been unfairly treated may discuss the matter with the Headteacher in the first instance. Either party may be accompanied by a work colleague or a trade union representative. In the event that the employee remains dissatisfied with the response of the Headteacher the employee should then follow the grievance procedure.

10.2 Selection procedure for compulsory redundancy

In the event that voluntary procedures have not produced the required reduction in staffing, it will be necessary to apply the selection procedure for compulsory redundancy as outlined below:

10.3 Selection criteria

The agreed redundancy selection criteria are principally:

The **curriculum, management** and **pastoral needs** of the school within the context in the school budget.

10.4 Notes on application of redundancy selection criteria

10.4.1 It should be borne in mind that where a school is being reorganised and staffing establishments reduced by restructuring, in order to effect a reduction in budget expenditure, new post(s) for which duties have

substantially changed will be filled through competition from within that school. Those whose jobs are substantially changed, but who fail to secure an appointment after competing in a fairly conducted interview, will be declared redundant.

- 10.4.2 It is essential that the selection process which leads to any nomination is fair and objective and is not directly or indirectly discriminating on grounds of race, gender, disability, sexual orientation, age, religion or belief. Selection for redundancy on the basis of trade union or health and safety activities, or because the employee was pregnant or on maternity leave, are also unlawful. Part-time employees and fixed term workers are also protected from being discriminated against during the selection process. **NB Employers must ensure that they meet the needs of employees on fixed term contracts and maternity leave and should seek advice from their HR providers.**

10.5 Application of redundancy selection criteria.

The aim of the following selection criteria is to achieve a consistent, fair and transparent process of selection.

10.5.1 The procedure

The Headteacher will need to consider the **curriculum, management and pastoral needs** of the school/service when applying the process below.

Stage 1

Consideration by the Headteacher of the school's development plan and the audit of staff skills, qualifications and experience

Stage 2

In the event any member of staff does not fulfil any requirements identified at stage 1, those members of staff should be selected for redundancy.

Stage 3

Calculation of service in respect of each member of staff will be considered in line with the Redundancy Modification Order. (Appendix 5 Ready Reckoner)

Stage 4

This procedure, if consistently applied, is an objective, fair and non-discriminatory method of selection of redundancy.

10.6 Arrangements for the meeting of appropriate dismissal

- 10.6.1 Following advice from their HR provider, the school should inform individuals in writing if they have been selected for redundancy and invite them to attend a dismissal meeting/hearing.
- 10.6.2 The Headteacher providing that they have the delegate power to dismiss, will chair the dismissal meeting and inform each individual face-to-face that they have been selected for redundancy, including an outline of the reasons for selection. Individuals should also be informed in writing of their dismissal by reason of selection for redundancy and of their right to appeal. An appeal should be made in writing within 10 working days of the decision, setting out the grounds for appeal.
- 10.6.3 In cases where the Headteacher does not have the delegated powers to dismiss the Dismissal Committee shall consider the advice of the Headteacher in light of any representations made by the provisionally nominated employee and/or their representative. Such representation may be by attendance at the meeting or in writing or both. The Headteacher shall provide evidence that the process outlined in 12.5.1 has been applied and validates the nomination decision. The decision of the Dismissal Committee shall be confirmed in writing, to individual teachers concerned and their representative.

10.7 Representation

- 10.7.1 Employers should seek advice from their HR Provider to ensure selected staff are informed in writing that they will be invited to meeting/hearings. An employee has a statutory right to be accompanied/represented by a fellow worker or Trade Union representative to both the redundancy hearing and appeal hearing.
- 10.7.2 A fellow worker is defined as 'another of the employer's workers,' who can address the meeting and confer with the employee during the meeting but is not entitled to answer questions on behalf of the employee. A fellow worker who has agreed to accompany a colleague is entitled to take a reasonable amount of time off from their duties to fulfil this responsibility. Time off should cover not only the hearing but also time to familiarise him/herself with the case and to confer before any hearing.
- 10.7.3 If the employee chooses a trade union official, he/she does not have to be an official from a recognised trade union. However, it is advisable for employees to choose an appropriately trained and experienced official from a union recognised within the workplace.

10.8 Dealing with delays

- 10.8.1 If the employee is genuinely unable to attend any meeting the employer arranges (for example if they are ill), then the employer must

offer another reasonable date. If the employee cannot make the rearranged meeting, the employer must offer one other alternative date. In the event the chosen fellow worker or trade union representative is not available at the time proposed by the employer, the meeting must be postponed. The employee can offer an alternative date/time provided it is reasonable and not more than five working days from the date originally proposed.

If this alternative meeting is missed by the employee and the chosen fellow worker or trade union representative, the law considers the procedure to be at an end and the employer can proceed with the dismissal on the ground of redundancy without going through any more steps.

10.8.2 All parties including the nominated employee and their trade union representative shall be given at least 5 working days notice and shall be provided with the necessary documentation

10.8.3 An employee who is nominated for redundancy and considers he/she has been improperly or unreasonably so nominated may discuss the matter with the Headteacher in the first instance. Either party may be accompanied by a fellow worker or a Trade Union representative.

Approved by Personnel Committee – 10.10.17

Appendix 1

To: Representatives of recognised Trade Unions/Professional Associations

Dear Colleagues

Review of the School Staffing Structure - The King's C of E School

I am writing to you on behalf of the Governing Board to advise you that I wish to consult with you on the proposal for undertaking a review of the current staffing structure.

The formal consultation process will commence on (insert date) and therefore you are invited to attend a meeting on this date at (insert time and school). A staff meeting will follow at (insert time) that you are welcome to attend.

1. Underpinning principles

- The review will be conducted in accordance with the School Workforce Planning policy for Schools (Local Conditions of Service)
- All staff and recognised trade unions will be given the opportunity to engage in discussion and consultation at appropriate stages of the review
- The review will be conducted in an open, fair and transparent manner at all stages
- The Governors and I will give serious consideration of any suggestions made by staff and trade unions
- The consultation process will not place unreasonable workload pressures on staff

2. Timescale and Consultation

- An informal meeting will take place/has taken place on (insert date) to make staff aware that a review of the staffing structure is being undertaken and that their trade union representatives will be formally consulted
- I have approached the Governing Board and approval has been given to review the structure and to start the consultation process
- Formal consultation will commence on (insert date) and end on (insert date).
- The Governing Board will consider any amendments and aim to approve the draft structure and implementation plan at a meeting to be held as soon as is reasonably practical after (insert date at the end of consultation period)
- If there are any further amendments which have not been the subject of consultation, or outstanding issues which the Governing Board wishes to discuss further, the Governing Board can extend the period of consultation. If this is the case a further consultation meeting will be held.

3. Documentation

The following documentation is enclosed:

- Current structure (date)
- Proposed structure (date)
- Job descriptions/person specifications of “new” posts
- Implementation plan
- Costings (if appropriate)
- Three year financial plan
- Pupil numbers for previous and current years and projected pupil numbers for the following year (if appropriate)
- Ofsted Action Plan
- School/service development plan

This list is not exhaustive.

If you require any further information, please contact me or the Schools’ HR Consultant (insert name and number) as soon as possible.

The Governing Board and I recognise that individual staff may need the opportunity to discuss the implications of the review with the recognised trade unions. I will, therefore, be supportive to any requests wherever practicable and also allow trade union representatives reasonable time and accommodation to consult with their members. Staff can meet with me for individual discussion if necessary accompanied by their trade union representative if they wish.

Please send any correspondence about the staffing review to me before the consultation period ends on (insert date).

Yours sincerely

Principal

Appendix 2

Disclosure of information to trade unions

Trade Union and Labour Relations (Consolidation)
Act 1992 (section 188)

School/Service

- 1 **Reason for reducing staff establishment**
- 2 **Number of employees whom it is proposed to dismiss as redundant**
 - No of teachers
 - No of non-teachers
- 3 **Total number of employees**
 - No of teachers
 - No of non-teachers
- 4 **Selection Criteria**
- 5 **Proposed method of selection**
- 6 **Date when dismissal will take place**
- 7 **Calculation of Redundancy Payments, etc**
 - Authority's current arrangements
- 8 **Day, time/venue of meeting with Chair of Governors**
- 7 **Copy of minutes of meeting at which above determined or proposed
(attached or to follow)**

Signed.....(Chair of Governors)

Date

Appendix 3

To employees who are absent from School (for example due to sickness, maternity, secondment)

Dear

Review of the School Staffing Structure – The King’s C of E School

I am writing to you as you are currently absent from work due to (insert reason), and I have to inform you of the proposals and process for undertaking a review of the staffing structure.

The review will be conducted in accordance with the School Workforce Planning policy for Schools (Local Conditions of Service) I enclose a copy of the policy for your attention.

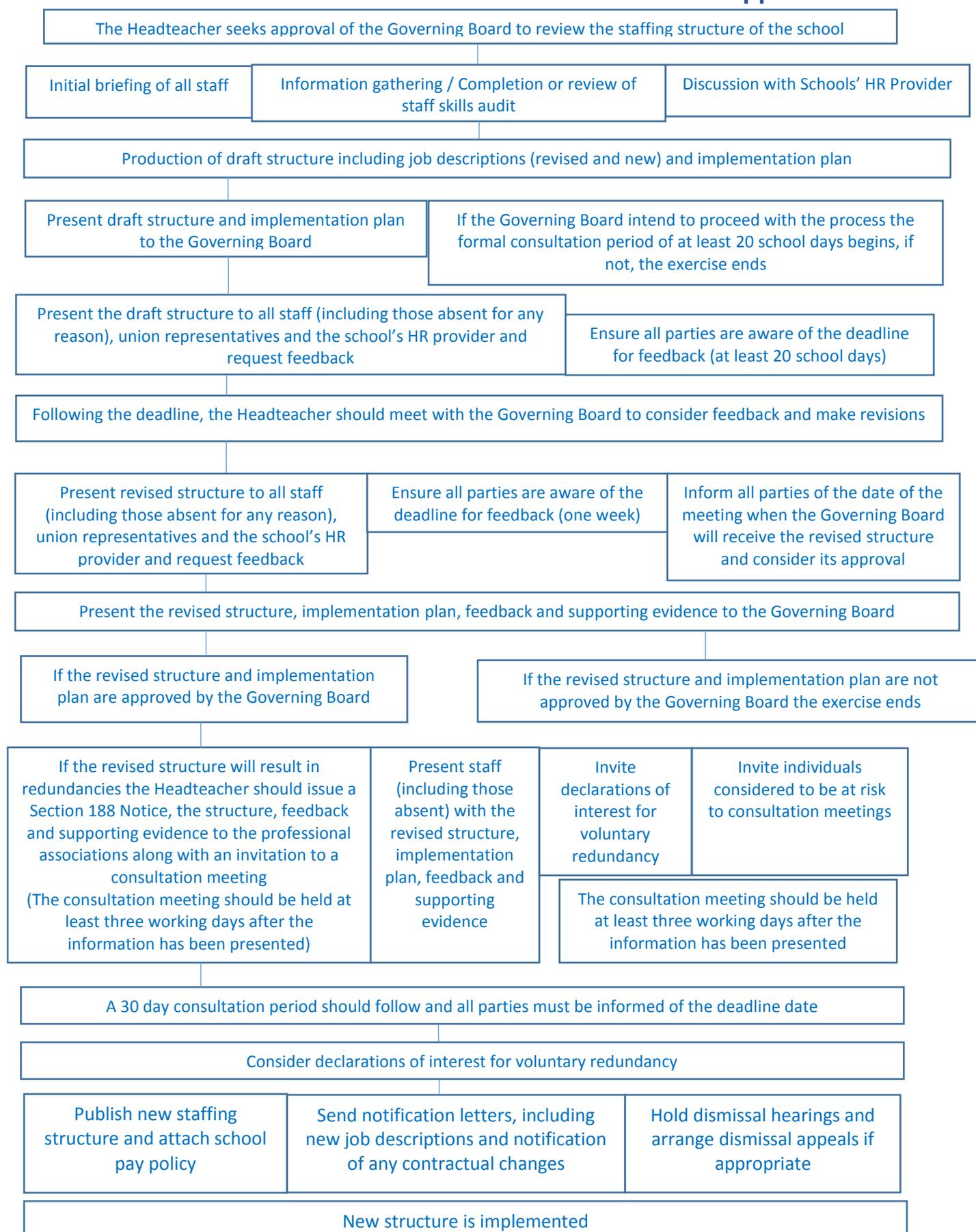
A formal consultation meeting will be held in school at (time) on (date). You are invited to attend, however, if you do not wish to attend, I suggest you contact a representative from your trade union/professional association and request their attendance at the meeting to then communicate back to you.

If there are any matters you wish to discuss further, please contact me on the above telephone number.

Yours sincerely

Principal

Appendix 4



Appendix 5

Ready Reckoner for Redundancy

	Service (Years)																			
Age	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	
18*(1)	1																			
19	1	1																		
20	1	1.5	2																	
21	1	1.5	2	2.5																
22	1	1.5	2	2.5	3															
23	1.5	2	2.5	3	3.5	4														
24	2	2.5	3	3.5	4	4.5	5													
25	2	3	3.5	4	4.5	5	5.5	6												
26	2	3	4	4.5	5	5.5	6	6.5	7											
27	2	3	4	5	5.5	6	6.5	7	7.5	8										
28	2	3	4	5	6	6.5	7	7.5	8	8.5	9									
29	2	3	4	5	6	7	7.5	8	8.5	9	9.5	10								
30	2	3	4	5	6	7	8	8.5	9	9.5	10	10.5	11							
31	2	3	4	5	6	7	8	9	9.5	10	10.5	11	11.5	12						
32	2	3	4	5	6	7	8	9	10	10.5	11	11.5	12	12.5	13					
33	2	3	4	5	6	7	8	9	10	11	11.5	12	12.5	13	13.5	14				
34	2	3	4	5	6	7	8	9	10	11	12	12.5	13	13.5	14	14.5	15			
35	2	3	4	5	6	7	8	9	10	11	12	13	13.5	14	14.5	15	15.5	16		
36	2	3	4	5	6	7	8	9	10	11	12	13	14	14.5	15	15.5	16	16.5	17	
37	2	3	4	5	6	7	8	9	10	11	12	13	14	15	15.5	16	16.5	17	17.5	
38	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	16.5	17	17.5	18	
39	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	17.5	18	18.5	
40	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	18.5	19	
41	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	19.5	
42	2.5	3.5	4.5	5.5	6.5	7.5	8.5	9.5	10.5	11.5	12.5	13.5	14.5	15.5	16.5	17.5	18.5	19.5	20.5	
43	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	
44	3	4.5	5.5	6.5	7.5	8.5	9.5	10.5	11.5	12.5	13.5	14.5	15.5	16.5	17.5	18.5	19.5	20.5	21.5	
45	3	4.5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	
46	3	4.5	6	7.5	8.5	9.5	10.5	11.5	12.5	13.5	14.5	15.5	16.5	17.5	18.5	19.5	20.5	21.5	22.5	
47	3	4.5	6	7.5	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	
48	3	4.5	6	7.5	9	10.5	11.5	12.5	13.5	14.5	15.5	16.5	17.5	18.5	19.5	20.5	21.5	22.5	23.5	
49	3	4.5	6	7.5	9	10.5	12	13	14	15	16	17	18	19	20	21	22	23	24	
50	3	4.5	6	7.5	9	10.5	12	13.5	14.5	15.5	16.5	17.5	18.5	19.5	20.5	21.5	22.5	23.5	24.5	
51	3	4.5	6	7.5	9	10.5	12	13.5	15	16	17	18	19	20	21	22	23	24	25	
52	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	17.5	18.5	19.5	20.5	21.5	22.5	23.5	24.5	25.5	
53	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19	20	21	22	23	24	25	26	
54	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	20.5	21.5	22.5	23.5	24.5	25.5	26.5	
55	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	21	22	23	24	25	26	27	
56	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	21	22.5	23.5	24.5	25.5	26.5	27.5	
57	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	21	22.5	24	25	26	27	28	
58	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	21	22.5	24	25.5	26.5	27.5	28.5	
59	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	21	22.5	24	25.5	27	28	29	
60	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	21	22.5	24	25.5	27	28.5	29.5	
61	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	21	22.5	24	25.5	27	28.5	30	

