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Adjustments to School Staffing Structures Policy

**Adopted by the Trustees of Osprey Learning Trust
on 25 May 2021**

CONTENTS

1.	Introduction	3
1.1	Scope	3
1.2	Principles	4
2.	Guidance	4
2.1	Informal Consultation and Initial Consideration of Adjustments to the School Staffing Structure	4
2.2	Formal Consultation and Approval of Final Proposal	5

Annex A – Good Practice Checklist for Consultation

Annex B – Illustrative Timeline for Consultation Process

Annex C – Letter 1 to staff and unions confirming the need and intention to adjust the School’s Staffing Structure

Annex D – Letter 2 to staff and unions confirming commencement of formal consultation period

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. It also specified the process to be followed if it was proposed to change the school's staffing structure.

These regulations have been revoked completely by the School Staffing (England) Regulations 2009.

No new provisions relating to school staffing structures were introduced under the 2009 regulations and therefore with effect from 2 November 2009 it is no longer a requirement for schools to abide by the requirements of the 2005 regulations with regard to staffing restructures.

The following government advice applies:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/953345/Staffing_and_employment_advice_for_schools_-_January_2021.pdf

This guidance has been updated in light of these changes to provide advice on the personnel process to be followed when schools wish to make adjustments to their staffing structures. This guidance is recommended as good practice guidance.

Head teachers and School leaders should consider applying this guidance as good practice in the case of any proposed permanent and/or significant changes to their staffing structure. This guidance includes the recommendation to consult.

It is not necessary to consult on short-term temporary arrangements; however consideration should be given to applying this guidance if it is felt that the arrangements may become permanent at a later date.

Examples of when schools may wish to consult may include transfer of staff from DCC or other Trusts onto the school structure; changes to the seniormanagement 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 it will be necessary to follow the Redundancy Procedure, as opposed to this guidance.

1.2 Principles

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

The Osprey Learning Trust (OLT) has a particular responsibility to ensure that it manages 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**

A good practice 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, OLT will ensure that in order for any consultation to be meaningful, 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 staff and recognised trade unions are informally advised that OLT 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, the Headteacher/CEO will continue to consult informally with staff as proposals are considered and prepared.

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

Once the draft proposal is complete the Headteacher/CEO will present this to the Trustees for approval as the basis for formal consultation.

The draft proposal may 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. 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. No named individuals should be identifiable.
- 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.

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 Trustees. This should include the outcomes of the consultation process, including any written representations from staff or unions.

The final staffing arrangements should be recorded and appended to OLT's Pay Policy.

Date	Reviewed By	Nature of Change	Date of Next Review
May 2021	Jon Newman OLT Policy Review Group	New policy	As required and no later than May 2025

Annex A Good Practice Checklist for Consultation

This checklist provides a summary of the key points and should be used in conjunction with the other documents and advice in the pack.

Disseminating information

	√
The draft proposal for the adjustment(s) to the staffing structure should be communicated clearly to all school staff and recognised unions	
Copies of any documents submitted to the governing body along with the draft structure proposals and implementation dates should be provided to all school staff and recognised unions	
The timescales and process for written comments on the draft proposal should be communicated to all staff	
The final structure for staffing and implementation dates should be communicated clearly to all school staff and recognised unions	

Discussion and Consultation

	√
Record evidence that all comments received as part of the consultation have been properly considered	
The recognised staff trade unions should be invited to identify a contact who will receive correspondence and information from the school regarding the proposals	
Individual staff and recognised unions must be afforded adequate accommodation and time to discuss and consult upon the implications of the proposal	
Consultation must be conducted in an open, fair and transparent manner at all stages	
Consultation procedures and timescales should be agreed with staff and trade unions and clearly communicated to all parties	
Consultation timescales must be based on working days (and not including weekends or school holidays)	
There must be openness and clarity about the role of the governing body in approving the draft and final proposals	
The final submission to the governing body must include the outcomes of the consultation process, including written submissions. The headteacher should advise of any amendments proposed as a result of consultation and any comments not incorporated, with the reasons why	

Practical Considerations

	√
Ensure meetings of the governing body are organised to approve the draft and final proposals	
Ensure any contractual or other personnel issues associated with the proposal are considered at an early stage. Seek advice from the School's HR service provider	

Annex B Illustrative Timeline for Consultation Process

	Week 1	Week 2	Week 3	Week 4	Week 5	Week 6
Need to adjust the School's Staffing Structure identified						
Headteacher informs staff and unions– letters provided in Annex C						
Headteacher consults informally with staff and produces draft proposal						
Headteacher presents draft proposal to governing body for approval						
Formal consultation period – letters to all staff and trade unions – provided in Annex D						
Governing body approve final proposal						

Annex C

Letter to Staff 1

Confirming the need and intention to adjust the School's Staffing Structure

Dear *(to be sent to all school staff)*

Adjustment to School Staffing Structure - (insert school name)

It has become necessary to make adjustments to our staffing structure and implementation plan as a result of new developments. In particular *(insert reason)*.

In relation to such changes, the 'Guidance for Schools' states that these would need to be the subject of further consultation' and I am therefore writing to initiate this process.

Outlined below is an initial draft timetable for consultation in our school:

- Informal consultation and drafting of the proposal for the adjustments to the staffing structure – up to ***insert date of the last working day prior to governing body meeting to approve draft proposal for consultation***
- Draft proposal presented to governing body for approval – ***insert date of planned meeting***
- Formal consultation period – from ***insert date of first working day following governing body meeting to insert date of last working day prior to governing body meeting to approve final proposal (recommend this should be a minimum of 3 working weeks i.e. 15 days in length, but longer if possible)***

In addition, I have arranged for the following facilities to be available to you and your representatives during the consultations:

- Accommodation
- Reasonable time off, if appropriate
- Access to colleagues, if appropriate
- Any reasonable requests for information

Following the approval of the draft proposal by the governing body and the commencement of the period of formal consultation, I will write to you again to inform you of the availability of the draft proposals in school for your comments.

If you wish to clarify any information regarding the process please contact me.

Yours sincerely

Headteacher

Annex C

Letter to Unions 1

Confirming the need and intention to adjust the School's Staffing Structure

Dear *(to be sent to all recognised trade unions – see Annex E)*

Adjustment to School Staffing Structure – *(insert school name)*

It has become necessary to make adjustments to our staffing structure and implementation plan as a result of new developments. In particular *(insert reason)*.

In relation to such changes, the 'Guidance for Schools' states that these would need to be the subject of further consultation' and I am therefore writing to initiate this process.

I would be grateful if you could provide me with the details of the person you wish to be involved in the consultation activities during this process, if this person is not yourself.

Outlined below is an initial draft timetable for the process in our school:

- Informal consultation and drafting of the proposal for the adjustments to the staffing structure – ongoing up to ***insert date of the last working day prior to governing body meeting to approve draft proposal for consultation***
- Draft proposal presented to governing body for approval – ***insert date of meeting***
- Formal consultation period – from ***insert date of first working day following governing body meeting to insert date of last working day prior to governing body meeting to approve final proposal (recommend this should be a minimum of 3 working weeks i.e. 15 days in length, but longer if possible)***

In addition, I have arranged for the following facilities to be available to you and your members during the consultations:

- Accommodation
- Reasonable time off, if appropriate
- Access to staff, if appropriate
- Any reasonable requests for information
- Emails to staff passed on

Following the approval of the draft proposal by the governing body and the commencement of the period of formal consultation, I will write to you (or your union's nominated representative) enclosing a copy of the proposals for your comments.

If you wish to clarify any information regarding the process please contact me.

Yours sincerely

Headteacher

Annex D

Letter to Staff 2

Confirming commencement of formal consultation period

Dear *(to be sent to all school staff)*

Adjustment to School Staffing Structure – (insert school name)

My letter of ***insert date of letter1*** gave provisional information in regards to the above.

Further to this, I can now confirm that the draft proposals were approved by the governing body on ***insert date of meeting*** and that the formal consultation period has now begun.

The draft proposals are available in school ***insert details about where staff can gain access/copies of the documents*** for you to consider. I have also written to the recognised trade unions today and enclosed copies.

The formal consultation period ends on ***insert date of last working day prior to governing body meeting to approve the final proposal*** and all comments must be submitted to me by then. All comments received as part of the consultation will be made available to governors as part of the final considerations.

The facilities mentioned in my previous letter continue to be available to you and your trade union representative during the period of formal consultation.

The adjusted School Staffing Structure and Implementation Plan will be made available to all staff following the final approval of the governing body on ***insert date of governing body meeting to approve the final proposal*** and will be appended to the School's Pay Policy for information.

I look forward to receiving any comments you have in due course.

Yours sincerely

Headteacher

Annex D

Letter to Unions 2

Confirming commencement of formal consultation period

Dear *(to be sent to all trade union representatives nominated, or in the case of nominations not having been received, to the contacts listed in Annex E)*

Adjustment to School Staffing Structure – *(insert school name)*

My letter of ***insert date of letter1*** gave provisional information in regards to the above.

Further to this, I can now confirm that the draft proposals were approved by the governing body on ***insert date of meeting*** and that the formal consultation period has now begun.

The draft proposals are enclosed for your consideration and I have also written to each member of staff today to inform them of the availability of the documents in school.

The formal consultation period ends on ***insert date of last working day prior to governing body meeting to approve the final proposal*** and all comments must be submitted to me by then. All comments received as part of the consultation will be made available to governors as part of the final considerations.

The facilities mentioned in my previous letter continue to be available to you and your members during the period of formal consultation.

The adjusted School Staffing Structure and Implementation Plan will be made available to all staff following the final approval of the governing body on ***insert date of governing body meeting to approve the final proposal*** and will be appended to the School's Pay Policy for information. Should you wish to receive a copy, please let me know.

I look forward to receiving any comments you have in due course.

Yours sincerely

Headteacher