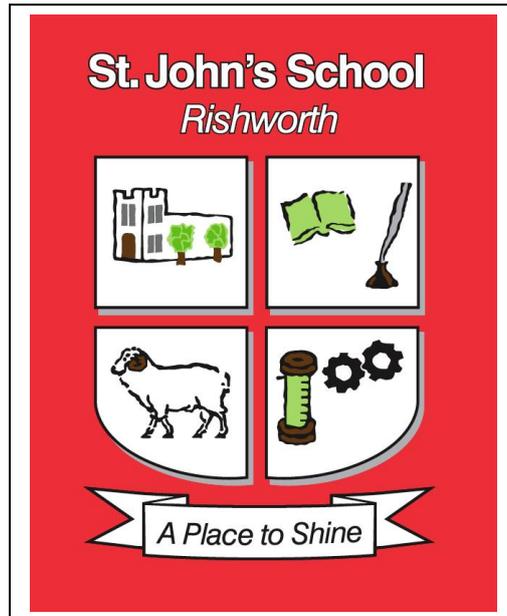


Review and Restructure Policy



Name of Policy Writer	EducateHR Ltd
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1. Introduction

- 1.1 The academy has a responsibility to maintain and, wherever possible, enhance its efficiency, effectiveness and financial viability. The academy seeks to achieve this aim by prudent forward planning, in order to fulfil the academy's purposes in terms of teaching and learning.
- 1.2 In so doing, the academy aims to protect, as far as is possible, the current and future employment of all categories of employed staff.

2. Purpose and scope

- 2.1 The academy will, from time to time, review its staffing requirements in relation to both teaching and support services to ensure that our resources are utilised appropriately. The academy also recognises that circumstances may arise outside the control of the academy (be they, *inter alia*, legislative, financial, educational or technological) which necessitate a process of organisational restructuring.
- 2.2 Whilst every effort will be made to find an appropriate post in the new structure for every existing member of staff it may be the case that a potential redundancy/redeployment situation arises as a result of restructuring. In this regard staff are directed to the academy's Redundancy Policy and Redeployment Policy.
- 2.3 This policy applies to all staff holding contracts of employment with the academy.

3. Notification to the appropriate body

- 3.1 At the earliest opportunity the academy may wish to notify the Education and Skills Funding Agency (ESFA) of its intention to review its staffing structure and to clarify whether there is any likelihood of any redundancy and/or early retirement costs being borne by that authority.
- 3.2 The notification to the EFA is merely advisory: the academy is not seeking permission to be able to undertake the restructuring. However, the ESFA is accountable for public funds and has to ensure that public monies are used appropriately and in a cost-effective manner.

4. Reviewing the structure

- 4.1 The Academy Trust's governing body, supported by the headteacher, is the primary body for reviewing the academy's staffing structure in the light of its educational provision (including the school development plan and any recommendations by Ofsted).
- 4.2 All activities and structures may be reviewed for one or several of the following reasons (the list is not exhaustive):
- financial viability, based on a suite of indicators
 - value for money
 - quality measures, including prolonged adverse parental/pupil feedback
 - declining pupil numbers
 - changes to funding mechanisms
 - technological change
 - legislative change.

- 4.3 Should the governing body wish, for any of the above reasons (or for any other reason as deemed appropriate), to initiate a review of an activity it will normally establish, in the first instance, a review group to report back to the full governing body with considered recommendations.
- 4.4 Additionally, a meeting should be convened with staff and unions, either together or separately, to advise them of the proposed process and timescales, thus minimising the opportunity for misunderstanding and misinformation.

5. Designing the new structure

- 5.1 Initially the headteacher, in conjunction with members of the review group, will formulate a draft staffing structure and implementation plan as a basis for consultation. The information should also include a rationale for the proposed change along with costings.
- 5.2 Any restructure is based on posts (as opposed to people) and will describe the roles and responsibilities that are required to move the academy forward to achieve the organisational objectives as set out in the school development plan.
- 5.3 To help in drawing up a revised staffing structure, the headteacher and review group will determine their priorities over, for instance, the forthcoming three years and will consider:
- the academy's improvement plan and/or development plan
 - any actions identified as desirable in the academy's Ofsted report
 - broad aims and objectives for improving teaching and learning
 - any other information relevant to a revised structure.

6. Skills audits

- 6.1 A regular audit of skills should be carried out at least annually to help inform the future deployment of staff. This will help during a restructuring exercise when specific skills and experiences may be required in relation to fulfilling the variety of roles identified within the revised structure.

7. Job descriptions/person specifications

- 7.1 Once the composition of the revised staffing structure has been determined, there must be clarity and transparency in identifying any proposed alterations to the current staffing structure. This may involve, for example: detailing removal of posts; addition of new posts; amalgamation of responsibilities into one post etc.
- 7.2 To help in the consultation process it is advisable, in order to inform discussions, to draw up an organisation chart identifying accountability by showing proposed lines of management with related posts/responsibilities so that this can be compared with the existing structure.
- 7.3 Job descriptions and person specifications must be drawn up for new and amended posts and appended to this chart, showing grades where appropriate (for example support staff roles).

8. Informal consultation

- 8.1 Once the draft structure has been finalised (and before it is presented to the full governing body as a basis for formal consultation) it would be good practice for the headteacher to share the provisional plans informally with staff and recognised trade unions to elicit their initial views to feed back to the governing body.
- 8.2 Information to be provided at this time should include the underlying rationale with budget information, draft structure, draft job descriptions and person specifications and draft implementation plan.

9. Formal consultation

- 9.1 Following informal consultation and subsequent approval by the governing body, formal consultation with staff and trade unions should begin.
- 9.2 The headteacher should announce the start of the formal consultation by writing on behalf of the governing body to all staff and recognised trade unions advising them of:
- the purpose and scope of the review
 - rationale and draft structure including job descriptions and person specifications
 - implementation plan and any other documents
 - a named individual to whom queries about the process should be sent
 - the dates by which any written responses to the consultation exercise will be required (usually a period of up to four working weeks)
 - the arrangements for any meetings to be held with the staff and trade unions during the review
 - the timescale of the process, including the consultation timescale and dates of governing body meetings to:
 - i. consider and approve the draft structure and implementation plan for consultation
 - ii. receive feedback from the consultation and to approve a revised or final version of the structure and implementation plan
 - iii. give further consideration to the structure if it has been necessary to undertake significant revisions to the initial proposals.
- 9.3 A formal consultation meeting will be held at the start of the consultation period with staff and trade unions to discuss the proposals. Either the headteacher or a governor would usually chair this meeting. Notes should be taken by school management during all formal meetings with staff and trade unions.
- 9.4 Members of staff who consider that they are directly affected by the process may wish to meet individually with the headteacher (or a senior manager) to discuss the proposals and may be accompanied in that meeting by a trade union representative.
- 9.5 During the formal consultation period staff and trade union representatives may submit observations and suggestions in writing.

10. Completion of formal consultation period

- 10.1 The headteacher (or review group where applicable) will consider all representations received before presenting the draft structure and implementation plan (which may have been revised as a result of consultation) to the governing body.

- 10.2 The presentation of the headteacher (or review group) will include specific reference to any amendments proposed, as well as any suggestions put forward during consultation which were not incorporated, along with reasons as to why these were not adopted.
- 10.3 At this stage the governing body may elect to adopt the proposed structure and implementation plan on the basis that consultation has been completed (if there are no amendments to the original proposals or such amendments as are proposed have been discussed freely in an open forum without objections being raised).
- 10.4 If the governing body proposes a revised structure as a result of suggestions put forward by staff and/or unions which have not themselves been subject to appropriate consultation, or if the governing body itself proposes amendments to the draft structure and implementation plan which have not been subject to consultation, an extended period of consultation with staff and unions should be undertaken.
- 10.5 The timescale of any further consultation should be proportionate to the scale of the amendments – this should not, however, be less than one week in duration.

11. Implementation

- 11.1 Following the end of the consultation period and the agreement of the governors to a new staffing structure, arrangements should be made to fill the posts in the structure.
- 11.2 Appointments to the revised structure may be made over a phased implementation period to suit the needs of the academy and the timeline should be made clear during the consultation process.
- 11.3 The extent of the change from the existing structure to the new structure and any budgetary considerations may determine the appropriate timescales.

12. Appointment of staff to the new structure

- 12.1 All staff are regarded as occupying their substantive post in the existing structure, regardless of whether they might currently occupy a different post, whether on a temporary basis (such as maternity cover etc) or on secondment.
- 12.2 Those posts classed as being the same as, or substantially the same as, those within the current structure should be agreed and provisionally listed in the restructuring plan as 'unaffected' posts, whereas those posts in the existing structure which are substantially different to posts in the new structure are 'affected' posts.
- 12.3 Appointments to the new structure will be made 'tier by tier' and members of staff identified as 'affected' will be able to apply for posts as they are released.
- 12.4 Where there is an identified requirement (if, for instance, there is a skills or qualification gap between an individual and the post) full consideration should be given to offering appropriate training before any action is taken in relation to proposed redundancy.
- 12.5 Where interviews take place during this process, members of staff may invite a representative from their union to act as an observer to the process, but the representative will not be permitted to participate in the decision-making process.

13. Assimilation

- 13.1 Where a post is largely unchanged (substantially performing either identical or similar functions) the member of staff should be 'slotted in' or 'assimilated' into the post.
- 13.2 At the beginning of the appointment process those staff to be assimilated will be informed in writing.
- 13.3 Staff can make requests, to the review group of governors, not to be assimilated to a post which is substantially similar to their current post. By doing so, however, they will forfeit their right to automatic assimilation (and any potential redundancy payment if they are not appointed to any other post in the structure) although they remain free to apply for any remaining unfilled posts.
- 13.4 If staff request not be assimilated, governors will consider whether they can accept their request or have determined to refuse it on the grounds that:
- no other persons employed have the knowledge and experience or ability to fill the post
- and/or
- it would not be in the best interests of efficiency of the academy to release the present postholder from that position.
- 13.5 The postholder will be notified in writing of the outcome of their request. If the request is declined, they may appeal in writing (via the clerk to governors) to the appeal committee of the governing body stating specific grounds for their appeal.
- 13.6 The appeal committee will hear their appeal within a reasonable timescale. The decision of this committee is final.

14. Ringfencing

- 14.1 Where a post in the structure is a combination of existing responsibilities it should be ringfenced to those members of staff who previously held those responsibilities (since they are at risk of potential redundancy).
- 14.2 Under these circumstances appointment to the post may be either via interview or skills matching and management should seek agreement with trade unions on the most appropriate method of appointment.

15. Advertising

- 15.1 Any unfilled posts remaining at the completion of the process will be advertised in accordance with the academy's Recruitment Policy.
- 15.2 A newly created post which is substantially different from existing posts should be made available to all staff in the academy and should be advertised externally.

16. Other policies and procedures

- 16.1 This policy will be supported by the following policies and procedures:

- Recruitment Policy
- Redeployment Policy
- Redundancy Policy