

Restructure Policy

Headteachers and principals should use this procedure when dealing with large or small restructures to ensure that any reorganisation is carried out as fairly and equitably as possible.

This policy applies only to employees working in schools and colleges

Key points

- **This procedure should be used to effect any organisational changes to staffing structures.**
- **There are several stages to the process to ensure that all staff are treated fairly and equitably**
- **Full information will be provided to staff likely to be affected, in a timely fashion, and meaningful consultation will take place both with staff and trade unions.**
- **Posts will only be advertised externally once internal candidates have been considered.**
- **When there are staffing reductions arising from the restructure, alternative employment will be sought, where possible.**
- **The overriding principle of this policy is security before opportunity**
- **This policy should be used in conjunction with the policies on Managing Change, Redeployment, Redundancy and Compensation and Benefits on Termination of Employment.**

1. Introduction

- 1.1 All schools and colleges at some point find themselves in the situation where they need to review their existing structure(s). It is therefore important to have an agreed procedure and set of guidelines established to ensure that any re-organisation is carried out as fairly and equitably as possible, and in accordance with this policy and the County Council's Equal Opportunities Policies.
- 1.2 Full consultation about the proposals will be undertaken by headteachers/principals with the recognised trade unions, and the staff likely to be affected by any changes. This should take into account the requirement to consult where the restructure is likely to involve redundancies.
- 1.3 This policy was designed to be flexible, enabling school and colleges to adapt to changing circumstances. It is important that during any re-structuring process all

those involved keep an open mind and are prepared to accept different ideas and ways of working.

- 1.4 All proposed re-structures should be discussed with Professional Services, Personnel and Training in the first instance.

2. Key Principles

- 2.1 The role of the governing body is to authorise the headteacher/principal to commence consultations with trade unions and staff on the proposed restructure to monitor and review the process and to respond to representations. At the conclusion of the process it is for the governors to decide on the way forward.
- 2.2 Where significant changes are proposed the headteacher/principal should report to the governing body outlining any proposals before entering into formal consultation with the trade unions and staff. Any such report should identify areas where staffing changes are anticipated and give options as to how they should be achieved. In considering any proposal the governing body should explore all the options that have been identified, their costings and implications for staff.
- 2.3 In the case of a complete re-structure, there may be more than one stage to the process. Appointments should be made in hierarchical order and it should be agreed during the consultation what the process for filling vacancies will be, this may happen simultaneously or consecutively.
- 2.4 Where there are to be staffing reductions colleagues will be invited to express an interest in voluntary early retirement on the grounds of redundancy, voluntary redundancy or redeployment.
- 2.5 Employees will normally be considered for posts in accordance with their substantive post. This process will be termed '**Inner Ringed**'.
- 2.6 If an employee has been acting up or covering a post for more than twelve months they will be eligible to be considered for posts at their 'acting up' level. This process will be termed '**Outer Ringed**'.
- 2.7 With the exception of headteachers and principals, no appointments will be made to a reorganised structure (complete or in part) until the proposals have been issued and consultation has taken place. There may be circumstances where the demands of the curriculum necessitate recruitment during the restructure, where possible this should be done on a temporary basis
- 2.8 All employees affected by any re-structure will have access to relevant new structure charts, job documentation and details of grades, allowances and responsibilities before each stage of the process begins.
- 2.9 Headteachers/principals, following consultation will identify those posts which will be filled by:-
 - 2.9.1 **direct appointment** – where there is little or no change in the duties (i.e. they are 'similar' in that the duties match at least 80% between the current and the new post, in terms of grade, job content and levels of

responsibility) or where the number of new posts is greater than the number of employees in the pool of staff at risk. Employees in such posts will be slotted in.

2.9.2 **competitive appointment –**

either

where posts involve similar responsibilities but the number of employees in these posts exceed the number of new posts in the team (downsizing).

or

where the new posts differ, either because they are of a higher grade or level of responsibility, or where the tasks and responsibilities of new posts are dissimilar and less than 80% match with the original post(s).

- 2.10 It is essential to adhere to timescales throughout the process. To ensure that all employees receive information as quickly as possible, it will be sent to their home address, when necessary. It is, therefore, very important that schools maintain an up to date database. Employees should be advised of the need to ensure their personal details are correct.
- 2.11 The possibility of internal promotions should be explored before appointing external candidates. This would only be appropriate where there are vacancies after all candidates currently at a given level have been considered for posts at that level and other options have been explored
- 2.12 Posts will not be advertised externally until internal candidates affected by the re-structure have been considered.
- 2.13 Every effort will be made to avoid compulsory redundancy but this cannot be guaranteed. Where possible suitable alternatives will be sought as set out in the **Redeployment Policy and Code of Practice for Schools.** ([link](#))

3. Implementing a Re-structure

- 3.1 The headteacher /principal will need to consider the way in which consultation with trade unions and the involvement of the governing body should be undertaken.
- 3.2 Where there is a need to make minor adjustments to the work of individual members of staff this should be discussed and agreed with the person concerned.
- 3.3 Where significant changes are proposed the headteacher/principal should report to the governing body before entering into formal consultation with trade union representatives and staff. The report should identify where staffing changes are anticipated and how they are to be achieved.
- 3.4 The governing body will authorise the headteacher/principal to begin consultation having agreed in principle how the required changes should be made.

- 3.5 Where staffing reductions are to be made the governing body will also be required to determine the criteria for selection for redundancy.
- 3.6 Consultation should be with the union representatives and staff groups involved. Union representatives should always be consulted first and in accordance with the relevant legislation.
- 3.7 At the initial meeting the following information should be presented to trade union representatives:
- the reason for the proposals
 - details of any possible redundancies
 - the total number of employees in the school/college
 - the proposed method of selecting employees for redundancy and likely timescales
 - ways of minimising or avoiding any possible redundancies and mitigating the consequences of any dismissals.

4.1 **Direct Appointment**

- 4.1.1 Employees directly appointed into posts which have the same or similar duties (at least 80% the same) in terms of grade, responsibility and job content will be notified accordingly.
- 4.1.2 An employee who is unsuccessful in securing an appointment in the new structure at their existing level will not be able to be appointed at a lower level, thereby putting someone else at risk of redundancy, until all those at the lower levels have secured posts.
- 4.1.3 A directly appointed employee will be able to refuse such an appointment, in which case the post will be open to a competitive process, initially to others affected by the reorganisation. By excluding themselves at this stage it should be made clear that a substantive post might not be secured and any entitlement to a redundancy payment may be lost. If no appointment is made following the 'ring-fencing' exercise, the post will be advertised more widely;
- 4.1.4 Once an employee has been directly appointed to a post, they will not be allowed to apply for an alternative appointment during the rest of the restructuring process.
- 4.1.5 Headteachers/principals will review the method of filling a refused direct appointment and will consult as appropriate.

4.2 **Competitive Appointment**

- 4.2.1 Employees eligible for competitive appointment within similar job groups will be notified and asked to indicate which post(s) they are applying for,

and outlining the skills and experience, they believe they have for each post.

- 4.2.2 Employees subject to the competitive appointment procedure will be able to express preferences for posts in which they are interested in order of priority. Normal selection procedures will then apply.
- 4.2.3 The procedure for competitive appointments will follow the pattern of any normal recruitment process, but the field of candidates will be restricted to the ring fence. This will normally include a selection interview.
- 4.2.4 Competitive interviews will take place to fill the posts in the structure. Wherever possible, there will be **one interview**. The main focus of which will be on the employee's first preference. There will be an opportunity for other preferences to be considered, hopefully avoiding the need for a further interview.
- 4.2.5 Headteachers/principals may feel the need to conduct more than one interview particularly if the posts require different skills, knowledge and experience and if multiple interviews are to be held the employees should be notified at the beginning of the process.
- 4.2.6 It is important that during the selection process there is, where practicable, consistency amongst the membership of the interview panel(s).
- 4.2.7 Once an employee has been appointed to a post, they will not normally be allowed to apply for an alternative appointment during the rest of the restructuring process, except where such posts are being advertised more widely.

5. Absence during a Restructuring Exercise

- 5.1 Employees who are absent during a restructuring process e.g. due to sickness absence or maternity leave should be included in any consultation process which takes place. They should receive the same information as their colleagues.
- 5.2 Those who are absent should be contacted individually by the headteacher/principal, to discuss the most appropriate way of including them in the appointment process.
- 5.3 In principle, where an individual is unable to attend for interview they will be considered for posts in their absence. In these circumstances, detailed references will be sought from their line manager.

6 On Secondment during a Restructuring Exercise

- 6.1 An employee who is seconded to another post and has held this post for less than a year will, for the purposes of restructuring, be deemed to remain in their substantive post unless other specific agreements are in place.

- 6.2 Employees who have been in a seconded post for over a year, at a higher grade than their substantive post, can be considered for posts which are 'Outer Ringed Fenced' (see point 2.3).

Following a Restructuring Exercise

- 7.1 Following a restructuring exercise there may be a few employees who find themselves in the following situations:
- **Without a substantive post** – the redeployment procedure will then be followed
 - **In a lower graded post** – previous grade will be maintained with pay protection where appropriate, after which the postholder will revert to the substantive grade of the post, (see **redeployment policy and code of practice for schools**)
 - **Refused a suitable alternative post** – if an employee refuses an offer of a suitable alternative post to their current job, so that they end up with no post, the employee may lose their entitlement to a redundancy payment.

8. Unfilled posts

If there are posts in the new structure which remain vacant at the end of this process, they will then be advertised and filled in the usual way.

9 Counselling

- 9.1 Employees who are involved in reorganisations may be affected by the process and should be reminded of the support available. Should any employee wish to speak to someone in confidence, they can contact the County Council's Staff Counselling Network on 01273 481738.
- 9.2 Consideration should be given to offering training to staff on how to apply for posts and interview training.

Date last reviewed	May 2006
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