

# Restructure Guidance



## 1 Introduction

This document provides guidance on the process that should be followed when managing a restructure exercise where there are no planned redundancies.

There is a legal requirement to consult employees and trade unions whenever there is a proposal to amend the school staffing structure in the following circumstances:

- Changes to the number or value of Teaching and Learning Responsibility (TLR) posts;
- Any increase or decrease in the number of permanent posts.

Temporary arrangements, e.g. maternity cover, do not need to be consulted upon, unless a Headteacher is proposing to make a temporary arrangement permanent.

## 2 Planning and preparation

As soon as a potential restructure situation arises, the Headteacher should contact the HR Advice and Support Team to discuss the situation and formulate proposals.

Any restructure proposal should be agreed either by the full Governing Body or the Committee with delegated responsibility for personnel issues, prior to consultation commencing. The Headteacher must ensure that they have provided sufficient details, including any financial implications, for Governors to fully consider the proposal.

### 2.1 Formulating proposals

The Headteacher and their HR Advice and Support representative will discuss the proposals in detail and determine how the changes will impact on employees, if relevant.

In preparation for the discussion, the Headteacher will need to consider:

- Business reasons for proposing the change;
- Financial implications of the change;
- Current staffing structure and who will be affected;
- Employees who are absent from work e.g. due to sickness absence or maternity leave;
- Temporary employees;
- Vacant posts.

### 2.2 Ringfence and slot in proposals

The Headteacher, with support from the HR Advice and Support Team, will need to determine how any new posts on the structure will be filled.

Ringfence and slot in guidance is available from the HR Advice and Support Team.

## **2.3 Context statement**

The Headteacher will need to prepare a context statement setting out the background, reasons why the structure changes are being proposed and detailing the proposals to fill the posts, where appropriate. The HR Advice and Support Team can provide a template and guidance regarding what should be included, and the context statement should be sent to the team before the consultation period is started.

The Headteacher will also need to conduct an Equality Impact Assessment for their proposals and arrange for any new and/or revised job descriptions for support staff posts to be evaluated by the HR Operations and Data Team.

## **3 Consultation process**

The recommended timescale for consultation is 2 working weeks, however if the proposals are likely to affect a significant proportion of the total staff in school, it is recommended that this is increased to 4 working weeks.

The Headteacher will be responsible for issuing the consultation documentation to the Trade Unions and affected employees, which starts the formal consultation period. Up to date Trade Union contact details will be provided by the HR Advice and Support Team.

The consultation documents should include:

- Notification letter to trade unions;
- Covering letter to affected staff;
- Context statement
- Frequently asked questions.

If the proposals include ringfence or slot in proposals, they should also include:

- New or revised job descriptions and person specifications;
- Ringfence/Slot in form;
- Application form, where applicable.

All employees who are applying for a ringfence post will need to complete an application form and return it by the deadline. If an individual is eligible for more than one ringfenced post, they will only be required to complete one application form, although supplementary information relevant to each separate post can be submitted.

### **3.1 Consultation meetings**

For simple restructures (recommended 2 week consultation period), it is not necessary to hold a consultation meeting and representations can be made in writing.

For larger restructures (recommended 4 week consultation period) a Trade Union meeting may be necessary to discuss the proposals in more detail. If the proposals affect both teaching and non-teaching employees, separate meetings should be held with the respective trade unions.

Where a Trade Union or affected employees request a meeting, it is recommended that the Headteacher takes reasonable steps to accommodate the request within the consultation period.

## **3.2 Responding to representations**

If representations are received during the consultation period, either in writing or verbally, from either a Trade Union or employees, a response should be provided in writing and copied to Trade Unions and employees.

Any decisions that change the proposals may need to be agreed with the full Governing Body/relevant Committee, depending upon the agreed delegations prior to providing a response.

The Headteacher should contact HR Advice and Support before responding to any representations.

## **3.3 Close of consultation**

Unless there is a specific requirement to extend the consultation period, it will close at the end of the relevant timeframe.

The Headteacher must consider all representations received during the consultation period and make a decision as to whether the proposals should change as a result. Any decision to change the proposals should be approved with the full Governing Body/relevant Committee, depending upon the agreed delegations.

If there are any changes proposed to the job descriptions for support staff, the Headteacher must consult the HR Operations and Data Team to ensure the changes do not affect the grade of the post.

Once the final structure has been agreed, the Headteacher should draft a determination letter, in conjunction with the HR Advice and Support Team, and issue to the Trade Unions, detailing any changes that have been agreed during the consultation period.

Individual determination letters will also need to be sent to affected staff either confirming their slot in to a new post or detailing the recruitment arrangements for their ringfenced post(s).

# **4 Implementing the new structure**

It is a requirement for all schools to have a current staffing structure published in the school's Pay Policy, therefore, the Headteacher must update the school's Teacher Pay Policy with the new structure and job descriptions.

## **4.1 Ringfenced posts**

The Headteacher is responsible for co-ordinating the recruitment process for any ringfenced posts. Interviews should be conducted in line with the school's Recruitment and Selection Policy. Appointments to posts in the new structure should take place on a layered basis, with appointments to senior post made first.

The appointment panel should be aware that the main principle of filling posts during a restructure process is to retain the employees. The panel must consider the employee's potential to undertake the post with a programme of support to strengthen the employee's existing skills and competencies, where appropriate.

There may be circumstances where an employee is absent from work during the restructure process e.g. due to sickness, maternity, annual leave etc. Headteachers should ensure that they make every effort to enable and support the employee to attend the interview, however, it is

important that the implementation of the new structure is not unduly delayed. In these circumstances, the Headteacher should seek advice from the HR Advice and Support Team to ensure any potential discrimination issues have been considered.

## **4.2 Confirming appointments**

The Headteacher should confirm appointments to the ringfenced posts verbally with employees as soon as possible.

The Headteacher should ensure that the relevant documentation for slot in and ringfenced posts is completed via SAIL and liaise with the HR Operations and Data Team to ensure appointment letters and new statement of particulars are issued, where necessary.

Where an employee is not appointed to a post or does not accept their new posts, a further formal redundancy consultation process will be required. In these circumstances, the Headteacher should contact the HR Advice and Support Team as soon as possible.

For advice regarding the application of this policy please contact:

HR Advice and Support

[hradvice@durham.gov.uk](mailto:hradvice@durham.gov.uk)

Further support can be accessed by contacting the following teams where you have a Service Level Agreement:

HR Operations & Data

[hrschoools@durham.gov.uk](mailto:hrschoools@durham.gov.uk)

Occupational Health

[occhealthadmin@durham.gov.uk](mailto:occhealthadmin@durham.gov.uk)

Health and Safety

[hsteam@durham.gov.uk](mailto:hsteam@durham.gov.uk)

Employee Assistance Programme

[www.healthassuredeap.com](http://www.healthassuredeap.com)

Username: durham Password: council  
0800 716 017

The school complies with all relevant statutory obligations. The school privacy notice provides more specific information on data collected and how it is handled, a copy of which can be accessed from the school. For more information please contact the school directly.

If you have any concerns about how your data is handled, please contact either the school Data Protection Officer (details available from the school office), or the Information Commissioner's Office.

Author	Version	Last review	Next review
Senior HR Officer	v 2.0	September 2019	September 2021