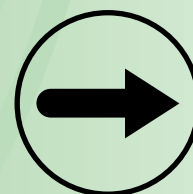


Guidance on the Review of Schools' Staffing Structure

National Assembly for Wales
Circular No: 32/2005

Date of Issue: 24 October 2005

Guidance
Circular



**School
Governance and
Management**



www.dysgu.cymru.gov.uk
www.learning.wales.gov.uk

Adran Hyfforddiant ac Addysg
Department for Training and Education



Llywodraeth Cynulliad Cymru
Welsh Assembly Government

- Title of Document:** Guidance on the Review of Schools' Staffing Structure
- Audience:** Schools; General Teaching Council for Wales, Professional Associations, Teaching and Support staff Unions, Local Education Authorities; Estyn; Diocesan Organisations; and other interested parties.
- Overview:** The Education (Review of Staffing Structure) (Wales) Regulations 2005 place a duty on the governing body of a maintained school with a delegated budget and on a local authority in respect of a school without a delegated budget or a pupil referral unit to review the staffing arrangements of the school or the pupil referral unit. The Review must be determined on or before the 31st March 2006. This guidance will help schools review their staffing structures fairly and appropriately.
- Action required:** The Regulations place statutory requirements on all maintained schools. Schools should utilise this guidance as they see fit to help them meet their statutory obligations.
- Further information:** All enquiries about this guidance should be sent to:
Gail Deane
Teaching and Leadership Division
Cathays Park, Cardiff. CF10 3NQ
E-mail: staffing.review@wales.gsi.gov.uk
- Additional Copies:** Additional copies are available from Helen David on 029 20801483.

Related Documents:

The Education (Review of Staffing Structure) (Wales) Regulations 2005
<http://www.opsi.gov.uk/legislation/wales/wsi2005/20051910e.htm>

School Teachers' Review Body (STRB) 14th Report
<http://www.teachernet.gov.uk/docbank/index.id=8220>

Secretary of State for Education and Skills's Parliamentary Statement of 22nd February 2005. <http://www.teachernet.gov.uk/docbank/index.cfm?id=8207>

School Teachers Pay and Conditions Document 2004 (Updated April 2005).
http://www.teachernet.gov.uk/management/payandperformance/pay/2005/stpcd_April_05/

Rewards and Incentives Group evidence to the School Teachers Review Body - September 2004. <http://www.teachernet.gov.uk/docbank/index.cfm?id=7415>

Rewards and Incentives Group supplementary evidence to the School Teachers Review Body - October 2004.
http://www.teachernet.gov.uk/_doc/7506/STRB%20Supplementary%20Evidence.doc

The Education Act 2002
<http://www.legislation.hmso.gov.uk/acts/acts2002/20020032.htm>

Welsh Assembly Government written evidence to the STRB September 2004
<http://www.learning.wales.gov.uk/pdfs/STRBevidence-e.pdf>.

Welsh Assembly Government supplementary written evidence to the STRB - January 2005.
http://www.learning.wales.gov.uk/scripts/fe/news_details.asp?NewsID=1639

DfES' safeguarding notes and flowchart
<http://www.teachernet.gov.uk/docbank/index.cfm?id=8487>

DfES' guidance on the Excellent Teacher Scheme
http://www.teachernet.gov.uk/management/payandperformance/pay/Excellent_Teacher_Scheme/

Rewards and Incentives Group Frequently Asked Questions (FAQs) - Review Of the School Staffing Structure
<http://www.teachernet.gov.uk/docbank/index.cfm?id=9200>

Review of School Staffing Structures: National RIG Helpline

From 1 September 2005 advice will also be available from a national RIG helpline. The helpline number is 01928 794666. Calls will be taken from between 9.00 am to 5.00pm on Mondays to Fridays.

CONTENTS

	Page
Summary	3
Background	4
Getting started	5
Designing the new structures	9
Finalising the new structures	14
Implementing the staff structures	16
Appendix 1: Good practice checklist and links to supporting documents	18
Appendix 2: Governors' checklist - key questions	22

The Review of School Staffing Structure

Summary

The Education (Review of Staffing Structure) (Wales) Regulations 2005 place a duty on the governing body of a maintained school with a delegated budget, and on a local education authority in respect of a school without a delegated budget or a pupil referral unit, to review the staffing arrangements of the school or the pupil referral unit.

The purpose of the review is to ensure that the management and deployment of, and allocation of responsibilities to, all staff at the school (or pupil referral unit) make effective use of resources.

In conducting the review the governing body or Local Education Authority (LEA) must take into account the pay arrangements and the conditions of employment of school teachers set out in the School Teachers Pay and Conditions Document, and also the implications for the grading and remuneration of support staff. The review must be determined on or before 31 March 2006.

Because pay and conditions for teachers has not been devolved to the National Assembly for Wales, and to ensure parity in the approach to undertaking the review in schools across Wales and England, this guidance is similar to guidance issued in England.

The Review of School Staffing Structure

Background

1. Teachers' pay and conditions of service have not been devolved to the National Assembly for Wales and remain the responsibility of the Department for Education and Skills (DfES) for both Wales and England.
2. The 14th Report of the School Teachers' Review Body (STRB) was published by DfES on 22 February 2005. One area of the recommendations concerned the proposed introduction of Teaching and Learning Responsibility (TLR) payments, which would replace the current management allowances system operating in schools across Wales and England.
3. The aim of the replacement of management allowances by the introduction of TLR payments is to support the process of teachers and head teachers focusing on their core role of teaching and leading teaching and learning. It does this by stripping away tasks that do not require their professional skills and expertise and by focusing payment onto those tasks which are required by schools to manage teaching and learning effectively and to raise standards.
4. Subsequently, the Education (School Teachers' Pay and Conditions) (No.2) Order 2005 was made on 4 April and will make changes to the School Teachers' Pay and Conditions Document 2004 affecting Wales and England:-
 - no new management allowances may be awarded to classroom teachers after 31 December 2005
 - from 1 January 2006, relevant bodies can award TLR payments to classroom teachers
 - there is provision for safeguarding the payment of a TLR for a limited period of up to 3 years if the relevant body subsequently decides to withdraw or reduce the award of a TLR, following a review of its pay policy or staffing structure or otherwise
 - from 1 January 2006, all management allowances, if not replaced by a TLR of at least the same value, will be safeguarded until 31 December 2008 at the latest
 - there is provision safeguarding of the salaries of teachers paid on the leadership pay spine (including the head teacher) or on the advanced skills teachers' pay spine, if the relevant pay ranges are reduced or posts are deleted or re-designated as a result of changes to the school's pay policy or staffing structure. Safeguarding is limited to a maximum of 3 years.
5. The Secretary of State for Education and Skills also accepted, for England, the STRB's recommendation that schools be required to review their staffing structure in consultation with staff and their representatives,

and to publish their revised structure by 31 December 2005. The STRB proposed this so that schools can consider the implications of the most effective way of replacing the current management allowances system with TLRs. However, the Secretary of State's Parliamentary Statement on 22 February 2005 made it clear that the introduction of the requirement for schools to review their staffing structures is, for Wales, a matter for the National Assembly for Wales to consider, because the legal basis for introducing such a requirement is different from pay matters and is a devolved power.

6. The STRB's recommendation, that from 1 September 2006, schools in Wales and England will be able to appoint teachers to the Excellent Teacher Scheme (ETS) was also accepted by the Secretary of State for Education.

7. The Welsh Assembly Government is unable to become involved in technical pay matters in relation to the review of school staffing structures, such as the criteria for the award of TLR payments, because of the non-devolved nature of teachers' pay. The Assembly has responsibility only for the process of the review itself. In terms of specific pay guidance, the toolkit supplied by the Rewards and Incentives Group and the Department for Education and Skills is available to schools in Wales and England and is also accessible on the Teachernet website via the links noted on the Related Documents section of the cover.

8. Guidance on the proposals for the ETS will be issued to schools and LEAs in Wales by the Department for Education and Skills, along with other pay guidance in the normal way. However, schools might wish to consider whether their school is likely to have any ETS posts as part of the review of their staffing structure.

9. The guidance does not attempt to set a detailed timetable for schools. The Regulations require that the review must be determined by 31 March 2006 at the latest, although schools can of course complete their reviews earlier than this deadline if they are confident they can do this effectively, meeting their statutory obligations and taking account of this guidance. It is suggested that schools should, if they have not already done so, immediately begin the process of discussions with the governing body; informing all staff and union representatives of the commencement of the review; and considering the staffing structure. It is also suggested that the formal consultation on the review should commence no later than 1 January 2006.

Getting Started

10. The Education (Review of Staffing Structure) (Wales) Regulations 2005 place a duty on relevant bodies (school governing bodies for schools with delegated budgets and LEAs for schools without delegated budgets and Pupil Referral Units (PRUs)) to review every maintained school's and PRU's staffing structure and prepare, by 31 March 2006, a plan for the full implementation of any changes arising from the review by 31 December 2008. In this context, a maintained school means a

community, foundation or voluntary school; a community or foundation special school; and a maintained nursery school.

11. The duty upon governing bodies to conduct the review of staffing structures does not affect the general principles and the respective roles and responsibilities of governing bodies and head teachers as set out in the Education (School Government) (Terms of Reference) (Wales) Regulations 2000.

12. The reviews must be conducted with a view to ensuring that the management and deployment of all staff and the allocation of responsibilities and duties is effective and focused on teaching and learning to raise standards. All staff and representatives of recognised trade unions must be consulted during the review. Headteachers are under a duty to advise and assist the relevant body in conducting the review and preparing the implementation plan.

13. Many LEAs have responsibility for unattached teachers employed in central services under the terms of the School Teachers' Pay and Conditions Document. Although the regulations do not place requirements on LEAs to review the staffing structure of these services it will be important for a review to be conducted to ensure that remodelling has been progressed and also because a number of these staff will currently be in receipt of management allowances.

14. As Teaching and Learning Responsibility payments, which can begin to replace management allowances from 1 January 2006, may only be awarded in the context of the relevant body's staffing structure (and in accordance with its pay policy), it will be necessary for the local authority to review its provision for unattached teachers.

15. Although legal responsibility for the conduct of the review lies with the relevant body, headteachers will, in practice, lead the reviews in schools on their behalf. They, in turn, might find it helpful to be able to draw on a range of specialist advice during the review - for example, from the school bursar, LEA curriculum and human resources advisers, individual members of staff, including members of the leadership group, school governors with relevant professional qualifications, etc. In any event the process will engage the governing body, teachers, support staff and representatives of the recognised trade unions.

16. The review will encompass the staffing structure for all staff. It should be a genuine whole-school review and not an assimilation exercise (i.e. not simply substituting the new Teaching and Learning Responsibility payments for the old management allowances). The review provides the opportunity to develop with staff and trade unions a shared vision of a future structure which will result in enhanced teaching and learning for pupils.

17. The School Improvement Plan will be a key document to inform the review. The revised staffing structure should provide the capacity to deliver the schools' teaching and learning priorities.

18. In conducting the review headteachers will find it helpful to follow a number of straightforward good practice principles. A checklist of these is at Appendix 1. This includes suggestions of some key documents which may assist them in the review process. A number of these documents are identified in the checklist, in particular the Education (Review of Staffing Structure) (Wales) Regulations 2005, the DfES documentation on pay comprising the Pay Order, the revised statutory pay guidance, the revised explanatory notes on the School Teachers' Pay and Conditions Document, and the revised model pay policy, the model pay statement and the guidance on safeguarding (which are available on the DfES' teachernet website at www.Teachernet.gov.uk).

19. It should be emphasised that it is only the review process itself which must be completed by 31 March 2006. Schools have three years after that date to bring any changes to their staffing structure resulting from the required review into effect; and they do not have to start introducing TLRs from 1 January 2006, but at their own pace within this three year period. Schools' implementation of changes to staffing structures and introduction of TLRs will be linked to the rate at which management allowances will end in their schools taking into account staff turnover and safeguarding.

20. As there is no single staffing structure which will fit the needs of every school, this guidance does not provide a template or a model structure; nor would it be appropriate to do so. Each school will need to look at and tailor its new structure having regard to its own particular needs and circumstances. All schools should, however, take account of the following when carrying out the review:

- the School Improvement Plan and the priorities and vision for the school set out in it, the findings from relevant Estyn reports, school self-evaluations and staff views on priorities for improvement;
- the extent to which the contractual changes emanating from the National Agreement on Raising Standards and Tackling Workload have been implemented and the strategies that have been put in place to enable the school to take forward wider workforce remodelling; and
- the fact that the review encompasses all roles and responsibilities throughout the school.

21. Once the context for the review has been established, the headteacher should announce the start of the review by writing on behalf of the governing body to all staff (teaching and support), and the recognised trade unions to advise them of:

- the purpose and scope of the review;
- to whom queries about the process should be sent;
- the timescale of the process, including the consultation timescale and the dates of governing body meetings to:
 - consider and approve the draft structure and implementation plan for consultation;

- receive the feedback from the consultation and to approve a revised or final version of the structure and implementation plan; and
- give further consideration to the structure if it has been necessary to undertake significant revisions;
- the dates by which any written responses to the consultation exercise will be required (staff and trade unions should be given a minimum of 4 weeks to comment on the draft structure and implementation plan); and
- the arrangements for any meetings to be held with the staff and the trade unions during the review.

22. In the letter the headteacher should invite each of the recognised unions to nominate the person with whom all initial communication should be made. This may be someone external to the school regardless of whether they have an accredited representative on the school staff. Headteachers and any specialist advisers working with them should keep copies of all correspondence and record the date on which it was distributed.

23. As well as writing to staff and the recognised trade unions, the headteacher should consider convening a meeting with staff and union representatives, either together or separately, to advise them of the proposed process and timescales.

24. Keeping all staff and the recognised trade unions involved in developments and engaging in genuine consultation should make the process easier to manage. It should not only minimise the opportunity for misinformation and misunderstandings to arise, but should also help to promote good staff morale and motivation.

25. The headteacher should also bear in mind that individual staff will require adequate accommodation and time to discuss the implications of the revised staffing structure with the recognised trade unions and this will need to be built into the process. Heads should be prepared also to allow trade union representatives adequate accommodation and time to take advice and consult collectively with their members at an early stage. The choice of representatives to be involved in consultation activities is a matter for each union to determine. They may choose someone external to the school, regardless of whether or not they have a nominated representative currently on the staff.

26. Some schools will have established consultation mechanisms. Where these include all the recognised trade unions, these mechanisms could, with the agreement of all the unions, be used as the vehicle for consultation throughout the process. Where this is the case, the LEA needs to take account of the need for increased facility time.

27. Where the LEA, as the relevant body for a school without a delegated budget and for PRUs, is managing the review it should follow the same processes as are described in this guidance. For PRUs, reference to the headteacher should be read as references to the teacher in charge.

Designing the new structures

28. Once they have all the necessary information to hand and have conducted any preliminary discussions, headteachers will need to formulate a draft staffing structure and implementation plan to be submitted to the governing body for approval as a basis for consultation.

29. The process is an opportunity to review the whole school staffing structure to identify how teaching and learning can most effectively be led and managed. It should also reflect the results of the wider remodelling of the respective roles of teachers and support staff as part of schools' strategy to deliver the requirements of the National Agreement: Raising Standards and Tackling Workload. Progress which schools have made or intend to make in remodelling their workforce, including the interaction of teaching and support staff and the number of support staff (if any) to be included in the leadership team, will be of particular relevance here.

30. As a first step, the headteacher should give consideration to the broad objectives and principles that the school is seeking to achieve with its new structure. These should take account of the principle that the resource of qualified teachers should be focused on issues concerned with teaching and learning, and not on activities more appropriately undertaken by support staff at the school.

31. The principles determined by the school should reflect and complement statutory provisions and the National Agreement: Raising Standards and Tackling Workload, and not contradict or change them. The principles should be circulated within the school, and discussed in staff or team meetings, before the work on the detailed structure is developed.

32. Schools due to be reorganised or merged with effect from 1 September 2006 (or, indeed at any earlier or later date) are still required to undertake a review of their staffing structures by 31 March 2006. However, in schools with delegated budgets, the outgoing governing bodies and the current heads will want to consult with the new shadow governing body and the new prospective headteacher, as well as the recognised trade unions, to ensure that any proposed changes to staffing structures drawn up by 31 March 2006 (to take effect during the period beginning 1 January 2006) will not compromise any new structures which may result from reorganisation or merger.

33. Where it is known in advance that a school's headteacher will change during the review period, both the current and the incoming head will need to be involved in the review process.

34. When developing the draft structure and implementation plan, headteachers and any specialist advisers to whom they refer should consider the range of factors which will shape their work, for example:

- the school's improvement priorities;
- the principles underpinning the review; and

- the progress made to date in remodelling the workforce, including any responsibilities which are more appropriately discharged by support staff.

35. The most important task will involve mapping the school's improvement priorities, together with the overarching principles already discussed with staff, onto a structure of posts of different grades and types designed to deliver the school's priorities as efficiently and effectively as possible.

36. Financial information will obviously play a central role in determining the scale and shape of the new structure. Headteachers will therefore want to have at hand as realistic an assessment as possible of the financial resources which they are likely to have available in the three-year transition period.

37. Costing a revised structure resulting from the required review will be a crucial part of the process. In assessing this headteachers will need to take into account the number and cost of each of the types of posts they wish to have in the structure, e.g. leadership, TLRs, Excellent Teachers and support staff. LEAs may be able to help schools to estimate future budget costs.

38. The review should take into account equal pay considerations so that potential legal challenges from individuals are avoided. The LEA will be able to advise schools on this issue.

39. The review of the whole staffing structure provides the opportunity for schools not only to introduce a structure which reflects current and future needs in relation to teaching and learning but also to address any historical anomalies in the structure. Headteachers have a menu of options from which to choose to construct their draft staffing structure as illustrated in the following box.

Posts in the new structure

Headteachers will need to determine whether to have a *leadership group* and if so its size and composition as well as ensuring that the responsibilities and duties complement but do not replicate other posts in the structure.

Headteachers will need to determine whether to have *Teaching and Learning Responsibility payments* (TLRs) and if so how many. In determining the responsibilities which will attract TLRs they must have regard to the criterion and factors in the School Teachers' Pay and Conditions Document and the statutory guidance. In determining the value of TLR posts headteachers will need to consider job weight; posts of equal weight should be allocated equal value. In order to qualify for a payment on the TLR1 range, a post must meet the criterion and all of the factors. However, meeting the criterion and

all of the factors does not mean that automatically the post will be graded as a TLR1. The different cash values of TLRs should reflect appropriately differentiated job weights in the context of the school.

As with other posts in the new structure, the introduction of TLR payments can be staged, with some being introduced before others.

If headteachers felt that an *Advanced Skills Teachers (ASTs)* post was essential they would need to consider if the appropriate salary level could be accommodated and whether the post would complement the staffing structure. Information on AST posts can be found on the DfES Teachernet website at www.teachernet.gov.uk/ast.

The *Excellent Teacher Scheme* is expected to operate from September 2006. In reviewing the whole staffing structure, headteachers have an opportunity to build one or more of these posts into the new structure. The requirements of the Excellent Teacher Scheme and the expectations attached to the role are detailed in the Excellent Teacher Scheme explanatory notes for schools available from the Teachernet website at: <http://www.teachernet.gov.uk/management/payandperformance/pay/2005/>

Headteachers may identify a number of responsibilities currently undertaken by teachers which do not require their professional skills and expertise but will need to continue to be discharged and will therefore have to be undertaken by *support staff*. In making these decisions headteachers need to refer to the guidance issued by the Workforce Agreement Monitoring Group (WAMG). WAMG Note 1 details the process for reviewing the job descriptions and grading of existing support staff. The review of the staffing structure also provides the opportunity for headteachers to consider developing senior support staff roles and their inclusion in the senior management team.

40. Some general principles that headteachers may find it helpful to bear in mind are that:

- proposals must be approved by the governing body by 31 March 2006
- there are a number of stages to go through, including consultation. It is best to get underway quickly to maximise the time available
- this is emphatically not an assimilation exercise.

41. In reality schools, other than very small schools, are likely to opt for a structure which has a range of posts. In considering a possible structure in the required review, headteachers will need to take into account all previously held responsibilities, paid or unpaid, and consider those for which there is a continuing need. A structure should not be based

on the assumption that teachers who have previously had additional unremunerated responsibilities focused on teaching and learning will continue to carry them out.

42. Once headteachers have determined the composition of the draft staffing structure they will need to determine which of the existing staff should be appointed to which post in the structure. The staffing structure of a school must have a clear and transparent rationale and it must be fair for those who hold management allowances currently and for those who do not. Each of the posts will require a draft job description. Each job description should include:

- the purpose of the post;
- to whom the postholder reports;
- the persons line managed by the postholder;
- the generic responsibilities; and
- the responsibilities specific to the post.

43. Using the draft job descriptions to inform the decision, the headteacher will therefore need to indicate clearly (without at this stage putting names of individual staff against posts):

- which posts are new;
- which posts are largely unchanged and therefore almost exact match to an existing responsibility; and
- which posts are a combination of several responsibilities previously in the structure.

44. Staff at all levels will be protected by the salary safeguarding arrangements from sudden drops in total salary which might occur as a result of the proposed changes.

45. Where a post is identified as a new post it should be subject to normal recruitment procedures. However, this process should not be managed through compulsory redundancy and headteachers should be mindful of the budget implications of an external advertisement if the appointment will over the whole period of transition increase the size of the teaching staff.

46. Where a post is largely unchanged and therefore almost an exact match to the responsibility of an existing member of staff that member of staff should be 'slotted in' to the post.

47. 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.

48. Where a new structure envisages that certain functions formerly carried out by teachers should in future be discharged by other staff, including support staff, headteachers and governing bodies will also need to consider the need for additional staff and the appropriate pay and

grading for any new posts. Where the duties of existing staff are revised the suitability of role, workload and contractual hours, training needs, and a review of pay and grading will have to be considered. The grade of any post for support staff in a community school must be selected from the LEA grades. LEAs should ensure that grades (including interim grades where necessary) are in place to facilitate this. Any revision of job descriptions should normally be agreed between the head and the member of staff. Any extension of working hours must be by agreement.

49. There is a range of options that the school needs to consider in deciding the approach it will take in relation to implementing a new structure. However, the transitional arrangements must consist of a process which is locally implemented in the light of national guidance and support.

50. The school may decide to progress towards implementation of a new structure gradually over part or all of the three-year transition period, or may choose to proceed to implement the whole new structure all at once at the beginning of the transition period. Full implementation must have been completed by 31 December 2008.

51. In making that decision the factors are likely to be relevant are:

- the extent of any change between the present structure and any new structure;
- the nature of the differences between them and the practicality of working with both the present and new structures at the same time, taking into account the effects on staff morale;
- the current and anticipated budgetary considerations and the need to manage staffing costs, including safeguarding costs, within budgetary limits;
- the anticipated staff turnover during the relevant period;
- whether any of the current posts are shared with other schools and whether any of the planned posts are to be or could be shared; and
- any external commitments the school has which impact on the use and employment of staff, agreements on jointly staffed projects with other schools in a partnership or network, shared appointments such as bursars working across a number of schools.

52. The timing of implementation will be a balance between introducing the optimum structure at the earliest opportunity; cost; and the need to maintain the morale of those staff whose current posts do not form part of the revised structure if they are required to remain in them for the majority of the transition period. Other advantages and disadvantages of phased versus immediate implementation are also relevant. For example, phased implementation might allow advantage to be taken of staff turnover, including retirements, as it occurs, as well as avoiding the up-front costs that immediate implementation might bring. Conversely, an extended period of change may create uncertainty and make it difficult to run two structures, e.g. the safeguarded management allowances alongside TLRs, or a restructured leadership team combined with the previous one.

53. The implementation plan, which will be the subject of consultation alongside the new structure during the autumn term, should clearly indicate the proposed timescales and proposed approach to implementing the structure.

Finalising the new structures

54. Before presenting the draft staffing structure and implementation plan for the governing body's approval as a basis for consultation, it would be prudent for the headteacher to share the provisional plans informally with staff and the recognised trade unions with a view to ensuring that the governing body is fully informed of their likely reception.

55. If the draft structure is considered by the full governing body, 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 Education (School Government) (Wales) Regulations 1999.

56. That does not mean that governors who are also members of staff should automatically be excluded from the governing body's consideration of the draft structure and implementation plan on the basis that they have a pecuniary interest in the matter. The Education (School Government) (Wales) Regulations 1999 set out the circumstances in which a person will and will not be considered to have a pecuniary interest and provide, in particular, that: "a governor shall not be treated as having a pecuniary interest in any matter provided his interest in the matter is no greater than the interest of the generality of those paid to work at the school."

57. In order to make informed decisions about the proposals the governing body members will need to be provided in writing with:

- the draft proposed staff structure, including costings. At this stage, no named individuals should be identifiable in any part of the structure, but the structure should identify whether the posts are new; comprised of several existing responsibilities; or a post for matching ("slotting in") of responsibilities;
- draft job descriptions;
- the current structure and costs of each of the posts and an analysis of the implications of the proposed staff structure;
- details of the implications for the school budget over the whole period of transition; and
- the draft implementation plan.

58. Governors also need to be clear that the draft 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.

59. The governing body may also wish to make its own amendments to the draft before approving it as a basis for consultation.

60. Following approval by the governing body, formal consultation with staff and trade unions should begin. The draft structure, implementation plan and all other documents presented to the governing body should be sent to the recognised unions and made available to staff, together with a clear indication of the timescale for comments and a reminder of what the next steps of the review will be.

61. Members of staff who consider that they are directly affected by the proposals may wish to meet with the headteacher to discuss them. The member of staff may choose to be accompanied to such meetings by their union representative.

62. The headteacher should agree to meet the recognised trade unions collectively during the consultation period. It should also be open to individual staff and recognised trade unions to submit observations in writing.

63. The headteacher should keep a record of the dates of all meetings, those present, the key points made and the outcome.

64. The staff and the recognised trade unions should be reminded in writing of the date of the meeting at which the governing body is expected to consider the outcome of the consultation and adopt the final structure.

65. The staffing structure should not be regarded as final until it receives the final approval of the school's governing body. Before deciding to delegate this function, governors should consider carefully the merits of ensuring that the new structure has the support of the full governing body.

66. The headteacher will present to the governing body the draft staffing structure and implementation plan, and the comments received, including formal written submissions from the recognised unions or others as a result of the consultation. The headteacher should advise of any amendments proposed as a result of the consultation, any proposals not incorporated and the reasons why.

67. The circulation of documents to the governing body and the recording of its decisions should be made in the normal way.

68. The governing body should consider the outcome 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.

69. If amendments are made which have not been the subject of consultation or there are concerns about some of the issues raised during consultation which have not been resolved, the governors can decide on a further period of consultation with staff and recognised unions. Where this option is adopted the staff and recognised unions should be notified in writing of the timescale of the extended period of consultation and the issues to be addressed during that period. The timescale of any further consultation should be proportionate to the scale of the amendments made by the governing body, but should in no case be less than one week.

70. Once adopted by the governing body, the staff structure and implementation plan could be included as an annex to the school's pay policy.

Implementing the staff structure

71. It should be noted that this guidance has been produced purely to assist schools and governing bodies in Wales with the process of drafting and determining the school staffing structure to enable them to meet the changes to statutory pay requirements which take effect from 1 January 2006.

72. The process of negotiating and determining specific salary levels, and attaching the new pay points to individual staff, is a matter of pay policy. Pay guidance, which is also expected to cover the issue of resolving local disputes about pay, is expected to be produced by the DfES and distributed to schools in Wales in the normal way.

73. The processes that a school will need to apply to introduce a new structure during the implementation period will depend on the nature of the changes proposed and turnover in the staffing structure. The school should take advice from its LEA (or personnel/Human Resources service provider) on the relevant process for implementing changes in responsibilities and contracts of employment. Whether ring-fenced selection is needed will depend on the extent to which an individual's current responsibilities match the requirements of the new post at the point of implementation.

74. The complexity of the implementation phase will vary from one school to another, depending on the magnitude of the changes involved. Headteachers should nevertheless take account of the principles for effective implementation outlined elsewhere in this guidance.

75. The structure and implementation plan must be approved and adopted by the governing body by 31 March 2006. The implementation must be completed by 31 December 2008.

76. As noted, pay matters are not covered directly by this guidance. Advice on issues such as incorporating the implementation plan as an annex to the school's pay policy and the need for staff to be given a revised annual pay statement following any determination which may affect their pay can be found on the Teachernet website.

77. Headteachers are advised to keep the governing body, staff and recognised unions fully informed of progress during the implementation period, so that their views and any representations can be taken into consideration.

78. It will be possible for schools to make adjustments to their staffing structures to take account of new developments over the implementation period. Any such changes would need to be the subject of further consultation.

Appendix 1: Good practice checklist

This checklist is only a summary of the key points in the guidance. Schools will wish to use it in conjunction with the full guidance and other guidance on pay issued by the DfES. Headteachers are advised especially to be aware that the review may raise issues of employment law, on which they should seek expert guidance as necessary.

Disseminating information

- The draft staffing structure and implementation plan should be communicated clearly to all staff and recognised unions.
- Copies of all documents submitted to the governing body along with the draft structure and implementation plan should also be provided to staff and recognised unions.
- The timescales and process for written representations/submissions on the draft structure should be communicated to staff and recognised trade unions.
- The final staffing structure and associated implementation plan should be communicated clearly to all staff and recognised trade unions.

Involving interested parties

- In defining the vision for the school's staffing structure, all stakeholders' opinions should be taken properly into account.
- The review should address whole school staffing structures.
- All recognised staff trade unions should be invited to identify a contact who will receive correspondence and information from the school regarding the review/restructuring process.
- Headteachers should also bear in mind that individual staff and recognised unions will require adequate accommodation and time to discuss and consult upon the implications of the review.

Discussion and consultation

- All staff and the recognised trade unions should be given the opportunity to engage in discussion and consultation at appropriate stages of the review.
- Consultation processes should not place unreasonable workload pressures on school staff.
- Headteachers and governing bodies should give due consideration to results of the consultation process.
- Where necessary, there should be further discussion to clarify outcomes.

Open, fair and transparent management of the process

- The review should be conducted in an open, fair and transparent manner at all stages.
- Consultation periods within the review process should be agreed with staff and trade unions and clearly communicated to all parties.
- Consultation procedures should be established and agreed with the whole school staff and recognised unions.
- The consultation timescale should be based on working days. It should not include weekends or school holidays.
- The governing body should be kept fully informed of the preparation for the review and of all subsequent progress.
- There should be openness and clarity about the role of the governing body in approving the draft structure and implementation plan.
- The final presentation to the governing body should include the main outcomes of the consultation process, including formal written submissions from the recognised unions or others. The headteacher should advise of any amendments proposed as a result of the consultation, any proposals not incorporated and the reasons why.

Practical considerations

- Meetings of the governing body should be organised to approve draft and final staffing structure and related implementation plans.
- As part of the review headteachers will need to assess the progress the school has made on implementing the contractual changes for teachers and the wider remodelling agenda and address any outstanding issues.

Supporting documents

- This guidance should be read alongside the following supporting documents:
 - Revised statutory guidance on the 2005 pay changes (<http://www.teachernet.gov.uk/docbank/index.cfm?id=8486>)
 - April and May 2005 Pay Orders (www.teachernet.gov.uk/management/payandperformance/pay/2005)
 - Revised explanatory notes (<http://www.teachernet.gov.uk/docbank/index.cfm?id=8485>)
 - Model pay policy (www.teachernet.gov.uk/docbank/index.cfm?id=7478)
 - Model pay statement (http://www.teachernet.gov.uk/management/payandperformance/pay/Model_Pay_Statements/)

- Guidance note on safeguarding
(<http://www.teachernet.gov.uk/docbank/index.cfm?id=8487>)
- Guidance note on the Excellent Teacher Scheme
(http://www.teachernet.gov.uk/management/payandperformance/pay/Excellent_Teacher_Scheme/)
- Guidance note on Advanced Skills Teachers
(<http://www.teachernet.gov.uk/docbank/index.cfm?id=8484>)
- The Education (Review of Staffing Structure) (Wales) Regulations 2005 (<http://www.opsi.gov.uk/legislation/wales/wsi2005/20051910e.htm>)

Additional information

- Other sources of information which headteachers may find it helpful to consult include:
 - The overall school budget (current and projected)
 - The School Improvement Plan
 - The School Teachers' Pay and Conditions Document 2004 (www.teachernet.gov.uk/management/payandperformance/pay/2004/Pay_Publication_2004), as amended by The 2005 Pay Orders (<http://www.teachernet.gov.uk/management/payandperformance/pay/2005/>)
 - WAMG Note 1
(www.teachernet.gov.uk/docbank/index.cfm?id=7361)
 - Guidance issued by the Rewards and Incentives Group (RIG) on performance pay progression (www.teachernet.gov.uk/docbank/index.cfm?id=6624) and management allowances (www.teachernet.gov.uk/docbank/index.cfm?id=6602)
 - Guidance from the Workforce Agreement Monitoring Group, in particular
 - *Invigilation - A Resource Pack*
(www.remodelling.org/invigilation_pack.php)
 - *Remodelling Cover - A Resource Pack*
(www.remodelling.org/resource_pack.php)
 - *Planning, Preparation and Assessment - A Resource Pack*
(www.remodelling.org/ppa_pack.php)
 - Advanced Skills Teachers: Promoting Excellence
(www.teachernet.gov.uk/ast)
 - Locally-defined career structures for school support staff
 - National guidance from the National Joint Council for Local Government Services contained in *School Support Staff the Way Forward* (www.lg-employers.gov.uk/publications/fullpublications/support.html)

- The National Standards for Headteachers in Wales (www.learning.wales.gov.uk)
- The national standards for subject leaders in England (www.tta.gov.uk/php/read.php?sectionid=103&articleid=519)
- Guidance on the Education (Specified Work and Registration) (Wales) Regulations 2004 and professional Standards for Higher Level Teaching Assistants. (<http://assembly/education/topics/school-governance-parents/sgp-docs/c4204-prof-standards-assistants/into-e.htm>)
- The national occupational standards for teaching/classroom assistants (www.lg-employers.gov.uk/skills/teaching/downloads.htm)

Appendix 2: Governors' Checklist - Key Questions

The arrangement of this checklist follows that of the Guidance Circular: *The Review of School Staffing Structures*.

Getting Started

The Chair of Governors will need to ensure that:

- the Headteacher sets a date for the first governors meeting to consider the draft structure and implementation plan.
- the scheduled/proposed date for the first meeting allows sufficient time for the governing body to reconvene to finalise the staffing structure and implementation.

At first meeting

- Establish that the headteacher has written to all unions and staff.
- Has agreement been brokered on the process for conducting the review?
- Are the key documents identified in the guidance available for the governors to consider?
- Have clear principles for the review been established?
- Has account been taken of:
 - the school improvement plan and the priorities and vision for the school?
 - the extent to which the contractual changes emanating from the Workload Agreement have been implemented. (Have the contractual changes of phases 1 and 2 been implemented and is there a clear plan for implementation of phase 3 due by September 2005
 - all roles and responsibilities throughout the school?

Draft structure

- What is the rationale for the selection of posts from the menu of options identified in this guidance?
- What are the implications for change from the current structure in terms of distribution of posts, responsibilities, number of posts, and cost to the school budget?

- What are the implications for support staff roles? Are there additional support staff to be employed and /or will existing staff have changes to job descriptions, pay and grading in accordance with the process in WAMG Note 1?

Draft Implementation Plan

- Does the plan assume an immediate or phased/staged implementation?
- Have the advantages and disadvantages been considered?
- How does the implementation plan impact on the school budget throughout the whole period of transition? Is it manageable?
- Are the posts in the staffing structure clearly identified as new, combined or matched responsibilities? What process is the headteacher proposing to use for filling new posts?

Draft Job Descriptions

- Is the allocation of responsibilities to posts in the structure clearly focused on teaching and learning?
- Do all the TLRs meet the criteria and factors?
- Are the governors satisfied that equal weighting and value has been considered in the distribution of new responsibilities in the new structure?
- Has accountability for the responsibilities cited been properly delineated?
- Is the governing body satisfied that the structure it has agreed should be implemented is consistent with the provisions of relevant legislation, including equality of opportunity?

Further meeting

- Was the agreed process for consultation followed?
- What changes have been made to the draft structure and implementation plan as a result of the consultation?
- Are there any concerns raised by unions and staff during the consultation which have not been addressed?
- Have all the written responses to the draft structure, implementation plan and job descriptions from unions and staff been provided for the governors?
- Have the governors decided to make changes to the drafts? (Where draft structure, implementation plan and job descriptions are changed at the meeting, the governing body will need to consult further before finalising them.)

- Has the governing body determined that there should be further consultation, and if so has a date for further meeting of the governors been set which allows the structure and implementation plan to be finalised by 31 March 2006 the latest date by which the process can be completed?

Finalising the new structure

- Is there an agreed process for publishing the agreed structure and implementation plan?
- Has the governing body considered the implications for the school's pay policy?
- Is the governing body satisfied that:
 - those staff who will be subject to the safeguarding provisions have been clearly identified?
 - appropriate arrangements are in place to provide each member of the teaching staff with the required pay statement, incorporating details of any safeguarding?
 - arrangements are in place for the governing body to maintain a clear overview of how all aspects of implementation are progressing?