

Managing your staffing structure

This is one of a series of discussion documents for members of NEU Leadership - senior leaders in education in membership of the National Education Union. (NEU) These documents aim to help develop and assist your thinking as a leader and your approach to leadership, applying the NEU's principles of ethical leadership.

You can read other NEU advice and find out more about NEU Leadership, about the NEU's model of ethical leadership in education and about the NEU's Guild Community, which offers you peer support from fellow NEU Leadership members, at neu.org.uk/leadership

Introduction

The NEU believes in social cohesion for the betterment of education and society in general. The modern trade union movement seeks collective and collaborative approaches to resolving issues. We want you, as an education leader, to see your union and the union representatives in your workplace as supportive colleagues in your leadership and management role. We encourage everyone to treat each other with mutual respect and dignity, respecting everyone's role and opinion, to cultivate and focus on working partnerships and solutions. After all, we are all in education to make a positive difference for our future generations.

Processes and procedures

Whichever part of the education system you work in, change is a constant. Managing your staffing structure in the right way is one of the toughest challenges school and college leaders face. The ongoing squeeze on public funding means tough choices are an inevitable feature of the environment in which education leaders will operate for the foreseeable future, especially given the Covid-19 pandemic's likely impact on the level of education funding and the demands upon it.

Successful management of any organisation is not just about setting up clear priorities and structures it is also about how you go about managing them. The kind of communications and the level of sensitivity leaders bring to them are just as important, if not more so, than the actual process of management itself. The best designed structure can be undermined by problems caused by the way leaders and managers approach its management. Poor communication and insensitivity to the challenges facing staff can create organisational inertia and resistance that can have a lasting impact on the health of an organisation.

This is not to underplay the importance of intelligent and timely structural change. But it is obvious that restructuring is a costly and time-consuming business and should only be considered if there are no alternative action that could be taken. It is vitally important leaders get it right first time.

The key thing is not to see the process of leadership simply as a series of boxes to tick. Strong, compassionate and inclusive leadership, alongside good communication, remains the critical factor in creating an organisation able to face the demands made upon it in a sustainable way. The journey of leadership is a journey of hearts and minds. If we do not recognise this central point, we set ourselves up to fail. Organisational change is a fact of life, but it can be done well, provided we keep our common humanity to the fore.

What does a good staffing structure look like?

As an NEU Leadership member, we know that you realise that job security and retention of staff are key priorities for your staffing structure. Organising (and reorganising) how work gets done can result in disruption, stress and uncertainty. It can become a source of lasting resentment and discontent within an organisation. And it can add significantly to the workload pressures on staff and leaders alike.

When designing a structure, it helps to have a process map in mind, with manageable stages. It should begin with a focus on real values, derived from a clear strategic purpose. An organisation's values can carry staff through challenging times, provided they are real and reflected in the personal behaviour of its leaders. The NEU strongly suggests that all educational establishments follow the NEU's Code of Practice for Ethical Leadership. It advocates doing the right thing for your people, as they are your greatest asset and key for any school or college success. So, it is key for those who lead to remain open, sensitive to others and to display the best aspects of common humanity. Getting the culture right at the start goes a long way to avoiding the need for constant change and ensuring a soft landing on the other side of any change.

The key to successful leadership and successful transformation is taking people with you on the journey. Although this ought to be self-evident, being after all the essence of good leadership, poor practice in this area persists. Examples include inaccessibility of senior managers, failure to assess the impact on certain groups compared to others, and announcing new structures without warning. In some cases, all the responsibility for human resources (HR) procedures is passed to line managers or HR managers. In others, rather than putting in place robust support systems, senior managers use restructuring processes as a means of seeking to get rid of staff perceived to be performing poorly. These approaches cause problems, which are the inevitable consequence of leaders' failure to take staff with them on the journey.

Key elements to determining an effective structure

The following steps can help guide you through the process of keeping your staffing structure under regular review, and, where necessary, identify the potential need for change, involving your governors, staff and their union representatives. Further advice on pursuing a process of restructure is set out later in this document.

- 1. Reflect** on real values. What are we passionate about? What are we "best" at? What drives our engine?
- 2. Planning.** Any structure should align with the school or college vision, strategy and direction over the medium to long-term. Culture is so important and should be considered at the outset. Leaders who start with a strategy design without referring first to the prevailing culture of the school or college can fall foul of Peter Drucker's maxim that "culture eats strategy for breakfast".

3. Consider the roles required. Who is needed to make the processes work and deliver the desired outcomes? Ask staff what they think will work, what they would like to be considered for and whether upskilling and or training is needed for other alternative roles, if this is welcome.

4. Evaluate. At each stage of the structure design process you should ask: Does this make logical sense? Does this feel right? and Could we do this better?

5. Consider the organisational structure. Reflect on...

- Does the structure look logical and feel right in the circumstances?
- Do staff see the rationale behind the structure?
- Do staff have a sense of being involved in the development and ongo-ing review of the structure?

6. Consider equality issues - Make an equality impact assessment (EIA) part of your process. This is a systematic and evidence-based analysis of your proposals to ascertain whether your proposals have a different impact on different groups, and what could be done to ameliorate any negative impact. Protected groups covered by the Equality Act 2010 relate to age, disability, ethnicity, marriage and civil partnership, pregnancy and maternity, religion and belief, sex and sexual orientation, and gender reassignment. Discussion with your staff and union representatives on this area may suggest other areas to consider.

7. Communicate, monitor & review. Getting the communication right is absolutely critical, as is monitoring and review. It is important that staff trust and align with the process. To what extent are you continually testing your structure through consultation with all those involved,

especially governors, staff and their union representatives? Position any discussions around finding mutually agreeable solutions and, although you should acknowledge problems, don't focus on them. Cultivate real working partnerships with all unions and staff alike.

A good leader is able to assess how staff are working within the staffing structure and with each other. They understand that not everyone will, necessarily, be in the same place as the leadership team, maintaining a clear "line of sight" to the front line. This, after all, is a quintessential part of overall good leadership and management. Indeed, successful leaders generally see management and leadership skills as two sides of the same coin. This dual role is often seen to consist of two key elements:

A hard-edged skill set, including strategic management, financial acumen, and the ability to identify more broadly what their organisation must do to be more effective and grow.

Softer, people management and interpersonal skills, such as influencing, motivating, team leadership and communication.

It is the second element that commonly marks out the effective leader when managing their structure and during any restructure process. They appreciate that the way the message is delivered is as important as the message itself. Their work is underpinned by several values and behaviours.

- They treat colleagues as human beings first and professionals second.
- They communicate with students as human beings first and students second.
- They deliver difficult messages in a way that leaves people feeling intact, even though things may need to change.
- They never miss an opportunity to praise.

- They notice small things and comment on them.
- They make sure they talk with people, informally and formally.
- They talk about the values of the organisation.
- They talk about why they love their work.
- They acknowledge their mistakes and are able to show personal vulnerability.
- They are open to new ideas and challenge.

If you get it iwrong and you will see:

- absenteeism
- resignations (including from those you want to keep)
- risk aversion
- sickness absence
- low performance
- gossip and rumour
- resentment.

Getting your structure right in terms of pay and promotion

Staffing structures can easily founder when staff have concerns about the fairness and transparency of pay or about the way in which the hierarchy of responsibility operates. Your pay policy is an essential complement to your staffing structure. Both should be open and transparent, with decisions made and actions taken be-ing consulted on and explained fully to your staff in partnership working with union reps.

Ethical practice by leaders and governing/corporation bodies will act with integrity, objectivity and honesty in the best interests of the school or college. The basis of any

school or college pay policy is transparency and fairness for the whole of your team. For you to be an ethical practitioner, your team needs to know you care about their pay and demonstrate that through clear aims and objectives. Does your staffing structure and pay policy indicate and include:

- location of current position and grade in the organisation?
- where the possible routes are to enable greater reward through an increased salary banding?
- a clear appeals procedure?
- a provision for annual review and monitoring of the policy including consultation with trade unions?
- consideration to establish if the provisions for taking decisions on pay progression meet NEU requirements.
- clear criteria for awarding payments for responsibility and other allowances and payments?
- an appraisal system informing staff development which is fit for pur-pose, valid, productive and valued by all?

School and college leaders, in conjunction with governing bodies and college corporations are required to adhere to Education Regulations and relevant sections of the latest School Teachers' Pay and Conditions Document (STPCD) in the main-tained school sector.

Responsibility payments and pay progression

As a leader you need to ensure that your structure has a sufficient number of responsibility payments and does not expect staff to undertake additional responsibility without payment. You must also seek to ensure that pay progression, particularly where linked in any way to appraisal, is seen as being

fairly managed.

Appropriate responsibility payments can and should be awarded to any staff who undertake a sustained additional responsibility in the context of your staffing structure on matters for which the staff member is accountable. (Where subject to the STPCD, you must be satisfied that teachers' duties fall within the STPCD requirements for TLR payments.) And you should never overlook the importance of support staff to the overall success of the school or college. Money on its own is not a sole motivator, but fair pay and recognition for contributions to students' educational success are the right thing and help create dynamics and enhance staff morale.

Managing pay progression fairly is also important. Try to communicate the process to staff transparently. Ensure that your policy is clear, that objective setting is fair and that the process of appraisal is pursued thoroughly. But do also consider whether it is possible to move away from performance related pay progression - the supporting evidence for it in education is scant and many employers are moving away from it now.

Leadership pay

For NEU leaders' own pay, we know a wide variety of terms and conditions exist. However, maintaining our commitment to ethical practices, it is important that transparency and fairness is established. A whole school approach ensures that the importance of fairness for leaders is taken fully into account, while setting pay by reference to the circumstances of the whole wider community of staff who contribute to the organisation's success.

Leadership pay policies should, as a starting point for development and review, consider the following:

- How big is the leadership group?

- Are the roles clearly defined?
- Is there an indicative pay range?
- Is the pay range fair and at the highest point not greater than what might be perceived as immorally out of scale to other employees, members of your team?
- Is there a clear starting salary and individual pay range?
- How might leaders increase their salary, career progression?
- Leadership appraisal, does it do what we want it to do and if different from other staff appraisal processes, why?

The STPCD sets out provisions on how governing bodies should decide the appropriate level of pay, within overall upper and lower limits, but allows governing bodies substantial discretion on setting individual pay ranges, deciding whether or not to include fixed progression points and deciding the criteria and standards for pay progression.

Monitoring and review

Hold regular meetings with your NEU branches and reps so that collectively, through productive engagement and mutual respect, the school/college community witnesses the transparency of cooperative working. This is how you obtain the best possible results for your most valuable asset, your team, your staff.

Proactively monitor and review decisions made. For instance, look at workload between promoted posts regularly - are they just about coping, drowning or flying? Are particular posts able to achieve what was intended or do you need to adjust? Does the governing or corporation body understand the structure and know the key or driving staff? Is pay progression being fairly allocated in practice?

All of this not only demonstrates openness but will provide you and all interested parties with greater knowledge and understanding of the pay process, no matter what system or educational sector you are working within.

Useful links

- NEU pay toolkit
- NEU advice on pay progression
- NEU advice on leadership pay

Considering restructuring - drivers of change

The prompt for change can be either external or internal to your organisation. Do you know why you need to change? Are you sure that you need to do so?

External drivers of change could be a greater need for national fiscal constraint. Government policy of how we do education, such as reform of qualifications and curriculum or simply just increased competition from other educational providers.

Internal drivers of change could be the strategic priorities of the organisation itself, even if these are simply a mirror of national or local economic drivers. Another internal driver could also be a school or college wanting a greater emphasis on efficiency and ensuring the education system produces a workforce capable of improving productivity and responding to changing skills needed for the 21st century.

A human-centered approach to restructuring involves:

- senior leadership explaining the strategic position at an early stage, indicating clearly if there are likely to be implications for jobs
- senior leaders and middle managers going out of their way to be available to those

whose job roles are potentially at risk

- leaders sharing genuine concern for wellbeing – great empathy is required without losing focus.

Research from McKinsey on changing change management shows that 70 per cent of change programmes fail because of staff resistance and management behaviour. In education, as in other sectors, there are examples of good and bad practice. We are certain you will be very well aware of the negative or positive impact it can have personally.

Communicating the case for restructuring

Effective communication starts with a thorough assessment of how you yourself feel about the planned change. Trepidation? Excitement? Fear? Exhilaration? Whatever your feelings, they need to be acknowledged and owned or you run the risk of ignoring them in an attempt to tough it out to “get the job done”. This can easily diminish your ability to communicate effectively and remain open, throughout what may well be a difficult journey and potentially hamper your efforts to get the job done well. Leaders must continue to listen actively across the organisation during a restructure, and this can be difficult when their own emotions have been denied. So, don't be in denial, embrace your emotions and take strength from your weaknesses as well as your strengths.

It is important to assess how the change process is impacting on leader and manager colleagues as well as on teaching and support staff. You should try to see change from their point of view.

An effective approach involves senior leaders and managers explaining the strategic position at an early stage, making clear to all the implications for jobs, and going out of their way to be available to staff, whether their jobs are at risk or remain within the organisation. Such an approach is underpinned by the sharing of genuine concern for people's wellbeing, and the positive and negative impacts that may be experienced through the processes of change. It means treating staff as human beings, with leaders exhibiting sympathetic understanding. This builds and maintains trust and lays the foundation for commitment to the new structure. It also tempers staff turnover rates and supports staff in migrating to the new structure more quickly.

Adopting a fair process for restructuring

Leaders cultivate a sense of fairness by approaching a restructure in an inclusive style. Staff tend to assess this by the extent to which they are involved in decision-making, the even-handedness of decisions. For example, does everyone have the same chance or are there favourites who benefit disproportionately, even if this is merely the perception due to a lack of transparency? Do managers during the process come across as sincere? Do managers explain and listen actively? Is a manager's concern about the situation genuine? Achieving this is a challenge. It takes time, energy and commitment. But the cost of failing to behave inclusively is much higher.

Addressing culture at the outset of the restructure process goes a long way to ensuring a soft landing on the other side of change. Dividing the restructure process into manageable stages makes good sense and there are many models out there to help lead the way, such as Kotter's eight-stage model of change.

There needs to be a focus on equality and fair process.

- Does it seem to be both a fair process and a fair outcome?
- Is the approach to redeployment favouring particular groups of people?
- Is negative bias creeping in so that selection appears to be based on age, sex, race, disability, trade union membership or pregnancy or childcare consequences?

It is vitally important to maintain a clear audit trail detailing your approach and ensuring compliance. An analysis of the assessment decisions made may reveal trends that you haven't considered, for example, indirect discrimination against older workers through weighting experience too heavily on technology when this is not necessarily pertinent to a role's success.

Once the structure has revealed itself, a plan for roll-out can be developed, dates set and responsibilities assigned. Your timescale must be sufficiently long to allow time for the following:

- meaningful consultation, enabling staff and unions to fully consider their options and to input into the plan going forward
- full consideration and response to feedback and alternative proposals put forward by your staff team and unions – just because you are a leader, you do not necessarily have the best solution to a changing work situation.
- holidays, closures and exams periods must be considered
- unforeseen problems that might need to be ironed out
- meeting your legal and moral duties, always a vital consideration.

Involving your governors

It is crucial that your governors are on board throughout the process of establishing your structure, keeping it under regular review and pursuing any changes to it. The structure must cohere with the strategic direction and goals set by the governors, which is why they must be fully engaged, and properly briefed, from the start.

An annual review of managing staff and the organisational structures would always be considered best practice, but 'don't mend what doesn't need mending' should be uppermost and constant in your thought process when undertaking any review. Draw upon information on successes academically, financial position and the ever-important blue horizon scanning, what is facing the organisation and sector in the coming year(s)? Most importantly, are your staff happy and passionate about their work? Is it their pure joy to come to work or is there need for adjustment? A happy workforce is a productive workforce.

In times of restructuring, it is important that the fundamental principles behind the structure are discussed fully with governors to ensure that they remain supportive throughout what can be a challenging process.

Involving your staff and trade union representatives

During any restructuring, sharing the rationale behind the restructure and the steps that have been taken to minimise any negative impact can help temper the potential for staff resistance to changes. It is not helpful when leaders adopt a defensive position with union representatives at the outset and slip into an adversarial approach. This helps no-one. Stay human and aware and look for opportunities to work in partnership and positively seek partnership working, even if there are differences of opinions.

Working with your union and others might feel uncomfortable at times, but it will pay dividends. Not only is it about sharing the burden of workload, but by embracing educational unions in real partnership working, you share an often lonely decision-making process. Connecting to the hive mind invariably brings forth new options that had perhaps not been thought of or considered.

Getting Support

As an NEU Leadership member, if you are being asked to restructure or restructuring for essential management of school or college purposes, then take advice from your HR adviser and manage the processes with kindness and within the parameters of the NEU's code of ethical practice in leadership.

If you are facing the potential of redundancy yourself, inform your local rep or branch about any assistance likely to be required. Alternatively, you can contact the NEU AdviceLine on 0345 811 8111 or by email on advice@neu.org.uk. The sooner we know, the better we can support you.

Appendix A

Restructuring - things to remember

This appendix provides leaders with some bullet point guidance on managing restructuring well, fairly and transparently. We urge all our leadership members to use this guidance in conjunction with our code of ethical practice in leadership.

The below can be used as your thought process prompter if you are dealing with a restructure, or as a measure if you find yourself in the process of being restructured. Remember, restructures will affect your staff differently, so managing with kindness will put your team at ease and stimulate the positive that the situation may offer.

Considerations

- What is the proposal – who, why, what, when, and where?
- Is there an existing procedure (redundancy procedure, other policies pertaining to the restructure)?
- Are these policies fit for purpose?
- What is the collective consultation process?
- When should you consult members?
- What are other unions saying/doing?

The law on consultation

- Employers have a legal duty to consult if there are more than 20 proposed redundancies in the establishment.
- A collective agreement may improve on legal duties
- The NEU would want good practice and that is to consult unions regardless of legal duties

The law requires...

- All recognised unions must be consulted in good time.
- Recognised unions need only be affected indirectly for consultation to be required,
- Consultation must start at least 30 days before the first dismissal and be completed before first redundancy notice is issued.
- Consultation must be carried out with a view to reaching joint agreement.
- Requirement to issue a section 188 notice including the following:
 - reason for proposed redundancies
 - numbers and descriptions of affected employees
 - total number of employees of any such description
 - proposed method of selecting for redundancy
 - proposed method and timescale for carrying out redundancies
 - proposed method of calculating any non-statutory redundancy payments
- failure to consult means that unions can claim a protective award.

Aims in consultation:

- agreed time frames
- clarification on new structure
- proposals to mitigate job losses
- clarification on:
 - how any new posts will be filled?
 - job offers/alternative employment?
 - pay rates/protection for new posts?
 - any enhanced redundancy packages?
 - process for consulting individuals?

What to avoid, examples of poor practice...

- Failing to have meaningful trade union consultation
- Failing to have meaningful staff consultation with trade union presence
- Disregarding existing collective procedures/agreements
- Implementing changes before consultation is complete
- Rushing the process, giving insufficient time for consideration
- Inviting applications for posts without enough information about the roles
- Using the process to get rid of a staff member
- Using spurious criteria to stop people applying for posts
- Using unnecessary new selection tests
- Making people interview for their own jobs when they are the only candidate
- Continuing to advertise jobs externally

- Announcing a new structure without having first given prior warning of the need to do so.
- Announcing the news late on a Friday afternoon.
- Senior leaders suddenly vanishing, hiding in their office and generally becoming less visible.
- Ignoring displaced staff once a new structure begins to take shape.
- Not assessing the impact that it might have on specific groups of staff.
- Simply delegating all responsibility to an HR department.
- Using restructuring as an excuse to get rid of poor-performing staff rather than using a robust performance management and support system.
- A lack of transparency in the overall process.
- Trying to ignore the Redundancy Payments Modification Order

A fair fairness means treating staff as humans, with feelings and viewpoints that need to be acknowledged and, if possible, taken into account. Where they can't be considered, the reasons for this need to be given. This maintains and builds trust and lays the foundation for support and innovation within any new structure. It is far better to get things right first time using an emotionally sensitive approach, which costs little to implement yet can save a fortune. Please use this guide to inform your decisions and get it right for your team, your school and or college.