

Haringey Council

Equalities Impact Assessment (EqIA) for Organisational Restructures

Date: 07/04/2011

Department and service under review: Children & Young People's Service –
Restructure of the Behaviour Support Teams

Lead Officer/s and contact details:

Terry O'Reirdan – 020 8489 3872 – terry.oreirdan@haringey.gov.uk

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Contact Officer/s (Responsible for actions):

As above

Summary of Assessment (completed at conclusion of assessment to be used as equalities comments on council reports)

This assessment considers the impact on staff of the restructuring of the Behaviour Support Teams, in relation to the protected equalities groups of ethnicity, gender, age, disability, and pregnancy and maternity. It does not consider issues relating to sexual orientation, gender reassignment, and religion or belief, as the relevant data is not available for these groups.

Note that an overarching EqIA is also being carried out to consider the combined impact of all of the staffing changes within the Children & Young People's Service resulting from the 2011/12 budget-setting process. The posts considered here will also be considered as part of that EqIA.

Ethnicity – The proportion of BME staff affected is in line with the overall council profile (53.8% compared to 54.0%). The ring fences do not disproportionately impact on any particular group.

Gender - Males are underrepresented in this proposal – only 1 of the 13 affected staff is male.

Age - Compared to the overall council profile there are more staff drawn from the higher age bands and fewer from the lower age bands. Both of the ring fences include

staff from all three of the age bands represented in this review.

Disability – There is one officer with a disability in the affected group.

Pregnancy and Maternity - None of the affected staff are pregnant or on maternity leave.

The Equalities Impact Assessment for service restructures should assess the likely impact of restructuring on protected equalities groups of employees by: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex (gender), sexual orientation.

The assessment is to be completed by the business unit manager with advice from HR. It is to be undertaken by an assessment of the basic employment profile data and then answering a number of questions outlined below.

PART 1
TO BE COMPLETED DURING THE EARLY STAGES OF CONSULTATION WITH
STAFF/ UNIONS ON THE STRUCTURE

Step 1 – Aims and Objectives

1. Purpose – What is the main aim of the proposed/new or change to the existing service?

The proposal is to delete the Primary Behaviour Support Team, the Secondary Behaviour Support Team, and one Inclusion Manager post and replace them with an integrated Behaviour Intervention Service. The proposed restructure involves a reduction in the number of posts from 15 (of which 3 are currently vacant) to 7. It is also proposed that the Behaviour & Attendance Adviser post, initially included in the review of School Standards & Inclusion, is now included in this review. This brings the total number of staff affected to 13.

The objectives of the restructure are as follows:

- to align the work of the staff onto a continuum of support arrangements for vulnerable pupils, and to move the work in this area forward in terms of outcomes for schools and pupils
- to achieve savings of £351,000
- to reduce the number of managers in line with council objectives

2. What are the main benefits and outcomes you hope to achieve?

Whilst the requirement to make significant reductions to the C&YPS budget is a key driver for the proposal, the restructure also involves a shift in emphasis for this area of work that will better meet the needs of vulnerable children and young people.

The aim of the team will be to ensure sustained, evidenced based improvement in pupil behaviour. The core work of the team will be to support vulnerable pupils (tier 2b and above on the Haringey Continuum of Need and Intervention), and who are at risk of exclusion or subject to exclusion. The team will also provide training to schools on de-escalation and physical control using the Team Teach approach.

3. How will you ensure that the benefits/ outcomes are achieved?

Successfully establishing the new structure will deliver the savings benefit. The Head of Behaviour and Alternative Provision will be responsible for ensuring that the new service operates in line with stated objectives.

Step 2 – Current Workforce Information & Likely Impact of your proposals

1. Are you closing a unit?

- *If No, go to question 3.*

No.

2. Can any staff be accommodated elsewhere within the service, business unit or directorate?

N/A

Race

3. Provide a breakdown of the current service by Grade Group and Racial Group following the format below.

Grade Group	Total Staff	Not declared		Asian		Black		Mixed		Other		BME sub total		White		White Other		BME % Council Profile
		No. Staff	% of Grade Group	No. Staff	% of Grade Group	No. Staff	% of Grade Group	No. Staff	% of Grade Group	No. Staff	% of Grade Group	No. Staff	% of Grade Group	No. Staff	% of Grade Group	No. Staff	% of Grade Group	
MANUAL	0	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A	46.3%
Sc1-5	2	0	0.0%	1	50.0%	1	50.0%	0	0.0%	0	0.0%	2	100.0%	0	0.0%	0	0.0%	66.5%
Sc6-SO2	2	0	0.0%	0	0.0%	1	50.0%	0	0.0%	0	0.0%	1	50.0%	1	50.0%	0	0.0%	56.9%
PO1-3	2	0	0.0%	0	0.0%	2	100.0%	0	0.0%	0	0.0%	2	100.0%	0	0.0%	0	0.0%	46.3%
PO4-7	3	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	66.7%	1	33.3%	38.8%
PO8+	4	0	0.0%	0	0.0%	2	50.0%	0	0.0%	0	0.0%	2	50.0%	2	50.0%	0	0.0%	19.5%
TOTAL	13	0	0.0%	1	7.7%	6	46.2%	0	0.0%	0	0.0%	7	53.8%	5	38.5%	1	7.7%	54.0%

Grade	Total	%	% in
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Group	Staff	Grade Group	Council
MANUAL	0	0%	2.4%
Sc1-5	2	15.4%	37.1%
Sc6-SO2	2	15.4%	26.2%
PO1-3	2	15.4%	14.7%
PO4-7	3	23.1%	13.9%
PO8+	4	30.8%	5.9%
TOTAL	13	100.0%	100.0%

4. Highlight any grade groups that are very under represented (10% or more difference) compared with the council profile and where relevant the borough profile.

Overall, the staff affected by these proposals are at higher grades than the typical council distribution – 69.2% of affected staff are at the equivalent of PO1 or above, compared to 34.4% of staff across the council (note though that all but two of the staff are on teachers pay and conditions or Soulbury pay scale).

The proportion of BME staff affected is in line with the overall council profile (53.8% compared to 54.0%).

5. Do any ring fences disproportionately impact on staff from one ethnic minority group (white, white other, asian, black, mixed race) or Black & Minority Ethnic (BME) staff only?

- *If No, go to question 8.*

No. The ring fence for the manager post includes 2 White UK and 2 Black staff. The ringfence for the adviser posts includes 3 White UK, 1 White Other, and 3 Black staff.

6. By how much does these staff change the % (percentage) of BME staff in the structure? Show start and end %.

N/A

7. Can any of these staff be accommodated elsewhere within the proposed new structure or can you amend the structure to accommodate them e.g. consideration of flexible working or reduced hours including flexible retirement, voluntary reduction of grades, etc.?

- *If Yes, how many and what effect do they have on the BME %? Show start and end %.*

N/A

Gender

8. Provide a breakdown of the current organisation by Grade Group and Gender breakdown following the format below

Grade Group	TOTAL STAFF	Male		Female			
		No. Staff	% of Grade Group	No. Staff	% of Grade Group	% Females in Council	% Females in Borough
MANUAL	0	0	N/A	0	N/A	49%	
Sc1-5	2	0	0%	2	100%	68%	
Sc6-SO2	2	0	0%	2	100%	74%	
PO1-3	2	1	50%	1	50%	62%	
PO4-7	3	0	0%	3	100%	64%	
PO8+	4	0	0%	4	100%	52%	
TOTAL	13	1	8%	12	92%	67%	49.80%

9. Highlight any grade groups that are very under represented (10% or more difference) compared to the % of females/males in the council.

Males are underrepresented in this proposal – only 1 of the 13 affected staff is male.

10. Do any ring fences disproportionately impact on female or male staff?

- *If No, go to question 13.*

No – given the starting population of one male and twelve females, the ringfences do not disproportionately impact on one gender.

11. By how much do these staff change the % (percentage) of female/male staff in the whole structure? Show start and end %.

N/A

12. Can any of these staff be accommodated elsewhere within the proposed new structure or can you amend the structure to accommodate them e.g. consideration of flexible working or reduced hours including flexible retirement, voluntary reduction of grades, etc.?

N/A

Age

13. Provide a breakdown of the current organisation by Grade Group and Age breakdown following the format below

Grade Group	16-24		25-34		35-44		45-54		55-64		65+		TOTAL
	No. Staff	% of Grade Group	No. Staff	% of Grade Group	No. Staff	% of Grade Group	No. Staff	% of Grade Group	No. Staff	% of Grade Group	No. Staff	% of Grade Group	STAFF
MANUAL	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A	0
Sc1-5	0	0%	0	0%	0	0%	0	0%	2	100%	0	0%	2
Sc6 - SO2	0	0%	0	0%	0	0%	1	50%	1	50%	0	0%	2
PO1-3	0	0%	0	0%	0	0%	1	50%	1	50%	0	0%	2
PO4-7	0	0%	0	0%	1	33%	1	33%	1	33%	0	0%	3
PO8+	0	0%	0	0%	1	25%	2	50%	1	25%	0	0%	4
TOTAL	0	0%	0	0%	2	15%	5	38%	6	46%	0	0%	13
Council Profile	3%		18%		25%		35%		18%		1%		
Borough Profile	14%		27%		23%		16%		10%		1%		

14. Highlight any grade groups with a high level of staff from a particular age group compared to the council profile.

Compared to the overall council profile there are more staff drawn from the higher age bands and fewer from the lower age bands. None of the involved staff are under 35, whereas across the council 21% of staff are in this group. At the upper end of the age range, 46% of the involved staff are aged 55 or older, compared to just 18% of council staff.

15. Do any ring fences disproportionately impact on staff from one age group only?

- *If No, go to question 18.*

No - both of the ring fences include staff from all three of the age bands represented in this review.

16. Does the displacement of these staff result in no representation of staff from a particular age group within the structure as a whole?

N/A

17. If Yes, can any of these staff be accommodated elsewhere within the proposed new structure or can you amend the structure to accommodate them e.g. consideration of flexible working or reduced hours including flexible retirement, voluntary reduction of grades, etc.?

N/A

Disability

18. Identify the total number of disabled staff in the service following the format below:

Grade Group	TOTAL STAFF	No. declared disabled Staff	No. staff declared not disabled	No. staff disability not stated	% of Service declared disabled	Council profile
MANUAL	0	N/A	N/A	N/A	N/A	2.8%
Sc1-5	2	0	0	2	0.0%	6.9%
Sc6 - SO2	2	0	1	1	0.0%	6.8%
PO1-3	2	0	0	2	0.0%	2.6%
PO4-7	3	1	0	2	7.7%	6.9%
PO8+	4	0	2	2	0.0%	9.5%
TOTAL	13	1	3	9	7.7%	7.2%
Borough Profile						7.6%

19. Do any ring fences disproportionately impact on disabled staff?

There is one officer with a disability in the affected group. They will be in the ring fence for one of the advisor posts. Depending on whether they are successful or not, the percentage of staff with a disability will either decrease to zero or rise to 14% (as a consequence of one person becoming a greater percentage of the total as the total number of posts decreases).

20. Can any of these staff be accommodated elsewhere within the proposed new structure or can you amend the structure to accommodate them e.g. consideration of flexible working or reduced hours including flexible retirement, voluntary reduction of grades, etc.?

Where posts can be matched to more than one staff member under ringfencing, staff will be subject to a competitive interview process conducted in line with the Council's Equal Opportunities Policy.

The Director of C&YPS has agreed with the Trade Unions to try and maximise opportunities in schools for employees at risk of redundancy, through 'bumping'. Bumping is where staff who are not at risk of redundancy but who would like to take voluntary redundancy are granted voluntary redundancy in order to allow someone who is at risk of redundancy to be redeployed. Staff in schools have been invited to express an interest in taking voluntary redundancy. C&YPS staff at risk of compulsory redundancy who could potentially be redeployed into posts in schools (this includes all staff involved in this review) have been invited to express their interest in any such opportunities.

The formal redeployment period runs concurrently with an employee's notice period, during which the Council is committed to trying to redeploy staff facing redundancy into

suitable alternative posts, however in the current financial situation, opportunities are likely to be limited.

21. In addition to the above analysis of race, sex, age and disability you will need to consider the impact on groups with the following characteristics: gender reassignment, pregnancy and maternity, religion or belief, sexual orientation. Please ask HR for help with the data on:

- **Gender Reassignment**
- **Religion/ Belief**
- **Sexual Orientation**
- **Maternity & Pregnancy**

The relevant data on gender reassignment, religion/belief, and sexual orientation is not available. None of the affected staff are pregnant or on maternity leave.

22. If you provide services to residents please also identify the potential impact/ issues relating to the change in service delivery as a result of your proposals.

These issues will be addressed in the 'service delivery' EqIA.

Date Part 1 completed - 01/02/2011

**PART 2
TO BE COMPLETED AT THE END OF CONSULTATION WITH STAFF/ UNIONS
ON THE STRUCTURE**

Step 3 – Consultation

Formal consultation with staff and unions on the restructuring of the Behaviour Support Teams commenced on 26th January 2011 and was completed on 2nd March 2011. A number of issues were raised and are detailed alongside the management response in Appendix 6 of the report to the Director of the Children & Young People's Service and the Chair of the General Purposes Committee.

The issues raised did not relate to the eight equalities characteristics. The key points raised were:

- There is no clear rationale for replacing teacher posts with NJC posts, and that to do so would be unlawful - the job descriptions for the posts include functions which fall within the statutory definition of specified work, therefore the posts must be under teachers' pay and conditions
- Schools need more support with behaviour, not less
- Insufficient consultation has taken place with headteachers and governors, including regarding their willingness to buy in the service.

- What is the rationale for replacing the scale 4 SNAs with scale 6 HLTAS, as the SNAs have been working effectively to date?

Step 4 – Address the Impact

1. **Are you in a position to make changes to the proposals to reduce the impact on the protected groups e.g. consideration of flexible working or reduced hours including flexible retirement, voluntary reduction of grades, etc. - please specify?**

No

2. **What changes or benefits for staff have been proposed as a result of your consultation?**

In response to comments received from staff and unions, one of the four Education Personal Development Worker posts has been replaced with a BIS Adviser post. This post will be on teachers' pay and conditions and will require the postholder to have a teaching qualification. The post will have responsibility for any aspect of the work of the service that comes under the definition of 'specified work' and will line manage the two HLTAs. The job description for the Education Personal Development Worker posts has been amended to clarify that undertaking 'specified work' is not part of the remit of these posts.

All staff ringfenced against the Education Personal Development Worker posts in the original proposal will now also be eligible to apply for the BIS Adviser posts, therefore the analysis in previous sections of this EqIA relating to the equalities impacts of the ringfence arrangements remains correct.

The Scale 5 team administrator post (currently vacant and covered by agency staff) was not shown on the original structure in the consultation document. This post will be released for redeployment once the proposed structure has been agreed by members.

3. **If you are not able to make changes – why not and what actions can you take?**

N/A

4. **Do the ringfence and selection methods you have chosen to implement your restructure follow council policy and guidance?**

Yes

5. **Will the changes result in a positive/ negative impact for service delivery/ community groups – please explain how?**

Please see service delivery EqIA.

6. How can you mitigate any negative impact for service users?

Please see service delivery EqIA.

Date Steps 3 & 4 completed – 07/04/11

Step 5 – Implementation and Review

- 1. Following the selection processes and appointment to your new structure are there any adverse impacts on any of the protected groups (the eight equalities characteristics). Please identify these.**

To be completed following completion of recruitment process.

- 2. If there are adverse impacts how will you aim to address these in the future?**

It is proposed that affected staff will be considered for any suitable alternative opportunities within CYPS during the consultation period. The formal redeployment period runs concurrently with an employee's notice period, during which the Council is committed to trying to redeploy staff facing redundancy into suitable alternative posts, however in the current financial situation, opportunities are likely to be limited.

- 3. Identify actions and timescales for implementation and go live of your new service offer.**

It is intended that the interviews of existing staff be completed during May 2011, however the new structure may not be fully implemented until the beginning of the new school year in September 2011.

- 4. If you are not in a position to go ahead on elements of your action plan – why not and what actions are you going to take?**

At this stage we have no reason to presume that we will not be able to implement these proposals. Any alternative course of action proposed would depend on the nature of the barrier that presents itself.

- 5. Identify the timescale and actions for review of the restructure to ensure it achieved the expected benefits/ outcomes.**

The Head of Behaviour and Alternative Provision will ensure that processes for monitoring the work of the team and evaluating impact are in place from the start of the new service offer, allowing a review to take place after the first 18 months of operation.

Step 6 – Sign off and publication

There is a legal duty to publish the results of impact assessments. The reason is not simply to comply with the law but to make the whole process and its outcome transparent and have a wider community ownership. You should summarise the results of the assessment and intended actions and publish them.

COMPLETED BY (Contact Officer Responsible for undertaking this EqIA)

NAME: Terry O'Reirdan
DESIGNATION: Head of Attendance & Welfare
SIGNATURE:
DATE:

QUALITY CHECKED BY (Equalities,)

NAME: Arleen Brown
DESIGNATION: Senior Policy Officer
SIGNATURE: *A. J. Brown*
DATE: 18th April 2011

SIGNED OFF BY Director/ Assistant Director

NAME:
DESIGNATION:
SIGNATURE:
DATE:

SIGNED OFF BY Chair Directorate Equalities Forum

NAME: Ian Bailey
DESIGNATION: Deputy Director, Business Support & Development
SIGNATURE:
DATE:

Note - Send an electronic copy of the EqIA to equalities@haringey.gov.uk; it will then be published on the council website

APPENDIX 5

Equalities Impact Assessments Screening Tool Guidance

The Council understands that a pragmatic approach to undertaking Equalities Impact Assessments (EqIA) is essential and that some policies, projects, functions or major developments/planning applications are more relevant to and have a greater impact on equality and diversity than others.

Because of this we have developed this screening tool to help officers to identify:

- the relevance of each policy, project, function or major development/planning application to equality
- whether an EqIA should be undertaken

The screening process must be used on ALL new policies, projects, functions, staff restructurings, major developments or planning applications, or when revising them. It should also be used to help identify existing policies or projects that should be subject to an assessment. An EqIA is a thorough and systematic analysis and should ensure that we give due regard to the effect the actions we take as an organisation could have on residents, customers and staff, in the delivery of services and employment practices.

Equality Impact Assessments are intended to:

- encourage a more proactive approach to the promotion of equality within public policy development
- identify any adverse equalities impact and detail actions to reduce this impact
- detail positive equalities impacts

Is a full Equalities Impact Assessment required?

- If the answer to any of the questions below is yes, consideration must be given to undertaking a full EqIA.
- If the answers to all of questions below are no you do not need to undertake an EqIA, however you will need to provide a detailed explanation for this decision in the last column.

In either case, please submit the e-form to equalities@haringey.gov.uk and include the explanation as part of the Equalities comments on any subsequent related report.

Equalities Impact Assessments (EqIA) Screening Tool

1.	Name of the restructure: Behaviour, Attendance and Welfare			
2.	Brief summary of the above:			
	<p>The proposal is to delete the Primary Behaviour Support Team, the Secondary Behaviour Support Team, and one Inclusion Manager post and replace them with an integrated Behaviour Intervention Service. Whilst the requirement to make significant reductions to the C&YPS budget is a key driver for the proposal, the restructure also involves a shift in emphasis for this area of work that will better meet the needs of vulnerable children and young people.</p> <p>The aim of the team will be to ensure sustained, evidenced based improvement in pupil behaviour. The core work of the team will be to support vulnerable pupils tier 2b and above on the Haringey Continuum of Need and Intervention, and who are at risk of exclusion or subject to exclusion. The team will also provide training to schools on de-escalation and physical control using the Team Teach approach.</p>			
3.	Lead Officer contact details:			
	Terry O'Reirdan terry.oreirdan@haringey.gov.uk 0208 4893872			
4.	Date: 24 January 2011			
	Response to Screening Questions	Yes	No	Please explain your answer. If answering YES but after consideration a full EqIA is not necessary please provide a detailed explanation¹ for NOT undertaking a full EqIA
5.	Could the proposed restructuring or the way it is carried out have an adverse impact on any of the key equalities protected characteristics age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation? Or relations between any equalities groups?	Yes		Whilst it is hoped that this proposal will result in positive changes for vulnerable children and young people, nevertheless as a significant change in provision a service delivery EqIA will be carried out to identify the impact on protected groups. A staffing EqIA will also be carried out to address the equalities impacts of the employment implications of these proposals.
6.	Is there any indication or evidence	Yes		

¹NB This explanation MUST be included in the Equalities comments in all subsequent reports relating to this issue.

Equalities Impact Assessments (EqIA) Screening Tool				
	(including from consultation with relevant groups) that different groups have or will have different needs, experiences, issues and priorities in relation to the particular policy/project/function/major development/planning application? Or do you need more information?			
7.	If there is or will be an adverse impact, could it be reduced by taking particular measures?	Yes		
8.	By taking particular measures could a positive impact result?	Yes		
9.	As a result of this screening is a full EqIA necessary?	Yes		Both a service delivery and staffing EqIA will be carried out.

Signed off by Lead Officer: _____

Name: _____

Designation: _____

Date: _____

Signed off by Policy, Equalities and Partnerships Team: _____

Name: Arleen Brown_____

Designation: Senior Equality Officer_____

Date: _____

APPENDIX 6 – TRADE UNION AND STAFF COMMENTS AND MANAGEMENT RESPONSE

Ref	Trade Union/Staffing Comments	Response
Unison comments		
(1)	The work that this team have been carrying out over the years has been vital for the pupils that the team have been working with, as well as the support and advice it has given to both Primary and Secondary schools. We would therefore like to know how and when, or if, the schools, parents and pupils have been consulted re these proposed changes, and has a Community Impact Study been carried out?	<p>Head teachers are fully aware of the loss of grants and funds to Haringey Council. A number of meetings have taken place with Primary and Secondary Heads to discuss how remaining funding will be used in relation to support to schools. Discussion has taken place in relation to the BST and feedback from Heads clearly indicated the need for change. This has been taken into account and is reflected in the working document 'Behaviour Intervention Service' Haringey provided to staff and unions prior to the meeting on the 9th February 2011.</p> <p>A sample of 56 parent/ carers were invited to a consultation meeting on the 24 February 2011 (and on 2 March 2011 for those parents who advised that they would not be able to attend the meeting). Overall, the feedback from the parents/carers was positive about the changes – see the Service Delivery Equalities Impact Assessment for further information.</p> <p>A full Service Delivery Equalities Impact Assessment has been carried out.</p>
(2)	The re-structure document makes reference to the new team being “relocated within a new management structure” As the unions have not been supplied with “the new management structure” it is difficult to assess or comment on how or if this would work.	The proposed new Council structure is in the Public domain contained in the 'Rethinking Haringey' document.
(3)	In relation to the objectives of this consultation, we do not see how “a continuum of support arrangements for vulnerable pupils” can be achieved taking into account the proposed changes to the team and the number of staff reductions.	This will be achieved by realigning the Behaviour Support Team within the Behaviour and Alternative Provision Service, clarifying roles and avoiding duplication and reducing the impact on vulnerable pupils of staff changes. The staff will work across services with children and young people in a variety of settings.

Ref	Trade Union/Staffing Comments	Response
(4)	<p>In relation to the ring fence arrangements:</p> <ul style="list-style-type: none"> ❑ The behaviour Intervention Service Co-ordinator post – as a School Improvement manager from School Standards & Inclusion has been included in the ring fence, as a result of a potential skills match. Has the same consideration been given, re any potential ring fence opportunities, to the 3 Behaviour Support Team Managers? ❑ What is the rationale re requiring scale 6 Higher Level Teaching Assistants rather than the scale 4 Special Needs Assistants, which have been working effectively as part of the team to date, as this rationale is highly likely to result in the compulsory redundancy of the current scale 4 SNA? ❑ Will the current administrative post, which is vacant, be retained? ❑ If this post is to be retained when will it be released for redeployment? 	<p>The 3 Behaviour Support Team Managers were not located within School Standards & Inclusion and therefore were not considered within the restructure of that service.</p> <p>However, the member of staff who is included in the ring fence for the Co-ordinator post has been working supporting Secondary Schools as the LA Behaviour and Attendance Consultant. All those within this ringfence have been working in behaviour fields.</p> <p>The rationale for requiring scale 6 is due to the need for the HLTAs in the new service to not only work with children (as is the case with the scale 4 Special Needs Assistants currently), but to lead, model and train school based TAs.</p> <p>Yes, it will be released for redeployment when the final structure has been agreed by members.</p>
(5)	<p>Has a staff equalities impact assessment been completed?</p>	<p>Yes a Staffing Equalities Impact Assessment has been carried out.</p>
<p>NUT – initial response <i>Following a meeting with staff and Unions the NUT responded on 9th February 2011 as an Initial Response to S188 proposal for the Restructure of the Behaviour Support Team</i></p>		
(6)	<p>This response is to one aspect of the proposal only, namely the creation of the three Education Personal Development Worker posts.</p> <p>As is the case throughout the proposal, no educational rationale is presented for the deletion of teacher posts and the proposal to</p>	<p>The rationale for the need for change is reflected in the working document ‘Behaviour Intervention Service’ which was provided to staff and unions prior to the meeting on the 9th February 2011. Whilst it is accepted that there is reduced funding to the LA, and therefore a need to make savings, there is also a need to work differently. The Behaviour Support Teams were set up over 20</p>

Ref	Trade Union/Staffing Comments	Response
	<p>replace them with staff on NJC posts graded at PO3. We therefore assume that there is only one reason for this change, namely an attempt to reduce costs in the longer term.</p> <p>We present two arguments as to why the new posts established should be under teachers' pay and conditions rather than NJC.</p> <p>Firstly, for the avoidance of compulsory redundancy, there is the scope within the financial constraints to establish the posts as teacher posts so that the seven teachers matched to them in the proposed open ring fence could be selected by interview in a closed ring fence. This would avoid three potential redundancies together with the associated costs. This would also avoid a potential dispute about the associated change in both pay and conditions. If the teachers were appointed to PO3 posts, there would in any event be statutory salary protection for three years under the provisions of STPCD, so no savings would result for that three year period. Another option would be for the posts to be initially established as teacher posts for the purpose of avoiding compulsory redundancy, and then, subject to the other points raised below, which would require some modification of job description, for the posts to be redesignated as PO3 upon natural turnover of the incumbents.</p> <p>Secondly, and of overriding significance, we contend that there is a legal requirement to apply the STPCD to these posts.</p> <p>Section 122 of the Education Act 2002 gives authority to the Secretary of State to make Statutory Orders making provision for the determination of school teachers' pay. Section 122(2) provides as follows: (2) Where an order under this section applies to a school teacher - (a) his remuneration shall be determined and paid in accordance</p>	<p>years ago, and much has changed since that time.</p> <p>Many schools now are very familiar with materials and schemes such as SEAL, circle work, and circle of friends, have learning mentors and access to school counsellors. In addition, the CAF process is now in place and other workers such as Family Support Workers can be allocated to some cases, where children may have behavioural issues (Family Support Workers work within the family home and also within schools.) All of this was not available in schools when the BST was first set up.</p> <p>Feedback from headteachers has been that in many cases, they needed a different type of support than was currently offered by the BST. It was always the intention that the Behaviour Intervention Service would be a multi-disciplinary team and not solely a team of teachers, for the reasons given above.</p> <p>Consideration has been given to the feedback from both staff and Unions and one post previously identified as an Education Development Worker (PO3) will now be a post on Teachers Pay and Conditions, and will require a teaching qualification. The proposed job title is BIS Adviser. Current teachers within the BST will be considered for this post.</p> <p>This post holder will be responsible for any aspect of the work of the service that is determined by activities as specified work covered by regulations under section 133(1) of Education Act 2002:</p> <ul style="list-style-type: none"> (a) planning and preparing lessons and courses for pupils; (b) delivering lessons to pupils; (c) assessing the development, progress and attainment of pupils; and (d) reporting on the development, progress and attainment of pupils.

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	<p>with any provision of the order which applies to him, (b) a provision of the order which relates to a condition of employment other than remuneration and which applies to him shall have effect as a term of his contract of employment; and (c) a term of that contract shall have no effect in so far as it makes provision which is prohibited by the order or which is otherwise inconsistent with a provision of the order.</p> <p>This means that the pay and conditions for any person to whom such an Order applies must be those for school teachers set out in the STPCD and not those of the NJC or any other structure.</p> <p>The Orders in question are those giving effect to the School Teachers' Pay and Conditions Documents. The current Orders are the Education (School Teachers' Pay and Conditions) Orders Nos. 1 and 2 of 2009.</p> <p>The 2009 Pay Orders both provide that they apply to school teachers "within the meaning of Section 122 of the Act in England and Wales" and the STPCD itself contains a similar provision.</p> <p>Section 122(3) of the 2002 Act provides as follows:</p> <p>(3) A person is a school teacher for the purposes of this section if –</p> <p>(a) he is a qualified teacher, (b) he provides primary or secondary education under a contract of employment or for services, (c) the other party to the contract is a local education authority or the governing body of a foundation, voluntary aided or foundation special school; and (d) the contract requires him to carry out work of a kind which is specified by regulations under section 133(1).</p>	<p>The BIS Adviser will supervise the work of the HLTAs.</p> <p>The job descriptions of the remaining PO3 posts (Education Development Worker) have been amended to clarify that these post holders will not carry out work of a kind which is specified by regulations under section 133(1) of Education Act 2002.</p>

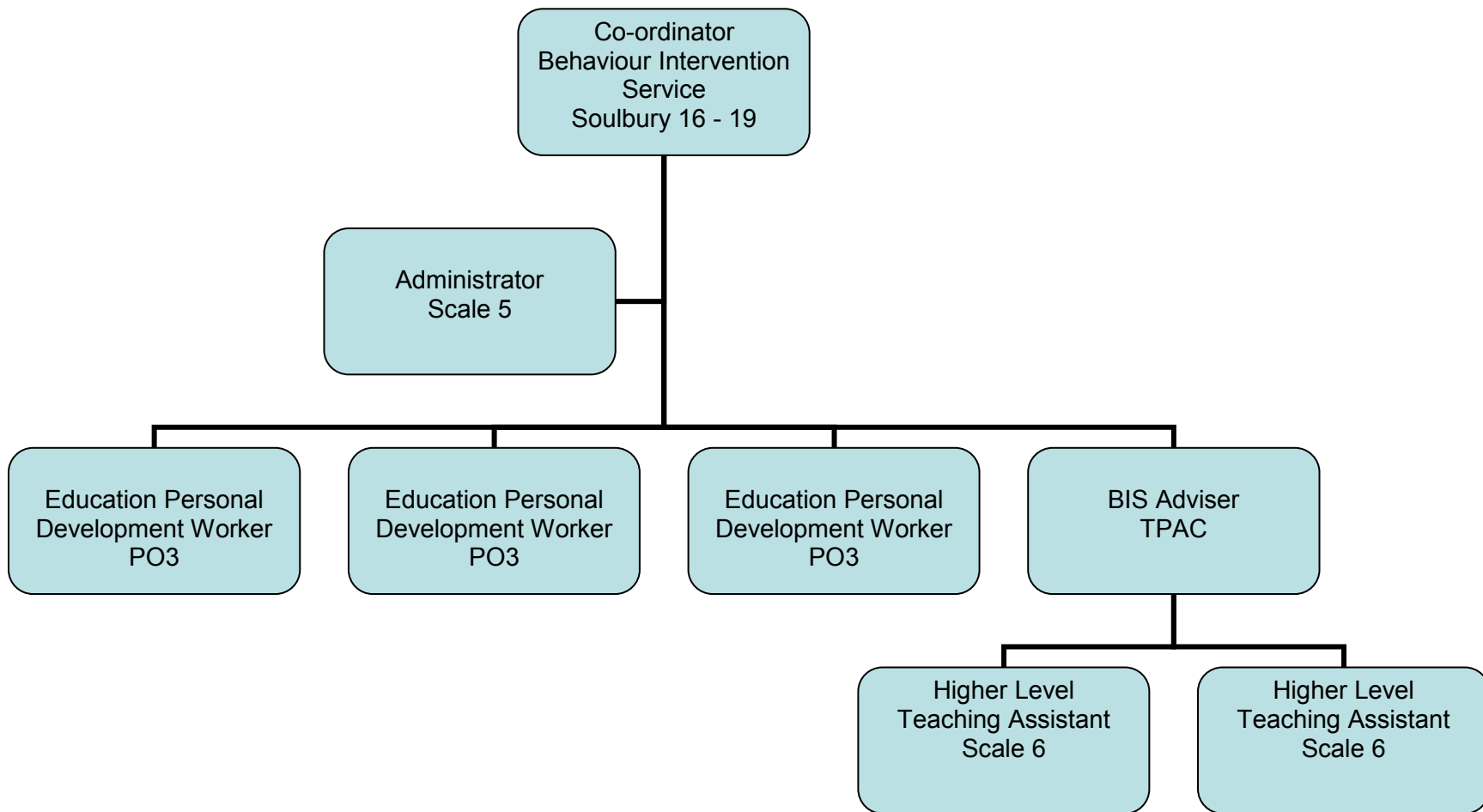
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	<p>The present Regulations under Section 133(1) are, for England, the Education (Specified Work and Registration) (England) Regulations 2003. Regulation 6 of those Regulations provides as follows:</p> <p>(1) Each of the following activities is specified work for the purposes of these Regulations</p> <p>(a) planning and preparing lessons and courses for pupils;</p> <p>(b) delivering lessons to pupils;</p> <p>(c) assessing the development, progress and attainment of pupils; and</p> <p>(d) reporting on the development, progress and attainment of pupils.</p> <p>Taking this altogether, any postholder who carries out responsibilities within the meaning of Regulation 6 of the Specified Work Regulations will as a consequence come within the definition of a school teacher as set out in Section 122(3) and are, therefore, statutorily subject to the pay and conditions provisions of the STPCD. LAs are precluded from applying other provisions for pay and conditions.</p> <p>The proposed job description contains such responsibilities.</p> <p>I therefore request that the Education Personal Development Worker posts be regraded on teacher terms and conditions.</p>	
(7)	Is the current admin post going to be retained?	Yes, it will be released for redeployment when the final structure has been agreed.
NUT – additional response		
<i>A further response was made by NUT at the end of the consultation period, on 2nd March 2011.</i>		
(8)	The consultative document clearly stated that the reason for	Head teachers are fully aware of the loss of grants and funds to

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	<p>change was driven by financial cuts. No other reason was stated. No rationale was presented for the replacement of teacher posts by NJC posts. We believe that this was at least an honest explanation albeit educationally inappropriate. Replacing teachers by staff on lower grades does indeed save costs. However, we believe that quality of provision is unlikely to be maintained. Further, as set out in our initial response, the use of non-teaching staff to perform functions which fall within the statutory definitions of specified work and of the relevant pay orders will be unlawful. Our analysis of the initial job descriptions indicated that they did indeed fall within the definition of specified work. Additionally, as statutory salary safeguarding applies to teachers, we pointed out that were any of the teachers in the BST to be appointed in the NJC ring fence there would be no salary savings in respect of these posts for three years. We cannot therefore see any logical reason why these posts should not be retained as teacher posts.</p>	<p>Haringey Council. A number of meetings have taken place with Primary and Secondary Heads to discuss how remaining funding will be used in relation to support to schools. Discussion has taken place in relation to the BST and feedback from Heads clearly indicated the need for change. This has been taken into account and is reflected in the working document 'Behaviour Intervention Service' Haringey provided to staff and unions prior to the meeting on the 9th February 2011.</p> <p>Non teaching staff will not be expected to perform functions which fall within the statutory definitions of specified work. This has been clarified in the revised JDs.</p> <p>Please see response at (6) above.</p>
(9)	<p>Our members in schools, both nationally and locally report that the need for support with pupil behaviour is increasing rather than diminishing. We asked in the consultation meeting whether headteachers and school governors had been consulted on their willingness to buy into central arrangements for providing such support. We also requested an educational rationale for the proposal.</p> <p>We were told that headteachers would not be willing to buy in to such arrangements. We have not seen the evidence of this and find the reported response surprising. We suggest that members of the Council should seek to verify that such consultations with headteachers have taken place and that this was the outcome. We believe that a consultation with teachers would demonstrate that there is a clear need for such support to continue and that they would dispute the notion that the BST has completed its original mission with regard to supporting schools with pupil</p>	<p>It is accepted that there is a need to support schools with managing pupil behaviour, but also that there are a number of professionals apart from teachers that can impact positively in this area.</p> <p>Whilst there has been no formal consultation with headteachers and school governors, there has been feedback from headteachers at a range of meetings over a period of time and including prior to any financial cuts, and feedback from headteachers was that in many cases, they needed a different type of support than was currently offered by the BST.</p>

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	<p>behaviour strategies and good practice as are aware of a number of schools in which this task is far from complete.</p> <p>We have seen no evidence that school governors have been consulted and do not believe that they have been. Again, we would ask members of the Council to ensure that school governors are consulted and their views taken into account before any final decision on the proposal is made.</p>	
(10)	<p>After our initial response had been made setting out how the job descriptions for the proposed NJC posts fell within the statutory requirements for teacher posts, we received revised job descriptions which attempted to avoid any such requirement. It is clear to us that the rationale for the proposal and the revised job descriptions are evidence that the real intention is simply to save money at the expense of quality. However, even the attempt to revise the job description such that it would fall outside of the School Teachers' Pay and Conditions Document is flawed. We maintain that even the revised job description would fall under the category of specified work, as evidenced by the following phrases, for example:</p> <p>“BIS encompasses a wide range of curriculum pathways and will work with HLTA in order to support schools/PSC's to deliver personalised learning based upon an assessment of need.....”.</p> <p>(NB there is no mention of a scheme of supervision of the HLTA's by qualified teachers as required by legislation.)</p> <p>“The EPD officers will.....use a Social Learning Theory”</p> <p>We believe that making teachers potentially redundant in order to seek to replace them with staff who do not have qualified teacher status is not only misguided but is likely to exacerbate the</p>	<p>Please see response at (6) above.</p> <hr/>

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	deterioration of industrial relations within CYPS. We urge members of the Council to refer back these proposals for further consideration.	

APPENDIX 7: REVISED SERVICE STRUCTURE AND POSTS



New Post	Grade	Selection Method	Current Posts in ring fence
Co-ordinator Behaviour Intervention Service x 1	Soulbury 16 - 19	Closed Ring Fence	<ul style="list-style-type: none"> • Primary Manager – Behaviour Support Team • Secondary Manager - Behaviour Support Team • Inclusion Manager • School Improvement Manager
Behaviour Intervention Service Adviser	TPAC - Main Pay Scale (Inner London) + 2 SEN points + TLR 2a	Open Ring Fence	<ul style="list-style-type: none"> • 4 x Teacher Primary Behaviour Support Team² • 3 x Teacher Secondary Behaviour Support Team
Education Personal Development Worker x 4	PO3		
Higher Level Teaching Assistant x 2	Scale 6	Internal Recruitment	NA

² Not all primary and secondary teachers are full time staff.