

**CITY AND COUNTY OF CARDIFF  
DINAS A SIR CAERDYDD**

**Employment Conditions Committee: 23 April 2007**

**Report of the Chief Executive**

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**School Organisation - Human Resources Implications**

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**Background**

1. In April 2006 this Committee considered a report which highlighted the key human resources issues arising out of the '21<sup>st</sup> Century Schools' - City Wide Investment Plan. The report specifically addressed issues arising from a planned reduction in surplus school places which clearly would impact on the number of staff working in schools across Cardiff.
2. It was agreed that further detailed report would be made to this Committee making specific recommendations for managing the human resources implications of the '21<sup>st</sup> Century Schools' - City Wide Investment Plan. Subsequently, however, a decision was taken by the Council not to proceed with consulting on the plan.
3. Since then, the Council has established the Schools Sub Committee whose main task is to consider again the issues related to school organisation in the city and to inform and advise the Executive, with the intention that revised school organisation proposals should be produced for consultation. So far, the Executive has agreed to consult on a limited number of school organisation proposals.
4. The purpose of this report is to make recommendations on specific pay, terms and conditions issues, which in turn will be commended to school governing bodies.

**Issues**

5. A Human Resources Framework has been produced in consultation with key stakeholders which includes headteachers, the governors association and diocesan directors. Trade union consultation has taken place through the Schools & Lifelong Learning Service Joint Committee and the Works Council.
6. The Human Resources Framework provides the basis for managing the human resources issues with aim of supporting governing bodies and staff working in schools, through a variety of strategies and with the ultimate aim of minimising compulsory redundancies.
7. Whilst governing bodies have statutory delegated responsibilities for staff it is vital that a consistent approach to staff across all schools in Cardiff is maintained, and this is particularly important when pay, terms and conditions issues are being considered.

8. The statutory requirements for teachers' pay and conditions for maintained schools in England and Wales are set out in the School Teachers' Pay & Conditions Document and schools and local authorities must abide by these.
9. School support staff are employed under different pay and conditions which do not provide for the same statutory entitlements. The Human Resources Framework states that full use needs to be made of national and local pay and conditions to facilitate school organisation change and this report identifies the key areas for consideration and makes specific recommendations to ensure consistency for teachers and school support staff.

## Proposals

10. **Salary Protection/Safeguarding**  
School Teachers Pay & Conditions provide for salary protection/safeguarding in cases where a teacher loses his/her post as a result of
  - the discontinuance of a school
  - a prescribed alteration to, or the reorganisation of, a school
11. Safeguarding applies where the teacher is employed by the same authority or at a school maintained by the same authority and where the post is in a different school. The period of safeguarding is for up to three years, subject to certain exceptions, for instance where the teacher is subsequently paid on a higher point on the pay spine or is paid on a different pay scale.
12. The national terms and conditions for school support staff do not contain the same safeguarding arrangements. It is proposed that in the interests of equal treatment and consistency, school support staff affected by school organisation proposals have access to the same rights of protection, for a period of up to three years, subject to the exceptions as stated above.
13. **Recruitment & Retention**  
School Teachers' Pay & Conditions provide for the 'relevant body' to make recruitment and retention payments or provide other financial assistance, support or benefits to a teacher where considered necessary as an incentive for the recruitment of new teachers and the retention in their service of existing teachers. In the case of schools the 'relevant body' is the governing body.
14. Recruitment and retention incentives and benefits for teachers are time limited for a period of up to three years. Criteria will be developed to determine the circumstances in which it is considered appropriate for governing bodies to agree to the awarding of such incentives and benefits.
15. School support staff do not have access to recruitment and retention incentives and benefits as part of their national terms and conditions. In developing the criteria for teachers, it is proposed that the payment of such incentives and benefits apply to support staff in schools.
16. **Individual School Ranges**  
The Human Resources Framework makes particular reference to the significant role of Headteachers in managing change. Headteachers are paid on the national Leadership Scale on a seven point Individual School Range (ISR) determined by the school governing body. School Teachers' Pay and Conditions provide for a review of the ISR when there has been a significant change in the role and

responsibilities of a Headteacher and school governing bodies may consider it appropriate to apply this discretion in the context of school organisation. In the interests of consistency and equity guidance will be provided to schools on how they can apply the statutory pay provisions and ensure that any significant change in the role of the Headteacher is recognised taking into account the need to:

- Provide enhanced support to school staff
- Implement strategies to manage any adverse reactions from staff, pupils and parents
- Ensure that pupils have access to maximum education opportunities through appropriate levels of staffing
- Plan and manage necessary changes to staffing levels as school reduces in size in the period leading up to closure
- Lead the broader school community through the period of change and ensure that the needs and views of the Council are properly represented

17. **Support Mechanisms**

Clearly staff across the whole school and governing bodies will need enhanced support throughout the period of school organisation change. The Human Resources Framework highlights the specific arrangements for providing such support.

## **Investment for Reform/Benefit to service user**

18. The Council, like many other local authorities, faces surplus school places, falling school numbers and ageing school buildings. The investment for reform to service users will be through investment the creation of a consistent and sustainable pattern of community focussed schools for the 21<sup>st</sup> Century. Such schools will build on current best practice and provide high quality, innovative and inclusive educational opportunities for all pupils, ensuring that they are able to reach their full potential.

## **Council Policies Supported**

19. This report supports the Corporate Plan.

## **Advice**

20. This report has been prepared in consultation with relevant Corporate Directors and reflects their advice. It contains all the information necessary to allow Members to arrive at a reasonable view, taking into account the following advice.

## **Legal Implications**

21. The Local Authorities (Executive Arrangements)(Functions and Responsibilities)(Wales) Order 2007 provides that “Appointment and Dismissal of Staff” shall not be an Executive function. This is a narrowing of the provisions of the 2001 Order as amended. On the face of it this impacts on the terms of reference of this Committee in that it is arguable that these should now only cover the responsibilities within the quotation marks. The issue will be clarified with WAG and a report put to a forthcoming Constitution Committee with advice. In the interim the recommendations in this report may be considered by this Committee but should also be agreed by the Executive.

## **Financial Implications**

22. The Schools Sub-Committee is currently considering the issues relating to school organisation in the city. To date the Sub-Committee has recommended to the Executive that a limited number of Fast Track schemes are taken forward. The financial model for these Fast Track schemes included the financial implications of organisational restructure costs.

Any future financial model, such as for a city-wide plan, will need to include the financial implications of the attached HR Framework in terms of the redeployment of staff, recruitment, retention and resources required by Human Resources to support the plan. Whilst the full extent of these costs is not yet known it is likely to be significant. The inclusion of these costs within the financial model will mean that there will be no impact on individual schools budgets.

## **Human Resource Implications**

23. Although the full extent of the school organisational change in Cardiff is not yet known it is clear that proposals to address surplus school places, falling school numbers and ageing school buildings will have an effect on the Council's school based staff. It is vital that staff in schools are treated equitably, at the very least to reflect the ethos of a 'whole school' but also to ensure consistency and fairness in the management of change. This report makes specific recommendations which are considered essential to the school organisation programme. Staff and governing bodies will also have access to the support mechanisms as detailed in the Human Resources Framework, which again are a vital part of the process of managing change.

## **Trade Union Comments**

24. There has been extensive consultation on the Human Resources Framework with the trade unions through the Schools & Lifelong Learning Service Area Joint Committee, the Works Council and also the Schools Sub-Committee which has trade union representation. The trade unions have welcomed the Human Resources Framework and are keen that school staff have access to high levels of support through the process of school organisation change. The trade unions recognise that teachers enjoy enhanced pay conditions as laid down by School Teachers Pay and Conditions and wish for full use to be made of these with regard to safeguarding/salary protection, the use of pay ranges and the payment of recruitment and retention incentives.
25. Key issues for the trade unions are consistency, transparency and fairness and they are keen that officers provide appropriate levels of support and guidance to governing bodies when applying statutory pay provisions. In this regard, the trade unions absolutely support the proposals to provide the same level of pay and conditions entitlements for school support staff.

## **RECOMMENDATIONS**

26. It is recommended that this Committee agree the following and recommend the same to the Executive for approval:-

- (i) the Human Resources Framework is adopted as the basis for managing human resources issues and that the Framework is used alongside specific strategies and plans to support each individual school organisation change
- (ii) in the interests of equal treatment and consistency, school support staff affected by school organisation proposals have access to the same rights of safeguarding/salary protection as teachers, for a period of up to three years, in circumstances where a post has been lost as a result of
  - the discontinuance of a school
  - a prescribed alteration to, or the reorganisation of, a school

Safeguarding/salary protection will apply where the school support staff member is employed by the same authority or at a school maintained by the same authority and where the post is in a different school. The period of safeguarding/salary protection will be subject to certain exceptions, for instance where the member of staff is subsequently paid on a higher point on the pay spine or is paid on a different pay scale.

- (iii) Criteria be developed to determine the circumstances in which it is considered appropriate for governing bodies to agree to the awarding of Recruitment and Retention incentives and benefits and that the payment of these also apply to school staff, subject to the criteria being met.
- (iv) in the interests of consistency and equity, guidance be provided to school governing bodies on how they can apply statutory pay provisions to ensure that any significant change in the role of the Headteacher is appropriately recognised

**BYRON DAVIES**  
**CHIEF EXECUTIVE**

The following appendices are attached:-

Appendix 1: School Organisation - Human Resources Framework

# City and County of Cardiff

## School Organisation

### Human Resources Framework

#### Background

1. The long standing problem of surplus school places and falling pupil numbers in Cardiff presents significant human resources issues which need to be effectively managed in order to minimise the impact on teaching and support staff who work in schools.
2. This framework provides the basis for managing the human resources issues but it is recognised that, given the particular issues and implications of discussions on school organisation, strategies and plans will need to be developed for each individual school organisation change.

#### Achieving Change

3. Proposals to reduce surplus places and to improve and develop other aspects of education provision will be achieved through four quite distinct mechanisms with the amalgamation of infant and junior schools, school closures, changing the size of schools and establishing new welsh medium schools. The human resources implications arising from each of these approaches will be different and are explained below:
4. **Amalgamation of Infant and Junior Schools.**  
The Council has in place a framework for managing the process of amalgamations. Flexibility to apply different approaches to amalgamations will be used depending on the individual school circumstances:
  - (i) Vacant Headteacher posts in both schools
    - Close both schools and establish a new primary school
    - Headteacher and Deputy Headteacher posts will be advertised nationally in line with the requirements of the Staffing of Maintained schools (Wales) Regulations 2006
    - Deputy and all other staff will transfer to the new school
    - Salary protection within agreed terms will apply to staff transferring to a post of a lesser grade
  - (ii) Headteachers in post in both schools
    - Close both schools and establish a new primary school
    - Headteacher and Deputy Headteacher posts will be advertised nationally in line with the requirements of the Staffing of Maintained schools (Wales) Regulations 2006
    - Deputy and all other staff will transfer to the new school
    - Salary protection within agreed terms will apply to staff transferring to a post of a lesser grade
    - There is the potential for Headteacher redundancy in this scenario

- (iii) One Headteacher post occupied
- Close one school and extend the age range of the other
  - Headteacher in post will become the Headteacher of the new school
  - If more than one Deputy in post the post will have to be advertised nationally
  - If only one Deputy in post then he/she will become the Deputy of the new school
  - Deputy and all other staff will transfer to the new school
  - Salary protection within agreed terms will apply to staff transferring to a post of a lesser grade

5. School amalgamations should not necessarily result in compulsory redundancies. However, as with every other school the governing body is responsible for producing a balanced budget and to ensure that staffing levels are appropriate to the school's needs. By applying a flexible approach to how an amalgamation is achieved, the potential for a redundancy at Headteacher level is kept to a minimum, which is in keeping with best employment practice.

6. **School Closure**

The process of permanently closing a school can take a number of years to achieve. During this time there will be a responsibility of the Headteacher in particular to ensure that pupils attending the school do not experience any detriment to the education provision during that period. Headteachers will need to continue to motivate and support staff in this potentially difficult situation. There may also be issues regarding the retention of staff for the period leading to closure which the Headteacher will need to manage.

7. Inevitably staff working in these schools will need to consider their options and in some cases will choose to move on at the earliest possible opportunity. Other staff may decide that the closure will lead to their careers moving in different directions or indeed retirement.

8. **Changing the Size of a School**

Reducing the size of a school can only be achieved over a period of time, by reducing pupil intake and the reduced pupil numbers working their way through the school. This will lead to a corresponding reduction in budgets and the need for a reduced workforce. These factors will impact on staff and could affect morale and motivation. The implications will be felt in terms of a different resource requirement amongst staff directly involved in teaching and learning activity as well as in numbers of support staff.

9. An increase in the size of a school will also impact on the school budget and the staffing requirements will need to be properly managed. In addition to the particular curriculum requirements attention will need to be paid to the leadership arrangements within the context of the school staffing structure. Accommodation issues will also need to be addressed.

10. **Opening a New School**

There will be a growth in Welsh Medium education provision in Cardiff which will generate new employment opportunities. Welsh Medium primary starter classes will be staffed at an appropriate level with temporary leadership and management being secured through partnership arrangements with Headteachers of existing Welsh

Medium primary schools. It is expected that the support of governing bodies will be secured in these circumstances. Consideration will need to be given to the wider responsibilities of Headteachers in these circumstances and decisions made on the appropriateness of any temporary salary increase which would need to be made in accordance with the provisions of School Teachers' Pay & Conditions.

11. Welsh Medium secondary schools can experience recruitment difficulties in key leadership posts and certain subject areas. The growth of secondary provision is likely to impact on the current two Welsh Medium secondary schools in Cardiff with staff seeking to take advantage of any promotional opportunities.
12. Recruitment to Headteacher positions in Wales is subject to the holding of the National Professional Qualification for Headteachers, for those persons appointed to a Headteacher position for the first time. Teachers who are aspiring to reach this position need to be reminded of this through CPD and performance management arrangements.

### **School Transition Plans**

13. In accordance with Education (Review of Staffing Structure) (Wales) Regulations 2005 each school governing body has to develop and keep under review a school staffing structure using the financial resources available within the school budget. The development of each staffing structure will be achieved through consultation with the trade unions and where appropriate staff. The South East Wales Consortium will provide dedicated support to governing bodies in the development of their staffing structures to ensure that the number and distribution of posts in the school maximises the educational opportunities for pupils. Officers from Human Resources and the Schools & Lifelong Learning Service will also provide support in this area.

### **Managing the Transition – The Role of the Council**

14. The Council will support the transition process through a number of policies and procedures such as the Redeployment and Redundancy Policy.
15. **Redeployment process**  
Appointments to posts in school are governed by the Staffing of Maintained Schools (Wales) Regulations 2006 in which the responsibility for appointments is delegated to school governing bodies. Although the Council is not able to place staff in schools it is committed to facilitating as far as is possible a redeployment process in order to retain the qualified and experienced staff working in Cardiff's schools. A Redeployment and Redundancy Policy has been commended to governing bodies
16. Through regular meetings with Headteachers, Chairs of Governors and trade unions we believe that there is a shared understanding of the importance of the Redeployment Policy and Procedure. Only through a shared approach will the Council be able to properly support staff in schools that may close or need to reduce their staffing establishments. Headteachers and governing bodies will need to commit to considering staff in the 'redemption pool' for vacancies that arise before any advertisement is placed.



17. Human Resources will have responsibility for coordinating the redeployment arrangements through liaison with individual staff, maintaining a record of available staff and their specialist areas, identifying vacancies at schools and communicating those to individuals and facilitating interview arrangements where required. The demand on the 'redemption pool' will fluctuate depending the amount of organisational change in each school year.
18. Attention will be paid to any staffing issues that might arise during transition periods to ensure that schools continue to maintain the staffing levels required to support the pupils in the school. This may lead to particular arrangements being put in place such as the payment of recruitment or retention allowances.

### **Managing Transition - The Role of the Governing Body**

19. The success of the Redeployment and Redundancy Policy and Procedure will be dependant on all school governing bodies signing up to it. Human Resources together with the Schools & Lifelong Learning Service will continue to monitor the adoption of this policy by governing bodies.

### **Managing Transition – The Role of the Headteacher**

#### **20. Change Management**

Headteachers will play a lead role in managing change. In the case of amalgamations the Headteacher will be required to bring together two or more school communities and establish a team of staff within a new staffing structure. In circumstances of schools increasing in size the Headteacher will need to manage the consequences of an increased school pupil population. In the case of school closure, the Headteacher will need to appropriately manage adverse reactions from staff, pupils and parents and at the same time ensure that pupils have access to maximum education opportunities through the right levels of staffing. Consideration must therefore be given to how the enhanced role of Headteachers can be recognised and how the services of those Headteachers can be secured in so far as is possible until the date the school closes. Governing bodies will need to be given advice on how the provisions of School Teachers Pay & conditions may be applied.

#### **21. Advertising Vacancies**

Posts that become vacant in schools will in the first instance be considered as potential for redeployment where schools have adopted the Redeployment and Redundancy Policy. Headteachers will be consulted on the scope to 'ring fence' the adverts for posts which are not being used for redeployment and to advertise them in the Cardiff area only. This has the potential for encouraging movement across Cardiff's schools and thereby creating further vacancies which can be considered for redeployment. Should an appointment still not be made then the school would advertise externally as normal.

### **Managing Change – Pay and Conditions Issues**

22. Full use will need to be made of national and local terms and conditions of service to facilitate school organisation change.

23. **Salary Protection/Safeguarding**

The statutory requirements for teachers' pay and conditions are set out in the School Teachers Pay & Conditions Document and schools and local authorities must abide by this. The document provides for safeguarding in cases where a teacher loses his/her post as a result of

- the discontinuance of a school
- a prescribed alteration to, or the reorganisation of, a school

24. Safeguarding applies where the teacher is employed by the same authority or at a school maintained by the same authority and where the post is in a different school. The period of safeguarding is for up to three years, subject to certain exceptions for instance where the teacher is subsequently paid on a higher point on the pay spine or is paid on a different pay scale.

25. The national terms and conditions for school support staff do not contain the same safeguarding arrangements. In order that school staff have access to the same rights of protection a recommendation will be made to the Employment Conditions Committee of the Council to support a local agreement for safeguarding on the same terms as teachers.

26. **Recruitment & Retention**

School Teachers' Pay & Conditions provide for the 'relevant body' to make such payments or provide other financial assistance, support or benefits to a teacher where considered necessary as an incentive for the recruitment of new teachers and the retention in their service of existing teachers. In the case of schools the 'relevant body' is the governing body.

27. Recruitment and retention incentives and benefits for teachers are time limited for up to a period of three years. Criteria will need to be developed to determine the circumstances in which it will be appropriate for governing bodies to agree to the awarding of such incentives and benefits.

28. School support staff do not have access to recruitment and retention incentives and benefits as part of their national terms and conditions. In developing the criteria for teachers, consideration will need to be given to applying the same rules to support staff in schools.

29. **Voluntary Severance Scheme**

In some circumstances staff may have the option of Voluntary Severance and this is most likely to be necessary in cases of school closure. Access to severance payments will depend on membership of the Teachers' Pensions Scheme or the Local Government Pension Scheme and the scheme in place within the Council at the point of leaving. It must be noted however that the Council has no control over nationally imposed changes to the pension regulations that might impact on the entitlements of individual staff.

30. As part of the support available to staff working in schools that may be affected by school reorganisation the Council's Human Resources Service will provide estimates of retirement and/or redundancy payments. These estimates will be provided to staff in order of the date of the potential closure.

Members of the Teachers' Pensions Scheme can find further information and obtain an online estimate of retirement benefits at [www.teacherspensions.co.uk](http://www.teacherspensions.co.uk)

Members of the Local Government Scheme can find further information and obtain an online estimate on the Council's Intranet site under Financial Services, Employee Pension Scheme, Early Retirement Scheme.

31. The Employment Conditions Committee of the Council will receive a report from officers addressing the pay and conditions issues so that a consistent approach can be maintained across Cardiff's schools.

## **Support Mechanisms**

### **32. Communications with staff**

It is essential that staff are kept fully informed and briefed on the specific plans and proposals for restructure. HR officers will be involved in the early stages of the consultation process. They attend meetings with governors, staff and individuals. A Frequently Asked questions Document has been produced and will be issued to staff in affected schools. This should serve to reassure them on a number of issues related to the processes, support they can access, and their rights and entitlements.

### **33. Staff surgeries at schools**

HR Officers will visit schools, by arrangement, and spend as much time as necessary, meeting staff in groups and on an individual to discuss options available to them, to answer questions and to provide other relevant information.

### **34. Management Support**

Headteachers will have the opportunity of accessing professional support to assist with the management of change. One aspect of this will be access to coaching.

### **35. Contact with HR**

Each school in Cardiff has an identified HR officer who provides general support on human resources issues. In addition, there will be access to an officer whose specific role is to coordinate the provision of HR support for managing school organisation proposals. In addition to visits to schools, officers will be contactable by telephone , email, letter etc.

### **36. Training**

In some circumstances staff may feel that they require specific types of support and a range of training and briefing materials will be available to assist this. For example, particular assistance may be required by those staff who have not had the need to apply for posts on a competitive basis for some time and may need advice of the completion of application forms and interview skills.

### **37. Counselling**

Staff will be advised of the counselling services available to them. Specifically all school staff will be able to access the Council's confidential employee counselling service. In addition teachers will also be able to avail themselves of the services available from Teacher Line Cymru.

**38. Coaching**

In addition to the professional support available to Headteachers, it may be necessary to provide access to externally based qualified coaches to provide further support.

**39. Pre retirement Support**

Staff who decide that the organisation proposals for their school coincide with their retirement will be able to attend the pre retirement course the Council. Human Resources will monitor the numbers of staff who will be due to retire to ensure that there is sufficient capacity built in to the training provision in relation to pre retirement courses.

**40. Governing Bodies**

Support will be provided to governing bodies to enable them to undertake their statutory responsibilities. This will be through attendance at governing bodies meetings and the development of targeted training to assist with the management of change.

**41. Trade unions**

The Schools & Lifelong Learning Service has well established consultative arrangements with trade unions. Through regular meetings the trade unions will be briefed on developments with the school organisation process. Consultation will also take place on specific terms and conditions issues for example the development of financial support arrangements such as recruitment or retention payments.

42. The support of the trade unions will be vital to the implementation of proposals arising from school organisation decisions. Although there are existing arrangements for consultation and communication with the trade unions through the Service Area Joint Committee these arrangements may be enhanced at appropriate times to cover the specific agenda associated with school organisation.

**Review**

43. This Human Resources Framework will be kept under review and may be subject to further development as school organisation proposals progress, and in light of operational experience.

April 2007