

TEMPLATE STAFFING PROTOCOL

CREATION OF ALL THROUGH PRIMARY SCHOOLS

1. Introduction

- 1.1. Whilst the creation of a school can be an exciting venture and provide a range of opportunities for staff, it is recognised that the process leading up to it can be unsettling. It is the intention of Brighton & Hove City Council, Children & Young People's Trust (CYPT) to ensure that the arrangements for the appointment of staff to the structure of a new school are made clear, and that full consultation is undertaken with all staff affected as well as representatives of the locally recognised trade unions/professional associations. It is recognised that the locally recognised trade unions/ professional associations will need to consult with their members within the establishments involved in the process.
- 1.2. The guidance below provides a process to take forward the staffing issues and how appointment decisions will be made. Consultation with the local secretaries of the recognised trade unions/professional associations will need to take place at each stage of the process and arrangements should be made, in the light of circumstances applicable at the time, which best meet the needs of both the school, and the staff involved.
- 1.3. It is the intention of Brighton & Hove City Council CYPT to protect the employment of affected staff and all reasonable efforts will be made to appoint existing staff to posts within the structure of the new school. It must be recognised that it will be the responsibility of the governing body (of the new primary school) to make appointment decisions, although detailed advice and guidance (in addition to this document) will be provided by the HR Team, throughout the process.
- 1.4. Given the extensive consultation with the professional associations/trade unions and the Authority, it is recommended that governors of the new school adopt this staffing agreement.

2. Process and timetable for the Creation of the All Through Primary School

- 2.1. Once a decision has been made to create a primary school (or that it appears such a decision will be the likely outcome), and thus cease to maintain an infant or junior school, the following steps will be taken in respect of staffing. It is important for the governing body of the new school to follow the stages laid down in the table below.

Proposed timetable

2.2 **Stage One**

- a) The Primary School governing body will be formed from the expanded governing body of the xxxx (*insert either 'infant' or 'junior'*) school. It is

intended that the Primary school governing body will include representation from the governing body of the school that is closing. In the lead up to the opening of the all through primary school, a 'joint governor committee' should be formed which should be made up of both infant and junior governing body members. This committee will be empowered to make staffing decisions prior to the confirmation of the membership of the primary school governing body (to be confirmed by the opening date of the all through primary school). The new governing body (or joint governor committee) will meet and agree the proposed merger protocol for the school.

- b) A meeting of the governing body will determine a timetable and appropriate arrangements to:
 - i) confirm the appointment of the headteacher and deputy headteacher. In most cases the position of headteacher will not be vacant as there will be an existing head in post in the school that is expanding. If that headteacher is suitably qualified they should be confirmed in post as the headteacher of the all through primary school (see 13 (7) and 22(7) of the 2003 Staffing Regulations which exempts the relevant body from advertising heads/deputies posts nationally).
 - ii) determine the staffing structure of the school.
- c) meet with staff of both existing schools to confirm details of the process to be followed including estimated time scales and to answer any questions/concerns. The trade union/professional association representatives will be invited to this meeting and provision will be made for them to hold a pre-meeting with their members.

2.3. Stage Two

- a) National recruitment is not required for the headteacher (see 2.1b) above and para 6 below) but the 'joint committee' of the primary school governing body will need to write to the headteacher to confirm the ISR for the school and the corresponding headteacher pay range and salary. The joint committee will also need to review the deputy headteacher range agreeing any adjustments to the headteacher/deputy head's job descriptions as needed .
- b) The appropriate panel of the governing body (along with the headteacher) will consider the staffing needs of the new primary school, taking into account the estimated pupil numbers, proposed budget share, the existing staff in the school and will recommend a staffing structure to accommodate the staff from the closing school. Support will be available from the LA HR and Finance teams. Initially, all staff from the closing school should transfer into the structure of the all through primary school. The plans for the new staff structure of the all through primary should follow the LA guidance on re-organisations i.e. a consultation paper should be proposed and discussed with the trade unions/professional associations and staff. The structure may need to be reconsidered as a result of the consultation process. The governing body will then confirm the new staffing structure before half term in the Spring term of the first academic year of operation, for implementation of the new staffing structure by the Autumn term of the second academic year of operation.

- c) From the date that the proposal to create an all through primary school is being seriously discussed by the governing body/staff all vacancies at the infants/juniors and subsequent primary will be reviewed on a post by post basis to determine whether they may be held vacant until the new structure is established or recruited to on a temporary basis.

2.4. Stage Three

- a) The staff from the infant and junior schools will stay in current posts with minimum disruption until the final structure for the all through primary school is established, following consultation. As soon as possible following the September commencement date of the all through primary school, a letter will be sent from primary governing body to all staff confirming that they are now working for the all through primary school and that consultation on a revised structure will follow.
- b) Any staff who remain unplaced in the school will be assisted in seeking redeployment within the local authority (placed on formal redeployment register) or (informally) within other Brighton and Hove schools.

3. Eligibility Rules

- 3.1. The eligibility for staff in the closing school will be considered for posts in the new school will be based on their current post/normal range of work. This does not necessarily mean that a member of staff will continue to undertake an identical role in the new school. However the assimilation exercise should not be used to vary an employee's role significantly unless it can be justified on organisational/operational grounds.
- 3.2. Where a post is being considered at a particular level and/or for a particular type of work that did not previously exist, staff from the two related schools must be considered.
- 3.3. Temporary staff employed to work with statemented pupils will continue in employment where there is a need to continue to provide the support for the pupil in the new school. Such continued employment will be temporary, in accordance with the usual arrangements, and such staff will not be eligible for permanent posts under the terms of this agreement.
- 3.4. If any member of staff is re-deployed to a post at a lower salary level, any protection of salary will be in accordance with their national/local terms and conditions of employment.
- 3.5 If there are two members of staff eligible for only one post in the new structure then both members of staff will entitled to be interviewed in a ring fenced interview process (in line with LA management of change procedures).

4. Additional Support for Staff

- 4.1. Trade union and professional association representatives will be involved and consulted throughout the process and they will be available to provide support and representation to their members. There will also be the opportunity for individual staff to discuss issues/concerns with a member of the HR Team, on request.
- 4.2. If there are staff remaining unplaced in the final new structure, all reasonable efforts will be made to assist those staff in seeking redeployment within other Brighton & Hove Schools or City Council services. Individual discussions will take place to determine the best way to meet the needs of any employee in this situation. This may include the LA assisting in the following ways:
- completion of CV/application form;
 - circulation of such informaton to all relevant schools in the LA (and possibly neighbouring LAs);
 - issuing the vacancy list to the employee's home address;
 - time off to seek alternative employment;
 - utilising premature retirement applications from staff elsewhere in the LA to create an appropriate vacancy, to which the unplaced member of staff will be appointed;
 - re-training will be considered.

5. Alternative model for the Creation of All through Primary Schools – staffing protocol template

- 5.1 In most instances this protocol for the 'creation of an all through primary school' will follow the LA's preferred model, where one school expands to become the 'new' all through primary school, with the other school closing. This is in preference to both infant and junior schools closing and a 'brand new' all through primary opening in it's place. This staffing protocol has been written on the basis of the preferred LA model. However, if the model which includes both schools closing/a new one opening is adopted, then different arrangements will need to be agreed with the staff side, especially in relation to the head's appointment (these arrangements will be in line with general LA organisational change policies).

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Agreed by staff side on: 11 July 2008

Agreement approved by (x governing body): on:.....