

The Surplus Staffing provisions

The consultation process is part of the school reorganisation process following the Christchurch Earthquakes. The surplus staffing provisions that would apply in this context are those defined in appendix four of the Primary Teachers' Collective Agreement. The full detail of these was not discussed as part of the consultation as it is normal for queries about the operation of surplus staffing provisions to be dealt with by the union. NZEI was involved in the consultation process and was available to answer queries from individuals.

In terms of access to the provisions NZEI Field Officer did take the view that even where there were jobs for every teacher it would be possible to access the surplus staffing provisions. This may not be correct as the clear intent is to provide employment protection for employees in a school reorganisation process. In particular I note the provisions of 13.6:

"Where the employer makes an offer of an equivalent position as defined in s. 77HA (2) of the State Sector Act to an applicant from the closed school and that applicant chooses not to accept the offer; s.77HA of the State Sector Act applies whether or not the employee applied for the position."

The submission from Our Lady of Fatima staff strongly supported a process which would see their school continued with all permanent positions protected yet they also wanted to have a choice to choose to take a voluntary option. This does seem like they want both protection and choice with no consideration for St Paul's staff who would only have access to positions left over. The Our Lady of Fatima Board takes the view that it supports all staff equally including their Principal and non-permanent staff.

Participation of NZEI

NZEI has been included in the consultation. During this consultation they have indicated that the continuation of Our Lady of Fatima with a new name and increased roll is the "legitimate" option. They have indicated this is legal and low risk. They made no comment about the fairness of this option for St Paul's staff.

NZEI Field Officer has also put forward the view that any person may challenge the process if the staffing is managed as a merger and they see this as a risk. There has been no real support for the possibility of managing the staffing in this process as a merger. Possibly this is because NZEI was able to ascertain that there would never be a level of support for this from their membership.

Supporting the continuation of Our Lady of Fatima School has meant that NZEI Field Officer has also supported the Principal of Our Lady of Fatima who would remain the Principal of the new school. This may not have been intentional but has been perceived by many as

being unfair and unjust. It has been expressed that this was part of "the old boys' network in education".

St Paul's have felt very let down by NZEI Field Officer who they think have not been supportive of them and have at times given incorrect information. They believe have been supported by their Principal and feel respected by their Board.

Option A

To close both schools was seen as being extreme and destructive by Our Lady of Fatima Board and staff. With one exception, they viewed this as being unnecessary as they were certain there must be a way to avoid this. The discussion was mostly about how to use the continuation of Our Lady of Fatima School as the vehicle to the future and how to accommodate at least some of St Paul's staff in the new school.

Of the 21 survey responses 13 supported option A.

At St Paul's School there was no buy in to the simple continuation of Our Lady of Fatima School. Were that to be selected they felt that what they had achieved would be lost. The general view was that Our Lady of Fatima staff were not warm and welcoming towards them at all. For them any process that continued Our Lady of Fatima School would only offer to them those positions that were left over. They felt they were being asked to feel gratitude for that. There was some anger about the suggestions that being supernumerary would be suitable for them. By contrast, Our Lady of Fatima staff wanted to avoid ever being supernumerary themselves.

In recording this view I do note that through each step in the consultation there was discussion at Our Lady of Fatima about the prospect of surplus staffing leading to supernumerary status for staff in the second and third year of operation of the school if the roll did not meet expectations. They expressed real fear about the operation of surplus staffing in the first years of the new school. Fundamentally, they believe that if the school roll does not meet expectations then the staff loss should fall on the St Paul's staff only. This is fair because in their view the loss would be caused by the lack of enrolments from St Paul's students.

St Paul's school staff and Board accept that in the context of this consultation a new start and the closure of both schools would provide some benefits. This is based on the perceived difficulties of joining together the staff of the two schools in a constructive manner. For the non-permanent staff at St Paul's School being able to apply for permanent positions has merit. They also noted that some staff may want to access the surplus staffing provisions. The opportunity for the Board of the new school to select the best most suitable candidates has some appeal as they genuinely want the best education for the children. They also expressed confidence that the teachers at St Paul's would be able to successfully compete for the available jobs in the new school.

Our Lady of Fatima Board stated:

"Finally, the Board must reject option A for legal reasons which stem from its role as the employer of the Our Lady of Fatima staff. Option A proposes to close Our Lady of Fatima School and replace it

with an identically sited school providing the exact same education as currently provided, though on a larger scale. In other words, the work of our staff will continue to be needed. We have been made aware that such an arrangement lacks the genuineness that a reorganisation requires to create true redundancies. Our employees would thus be unjustifiably dismissed and entitled to seek redress against the Board. We therefore cannot support Option A and would hope the Bishop would not seek to place us in the position where we act in breach of our lawful obligations to our staff."

The Bishop has stated that he is engaging in a genuine consultation as a result on the earthquakes to establish a new school to meet the needs of the parish which has been reorganised. The basis for the statement of the Our Lady of Fatima Board is questionable. Any restructure of a school must be carried out in accordance with the Education Act 1989. The new school will be more than just a continuation of Our Lady of Fatima School. It will include the students from St Paul's School. The indicative roll numbers were modelled as 454 / 462 / 473. The new Parish school will have a new vision, values and strategy reflecting the parish the school serves.

Option B

The merger process did not receive a high level of support. 8 of the 21 survey responses supported option B. St Paul's Board indicated they would support either option.

At the consultation with Our Lady of Fatima the question was asked about the mergers of State schools and how this was achieved. The NZEI representative pointed out that a change in the legislation would be required to permit a merger of integrated schools and suggested this was a matter of simply requesting a word change to permit this. When asked if they wanted that recorded as the view of the meeting the staff absolutely rejected that. They did not want a merger at all. Even when the benefits we outlined they still rejected this. It must be said that a fundamental consideration for a number of staff at Our Lady of Fatima is their view that the legitimate process is the continuation of their school and the requirement that their Principal be supported to continue as Principal of the new school.

The Principal of Our Lady of Fatima stated to me that he did not get involved in the consultation process and did not influence the views of staff or Board. The evidence suggests that he did participate, formally and informally, in sharing his views about aspects of all the options that have been discussed. He has been influential in leading the view that many children at St Paul's will not enrol in the new school and has expressed reasons why this is so. He expresses his credibility when making such statements and told me he has worked with both school communities and he does not think that many students will come across.

At Our Lady of Fatima the staff were upset about the modelling used to establish proposed numbers for the new school. They did not accept the analysis and were not prepared to consider looking at the structure of the new school based on the Indicative numbers. They were hostile about this stating that a definitive survey had not been done. It was pointed out that the same process is used in state schools being reorganised where schools do an estimate. In fact, schools are very familiar with providing estimated roll numbers for the Ministry of Education. I note that this is more challenging in Christchurch at present. The

opposition to considering what the school size might be prevented useful discussion about organisation of the new school that may have been helpful.

The meeting at Our Lady of Fatima put up barriers to the merger option, as it is their right to do, but in doing so they limited some useful discussion. They then indicated they needed further time to develop a proposal and to work with St Paul's. In their submission they stated:

"If Option B had been a mechanism that joined all staff of both schools together in an equal and equitable manner, Our Lady of Fatima would have supported this proposal. However, the "merger" approach only provides protection to a limited pool of staff, namely the permanent staff, excluding the principal."

This is consistent with the views expressed at the meetings where it was clear that the continuation of the Principal's position was non-negotiable for the Board of Our Lady of Fatima and some of the staff. There was a feeling from some of the staff that to express any view contrary to this would be considered disloyal when they could see some advantages in new leadership.

I would like to record the comments of one survey participant here:

"I always hoped Our Lady of Fatima staff would be able to embrace the merger with St Pauls and take on the challenge of the new school together, in the way we are called to have faith in our Catholic religion. However after a year of negative and selfish attitudes, I cannot see them letting go of the "them" and "us" mentality. Starting afresh on a level playing field seems the only way to go now. This situation was a result of the earthquakes not the Bishop or his staff carrying out a personal vendetta against OLOF. I understand the process had to take its course wished that the Bishop could have made a decision much earlier. I know he has always had the academic and spiritual education of the students and future students of our parish as his priority. One Parish, One School. I am sad that this is what I had to write. I am very aware that my view is in the minority but I am entitled to it without being made to feel disloyal or an outsider believe change isn't always a bad thing and every effort will be made to accommodate staff who want to be part of the new school. What are they so afraid of?"

Our Lady of Fatima Board in their submission states that their staff have be unprepared to let their non-permanent staff lose their positions in furtherance of their own job security. Whatever the reason for the statement, the provisions of the State Sector Act apply.

Conclusion

In conclusion, St Paul's School staff and Board are willing to accept either process defined to support a new school. Our Lady of Fatima board and staff do not support either option presented and have indicated the risks of legal action associated with both options. This is consistent with their view that the continuation of Our Lady of Fatima School is the legitimate option.

Imperative to the success of the new school is the willingness to embrace changes. This will involve more than a willingness to think beyond the established ways of doing things. In this setting it will also involve dealing with grief for the loss of traditions, values and sense of ownership. The comfort of knowing and belonging will change and a new way a new future will be developed. A wise decision about the future is now required.

Appendixes

- Submission of St Paul's School
- Submission Our Lady of Fatima School
- Staff submission Our Lady of Fatima school
- Teacher submission OLF