



## **ABERDEEN CITY COUNCIL**

# **SCHOOL RATIONALISATION OR RESTRUCTURING – JOB MATCHING PROTOCOL FOR TEACHING STAFF**

**Protocol for the filling of teaching jobs in schools arising  
from school rationalisation or restructuring**

**Approved by the Policy and Strategy (Education) Committee on 29<sup>th</sup> April 2008**

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## Section 1 - Introduction

School Rationalisation (involving a school closure and the creation of a new school) or the development of a new school structure under management restructuring will inevitably have an impact on jobs and people. With an ongoing need to maintain consistently high quality and continuous improvement in education services, there is a need to effect as smooth transition as possible during such organisational change with the minimum disruption to education provision. At the same time, the Council has an obligation under employment protection legislation, and with its aim of being a “good employer”, to protect employees` security of employment. The process of job matching helps to achieve these aims.

This protocol is designed to establish a fair and consistent approach to school rationalisation and restructuring across the Council. In particular, the protocol is underpinned by the need to have regard to economy, efficiency, equality of opportunity and the need to achieve sustainable development at all stages of the process.

## Section 2 - Aims and objectives

### Meeting Aberdeen City Council`s vision and values

The protocol reflects the vision and values set by Aberdeen City Council within legislation relating to local government, education and employment. The need to maintain consistently high quality and continuous improvement in education services will be balanced by a positive and supportive approach to all employees. This includes minimising disruption for pupils and employees, minimising the possibility of redundancy and proceeding within national/local agreements and SNCT provisions.

Any changes resulting from school rationalisation or restructuring **must** reflect the continuous need to improve education within the *Education Scotland Act 2000* and achieve Best Value and engage with the community under the *Local Government (Scotland) Act 2003*.

### Distinction between "school rationalisation" and "school restructuring"

This protocol recognises that there is a clear distinction between school rationalisation and the process of designing a new school structure in an existing school. This distinction is important as it affects the way in which jobs are filled in either situation.

**"School rationalisation"** results in at least two school closures and the creation of an entirely new school, even though that school may be located within the premises of a school that existed pre-rationalisation. Staff from all schools closed as a result of the rationalisation process have equal status and an equal opportunity to be matched to a job in the structure of the newly created school.

**Footnote:**

*"School rationalisation" may also result in the closure of a school with the dispersal of its pupils to other existing schools, with no new school being created. In these circumstances, job matching does not apply and the teachers from the closed school will be declared excess and subject to the Policy on Compulsory Transfer of Teaching Staff."*

**NB**

***The definition of school rationalisation provided in this document is for the purposes of the job matching process only, to ensure that teachers from the affected schools are treated equally and not given preferential treatment according to the school in which they were previously employed. It does not provide a statutory definition of a school closure nor describe the wider arrangements that apply.***

**"School restructuring"** results from a need to modernise a staffing structure within an existing school in order to provide the highest quality learning environment. Only staff from that school will have the opportunity to claim a match to jobs in the new school structure.

The protocol details the matching/appointment process that will apply in each case.

**Determining the "right" structure**

The structure and future requirements within a school (be it borne out of school rationalisation or restructuring) must be determined by the Policy & Strategy Committee (Education) in accordance with the agreed formula, budgetary constraints and what is required to deliver the highest quality learning environment.

**Consultation requirements**

In view of the potential impact of the processes of school rationalisation and/or restructuring on staff, pupils and parents, every effort will be made to involve those affected through formal consultation. This includes the requirement to involve parents under the *Scottish Schools (Parental Involvement) Act 2006* and the *Parental Involvement in Headteacher and Depute Headteacher Appointments Regulations 2007*.

**Reporting to Committee**

New school structures arising out of rationalisation or restructuring must be reported to the Policy & Strategy (Education) Committee for approval after completion of consultation process with affected staff and trades unions.

## Joint performance commitment

A core requirement of all jobs at senior manager level is to deliver high quality, cost effective services to the citizens of Aberdeen. To achieve this vision, all managers need to effectively lead and motivate their team and to commit to perform to the highest standards at all times.

To enable managers to meet the required standards of competence, the Council commits to develop, support and train managers, and put the necessary systems in place.

The performance commitment is therefore to be viewed as a joint commitment between the Council and its senior managers (i.e. Corporate Directors, Heads of Service and Service Managers, including Head Teachers)

All employees either matched or appointed into a Head Teacher post will be required to make a "performance commitment" and sign up to achieving and maintaining these core management competencies. Head Teachers will be expected to do so at the time of claiming their match on the matching claim form (where the job is subject to matching) or at the appointment stage when signing the statement of employment particulars (where the job has been open to competition and advertised).

Included in the performance commitment are the steps that the Council will take to help managers achieve the required standards of performance.

## Section 3 - Filling jobs following school rationalisation

### Phase 1 – Identifying employees eligible for transfer and matching to jobs in the new school

### Phase 2 – Advertising the post of Head Teacher

- The post of Head Teacher within the new school is deemed to be a "new" job against which Head Teachers of the closed schools are not eligible to claim a match. This is because their former post has been disestablished and they are unable to claim "ownership" of the post of Head Teacher in the new school.
- Where possible, the option to redeploy a Head Teacher in accordance with Regulation 5(3) of *The Parental Involvement in Headteacher and Deputy Headteacher Appointments (Scotland) Regulations 2007* should be considered.
- If the above option is unsuitable, the post will be **open to competition and advertised nation-wide.**

**Options at this stage for Head Teacher of a school closing as a result of school rationalisation. (These options are not sequential)**

**Option 1 - apply for the new Head Teacher post within the new school**

**Option 2** - apply for early retirement (where they qualify for premature retirement compensation) or voluntary severance

**Option 3** - make application under Regulation 5(3) of *The Parental Involvement in Headteacher and Deputy Headteacher Appointments (Scotland) Regulations 2007* to be considered for redeployment to a vacant Head Teacher or Depute Head Teacher post in another school or request redeployment to an alternative post below Depute Head Teacher in another school (or within new school if a suitable vacancy exists) (see *Notes below*).

If selecting Option 1 and their application is unsuccessful, the Head Teacher still has the option to apply for early retirement or voluntary severance (subject to meeting the eligibility criteria) or request redeployment to a vacant post in another school (see *Notes below*)

### **Notes**

1. *Interim advice from SNCT (dated 9/3/05) suspends the regulations relating to the appointment of Principal Teachers.*
2. *Whilst national open advertising of vacancies for Head Teacher and Depute Head Teacher is the norm, Regulation 5(3) of The Parental Involvement in Headteacher and Deputy Headteacher Appointments (Scotland) Regulations 2007 allows for the post of Head Teacher to be filled by redeployment of an existing Head Teacher, at the discretion of the Authority and subject to consultation with the relevant Parent Council.*
3. *For transfer to a lower graded job, salary conservation in accordance with SNCT agreements shall apply.*
4. *Early retirement applications will be considered under Section 4 of the Policy on Early Retirement of Teaching Staff.*

### **Phase 3 – Filling all other jobs below Head Teacher level**

All other employees of the closed schools will be eligible for matching to jobs in the structure of the new school. No individual employee, regardless of the school in which they were formerly employed, will be given preferential treatment. The following key steps will apply:

- **Step 1 - Publishing structure of new school and inviting matching claims**

Notify employees in writing of the school structure with an invitation to confirm (using a matching form) the job against which they consider they should be matched by virtue of their current job role.

- **Step 2 - Identifying "Matching Pools"**

Identify a "**Matching Pool**" for each job following assessment of matching claims. The "Matching Pool" is a list of all employees who qualify for a direct match to a job in the structure in the new school and the job against which each employee qualifies to be matched based on their former substantive job (*see footnote*) and their teaching subject area.

For example, the matching pool for the post(s) of Depute Head Teacher will comprise the Depute Head Teachers from the closed schools. The matching pool for each promoted post and each main grade teaching post will be formed from teachers who occupied that post in each of the closed schools

*Footnote:*

*Employees will not be eligible to claim a match against a job which they are temporarily covering (for example on a secondment or "acting up" basis). In such cases, it is the substantive (permanent) job-holder who will be considered for matching and NOT the acting, temporary or seconded employee.*

- **Step 3 - Notifying employees of provisional decision**

Employees notified simultaneously in writing of the "matching pool" in which they have been placed and whether they have been provisionally\*

- directly matched** to a job (with no interview being necessary) because the number of employees qualifying for matching to that job does not exceed the number of those jobs in the new school, or
- "ring fenced"** for a job because the number of employees qualifying for matching to that job exceeds the number of the jobs in the new school. For promoted job-holders, in these circumstances, a competitive interview will take place to decide who from the "ring fence group" allocated to the job should be matched. Selection will only be based on the job description and person specification. For unpromoted teachers, the criteria set out in the *Policy on Compulsory Transfer of Teaching Staff* will be used to determine who from the "ring fence group" will be placed on the "Excess Staffing List". The remaining employees in the "ring fence group" will be matched to the equivalent number of jobs in the new school.

*\* Matching decisions are provisional and therefore cannot be finalised until such time as it is established that there are no appeals lodged that could potentially affect the matching decision. Employees will therefore be given **7 working days** from receiving the letter in which to lodge an appeal with their Corporate Director if they consider that they have been incorrectly provisionally matched. The Corporate Director will hear the appeal within **10 working days** of receiving the notice of appeal.*



- **Step 4 - Consulting Trades Unions**

Trades unions provided in writing with a list of all matching pools and whether the employees in those pools will either be directly matched or "ring fenced". The letter will also provide details of any employees who do not qualify for matching to a job in the new structure and how it is intended their employment situation will be addressed. The consultation period will normally be **10 working days**

- **Step 5 - Confirming matching decisions**

Following completion of consultation process, letters issued to employees to confirming matching decision. Matching decisions that may potentially be affected by an appeal must be deferred until such time as the appeals process is exhausted.

- **Step 6 - Dealing with "unmatched" employees**

Employees who following competitive interview (i.e. those placed in "ring fence groups") are unsuccessful will have the following options:

**Options for "unmatched" teachers (main grade, Principal Teacher and Depute Head Teacher). (These options are not sequential)**

**Option 1** - permanent relocation to a post within the same grade as the post previously held. This only applies to posts at main grade and Principal Teacher level. Depute Head Teachers can be redeployed subject to Regulation 5(3) of *The Parental Involvement in Headteacher and Deputy Headteacher Appointments (Scotland) Regulations 2007*.

To facilitate this, premature retirement compensation can be offered to other teachers to create appropriate vacancies

**Option 2** - temporary relocation to another post for an agreed period of time with the intention of redeployment or appointment into a permanent vacancy

**Option 3** - apply for early retirement (where they qualify for premature retirement compensation) or voluntary severance

**Notes:**

1. *In the case of Options 1 and 2, relocation would be in accordance with the Policy on Compulsory Transfer of Teaching Staff, and the suspension of the regulations for posts at Principal Teacher level. To facilitate these options and support affected staff, retraining and trial periods will be considered.*

2. *Whilst national open advertising of vacancies for Head Teacher and Depute Head Teacher posts is the norm, Regulation 5(3) of The Parental Involvement in*

*Headteacher and Deputy Headteacher Appointments (Scotland) Regulations 2007 allows for the post of Depute Head Teacher to be filled by redeployment of an existing Depute Head Teacher, at the discretion of the Authority and subject to consultation with the relevant Parent Council.*

3. *For transfer to a lower graded job, salary conservation in accordance with SNCT agreements shall apply*
4. *Early retirement applications will be considered under Section 4 of the Policy on Early Retirement of Teaching Staff.*

#### **Phase 4 – Filling remaining vacancies**

- Teachers who remain displaced after conclusion of Phase 2 will be placed on a corporate "Excess Staffing List" and given first consideration for any remaining unpromoted and promoted vacancies (up to and including Principal Teacher level - see note under Phase 2). Relocation may be subject to an assessment interview in order to establish whether a teacher meets the job criteria and be subject to competitive interview if more than one employee is under consideration for a job. The terms of the *Policy on Compulsory Transfer of Teaching Staff* will apply where appropriate.
- All remaining vacancies will be advertised nation-wide.

### **Section 4 – Filling jobs following school restructuring**

#### **Phase 1 – Filling the post of Head Teacher**

- Whilst the structure in the school will change, the post of Head Teacher, in terms of the role and areas of responsibility and accountability, will normally be unchanged. The existing incumbent, having a full "claim" on the role, will therefore be directly matched to the post, unless there is a significant change to the composition of the school resulting from restructuring in which case the post will be open to competition and advertised nation-wide

#### **Phase 2 – Filling all other jobs below Head Teacher level**

All other employees of the school will be eligible for matching to jobs in the new structure of the school. They will not however have any type of claim to a post in any other restructured school. The following key steps will apply:

- **Step 1 - Publishing new school structure and inviting matching claims**

Notify employees in writing of the new school structure with an invitation to confirm (using a matching form) the job against which they consider they should be matched, or have a significant link, by virtue of their current job role.

**Important note:**

**Should there be no change to the school structure at main grade teaching staff level then staff at that level will be automatically assimilated to the new structure without the need to go through the matching process.**

- **Step 2 - Identifying "Matching Pools"**

Identify a **"Matching Pool"** for each job following assessment of matching claims. The "Matching Pool" is a list of all employees who qualify for a direct match or who have a significant link to a job in the new structure and the job against which each employee qualifies to be matched or has a significant link based on their former substantive (see *footnote*) job and their teaching subject area.

**Distinction between a "direct match" and a "significant link"**

A **"direct match"** occurs when more or less all elements of someone's duties and responsibilities exist within a job in the new structure and they can reasonably claim "ownership" of all, or almost all, of those elements.

A **"significant link"** occurs if a substantial portion of someone's current duties and responsibilities exist within a job in the new structure and they can reasonably claim "ownership" of that substantial portion.

For example, the matching pool for the post(s) of Depute Head Teacher will comprise the Depute Head Teachers from the former structure within the school.

The matching pool for each promoted post and each main grade teaching post (if the structure has changed at that level) will be formed from teachers who occupied that post in the former structure of the school and they too should be able to claim a direct match if the duties have not changed.

However, for jobs created under a faculty arrangement that have responsibility for a number of subjects, the Principal Teachers who previously had responsibility for one (or some) of those subjects in the former school structure will only be able to claim a "significant link" to those jobs in the new structure within their school. They cannot claim a direct match on the basis that those newly created jobs do not mirror the jobs they previously held. They also cannot claim a "significant link" to a post at Principal Teacher in other schools as they have no link to these posts.

**Footnote:**

*Employees will not be eligible to claim a match against a job which they are temporarily covering (for example on a secondment or "acting up" basis). In such cases, it is the*

*substantive (permanent) job-holder who will be considered for matching and NOT the acting, temporary or seconded employee.*

- **Step 3 - Notifying employees of provisional decision**

All employees will be notified at the same time in writing of the "matching pool" in which they have been placed and whether they have been provisionally\*

- (a) **directly matched** to a job (with no interview being necessary) because the number of employees qualifying for matching to that job does not exceed the number of those jobs in the new school, or
- (b) **"ring fenced"** for a job because either the number of employees qualifying for matching to that job exceeds the number of the jobs in the new structure. In these circumstances, a competitive interview will take place to decide who from the "ring fence group" allocated to the job should be matched. Selection will only be based on the job description and person specification.
- (c) **"ring fenced"** for a job at Principal Teacher level because they have a "significant link" to it by virtue of their former Principal Teacher role. Regardless of the number of people who have a "significant link" to each role, an interview will be necessary to assess whether they meet the job criteria (or could do with a reasonable amount of management support and training). A competitive selection process will arise when more than one person has a "significant link" to a post at Principal Teacher level. If no-one from the "ring fence group" meets the job criteria then no matching will take place.

*\* Matching decisions are provisional and therefore cannot be finalised until such time as it is established that there are no appeals lodged that could potentially affect the matching decision. Employees will therefore be given **7 working days** from receiving the letter in which to lodge an appeal with their Corporate Director against the provisional decision. The Corporate Director will hear the appeal within **10 working days** of receiving the notice of appeal.*

- **Step 4 - Consulting Trades Unions**

Trades unions provided in writing with a list of all matching pools and whether the employees in those pools will either be directly matched or "ring fenced". The letter will also provide details of any employees who do not qualify for matching to a job in the new structure and how it is intended their employment situation will be addressed. The consultation period will normally be **10 working days**

- **Step 5 - Confirming matching decisions**

Following completion of consultation process, letters issued to employees to confirming matching decision. Matching decisions that may potentially be affected by an appeal must be deferred until such time as the appeals process has been exhausted.

- **Step 6 - Dealing with "unmatched" employees**

Employees who following interview (i.e. those placed in "ring fence groups" - see (b) and (c) under Step 3) are unsuccessful will have the following options:

**Options for "unmatched" teachers (main grade, Principal Teacher and Depute Head Teacher) (*These options are not sequential*)**

**Option 1** - permanent relocation to a comparable post and grade as the post previously held. This only applies to posts at main grade and Principal Teacher level. Depute Head Teachers can be redeployed subject to Regulation 5(3) of *The Parental Involvement in Headteacher and Deputy Headteacher Appointments (Scotland) Regulations 2007*.

To facilitate this, premature retirement compensation can be offered to other teachers to create appropriate vacancies

**Option 2** - temporary relocation to another post for an agreed period of time with the intention of redeployment or appointment into a permanent vacancy

**Option 3** - application for early retirement (where they qualify for premature retirement compensation) or voluntary severance

**Option 4 (only available to former Principal Teachers who are not matched to a post at Principal Teacher level under a faculty arrangement)** - as a transitional arrangement, support the appropriate matched Principal Teacher on a "supernumerary" basis for a fixed term of one year. Thereafter, the previous 3 options will apply

**Notes:**

1. *All options will be exercised in accordance with the agreed protocol on managing the "Excess Staffing List" (See Note under Phase 3).*
2. *In the case of Options 1 and 2, relocation would be in accordance with the Policy on Compulsory Transfer of Teaching Staff, and the suspension of the regulations for posts at Principal Teacher level. To facilitate these options and support affected staff, retraining and trial periods will be considered.*
3. *Whilst national open advertising of vacancies for Head Teacher and Depute Head Teacher posts is the norm, Regulation 5(3) of The Parental Involvement in Headteacher and Deputy Headteacher Appointments (Scotland) Regulations 2007 allows for the post of Depute Head Teacher to be filled by redeployment of an existing Depute Head Teacher, subject to consultation with the relevant Parent Council.*

4. *For transfer to a lower graded job, salary conservation in accordance with SNCT agreements shall apply*
5. *Early retirement applications will be considered under Section 4 of the Policy on Early Retirement of Teaching Staff.*

### **Phase 3 – Filling unmatched posts and remaining vacancies**

- Teachers who remain displaced after conclusion of Phase 2 will be placed on a corporate "Excess Staffing List" and given first consideration for any remaining main grade and promoted vacancies within the parameters of their GTC registration (up to Principal Teacher level - see note under Phase 2). Relocation may be subject to an assessment interview in order to establish whether a teacher meets the job criteria and be subject to competitive interview if more than one employee is under consideration for a job. The terms of the *Policy on Compulsory Transfer of Teaching Staff* will apply where appropriate.
- All remaining vacancies will be advertised nation-wide.

#### **Note:**

- 1. Vacancies can only be advertised nation-wide once it is established that they do not present a suitable redeployment opportunity to anyone currently placed on the "Excess Staffing List".**
- 2. An agreed protocol will be developed to determine the terms and conditions and future deployment of those staff placed on the "Excess Staffing List".**