

CONSULTATION REPORT

ST FRANCIS OF ASSISI CATHOLIC SCHOOL

PROCESS FOR ESTABLISHMENT

SEPTEMBER 2013

“Confidential Report”

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The Consultation

Following the announcement of the agreement in principle for St Paul's School and Our Lady of Fatima School to combine a further consultation process was undertaken between July and 10 September 2013. The boards were given a leadership role in managing this as requested. The Board Chairs met with the facilitator and communicated throughout the process.

The three options for consideration to establish St Francis of Assisi Catholic School were:

Option 1: Cancel the integration agreements for both current schools and establish a new state integrated school on the current Our Lady of Fatima School site. In this option all positions at both schools would be terminated and positions at the new school would be advertised nationally.

Option 2: Cancel the integration agreement and close St Paul's School and increase the maximum roll of Our Lady of Fatima School and re-name the larger 'new school entity'. In this option the staff of St Paul's School would lose their positions and the new positions at Our Lady of Fatima School would be advertised nationally.

Option 3: Cancel the integration agreement and close St Paul's School and increase the maximum roll of Our Lady of Fatima School and manage the staffing of the larger (and re-named) Our Lady of Fatima School as a merger. In this option the staff from both schools would have the first option of equivalent positions in the 'new schooling entity' with the principal's position being advertised nationally. This option could only apply in the event that both boards and all staff unanimously support this as the appropriate option.

Executive Summary

The results of the consultation about the process for the establishment of the St Francis of Assisi Catholic School confirms that the parties have divergent views.

- A majority of staff and the Board of Our Lady of Fatima School support option 2.
- A majority of the staff and the Board of St Paul's School support option 3.

The perspective of each school is different.

Our Lady of Fatima School takes the view that the fairness is not achieved by disadvantaging the staff at Our Lady of Fatima. The disadvantage is assessed as placing the jobs of the staff at risk at the time of the establishment of St Francis of Assisi Catholic School and subsequently due to a surplus staffing situation arising later. The position of both the staff and the Board is that they want to protect and maintain the jobs of the current staff. They have tried to find solutions that respect the staff at St Paul's School and have presented the options they think are worthy of consideration.

St Paul's School considers the common good and proposes that option 3 has the best outcomes for students and staff at both schools. It provides a platform to develop a best practice model of education and would enable a good planned transition for students. If this cannot be achieved they support option 1 to close both schools. This would enable the formation a new school with staff being selected based on the best person for each position including the management positions.

No joint consultation meetings were held as the schools were not ready to do this. They did indicate they would participate in joint meetings later.

Both schools indicated they have existing relationships and would be prepared to work together but they do seem to be distant from each other at present.

The perspectives:

The staff at Our Lady of Fatima supported continuing of their school as that best supported their students and staff. They feel that provides certainty and stability for them but they are open to establishing a new school with the students from St Paul's school. They have a view that many St Paul's students will not select the new school for various reasons. Our Lady of Fatima School respects the staff at St Paul's School and supports a process that would enable them to transfer as supernumerary staff to the new St Francis of Assisi School. They defined the process they supported.

For the staff at St Paul's School the option of being supernumerary in the new school has no appeal. It gives them no certainty or respect and is far from the ideals expressed about the new school being a "meeting of equals". From their point of view if this is the process then St Francis of Assisi will be a continuation of Our Lady of Fatima with no change to the vision and values. They were anticipating a meeting of the two schools to develop a best practice model incorporating the best from both schools.

Detail of the Our Lady of Fatima submission

The meeting at Our lady of Fatima strongly supported consideration of the process that would enable the staff of St Paul's School to move across to St Francis of Assisi Catholic school as supernumerary staff.

This is from the Our lady of Fatima Board submission:

"At a meeting between NZEI and our staff, NZEI put forward two processes already set out in the applicable collective agreements that can be used to offer jobs to the staff at St Paul's in the first instance.

The two processes are:

1. transfer of undertakings as defined in clause 9.1 of the Primary Teachers Agreement and clause 6.1 of the Support Staff Agreement; and

2. a minor variation in the application of the redeployment processes, which involves delaying the advertising of the new permanent jobs available at the enlarged school until it is into its first weeks of operation.

The Board has sought clarification on this, and NZEI has advised that the arrangement can be put in place simply, and requires only the agreement of NZEI and the Board of Our Lady of Fatima. We have resolved to give this agreement. This respects the work of the St Paul's staff and gives them the option to come to the enlarged school without removing any of their rights to seek other opportunities, including retraining or severance payments if that suits them better."

The NZEI was asked to confirm their view and they responded agreeing with this.

Clarification was sought about the “transfer of undertakings” and they replied:

“The “transfer of undertakings” provision in the PTCA does not provide a process for transferring staff from one employer to another. All this section does is require the current employer to do what it can for the staff that are about to become redundant by talking with the new/prospective employer. That conversation is happening here anyway so it is not a solution.”

NZEI also clarified that the reference to part 9 of the collective was not to change the operation of entitlements for surplus staffing. As this is a school reorganisation the provisions of Appendix 4 of the collective will apply.

This suggestion requires the Board to delay advertising and/or appointing to permanent positions until the commencement of term 1 2016.

Comments :

The OLF possible process linked to option 2 may present some problems in terms of the legal requirements of the Board who are required to advertise vacancies. If this requirement is delayed it may be challenged. Further advice about this is required.

It needs to be said that supernumerary staff are not in the same position as permanent staff. There are implications for their personal life if they are without a permanent job for a period of time. By contrast, advertising the available positions as early as possible gives certainty and would enable joint transition planning for students to be undertaken by the permanently appointed teachers working together.

The closure of St Paul’s School does give the St Paul’s staff access to the other options including retraining, supernumerary at another school or severance payments. In fact, all the options provide this.

Delaying the appointments to the permanent jobs at St Francis of Assisi may lead to an unstable period of staffing in the first term as some teachers may obtain other positions during the supernumerary period.

With many positions not permanently filled, parents and students may end the year in uncertainty about the new year. They generally want to know who the teacher will be for 2016 and this will be unclear until the supernumeraries are confirmed.

A decision to not advertise available jobs in the new school until the school is operational in 2016 would mean the existing fixed term teachers would be denied the opportunity to apply for positions in at the school. Other job seeking teachers may also be disadvantaged as jobs that exist are not being advertised.

There was some discussion about the operation of option 2 that might involve a process where St Paul’s staff could access the positions at St Francis of Assisi prior to the end of 2015 and how that could be achieved without the need to

advertise nationally. Exactly how this might evolve is not clear. While Our Lady of Fatima would welcome an exploration of this concept and are prepared to engage with NZEI about this. However, it fails to meet the requirements of the staff at St Paul's as it is still just a mechanism in respect of scale A positions. There is no equality.

Option 3 which requires the support of staff at both schools has been supported by a majority of the staff at St Paul's School but not by most of the staff at Our Lady of Fatima School.

The staff at St Paul's feel unsupported by NZEI who have not worked with them to support option 3 which is their preferred option. Their view is that NZEI has worked with Our Lady of Fatima to support option 2. There is a feeling of being let down and being unsupported.

Amongst the staff at Our Lady of Fatima there is a fear that at the end of the first year of operation St Francis of Assisi will be in a surplus staffing situation. They clearly state they do not want such a situation to impact on them. The basis for this is a belief that the roll at the new school will drop. This is a genuinely held belief.

How did the staff vote?

Total votes:

Option 1 Closure 4

Option 2 Continuation of OLF renamed 15

Option 3 Staffing treated as a merger 16

	Our lady of Fatima	St Paul's school
Option 1	2	2
Option 2	15	nil
Option3	2	14

If option 1 proceeds:

The two school communities will react differently as they have different circumstances, issues and priorities. St Paul's will be accepting as they have no home and this option would enable them to participate as equals. They select this option as their second choice. Our Lady of Fatima School have no expectation that this option is in serious consideration.

If Option 2 proceeds :

Our Lady of Fatima School and board will be satisfied that this is appropriate and will work willingly to develop the new school.

St Paul's staff and parents will be upset. If this is chosen they will not be given a voice and the school will be a continuation of Our Lady of Fatima. It will not be a meeting of equals. Their staff will not have an opportunity to hold management roles. The best practice of St Paul's will be lost. Transition for students will be compromised.

The St Paul's community will view option 2 negatively. The history traditions, loyalty and educational practices may not be respected and valued.

If Option 3 proceeds:

St Paul's School staff and Board support this option. They see this as a coming together of the schools within the parish and reflects the true spirit of the initial proposal from the proprietor. Although progressing this would be difficult it may still be possible with goodwill from the staff involved. It does require the agreement of the parties. At this time there is no agreement.

A majority of Our Lady of Fatima staff are strongly opposed to this and expressed this at their meeting. Two staff did vote for this option.

Leadership

Irrespective of the option chosen, leadership is critical to the success of the new school. It is true that the staff have suffered through this process and genuinely feel that more needs to be done to make it work for them. The needs of students also need to be carefully considered especially the St Paul's students who have to transition to a new site. For them being with the teachers they know and trust would have the best outcomes. They deserve to have a well planned transition to make it work for them. Balancing all of these desired outcomes in a restrictive framework is not easy. Whatever the process, it will need strong leadership to unite all.

We must be optimistic so in closing I want to quote St Francis of Assisi:

"Start by doing what is necessary, then what is possible, and suddenly you are doing the impossible."



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20th August 2013

In considering the three options proposed to bring together St Paul's and Our Lady of Fatima schools, our board has considered our stakeholders, the parish of St Francis of Assisi, the staff, our families and, most importantly, our students.

We have also considered the options from the viewpoint of the "common good" defined by Pope John XXIII as "the sum total of social conditions which allow people, either as groups or as individuals, to reach their fulfilment more fully and more easily". This was further explained by Pope John Paul II who noted the "common good", "is not simply the sum total of particular interests; rather it involved an assessment and integration of those interests on the basis of a balanced hierarchy of values". The "common good", in other words, is not simply what people happen to want, but what would be authentically good for people and the social conditions that enable human flourishing. It is this principle that the Church encourages us to use when making decisions about communities and resources.

Our preference is Option 3.

The "common good" is at the forefront in this option as it embraces both school entities. Both schools are treated as equals in this process. Under this option, a new school culture with new rituals and traditions will be born out of the current practice of both schools involved and our newly formed parish. This will allow for a sense of continuity despite the change imposed on our children. Option 3 guarantees the retention of the greatest number of teaching staff, who will bring familiarity and continuity to the children. In terms of the "common good" principle, we would see this option maximises it for the staff as it optimises retention. This option acknowledges the loyalty and professionalism that the St Paul's staff have shown over the last three years, and would acknowledge the Proprietor and the Catholic Education Office repaying this loyalty in doing all they can to protect jobs. We consider the teaching staff at both schools are more likely to remain stable in the time leading up to the combining of schools and be available to contribute to the formation of the new school. Option 3 mirrors how our new parish was formed – with a "coming together" of the three individual parishes as equals and reflects the true spirit of the initial proposal from the Proprietor. Option 3 seems to best encapsulate the idea of "one parish, one school" in mirroring this.

Our next preference would be Option One.

This will be the formation a new school, with a new culture and traditions and we believe this option would be equal for both groups of children. This would be a new beginning with new

leadership both at governance and management level. All the children would begin on the same footing. While this would see both staff groups being treated equally, it provides **no protection** for teaching staff. As well as considering the personal effect on the staff, this is likely to lead to high staff turnover in the years prior to the formation of St Francis of Assisi and, thus, affect student achievement. This option is likely to be financially more expensive and harder to administer for the Proprietor and the Catholic Education Office. While this option would provide "one parish, one school", it would not be born out of the existing schools. It would not reflect their culture, would not be a 'bringing together the best practice" of both schools, and does not reflect the way our parishes were combined.

Our board unanimously agree that Option 2 should not have been part of this consultation.

Option 2 is merely a closing of St Paul's and a continuation of Our Lady of Fatima under a new name. It is not in the spirit of the initial proposal and is not what the communities were consulted on. It does not correlate to the "meeting of equals" and the bringing together "best practice" that was prevalent in the Proprietor's initial stage of the consultation process. .

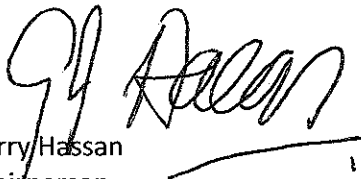
The "common good" principle would not only see one group disadvantaged, as St Paul's clearly would be. It will lead to Our Lady of Fatima also being disadvantaged. With our newly formed parish working well, but in its infancy, this option may well be divisive as it is perceived that the history, traditions and loyalty of the St Paul's school and community have not been respected or valued. This perception is likely to reduce the number of St Paul's families who would attend the new school and may lead to a reduction in the number of children receiving catholic education.

Final Comments

The Board of Trustees and the St Paul's school staff firmly support option 3. *'Cancel the integration agreement and close St Paul's School and increase the maximum roll of Our Lady of Fatima School and manage the staffing of the larger (and re-named) Our Lady of Fatima School as a merger. In this option the staff from both schools would have the first option of equivalent positions in the 'new schooling entity' with the principal's position being advertised nationally'*

Irrespective of the option selected, we emphasise the importance of good leadership required to implement these changes. In particular, we urge the choice of principal to be made very wisely – not just someone who is knowledgeable and proficient in educational matters, but who has strong interpersonal skills and the ability to bring cohesion and unite two communities.

This situation continues to be an unsettling and stressful time for our families, staff, students and community. We hope that a final decision can be made as soon as possible to give certainty going ahead.



Gerry Hassan
Chairperson

On behalf of St Paul's school (Dallington) Board of Trustees.

Response to Consultation on Developing Catholic Schooling Provision, as announced 25th June 2013

In response to the consultation regarding the provision of Catholic schooling at the Mairehau site from 2016 onwards, the Board of Trustees of Our Lady of Fatima School have chosen option 2. We feel that this provides the best continuity and certainty to the children and the staff of the school.

Throughout the entire consultation, the Board of Our Lady of Fatima has placed the best interests of the students and staff to the fore of their considerations. With the Bishop's request to the Minister of 25 March 2013 making it clear that St Paul's School is to close, we have considered, as has our staff, how we might provide some continuity and security for the children and staff of St Paul's who wish to come to the enlarged school at Mairehau.

At a meeting between NZEI and our staff, NZEI put forward two processes already set out in the applicable collective agreements that can be used to offer jobs to the staff at St Paul's in the first instance.

The two processes are:

1. transfer of undertakings as defined in clause 9.1 of the Primary Teachers Agreement and clause 6.1 of the Support Staff Agreement; and
2. a minor variation in the application of the redeployment processes, which involves delaying the advertising of the new permanent jobs available at the enlarged school until it is into its first weeks of operation.

The Board has sought clarification on this, and NZEI has advised that the arrangement can be put in place simply, and requires only the agreement of NZEI and the Board of Our Lady of Fatima. We have resolved to give this agreement. This respects the work of the St Paul's staff and gives them the option to come to the enlarged school without removing any of their rights to seek other opportunities, including retraining or severance payments if that suits them better.

The Board and staff of Our Lady of Fatima therefore ask the Bishop to recommend to the Minister that the increased provision of state integrated schooling on the current Our Lady of Fatima site be developed through option 2.

With a path forward set, the communities could begin to build a school that reflects the will of the Bishop for a single parish school and the needs of the communities for recognition of their valuable work, now and over the years, in the education and evangelisation of the children of the parish, and provide for continuity and security to the children of the Parish who elect to attend the parish school.

The attendant issues around the development of the school highlighted by the Minister in her letter of 8 May 2013 could be resolved most successfully with input from and ownership by the communities. These issues could form the first building blocks of a combined future at the Mairehau site.

Our Lady of Fatima Board of Trustees, 20th August, 2013

5 September 2013

Yvonne Preece
Facilitator of the consultation process
Our Lady of Fatima and St Paul's Schools
Christchurch

Dear Yvonne,

Parish of Mairehau Consultation

On 30 August you requested NZEI confirmation that the views of NZEI were adequately reflected in proposal of the Our Lady of Fatima proposal that will be included in your report to the proprietor. For ease of reference I have attached the proposal.

The section highlighted in grey does reflect the processes that were discussed and the NZEI advice given at the time (the last para in the highlighted section).

In answer to your specific questions seeking NZEI clarification our response is as follows:

1. Yes the submission does reflect NZEI's view as reported in the last paragraph of the highlighted section.
2. The "transfer of undertakings" provision in the PTCA does not provide a process for transferring staff from one employer to another. All this section does is require the current employer to do what it can for the staff that are about to become redundant by talking with the new/prospective employer. That conversation is happening here anyway so it is not a solution.
3. The Ministry has agreed this is a reorganisation (email from Philippa Pidd 5 Sept) and therefore Appendix 4 of the PTCA will apply.
4. A transfer of undertakings does not affect the principals.

NZEI would support the intent of process 2 as set out in the Our Lady of Fatima board's proposal. It fits with the process for surplus staffing in the PTCA and is helpful in that it provides some degree of continuing employment for staff of St. Paul's.

It is both legal and low risk, unlike the Option 3 put forward by the Proprietor for consultation.

Yours sincerely,



Cathie Penetito
Executive Officer

Att: Parish of Mairehau consultation

Parish of Mairehau Consultation

At the consultation meeting the staff of Our Lady of Fatima proposed that the combining of the schools be done by a "transfer of undertakings". The board then formalised their proposal as follows:

At a meeting between NZEI and our staff, NZEI put forward two processes already set out in the applicable collective agreements that can be used to offer jobs to the staff at St Paul's in the first instance.

The two processes are:

- 1. transfer of undertakings as defined in clause 9.1 of the Primary Teachers Agreement and clause 6.1 of the Support Staff Agreement; and*
- 2. a minor variation in the application of the redeployment processes, which involves delaying the advertising of the new permanent jobs available at the enlarged school until it is into its first weeks of operation.*

The Board has sought clarification on this, and NZEI has advised that the arrangement can be put in place simply, and requires only the agreement of NZEI and the Board of Our Lady of Fatima. We have resolved to give this agreement. This respects the work of the St Paul's staff and gives them the option to come to the enlarged school without removing any of their rights to seek other opportunities, including retraining or severance payments if that suits them better.

I am seeking NZEI clarification:

1. Does the submission above adequately reflect the view of NZEI?
2. Is a "transfer of undertakings" possible legally? The collective specifically excludes such a process when it is a school merger. Likewise the Integration Act and the integration agreement which establishes St Paul's School does not provide for such a process. Therefore can this be done?
3. The provisions of part 9 of the Primary teachers' collective and appendix 4 are different. The provisions of Appendix 4 which are used in school reorganisations are enhanced. I have attempted to compare the two and find that a process using appendix 4 would be advantageous to the staff of St Paul's School. The submission suggests that using part 9 does not affect the rights of St Paul's staff. Is this correct?
4. If a transfer of undertakings were used how would this affect the Principals?

I appreciate you providing a response to these queries and realise that you may need to take a few days to consider this. Your response is likely to be included in part or in full in my report to the Proprietor. Any other comments you may have would also be welcomed as I work to collect all the views relating to the process that may be used to establish the new combined school to be called St Francis of Assisi.