

**LOCAL NEGOTIATING COMMITTEE FOR TEACHERS
Local Agreement**

**PROCEDURES FOR THE TRANSFER OF SURPLUS PROMOTED
TEACHING STAFF**

1. Introduction

- 1.1 The introduction of The Scottish Schools (Parental Involvement) Act 2006 and the Parental Involvement in Head Teacher and Deputy Head Teacher Appointments (Scotland) Regulations 2007 gives local authorities the powers to transfer surplus Head Teachers and Depute Head Teachers.
- 1.2 This document outlines the Department's procedures for the Transfer of Surplus Promoted Teaching Staff and takes account of the requirement for parental involvement.

2. Scope

- 2.1 The Act refers only to Head Teachers and Depute Head Teachers but to ensure a consistent approach to the management of surplus promoted members of staff within the Department, these procedures apply to all promoted teaching posts in all sectors.

3. Procedures To Be Followed

Consultation with Parent Council

- 3.1 Where a Parent Council exists, the appropriate Department Officer will consult with the members when proposing that a surplus member of staff should fill a vacant promoted teaching post. Discussion will also take place with the Parent Council around the specific skills and competencies required for the post. The Department will make the final decision on whether to transfer and in this event the Parent Council has no further involvement in the appointment process.

All Surplus Promoted Teachers in All Sectors

- 3.2 The process to transfer surplus promoted staff will require the support and co-operation of Head Teachers/Heads of Establishment. Understandably, while Head Teachers/Heads of Establishment may have a preference for having an open and competitive process, the needs of the service must take priority.
- 3.3 The Department will maintain a record of surplus promoted members of staff to assist in identifying transfer opportunities. All surplus promoted members of staff have the right to information about available vacancies.

- 3.4 A mentor, normally the line manager, will be identified for the surplus promoted member of staff to provide ongoing support during the transfer procedure. Appendix 1 outlines the role of the mentor.
- 3.5 Each surplus promoted member of staff should complete a personal profile form highlighting his/her skills, competencies and experience in order to facilitate the transfer process.
- 3.6 The surplus promoted member of staff may be accompanied by a trade union representative, friend or colleague at meetings about the transfer process, if he/she wishes
- 3.7 Where a school has a promoted post vacancy, the filling of that vacancy must be discussed with its Neighbourhood Manager or equivalent. The post will not be advertised or filled by any acting up arrangement if there is a suitable surplus member of staff. Where the Neighbourhood Manager or equivalent considers that there are no suitable surplus members of staff, then the post will be released for filling as appropriate. Feedback may be requested from the Neighbourhood Manager or equivalent where a surplus promoted member of staff considers that such a post would have been a suitable match.

The matching/placing process

- 3.8 A matching process will allow surplus promoted members of staff to be best matched in terms of skills, strengths and experience required for the vacant post. The matching process will not be used to judge competence. The rationale of the matching will be shared with the candidates and following the final decision feedback will be made available by the Neighbourhood Manager or equivalent.
- 3.9 The matching process will be conducted by a Neighbourhood Manager or equivalent and a Quality Improvement Officer or equivalent. For surplus Head Teachers the matching panel will be a Neighbourhood Manager or equivalent and a Senior Quality Improvement Officer or equivalent.
- 3.10 Factors to be considered when transferring a surplus promoted member of staff should include:
 - Size of current school;
 - Service and sector experience;
 - Nature of current post;
 - Number of placements available;
 - Current job sizing; and
 - Personal preference.

Although the authority retains the right to place surplus promoted members of staff, it is important that the views of the affected staff are taken into consideration throughout this process.

- 3.11 The surplus promoted member of staff will work with his/her mentor to secure appropriate employment/transfer. This may involve a period of temporary placement in accordance with the job mobility clause, as stated in the written specification of contract. Where there is no immediate suitable permanent post available, the Neighbourhood Manager or equivalent will direct the surplus promoted member of staff to a temporary placement until a suitable permanent

post becomes available and is secured or until the situation is otherwise resolved. Such a placement may be to any other teaching post or position within the authority and the individual will be expected to carry out duties up to a level commensurate with his/her salary.

- 3.12 Should a suitable vacancy occur during the course of a secondment, a decision on whether to allow the staff member to complete the secondment before being allocated to his/her new substantive post will be taken by the Neighbourhood Manager or equivalent, subject to the needs of the service.
- 3.13 Where an alternative post has not been achieved, the situation will be reviewed by the Neighbourhood Manager and other options to resolve the situation will be explored.
- 3.14 In the event of a permanent placement, this may be to any other teaching post or position within the authority where the individual will be expected to carry out duties up to a level commensurate with his/her salary. The above placing process will be conducted by a Neighbourhood Manager or equivalent and a Senior/Quality Improvement Officer or equivalent. The surplus promoted member of staff will be invited to a meeting to ascertain if he/she is a suitable match for a post. In the case of several candidates or vacancies, a ring fenced competitive process will take place to identify which candidate is the best match for which post.
- 3.15 The Department, at Neighbourhood Management level, retains the right to make the final decision in the placing of surplus promoted members of staff.
- 3.16 Feedback will be offered to candidates by the Neighbourhood Manager or equivalent.

The transfer process

- 3.18 In normal circumstances, the date of transfer will be notified one month in advance and earlier if possible. There may be occasions when it is in the interest of the individual for the transfer to happen more quickly.
- 3.19 The transferred promoted member of staff will normally have the right to return to his/her original school for one year after transfer, should an appropriate vacancy arise. It will be incumbent upon the transferred promoted member of staff to make such a request. However, it must be recognised that there may well be special circumstances related to the curriculum needs of pupils or to the service overall which have to be taken into account.
- 3.20 Should a surplus promoted member of staff choose to apply for a post to which he/she has not been matched, he/she will proceed under standard recruitment and selection procedures.

4. Depute Head Teachers who Become Surplus as a Result of a Falling School Roll – Primary Sector

- 4.1 Normally surplus Depute Head Teacher posts will be declared on an annual basis as part of the annual Teaching Staff Return exercise normally conducted at the beginning of each calendar year.

- 4.2 In the case of a Depute Head Teacher becoming surplus to requirements as a result of a falling school roll, the Head Teacher has the responsibility to declare that post surplus. The additional cost to the school will be met in accordance with Devolved School Management procedures.
- 4.3 In the event that there is more than one Depute Head Teacher in the school, the Head Teacher will firstly seek a voluntary solution. Where it is necessary to nominate a Depute Head Teacher for transfer, regard will be given to the needs of the school, the suitability of the Depute Head Teacher for known vacancies; the personal circumstances of the Depute Head Teacher and, where appropriate, length of service with the authority. In some instances, the Head Teacher may not wish to declare the post surplus but fund the post from his/her budget. In this case, the costs will be met in full by the school and the post will not become subject to transfer arrangements.

5. Salary Conservation

- 5.1 Where a surplus promoted teacher is transferred to a post which has a higher salary, then he/she will be paid the salary for that post.
- 5.2 Where a surplus promoted teacher is transferred to a post which has a lower salary, the salary conservation arrangements as set out in the Scottish Negotiating Committee for Teachers Handbook of Conditions of Service will apply.
- 5.3 Where, in the opinion of the Neighbourhood Manager or equivalent, a surplus promoted teacher unreasonably refuses on two occasions to accept proposed placements, then in accordance with the Scottish Negotiating Committee for Teachers Handbook of Conditions of Service there shall be no entitlement to conservation of salary. Subsequent placement would be at the behest of the Department.

6. Travelling Expenses

- 6.1 Where transfer involves workplace relocation, employees will receive excess travelling or removal expenses in accordance with Scottish Negotiating Committee for Teachers Handbook of Conditions of Service.

7. Right of Appeal

- 7.1 An employee who is dissatisfied with any decision in relation to the application of this procedure will have recourse to the Council's Procedure for Hearing Employee Grievances (Teaching Staff).

8. Review

- 8.1 This agreement will be reviewed 2 years after implementation or earlier if either Joint Secretary requests.

9. Local Agreement

- 9.1 This local agreement has been reached in the LNCT and is consequently binding on the signatory parties. It may be adjusted by negotiation to meet changing future needs.

Signed

Mike Rosendale

Colin Mackay

Joint Secretary
Management Side

Joint Secretary
Teachers' Side

Date 20th April 2010

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THE ROLE OF MENTOR

The role of mentor may include-:

- Providing general encouragement and support to the surplus promoted member of staff
- Supporting the surplus promoted member of staff in completing a personal profile form
- Discussing the suitability of transfer opportunities with the surplus promoted member of staff
- Encouraging any training that may be required
- Discussing any offers
- Discussing and noting reasons for refusal of offers of alternative placements and the potential consequences of doing so
- Noting the outcome of any offers