

AGREED PROCEDURES FOR THE COMPULSORY TRANSFER OF SURPLUS

UNPROMOTED TEACHERS IN PRIMARY SCHOOLS (INCLUDES NURSERY CLASS)
AS FROM SESSION 2003/2004

1. Introduction

Unpromoted staff are appointed to the service of the authority and not to a particular school. Although all teachers have a contractual liability to transfer from one educational establishment to another, every effort will be made to minimise the number of compulsory transfers.

Where arrangements have to be made for a compulsory transfer, a number of factors require to be considered, including the needs of the schools involved, the wishes of the teachers concerned and the views of the Head Teacher.

2. Types of Transfer

Every effort is made to overcome problems by having teachers surplus to a school's establishment transferred to real vacancies. There are therefore three modes of transfer:-

2.1 Voluntary transfer from a school with identified surplus staff

Where it has been established that a primary school is likely to have surplus unpromoted staff in a coming session, the opportunity is given for teachers to put themselves forward to be nominated for transfer. In these circumstances the volunteer is treated in the same way as all others compulsorily transferred and enjoys the same benefits as laid down for teachers transferred compulsorily.

2.2 Compulsory Transfer

Where a school has more unpromoted teachers than that to which it is entitled in accordance with the Council's staffing standards and no volunteer for transfer can be found to reduce the staff to the approved entitlement, a teacher will be compulsorily transferred in accordance with these procedures.

2.3 Holding Transfer

Where no permanent full-time vacancy is available at the time of transfer a teacher may be required to transfer on a temporary basis to another school which has a part-time vacancy or long term temporary post, or remain in their current school if such a part-time vacancy is available, until a full-time vacancy becomes available.

A teacher still on a holding transfer after a year will be offered a professional interview to ascertain all options available including retraining, working between two or more schools etc in an effort to maximise an appropriate timetable for such a teacher.

These procedures cover the identification of the individual teacher to be transferred compulsorily and accord certain benefits by way of a measure of protection from further transfer, some assistance with travelling expenses and the opportunity, where possible, to return to their original school should a suitable vacancy arise there within two years of the initial transfer.

3 Procedures

3.1 The Head of Educational Resources will identify, at as early a date as possible, schools in which reductions in teaching staff may be required and will inform local secretaries of teacher organisations represented on the LNCT.

3.2 The Head of Educational Resources will determine, after consultation with Head Teachers, the extent of the reductions, and the Head Teacher will in turn convey this information to his/her teaching staff at the earliest opportunity.

3.3 The entire unpromoted teaching staff of an affected school will be consulted to ascertain whether there is a volunteer for transfer. If there is no such volunteer, the Head of Educational Resources will decide which teacher is to transfer. The teacher of least total continuous service will normally be required to transfer unless there are, in the view of the Head of Educational Resources, strong reasons for deciding otherwise and in the latter event such decisions indicating the reasons shall be communicated to the local association secretaries prior to the

transfer being effected. This could, for example, result in a part-time permanent member of staff being transferred rather than a full-time member of staff.

If there is no volunteer from those teachers in P1 to P7 and the teacher to transfer with the least total continuous service is the nursery teacher, then that teacher would be nominated as the teacher in the normal way, ie access to all known vacancies in P1 to P7 or nursery class. However, if there is no volunteer from the remaining teachers within the school, or the teacher in P1 to P7 with the least total continuous service is unwilling to accept the transfer to the nursery post, including undertaking appropriate training, then the current nursery teacher would remain at the school and the appropriate teacher within P1 to P7 would become the nominated teacher subject to transfer.

3.4 The teacher nominated for compulsory transfer will be informed by the Head of Educational Resources of the proposed transfer and will receive a formal letter intimating the decision to transfer and the reason for it.

3.5 Any teachers being compulsorily transferred will be allowed the choice of all known appropriate vacancies. Where more than one teacher is interested in any vacancy it will be offered to the teacher with the longest continuous service.

4 General Conditions

4.1 When filling vacancies for the coming session the following teachers should be given priority when filling each vacancy:

- (i) teachers who have been transferred compulsorily within two years should be given the opportunity to return to their original schools should a vacancy arise.
- (ii) teachers who become surplus to establishment as a result of a school closure/amalgamation should be offered a choice of all appropriate vacancies.
- (iii) teachers who are either volunteers from schools with staff surplus to establishment or who are to be transferred compulsorily should be offered the choice of all appropriate vacancies.
- (iv) teachers who have been on the permanent peripatetic supply pool for at least two full sessions and have requested a transfer.

4.2 Factors which may be taken into account in considering the nomination of a teacher for compulsory transfer include the needs of the school, the length of continuous service, the personal circumstances of the teacher and his/her suitability for vacancies.

4.3 For the purpose of determining liability to transfer in a situation of surplus the undernoted will not be regarded as constituting breaks in service, neither will they count as service.

- (i) holiday periods between contracts.
- (ii) lapses of employment of no more than 10 working days.
- (iii) lapses of employment falling within the period from the start of the session up to but not including the first working day after 31 August.

4.3.1 Periods on maternity/paternity/adoption leave not exceeding 52 weeks will not be regarded as constituting breaks in service and will be counted as service for the purpose of compulsory transfer.

4.3.2 Periods out of service solely for the purpose of child rearing for a period not exceeding seven years will not be regarded as constituting a break in service. Such periods out of service in connection with child rearing shall not count as service for the purpose of identifying a teacher as surplus to the establishment of a particular school.

4.4 As job-sharers have agreed to carry out all the contractual obligations associated with a post job-sharers, when appropriate, will normally be transferred together. At the commencement of a job-share the service of the job-sharers should be averaged and the service credited to the post. Thereafter service would be credited to the post being job-shared at the normal rate. In this way consideration can be given to the compulsory transfer of the job-share post when compared to the other posts within the school.

4.5 Part-time service will be credited on a full-time equivalent basis for the calculation of total continuous service.

4.6 Where calculation of continuous service as referred to above produces identical results for two or more teachers then regard would be had to total actual service and reckoning part-time service on a full-time equivalent basis.

Where this further calculation fails to resolve the issue then the teacher to be compulsorily transferred will be chosen by the drawing of lots in the presence of the teachers concerned.

- 4.7 A teacher 58 years of age or over will not normally be compulsorily transferred.
- 4.8 A teacher on maternity/paternity/adoption leave would be treated no more or no less favourably than others on the staff when an assessment was made as to who would be transferred.
- 4.9 A teacher transferred compulsorily will not normally be transferred again within a period of two years.
- 4.10A teacher transferred compulsorily or one who volunteers in a school where a transfer has to be arranged will be entitled to excess travelling expenses after the first £2 per week (currently) for a period of four years in terms of the national conditions of service.
- 4.11A teacher who is compulsorily transferred will have the opportunity of returning to the school from which transferred should a suitable vacancy arise within two years of the initial transfer.
- 4.12At any stage of transfer the teacher will have the opportunity, if so desired, to discuss the matter with the Head of Educational Resources and be accompanied by a representative of his/her professional association.

5. The Timing of the Main Transfer Programme

- 5.1 Head Teachers will give as much notice as possible to teaching staff of the need to make a reduction in the number of teachers employed in their school. This would normally be by the end of March.
- 5.2 Individual teachers nominated for transfer will be notified in writing at the earliest possible date. This would normally take place during early May.
- 5.3 The normal notice for transfer will be one month, but where, for good educational reasons, it is not possible to provide this notice the Head of Educational Resources will discuss the timing of the transfer with the local secretary of the appropriate professional association.
- 5.4 A number of factors have to be taken into account in considering the timing of any programme which might encompass the bulk of the transfers from one session to the next. These include the following:-
 - (i) the need to review projected rolls on a school by school basis.
 - (ii) the effect of placing requests made by parents on the distribution of pupils.
 - (iii) the need to take account of pupil registration for P1.
 - (iv) the need to take account of changes in staff entitlements brought about by the difference between estimated and actual pupil numbers at the start of a new session.
 - (v) the fact that teachers need not give notice of resignation until late in the session.