

**Title: Changes to Staffing
(Compulsory Transfer, Falling Roll, etc)**

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1. SCOPE

- 1.1 This agreement applies to all Teachers on Teaching conditions of service, whether on full-time or part-time contracts. Teachers on temporary or fixed-term contracts are also included if they have been employed continuously for a minimum of one year.
- 1.2 The procedures deal with changes to staffing. This will include circumstances such as falling School Roll, falling subject demand, or similar situation.

2. AIMS

- 2.1 For a voluntary redeployment to be sought as a first option. The aim of this document is to ensure that the process is managed in a fair and consistent way.
- 2.2 Scottish Borders Council is committed to endeavouring to safeguard the employment of Teachers. These procedures should be read in conjunction with the following policies which would apply in the case of a School Closure or a re-structuring situation:
 - Retention and Redeployment Policy
 - Redundancy Policy
 - Managing Transfers of Employees on Teaching Conditions
 - Disturbance Allowance
 - Guidelines on Temporary Appointments
- 2.3 All Teachers will be treated fairly. Scottish Borders Council is committed to ensuring that these procedures do not discriminate directly or indirectly on grounds of race, colour, ethnic or national origin, religion or belief, gender, gender reassignment, sexual orientation, marital status, disability, age, or trade union membership and activity. Under employment law, priority for redeployment may be given to Teachers who are on Maternity Leave and Teachers with disabilities in certain circumstances (refer to the Human Resources Department for advice).
- 2.4 All Teachers will be treated fairly and consistently to minimise uncertainty and anxiety during periods of organisational change.

2.5 Support organisational change and minimise disruption of the service.

3. PRINCIPLES

- 3.1 A Teacher who is at risk of redundancy or who is being redeployed for health reasons will be given priority consideration for suitable alternative posts along with Teachers falling within the scope of this policy. This includes Teachers who have volunteered to transfer to another school/location in circumstances when a volunteer has been sought to avoid a compulsory redundancy.
- 3.2 The Placement of NQT's will take priority after any Teacher who is 'at risk', subject to 3.1 above.
- 3.3 Where Teachers are seeking a voluntary transfer for a reason unrelated to a new structure, roll reduction, etc then they will only be considered provided there are no Teachers as per 3.1 above.
- 3.4 The Human Resources department can provide advice, support and guidance to managers throughout their redeployment / restructuring process. Managers should contact HR in the early stages of their planning process.
- 3.5 Managers will seek to gain cooperation and support from Teachers, for example through regular communication. Everyone involved will be expected to be flexible in their approach.
- 3.6 Managers will keep a clear and thorough record of actions, correspondence etc throughout the process.
- 3.7 Prior to any change being effected, meaningful consultation will take place between Staff and Trade Unions. Effective two-way communication will continue throughout the consultation process.
- 3.9 Teachers who are subject to Compulsory Transfer will be assisted as necessary in identifying suitable job opportunities and will be supported as necessary with training and development. The Teacher may choose to apply for voluntary redundancy, however applications will be considered in light of the Service's current and future requirements throughout the Borders as well as cost. There can be no guarantee that staff who apply for voluntary redundancy will be accepted. Any staff who are accepted for voluntary redundancy will receive an appropriate payment based upon age and length of service.
- 3.10 Only when all efforts to find a suitable alternative post through redeployment have been exhausted, will the Redundancy Procedure be implemented.
- 3.11 Appointments to posts of Head Teachers and Deputies may only be made by appointment panels. Parent Councils will be involved when required by the Director of Education and Lifelong Learning.

Advertising posts

Where a vacant post was previously advertised on a fixed term or temporary basis and is now open for permanent appointments, managers will re-advertise the post internally (i.e. across the Council) as a minimum (after Teachers on the Redeployment Register have been considered). Note: if a post is advertised internally in the first instance, only directly-employed staff can apply.

Before a vacant post can be considered for open recruitment, it must be agreed that it is sufficiently unsuitable for any Teacher on the Redeployment Register. This may be reflected in the difference in a single factor or combination of factors such as grade, responsibilities, skills, knowledge, location, experience and capabilities required for the job. The final decision on which posts can be advertised rests with the Head of HR or his/her representative.

4. PROCESS

- 4.1 In a situation where, for example, a school needs to reduce its staffing for example as a result of a roll reduction, then a 'pool' of Teachers who will be considered for transfer should be established by the Head Teacher and in conjunction with the SEO & HR, regardless of FTE.
- 4.2 The next step is for the Head Teacher to look at Teacher staffing within the school to see if there is anyone on a fixed term contract or on a secondment. It may be necessary to review with the Schools Manager and Human Resources whether the fixed term contract or secondment could be brought to an end to avoid the Compulsory Transfer.
- 4.3 A briefing should be prepared and circulated to the LNCT sub-group for information only.
- 4.4 A consultation meeting should be arranged as soon as possible with the Teachers 'at risk' to explain the reason why the post is to be removed and the steps that need to be taken to implement this change. Any Teacher is entitled to be accompanied at that meeting and during the consultation process from a Trade Union Representative or a colleague. Staff should be advised that the first stage is to seek a volunteer to transfer and asked to make a confidential expression of interest, ensuring anyone on annual leave, maternity/adoption/paternity leave, sickness absence are also informed. It is expected that in most cases an alternative post will be available through Compulsory Transfer. However in a very small number of cases Redeployment may not be successful. In this event the Redundancy Procedure will be followed.
- 4.5 Where more than one Teacher expresses interest then the Head Teacher in consultation with the Schools Manager and Human Resources, will make a decision which is both in the best interests of the school and equitable to staff. The factors which could be considered include the personal circumstances of the volunteers and suitability for known vacancies. These factors should be communicated to the Teachers' Side Joint Secretary of the LNCT before any decision is reached.
- 4.6 In the event that no one volunteers to transfer and there is more than one Teacher in the 'selection pool' then the method of selection will be the last Teacher in the 'pool' to have joined the Authority. This does not include service as an NQT.

- 4.7 Teachers who have been subject to a Compulsory Transfer should be last to be transferred subsequently at their particular level of post for a period of three years. The “last in first out” principle should be modified to the extent necessary to allow this other principle to be applied. In the case of a Teacher compulsorily transferred to a small school / department it will obviously be impossible to guarantee freedom from transfer within any specific period. The Education Authority will, however, endeavour to ensure that no teacher is permanently at risk of Compulsory Transfer.

Counselling and support

It is acknowledged that some Teachers may find their involvement in reorganisation stressful and managers should ensure that support is offered. Teachers are reminded of the free confidential Counselling service accessible via ‘First Assist’. The Teacher can contact First Assist directly by phoning 0800-716017, quoting scheme ref 72601.

Conservation

Any salary conservations will be in line with the SNCT terms & conditions.