

INDEX:

- 1. Scope**
- 2. Aims**
- 3. Principles**
- 4. Process**

1. Policy statement and 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 two years.

1.2 This agreement deals with changes to staffing. This will include circumstances such as falling School Roll, falling subject demand, or other similar situation.

1.3 This agreement does not apply in the following circumstances:

- The closure of a school.
- A review and/ or restructure within a school not based on a falling school roll or falling subject demand.
- A review and/ or restructure which covers more than one school.

In these circumstances the following policies would apply:

- Retention and Redeployment Policy
- Redundancy Policy
- Payment of Teachers' Travelling Expenses and the Reimbursement of Expenditure. (Disturbance Allowance)

2. Aims

2.1 For a voluntary deployment 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:

- Retention and Redeployment Policy
- Redundancy Policy
- Payment of Teachers' Travelling Expenses and the Reimbursement of Expenditure. (Disturbance Allowance)

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 Every effort will be made to minimise uncertainty and anxiety and any disruption to the service during the operation of this policy.

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 be deployed to another school/location in circumstances when a volunteer has been sought to avoid a compulsory transfer.

3.2 The Placement of NQT's will take priority after any Teacher who is 'at risk', subject to 3.1 above.

3.3 The Human Resources department can provide advice, support and guidance to managers throughout the transfer process. Managers should contact HR in the early stages of their planning process.

3.4 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.

3.5 Managers will keep a clear and thorough record of actions, correspondence etc throughout the process.

3.6 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.

3.7 While every effort will be made to find a suitable alternative post, ultimately if there is no suitable alternative for the individual concerned, the Redundancy Procedure may be implemented.

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 or Teachers subject to this policy 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 or any Teacher subject to this policy. 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 Service Director HR & Communications or his/her representative.

4. Process

4.1 In line with the authority's staffing formulae and the projected roll of a school, a staffing complement will be determined annually. In a situation where a school needs to reduce its staffing in circumstances covered by this policy, then a 'pool' of Teachers who will be considered for deployment should be established by the authority, regardless of FTE.

In the primary or special sector, the pool may consist of all teaching staff within the school. In the Secondary sector the pool will consist of all teaching staff within the area in which a surplus has been identified. This may be a department, for example Science, or part of a department, for example Biology, depending on the circumstances which have caused the need for reduction.

4.2 Prior to this it is incumbent on the Head Teacher to look at Teacher staffing within the school to see if there is anyone on a fixed term contract (with continuous service of less than 2 years) or on a secondment. It may be necessary to consider whether the fixed term contract or secondment could be brought to an end to avoid a Compulsory Transfer. Advice should be sought from Human resources.

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 by a Trade Union Representative or a colleague.

4.5 At the meeting staff should be advised that the first stage is to seek a volunteer to transfer and asked to make a confidential expression of interest, Head Teachers should ensure anyone not at work on the day of the meeting, for example because they are on annual leave, maternity/adoption/paternity leave, or sickness absence is also informed.

4.6 Where more than one Teacher expresses interest then the Head Teacher in consultation with the responsible Quality Improvement Officer 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 their suitability for known vacancies. These factors should be communicated to the Teachers' Side Joint Secretary of the LNCT before any decision is reached.

4.7 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.

4.8 In the event that two or more Teachers in the pool joined the Authority on the same day, the Head Teacher will have discussions with all of those Teachers. After which the Head Teacher will decide which Teacher should transfer. The decision will take account of all relevant circumstances, for example professional experience, professional development opportunities, personal circumstances and the needs of the Authority,

4.9 Written notice of any intended compulsory transfer will normally be at least 4 weeks.

4.10 It is expected that in most cases an alternative post will be available to a Teacher subject to compulsory transfer. However, in a very small number of cases Redeployment may not be successful. In this event the Redundancy Procedure will be followed.

4.11 In the event that the declared surplus is reversed or no longer in place within 1 year of the compulsory transfer, the transferred teacher will be allowed to consider a return to the original substantive post. This offer will take place before the post is advertised but must be agreed by the responsible Quality Improvement Officer and Human Resources.

4.12 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.

5.0 Where a job-share post is identified as surplus then both job-sharers will require to transfer to another school.

Support It is acknowledged that some Teachers may find their involvement in this process stressful. The Employee Assistance Programme is a service available to all employees 24 hours a day, 365 days a year, offering counselling and support on a number of matters. They can be contacted on free phone number (T) 0800 882 4102 or by visiting the P.A.M. Assist Website. www.pamassist.co.uk.

The log in details are:

Username: Borders

Password: Council

Conservation

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