

**South Ayrshire Council
Joint Negotiating Committee
For Teachers**

**Compulsory Transfer Procedures
(Promoted Teachers)
(JNCT2.2a)**



Reference:

JNCT2.2a

Version Control

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1. Introduction

While Head Teachers, Depute Head Teachers and Principal Teachers are appointed to specific posts in specific schools, they are all ultimately appointed to the service of South Ayrshire Council. As such there may be circumstances in which such staff will be liable to compulsory transfer from one educational establishment to another (see 2 below). While all promoted staff have this contractual liability to transfer from one educational establishment to another every effort will be made to minimise the number of compulsory transfers.

Where compulsory transfers are deemed necessary a number of factors require to be considered, including the needs of the schools involved, the wishes of individual teachers and the views of the Authority. In the final instance decisions on transfer will be taken, after consultation, by Education Staffing Team. Staff who remain aggrieved by such decisions shall have access to the normal Grievance Procedures (JNCT 1.11).

In situations where surplus staff are declared the Authority will make every effort to avoid compulsory redundancies by redeploying teachers. Where this proves impossible then consideration will be given to the use of an agreed scheme of Premature Retirement of Voluntary Severance.

2. Circumstances Which Might Necessitate Compulsory Transfer

2.1 Closures and Amalgamations

In such circumstances JNCT 2.9 will apply.

2.2 Falling Rolls

Where the roll of a school (as defined by the projected roll at the time of the staffing exercise each year) falls to a point where the school's entitlement to promoted posts is reduced in two consecutive years then a surplus or surpluses may be declared.

Potential surpluses will be identified in year one. All staff likely to be affected will be notified that should the roll continue to fall in year two they may be declared surplus. They would retain salary and all duties until the roll is confirmed in year two. If that post is vacated (or another promoted post at the same grade) during that year the post will be filled on a temporary basis until the staffing exercise is complete in year two.

2.3 Management Re-structuring

Where agreement has been reached on a new management structure which involves the deletion of certain promoted posts then a surplus or surpluses may be declared.

3. General Principles

- 3.1 Staff will normally be informed of any transfer prior to the end of the academic session but transfers should usually only occur at the beginning of the next academic session.
- 3.2 It may be appropriate where there is more than one potential candidate for transfer eg Depute Head posts, to seek volunteers in the first instance.
- 3.3 Where no volunteer emerges or where the identification of a suitable volunteer is not appropriate then agreed criteria will be applied in identifying the appropriate transferee eg continuous service in that grade of post; appropriate skills and relevant post-specific experience and/or compliance with equalities or other relevant legislation

Where the service, skills and post-specific experience of two or more promoted staff at a particular grade is identical then total continuous service with South Ayrshire Council and its predecessor Authority will be considered.

For the purpose of calculating continuous service in a situation of surplus the undernoted will not be regarded as constituting breaks in service, neither will they count as service:

holiday periods between contracts;

lapses of employment of no more than 5 working days; and

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.

Periods out of service solely for the purpose of child rearing for a period not exceeding 6 years. However, any teaching service on a fixed term contract during the period out of service will be counted.

Where in exceptional circumstances, a teacher is granted special unpaid leave during term time for reasons of a personal nature;

Career break taken in accordance with SNCT handbook

The undernoted will not be regarded as constituting breaks in service, and will count as service:

Periods of unpaid maternity leave not exceeding 29 weeks both before and after 15 May 1975 and/or periods of maternity leave after 6 April 2003 which do not exceed 52 weeks in total.

Periods of parental leave in accordance with the SNCT Handbook

Periods of paid and unpaid leave formally agreed under the Teachers' Sickness Scheme.

- 3.4 Promoted staff who do not obtain a post at the level of their existing substantive post as a result of a compulsory transfer will retain conservation of salary in accordance with SNCT Handbook. The Authority reserves the right to allocate management duties appropriate to the circumstances of the conserved employee and the needs of the service. (eg cover for absent promoted post holder or to carry out a specific task appropriate to conserved grade.) Any such duties will be allocated within the context of the 35 hour working week. Individual discussions will take place between the individual, a member of Education Staffing Team and employee's trade union representative to determine appropriate duties.
- 3.5 Promoted posts in schools affected by these arrangements are likely to require to be re-jobsized in order to take account of changes to management responsibilities and whole school information.
- 3.6 Where promoted staff do not gain suitable alternative employment at their substantive grade they may be given the option of redeployment to alternative employment, normally one grade below that of their substantive post. They will however not take priority over displaced post holders at that grade eg DHT elects to take a PT post- if there is already a PT waiting to be redeployed, they will take priority over DHT when matching takes place, regardless of length of service. For the purpose of this part of the exercise, grade will be considered to be HT, DHT or PT regardless of current job sizing placings.
- 3.7 Where no suitable post is identified immediately, the transferee may be liable to transfer (on a temporary basis) to alternative employment, normally one grade below that of their substantive post. In such cases conservation of salary arrangement will commence on the date of transfer regardless of the post allocated.
- 3.8 Every effort will normally be made to ensure that a teacher transferred compulsorily is not transferred again within two academic years.
- 3.9 A teacher transferred compulsorily or one who volunteers in a school where a transfer has to be arranged will be entitled to excess travelling following the date of transfer and in line with the conditions set in South Ayrshire Council's Travel and Subsistence Policy.
- 3.10 The staffing arrangements outlined in this document seek to establish a protocol for filling posts in the event of surpluses. However, individual circumstances will be taken into account and any individual will be entitled to discuss their position with representatives from Education Staffing Team and to be accompanied by appropriate trade union representatives (or other appropriate staff representative) at any meeting called to discuss such arrangements.

4. Arrangements To Be Applied

4.1 Head Teachers

Where there is a potential for Head Teachers to be declared surplus then JNCT 2.9 – Amalgamation and Closures will apply

4.2 Depute Head Teachers

- 4.2.1 Surplus Depute Head Teachers shall be offered the option of a transfer to an equivalent Depute Head Teacher post. Where an appropriate Depute Head post is not immediately available they would be offered a transfer to a similar post within South Ayrshire Council when such a vacancy arises within a three year period. There will be one offer of transfer but if the Depute Head does not accept that offer but wishes to retain a post at Depute Head level they shall be guaranteed inclusion in the authority's leet for Depute Head posts, for which they apply, within South Ayrshire, for a period of three years from the amalgamation date, regardless of the job size of their existing post or the vacant post.
- 4.2.2 Where there is more than one Depute Head Teacher requiring to be redeployed, available posts will be offered on the basis of length of service, post specific skills and experience, compliance with equalities or other relevant legislation.
- 4.2.3 Displaced Depute Head Teachers may be given the option of transfer to the post of Principal Teacher with conservation of salary in terms of the SNCT Handbook Part. Only one offer of transfer to a PT post will be made but if the Depute Head Teacher does not wish to accept that offer then conservation of salary in terms of the SNCT Handbook will apply.
- 4.2.4 If no equivalent Depute Head or Principal Teacher post is initially available the unsuccessful candidate shall be subject to agreed compulsory transfer arrangements to an unpromoted post with conservation of salary in accordance with the SNCT Handbook, Part 2 until an appropriate vacancy becomes available within a three year period. Nb Management duties will be allocated as indicated in Section 3.4 of the General Principles.

4.3 Principal Teachers

- 4.3.1 Displaced Principal Teachers shall be offered the option of a transfer to an appropriate Principal Teacher post. Where an appropriate Principal Teacher post is not immediately available they would be offered a transfer to a similar post with South Ayrshire Council when such a vacancy arises.
- 4.3.2 There will be one offer of transfer but where the Principal Teacher does not wish to accept that particular vacancy and still wishes to continue in that level of post he/she will be guaranteed an interview for all equivalent or comparable vacant posts, for which they apply, for a period of three years from the date of transfer. Vacant posts will not however be released for recruitment until after all displaced Principal Teachers included in the identified surplus promoted staffing exercise have been given one offer of redeployment.

- 4.3.3** Where there is more than one Principal Teacher requiring to be redeployed, available posts will normally be offered on the basis of length of service, post specific skills and experience, compliance with equalities or other relevant legislation. In order to minimise preservation costs, current grade may be a factor under consideration when offering suitable alternative Principal Teacher posts.
- 4.3.4 If no equivalent Principal Teacher post is initially available the unsuccessful candidate shall be subject to agreed compulsory transfer arrangements to an unpromoted post with conservation of salary in accordance with the SNCT Handbook until an appropriate vacancy becomes available.
- 4.3.5 In the event of a Principal Teacher not wishing to apply for an equivalent post in another school, transfer to an unpromoted post with conservation of salary in accordance with the SNCT Handbook will be offered. Where the Principal Teacher opts to transfer to an unpromoted post and no such vacancy exists in their current school then the demitting Principal Teacher will be subject to transfer to another South Ayrshire school under agreed compulsory transfer arrangements. Section 3.6 of the General Principles will apply.