

**THE MORAY COUNCIL LOCAL NEGOTIATING COMMITTEE FOR TEACHERS**

**Procedure for the Transfer of Surplus Associated Professionals Covered by SNCT**

**January 2024**

**LNCT 01-24**

1. **Introduction**
   1. In certain situations Moray Council may need to consider the transfer of Associated Professionals within their employment. This agreement outlines the procedures for the transfer of surplus Associated Professionals.
   2. For the purposes of this document, Associated Professionals comprises of:

* music instructors,
* educational psychologists,
* senior educational psychologists,
* depute principal educational psychologists,
* principal educational psychologists,
* education support officers,
* quality improvement officers
* quality improvement managers.

1. **Definition of Surplus** 
   1. An associated professional post may be declared surplus for any of the following reasons:

* Where changes to the management structure have occurred as a result of change management
* Where efficiencies within the service have to be secured resulting in a reduction to the workforce

1. **Transfer Arrangements and Criteria**
   1. Once surplus has been identified all relevant Associated Professionals deemed to be in scope will be notified either by email to their council email address or in person.
   2. Individuals affected under paragraph 2.1 will be offered the opportunity to volunteer for transfer to any suitable alternative post.
   3. All suitable vacancies will be shared with those in scope. Posts that require GTCS registration will only be open to individuals registered, or eligible to be registered, with the GTCS. Remaining Associated Professionals will be managed under the Moray Council Transform process.
   4. If one or more Associate Professionals volunteer for vacancy offered, then all volunteers will be invited to competitive interview. The appointments panel will be made up of the Head of Service and Line Manager of receiving department, Peer Professional and HR representative (where appropriate).
   5. If no volunteer is forthcoming then all employees in scope will asked to complete a skills and experience profile, which will highlight their skills, strengths and experience to facilitate the transfer policy.
   6. Suitable alternative posts will be identified for surplus Associated Professionals in terms of the employment history, skills, strengths and experience required for the vacant post (s). The rationale will be shared with the candidates and feedback will be available.
   7. If there is no immediate suitable vacancy, the Head of Service or equivalent will direct the surplus Associated Professional to a temporary placement until a suitable permanent post becomes available. Such a placement may be to any other appropriate education post within the authority. If the temporary redeployment carries duties commensurate with the conserved salary, the application of cash conservation will commence at the date at which the transfer or cessation of temporary appointment takes effect. The temporary transfer of a surplus member of promoted staff should only take place where the vacancy is available for no less than 65 days.

[**Link to Budget Workforce Information including the Transform process**](http://interchange.moray.gov.uk/int_standard/Page_123635.html)

1. **Consultation with Parent Council where a Promoted Post in a School is Being Considered**

4.1As an employer, Moray Council is committed to safeguarding the continuous employment status of its staff and there will therefore be occasions when it is not appropriate to advertise a vacant post of HT/DHT. In circumstances where it is necessary to redeploy a member of staff, the Council has a responsibility to ensure a suitable post is available to all appropriate contracted staff in a redeployment situation.

4.2 Whilst in terms of good practice, the Council will always consult with the relevant parent council, in a redeployment situation the Council will always have the ultimate decision making in respect of redeployment. This practice is fully compliant with the terms of legislation relating to Parental Involvement in appointments of HT/DHT posts.

1. **Transfer Procedures**

5.1 The LNCT Joint Secretaries will be advised when Moray Council first becomes aware of the need for the transfer of associated professionals.

5.2 While a Head of Service or Head Teacher will have a preference for having an open and competitive process in appointing staff, the needs of Moray Council and its overall responsibility for workforce planning must take priority. Moray Council has a responsibility to ensure surplus member are appropriately placed, therefore

* 1. If a vacancy at the appropriate level is identified within the authority, the service or school will be notified of a possible transfer situation and the post will not be advertised.
  2. All the appropriate surplus associated professionals and their line managers will be notified of the vacancy by email to their work email address and requested to confirm their intentions. The Joint Secretaries of LNCT will also be notified.
  3. If only one candidate applies for the vacancy, the transfer will be arranged by the Business Support Team Manager. Both line managers will be informed and a mutually agreeable date for transfer confirmed.
  4. At interview there will not be the opportunity to make ‘no appointment’.
  5. All excess Associated Professionals will be notified if further vacancies arise.
  6. All excess Associated Professionals will be entitled to 3 years cash conservation unless the redeployment post is of a higher salary. Where no vacancy exists, the excess Associate Professional will be dealt with in accordance with Moray Council’s Transform Process.
  7. If in the opinion of the Head of Service, the identified surplus Associated Professional unreasonably refuses on 2 occasions to accept proposed post, there will be no entitlement to conservation of salary and any subsequent placement will be at the behest of the authority.

1. **Filling of vacancies**

An opportunity for the “at risk” member of staff to visit possible new school/department will be afforded.

An Associated Professional on maternity, adoption, secondment or sick leave will normally be subject to the same compulsory transfer arrangements and it is the responsibility of the Head of Service/Line Manager to maintain appropriate communication in this regard.

Where transfer involves work place relocations, transferred Associated Professionals will receive excess travelling expenses in accordance with SNCT Handbook of Conditions of Service. <https://www.snct.org.uk>