

LNCT

Aberdeenshire Local Negotiating Committee for Teachers



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LNCT/25/08

Redeployment of Excess Teaching Staff

This agreement has been subject to review in Year 2024 by the LNCT Joint Secretaries and HR as part of a review of current Aberdeenshire LNCT Agreements.

**A copy of the Policy/Procedure is attached below.
Supporting documents detailed in the resource pack can be accessed directly by Aberdeenshire Council employees via the HR/People pages on Viva Arcadia.**

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**LNCT POLICY FOR THE
REDEPLOYMENT OF
EXCESS TEACHING STAFF
[ALL LEVELS]**

2024

13th March 2024

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Introduction

This agreement has been subject to review in 2023 by the LNCT Joint Secretaries as part of a review of current Aberdeenshire LNCT Agreements.

The procedures detailed in this paper apply to all employees on Scottish Negotiating Committee for Teachers (SNCT) Conditions of Service.

This document outlines the procedures to be followed in situations where excess member[s] of Teaching staff has been identified in schools through a fall in school roll or through dualling, mothballing/closing or merging of schools.

Where surplus in staffing has arisen due to school closures, new school openings, amalgamations, management reorganisations etc the procedures for redeployment may be encompassed by the Learning Estates Strategy – Movement Towards A Sustainable Estate. Any update to due process under this may amend and apply in conjunction with this Policy. *Attached Separately*

The procedures detailed in this paper can also apply if it is necessary to transfer a surplus teacher following the outcome of the agreed appointments procedure.

The term 'teachers' will be used throughout this Procedure Manual to refer to all employees on SNCT Conditions of Service.

Principles

1. **Teachers are appointed to the service of the Authority and not to a particular school and may be subject to transfer between schools within Aberdeenshire Council at the discretion of the Authority in line with their contract of employment.**
 - 1.1. Redeployment is the transfer of members of staff to another place of employment. This procedure provides the mechanism whereby teachers are to be transferred to another school as a result of the following circumstances:
 - Fall in School Roll
 - School Mothball/Closure
 - Changes to Staffing Formula
 - Reduction in Service Provision in Schools
 - 1.2. Each educational establishment in Aberdeenshire Council is staffed in accordance with the agreed staffing entitlement for the school. Posts which are surplus to the staffing entitlement and/or the promoted post structure for an individual school will be identified during the Workforce Planning Programme for schools, which commences in the January preceding the new school session in August.
 - 1.3. There may be circumstances where a teacher may need to be transferred to another school for reasons other than those noted above. Such circumstances will be considered on a case-by-case basis.
 - 1.4. The procedures outlined apply only to an excess situation which result in a voluntary or compulsory transfer and not transfers as resulting from work performance or medical grounds.
 - 1.5. In surplus situations, every effort will be made to seek a volunteer for transfer in the first instance.
 - 1.6. Teachers in job share posts will be liable for transfer in accordance with the Policy on Job Share which states, "Where the selection process for transfer as set out in the Compulsory Transfer Procedure is applied, job share partners will be assessed individually." Part Time teachers should be treated in the same way as full time teachers, with the same selection criteria being used. [LNCT-21-20 Job Sharing Scheme for Teachers.docx \(live.com\)](#)
 - 1.7. At any stage of the transfer process, the teacher will have the opportunity to discuss the matter with the Head Teacher and/or the [QIM/O] and be accompanied by a trade union colleague if so desired.

- 1.8 Teachers will be given 4 working weeks written notice of a transfer, excluding holidays. This notice period may be adjusted subject to consultation with the Head Teacher concerned and with the agreement of the individual teacher.
- 1.9 No teacher will be subject to an unreasonable request to transfer and, in determining what is reasonable, due account must be taken of the following factors:
- i. The distance from the teacher's home to the school which it is proposed to transfer
 - ii. Travelling time
 - iii. Travel into or out of Aberdeen City and some rural routes at peak times
 - iv. Availability of public transport in relation to the normal school day and collegiate time
 - v. Personal circumstances – access to private transport, it being recognised that ownership of a vehicle is not a requirement of employment unless specifically stated in the original contract of employment.
 - vi. Request to return – if a teacher who has been compulsorily transferred from a school applies for and is appointed to a vacancy which subsequently occurs in that school, such appointment will be on a voluntary basis and the teacher will forego any remaining elements of protection arising from compulsory transfer.

Section 1

Procedure for Redeployment of all Promoted Teaching Staff

1. Background

- 1.1. The Scottish Schools (Parental Involvement) Act 2006 reinstated the ability of education authorities to redeploy Head Teachers and Depute Head Teachers (and other promoted teaching staff) which had previously been withdrawn under the School Boards legislation.
- 1.2. This Procedure provides a mechanism whereby teachers may be transferred from one educational establishment to another. Please refer to Appendix 4 for the steps in the process. It covers two types of transfer:
 - Voluntary transfer arising from a surplus situation. Where a teacher volunteers to be the teacher identified as 'surplus'.
 - Compulsory Transfer arising from a surplus situation. Where there is no volunteer identified as the 'surplus' teacher, a selection process will be undertaken to identify the 'surplus'.

2. Procedure for Redeployment (Falling School Roll)

To be factored as part of the Annual Staffing Exercise

- 2.1 Please use the appendices in this document in support of the process.
- 2.2 When the staffing formula is run with projected roll data for the academic year ahead, the QIO will identify which schools are impacted by the reduction in their staffing entitlement.
- 2.3 The QIO should confirm to their Head Teachers that the school is no longer entitled to the current complement of promoted Teachers.
- 2.4 Staff in the affected group would be canvassed for volunteers at this point. Where there is no volunteer the Head Teacher should identify the excess DHT/PT and inform him/her, following the selection criteria and procedure as detailed in Appendix 2.
- 2.5 The line manager should then meet with the excess member of staff to explain fully the options available including the procedure for redeployment. The member of staff involved would at this stage be entitled to Trade Union accompaniment.
- 2.6 During the period of redeployment, the excess member of staff may wish to consider early retiral options. Full details of early retiral options can be found under Aberdeenshire Council's [Retirement Procedure](#). This would only be granted subject to no additional cost to the Authority.

- 2.7 At the meeting the excess member of staff will be made aware of the two redeployment options available, as described below:

12 months on redeployment

If after 12 months on the redeployment list, or after two unreasonable refusals to accept an equivalent or better post, a transfer to an appropriate permanent post at an equivalent or better level in a school has not been arranged, the excess member of staff will be offered a transfer to an unpromoted teaching post. Entitlement to salary conservation will be as defined in [Part 2 Section 1 - SNCT Handbook](#). It should be noted that a redundancy/pension benefits financial package will not be offered as an alternative to redeployment to an unpromoted teaching post. If the member of staff chooses to refuse the offer of an unpromoted post, then this would be viewed as a resignation from the Council.

12 weeks on redeployment

If after 12 weeks on the redeployment list, a transfer to an appropriate permanent post at an equivalent level in a school has not been arranged, the excess member of staff will be given a redundancy payment and where applicable, pension benefits as detailed under Aberdeenshire Council's redundancy procedure. It should be noted that the refusal of a reasonable offer of redeployment will be viewed as a resignation from the Council.

- 2.8 As per Appendix 1 can you please follow the process map in conjunction with the points outlined under Appendix 2, points 1-4
- 2.9 As per Appendix 1 please follow in conjunction with Appendix 2 Point 5 and the steps within each stage.

3. Scope for Redeployment

- 3.1 Following the meeting a communication will be issued by the Line Manager asking the excess member of staff to confirm in writing their preferred redeployment option. A response will be required in 10 working days. This confirmation will be legally binding and there will be no change to the alternative option.
- 3.2 The excess member of staff will be offered the first suitable vacant promoted post at an equivalent level to their current post, in a school within reasonable travelling distance and time from their home. An equivalent level of post is defined as two job sized grades up or down from their current job sized point.
- 3.3 A list of all excess promoted post holders due for redeployment will be maintained by the authority.
- 3.4 Once a suitable post is identified the Line Manager should discuss the proposed redeployment with the receiving Head Teacher, prior to contacting the excess member of staff.
- 3.5 The Line Manager will then meet with the excess member of staff to inform him/her of the proposed school and post for redeployment.
- 3.6 **FOR HEAD TEACHERS ONLY** – where the redeployment involves a HT the QIO should arrange to discuss this with the Parent Council of the receiving school and Elected members.
- 3.7 **FOR DEPUTY HEAD TEACHERS ONLY** - where the redeployment involves a DHT the receiving Head Teacher should arrange to discuss this with the Parent Council of the receiving school.
- 3.8 The HT/DHT subject to redeployment should be invited to attend an informal meeting with the Chair of the Parent Council (or Parent Council representative), and the Head Teacher of the receiving school/QIO as appropriate.
- 3.9 If the post is identified to be of interest to more than one member of staff who is eligible for redeployment, there would be the requirement for a formal interview process to take place between those involved to determine which candidate is to be redeployed.

3. Scope for Redeployment continued

- 3.10 If the post proposed for redeployment has a higher job sized salary, the member of staff to be redeployed will be paid the higher salary from the date of taking up the new post.
- 3.11 If the post offered for redeployment has a lower job sized salary, the member of staff to be redeployed will receive cash conservation for three years. At the end of the three year period the cash conservation will end, and the post holder will then receive the job-sized salary for the post he/she now holds.
- 3.12 For staff opting for 12 months on redeployment there shall be no entitlement to conservation of salary where a teacher refuses unreasonably, on two occasions, to accept an alternative, or equivalent or better post.
- 3.13 The excess member of staff should be offered the opportunity to visit the school which he/she is to be redeployed.
- 3.14 The appointment to the redeployed post should be confirmed in writing and an amended contract of employment issued.
- 3.15 During the period on the redeployment list the Authority may redeploy an excess member of staff to appropriate temporary post[s] at an equivalent level in another school[s] within reasonable travelling distance and time from their home.
- 3.16 Staff in promoted posts who are redeployed, either on a temporary or permanent basis will be eligible to claim travel expenses in accordance with the authority policy. [LNCT-21-01 Business Mileage Provision.docx \(live.com\)](#)
- 3.17 For staff being redeployed the period of notice prior to commencing in their new post will be four weeks from the date of issue of the letter confirming their appointment to the redeployed post.
- 3.18 **If necessary, the Head of Education or nominated Head of Service has the final decision on the post to which any teacher is being redeployed to.**

Section 2

Procedure for Redeployment of all Non-Promoted Teaching Staff

1 BACKGROUND

- 1.1 The authority reserves the right to redeploy unpromoted teachers where excess staffing exists within an establishment or network.
- 1.2 Officers in ECS and HR will work together to identify vacancies for unpromoted teachers where excess staffing exists within an establishment. A continuously updated list of excess teaching staff is kept centrally. This list includes the excess FTE and the name of the school. The list is updated by the Resourcing Officer and by QI colleagues.
- 1.3 This Procedure provides a mechanism whereby teachers may be transferred from one educational establishment to another.” It covers two types of transfer:
 - Voluntary transfer arising from a surplus situation. Where a teacher volunteers to be the teacher identified as ‘surplus’.
 - Compulsory Transfer arising from a surplus situation. Where there is no volunteer identified as the ‘surplus’ teacher, a selection process will be undertaken to identify the ‘surplus’.
- 1.4 There is a Process Map from Appendix 5 to support in the undertaking the exercise.

2 Procedure for Redeployment (Falling School Roll)

2a To be factored as part of the Annual Staffing Exercise

- 2.1 Please use the appendices in this document in support of the process.
- 2.2 When the staffing formula is run with projected roll data for the academic year ahead, the QIO will identify which schools are impacted by the reduction in their staffing entitlement.
- 2.3 The QIO should confirm to their Head Teachers that the school is no longer entitled to the current complement of Teachers.
- 2.4 Teachers in the affected schools would be canvassed for volunteers at this point. Where there is no volunteer the Head Teacher should follow the selection procedure as detailed in appendix 3.
- 2.5 The Head Teacher should then meet with the excess member of staff to explain fully the options available; this can also include exploring retirement or voluntary severance. The member of staff involved would at this stage be entitled to Trade Union accompaniment.
- 2.6 The identified excess member of staff may wish to consider early retiral or VS options. Full details of early retiral options can be found under Aberdeenshire Council’s [Retirement Procedure](#). This would only be granted subject to no additional cost to the Authority.

2a Procedure for Redeployment (Falling School Roll) continued

- 2.7 Following the meeting a communication will be issued by the Line Manager asking the excess member of staff to confirm in writing the preferred redeployment option. A response will be required in 10 working days. This confirmation will be legally binding and there will be no option to change to the alternative option.
- 2.8 We will make every attempt to ensure that a teacher who has been redeployed in the past 3 years will be immune from further compulsory transfer for the same reason other than where there is no other viable option.

2b Standalone Schools Only

- 3.1 There will be occasions due to further falling school roll when an individual school will need to reconfigure their classes and declare a teacher excess. In those cases, the QIO and the HT should follow steps noted under Section 2 from 2.1 to 2.8
- 3.2 Exercises under this would be undertaken in advance of the end of Term 2 and implemented by start of Term 3.

3 Scope for Redeployment

- 3.1 Following the meeting a communication will be issued by the Line Manager asking the excess member of staff to confirm in writing their preferred redeployment option. A response will be required in 10 working days. This confirmation will be legally binding and there will be no change to the alternative option.
- 3.2 The excess member of staff will be offered the first suitable vacant post in a school within reasonable travelling distance and time from their home.
- 3.3 A list of all excess un-promoted post holders due for redeployment will be maintained by the authority.
- 3.4 Once a suitable post is identified the Line Manager should discuss the proposed redeployment with the receiving Head Teacher, prior to contacting the excess member of staff.
- 3.5 The Line Manager will then meet with the excess member of staff to inform him/her of the proposed school and post for redeployment.
- 3.6 If the post is identified that it should be considered to more than one member of staff who is eligible for redeployment, there would be the requirement for a formal interview process to take place between those involved to determine which candidate is to be redeployed to the post.
- 3.7 The excess member of staff should be offered the opportunity to visit the school which he/she is to be redeployed.
- 3.8 The appointment to the redeployed post should be confirmed in writing and an amended contract of employment issued.
- 3.9 During the period on the redeployment list the Authority may redeploy an excess member of staff to appropriate temporary post[s] at an equivalent level in another school[s] within reasonable travelling distance and time from their home.
- 3.10 Staff in non-promoted posts who are redeployed, either on a temporary or permanent basis will be eligible to claim travel expenses in accordance with the authority policy. [LNCT-21-01 Business Mileage Provision.docx \(live.com\)](#)
- 3.11 For staff being redeployed the period of notice prior to commencing in their new post will be four weeks from the date of issue of the letter confirming their appointment to the redeployed post.
- 3.12 **If necessary, the Head of Education or nominated Head of Service has the final decision on the post to which any teacher is being redeployed to.**

Section 3

1 EXCESS TRANSFER PROCEDURE UNDER SERVICE PROVISION REVIEWS

As and when a service review has been agreed and undertaken, any surplus in staffing has arisen due to school closures, new school openings, amalgamations, management reorganisations etc the procedures for redeployment may be encompassed by the Learning Estates Strategy – “Movement Towards A Sustainable Estate”. Any update to due process under this may amend and apply in conjunction with this Policy

Prior to commencement of any change, the service needs to ensure they have scoped out the terms of reference of what will be encapsulated in the consultation process. Please refer to Appendix 1.

1. CHANGES TO STAFFING FORMULA

1.1 There will be occasions that a revision of the school staffing formula will be undertaken, this in turn will lead to a revised entitlement to both promoted and un-promoted teachers within some schools. The process outlined in Appendix 4 & 5 will be applied when this happens.

2. REDUCTION IN SERVICE PROVISION

2.1 The service may at times need to revise and rationalise the service provisions to ensure we can service deliver in line with our agreed budget. This in turn may reduce the FTE in both Promoted and Non-Promoted Teacher requirements. The process outlined in Appendix 4 & 5 will be applied when this happens.

3. SCHOOLS IDENTIFIED FOR MOTHBALLING

3.1 In the event of a school being mothballed or subsequently closed the QIO should meet with the Head Teacher, and other promoted and un-promoted Teachers, to explain fully the options available and the procedure for redeployment. Thereafter, the procedure to be followed will be that described in the paper attached below and supported by appendix 6.:

4. SCHOOLS BEING DUALLED

4.1 In the event that a school has been taken forward to operate as a Dual HT School, any teaching staff within either or both schools identified as being excess will be redeployed. The process outlined in Appendix 4 & 5 will be applied when this happens.

Appendices

Consultation Process for Redeployment

1. The Council recognises the importance and value of timeous and effective consultation arrangements.
2. The benefits of this are:
 - Meeting our legal obligations.
 - Providing meaningful employee engagement when there are changes that may affect their terms and conditions.
 - Enhancing 2-way communication and ensuring employees receive appropriate information and feel listened to.
 - Ensuring a consistent, effective, and efficient approach to making change.

3. When should there be consultation?

When considering changes within the delivery of the service we need to factor what impact this will have on employee's terms and conditions, employees that may be affected must be consulted on the proposed change.

4. Formal Consultation is required where there are proposals to implement a change to employee contractual arrangements.

What should Consultation look like?

1. Clearly define the scope of the change
2. Discuss with HR the specifications of the change you are seeking to implement.
3. Advise Trade Unions of the proposed change.
4. Advise the staff that will be affected by the proposed change.
5. Consider feedback
6. Communicate outcome.
7. Administer the change.

Appendix 2

Selection for redeployment for all Promoted Teachers

Where an excess in promoted posts within a school exists, the following steps should be used as a guidance to ensure fair selection for redeployment. An HR Advisor should be consulted to provide advice on fair selection and process.

1. Review any fixed term arrangements that are in place firstly or vacancies that are anticipated.
2. All potential postholders should be canvassed to see if anyone would wish to volunteer.
3. Options such as requests for reduced hours, phased retirement or voluntary severance could be considered if this would achieve the reduction required.
4. All post holders should be allowed the opportunity to provide feedback on any other suggestions that they may have to achieve the reduction required.
5. If all voluntary options are exhausted, then the following steps should be followed as a guide:
 - a) A panel should be set up of at least 3 members one at HT level, a QIM/O, and one of which should include an HR representative.
 - b) Agree a set of measurable interview questions which should be based on the level of post that the pool of employees includes.
 - c) Panel should agree a scoring system for the question and the exercise[s] based on best practice, what the post holder should answer based on demonstrating their skills and experience.
 - d) On day of selection all post holders should be provided with the questions or exercise around 15 minutes prior to meeting with the panel in order to prepare and take any notes.
 - e) Panel will convene and score each area answered – this should be retained and available for each post holder.
 - f) Panel reviews scores for each post holder and identify post to be redeployed.
 - g) Feedback and scores should be provided to each postholder.

Appendix 3

1. Selection for redeployment for non Promoted Teachers

Where an excess in non-promoted posts within a school exists, the following steps should be used as a guidance to ensure fair selection for redeployment. An HR Advisor should be consulted to provide advice on fair selection and process.

1. Review any fixed term arrangements that are in place firstly or vacancies that are anticipated.
2. All potential postholders should be canvassed to see if anyone would wish to volunteer.
3. Options such as requests for reduced hours, phased retirement or voluntary severance could be considered if this would achieve the reduction required.
4. All post holders should be allowed the opportunity to provide feedback on any other suggestions that they may have to achieve the reduction required.
5. QIM/O to liaise with HT[s] of School[s] to determine who is identified as the Teacher who is excess [please use Desktop Exercise Table below to support identifying excess teacher.

2. Desktop Exercise Tables

Length of Service

Score Definition	Score
5 or more years of service	15
4 years of service	12
3 years of service	9
2 years of service	6
1 year of service	3
Less than 1 year of service	0

Disciplinaries

Score Definition	Score
No current disciplinary warnings	15
First level oral warning	10
First level written warning	5
Final warning issued	0

Appendix 3

3. Further Supporting Information

Whilst it is the last person into the continuous service of the authority who should be declared excess, there may be occasions where other things need to be factored.

If the FTE that has been identified as excess does not directly match that of the FTE composition in a school, the following example may assist in the process:

For example, a Primary School has 5 teachers, and the excess is 1FTE and no teacher is seeking to voluntary transfer. Teacher A has been in service for the shortest period of time but only works 0.4FTE and the longest serving teacher is 0.6FTE and all other Teachers are also part-time but their FTE does not add up to give a clear 1FTE. Firstly, you cannot aggregate the identified excess with both of the 0.4FTE/0.6FTE, you will have to do the following:

- Declare just the 0.4FTE [with agreement by Head of Education]
- Review the 0.6FTE shortfall and match as closely as possible to the remaining Teacher complement, [If the other teacher who is the second in length of service is over the 0.6FTE, you may wish to consider her and then only back-fill the short-fall that creates.
- Likewise, you cannot disaggregate the teachers FTE to match the identified excess.

The timing when declaring an excess will be considered in conjunction with Secondary Schools timetables are agreed and for Primary Schools when classes are configured.

The travel to work mileage should be up to 30 miles, however as we are a rural local authority, we should be taken into account terrain and journey times.

Staff who are absent through illness, on secondment, maternity/paternity leave or on career break must be kept informed of evolving staffing situations and are not exempt from the process.

If more than one teacher notes an interest in volunteering, it will be offered to the teacher with the longest continuous service with the authority.

In the event of a 'tie' because two or more teachers entered service with the authority on the same date, then account should be taken of continuous Grampian or Aberdeenshire teaching service. If it still remains a tie, a selection process to identify the excess Teacher to compulsorily transfer will be undertaken.

Vacancies that the excess Teacher[s] will be considered for may not match like for like to their current role. Every effort will be made to match Teachers to permanent posts; however, they may be transferred to a fixed term post, this will not contradict their permanent status. A teacher declared as excess cannot refuse the offer of a transfer to a reasonable alternative post in the hope that a post more favourable to them might become vacant.

In the situation where there are no vacancies at all, the teacher will remain on an excess list and receive full pay.