

Compulsory Transfer of Teachers

1. INTRODUCTION

The quality of teaching staff is a fundamental component of a high quality education service. Devolved School Management enables Head Teachers to deploy staff flexibly within their schools, and to take account of strengths and weaknesses in assigning roles to individual members of staff.

Examples of this may include:

- Working in support for learning
- Team teaching
- Curriculum development
- Work in ICT

Arrangements are in place to ensure that staff are accountable for the remits assigned to them through:

- Line management arrangements
- Continuous professional development and review
- Absence management
- GTCs competencies

2. GENERAL CONDITIONS AND PROCEDURE

2.1 The needs of the service are paramount when selecting teachers for transfer.

2.2 West Lothian Council teachers have a contractual liability to transfer from one Education establishment to another. Voluntary transfers will be sought whenever possible and every effort will be made to minimise the number of transfers against teachers' wishes. Volunteers are required to make a firm commitment and will be treated in the same way as compulsory transferees.

2.3 When considering teachers for compulsory transfer, regard will be taken of:

- the needs of the school;
- the suitability of teachers for known vacancies;
- teachers' personal circumstances; and where appropriate
- the teacher's length of service with the council (not the particular school).

When considering redeployments, due regard will be given to the distance of travel required and travel services available.

All teachers should be treated equally, regardless of status. Where 'last in, first out' is not to apply, the Head Teacher will identify the reasons for the decision.

2.4 For compulsory transfers, previous continuous service with the former Lothian Region Council and West Lothian Council will be taken into account as follows:

Maternity leave

- a. Maternity leave counts as teaching service in full. Provided teachers return to work during the period when the statutory right of return applies, the period between the end of maternity leave and return to work counts as teaching service in full.

Reckonable Service

b) A break in service, for reasons other than disciplinary, will be recognised for a maximum period of seven years. Teaching service occurring before a break of seven years or less is credited in full. Previous service for breaks of more than seven years is NOT recognised.

c) For more than one break in service, breaks are aggregated up to a maximum of seven years. Provided the aggregate of breaks is less than seven years, all periods of intervening teaching service is credited in full.

Where breaks total more than seven years, credit is only given for the service accumulated between the breaks totalling to no more than seven years in the period immediately preceding the return to work.

2.4.1 The aggregate of teaching service arrived at under (b) or (c) above is used to determine if teachers are eligible for compulsory transfer under the 'last in, first out' principle.

2.4.2 In the Secondary Sector, the application of the 'last in, first out' principle depends on the overall staffing requirements of the particular department of the new school, not of the whole school.

2.4.3 Where two or more teachers have equal service with the council, consideration will be given to the criteria specified in para 2.3 of the procedures, and full consultation will take place with the teachers concerned prior to a final decision.

2.4.4 Teachers should be given the opportunity to be accompanied by a trade union representative or other person of their choice at meetings to discuss compulsory transfers. However, such attendances will be the exception rather than the rule.

2.4.5 Teachers dissatisfied with the decision can raise the matter in accordance with the formal grievance procedure.

2.5 Teachers will be transferred to fill permanent posts. They will not (unless by mutual agreement) be transferred to cover absences arising from secondments, maternity leave or other periods of absence.

2.6 Teachers:

- who, by the end of February are known to be pregnant, will not be placed on the transfer list;
- who make known their pregnancy between the end of February and 31 May, will not normally be asked to transfer;
- who declare their pregnancy after 31 May will not be granted exemption from the annual transfer arrangements (see paragraph 3 below).

2.7 Teachers on maternity leave will be reminded of their right of return to the same school.

2.8 Teachers on maternity leave:

- who return to duty before 31 May are not exempt from selection for transfer in the following session;
- who confirm their return to duty after 31 May, but before the end of the school session, are not exempt from transfer since this would satisfy teachers' right to return to the same school.

2.7.1 Head Teachers should ensure that teachers on maternity leave, who are nominated for transfer, are formally contacted and that the normal compulsory transfer procedures are applied.

2.8 Transferees' right to return to their original school, should an appropriate vacancy arise, remains for one year after transfer. It is the teacher's responsibility to make such a request. However, any special circumstances relating to the curriculum needs of the pupils must be taken into account.

2.9 The Service will make every effort to minimise the number of re-transfers in a short timescale.

2.9.1 Primary sector teachers will not be transferred in successive sessions.

2.9.2 Secondary sector teachers will not be transferred in successive sessions except where not doing so would involve transferring a promoted member of staff.

2.10 All transferees have the right to information about vacancies.

2.11 The date of transfer will normally be notified one month in advance - earlier if possible. There may be occasion when it is in the interest of the individual to transfer more quickly.

2.12 Posts, including promoted posts, will only be filled by redeployment if a suitable teacher nominated for compulsory transfer is available. Teachers will NOT be transferred to posts of a higher grade than that which they presently hold.

2.13 The holder of a promoted post who is compulsorily transferred will be entitled to conservation of salary but not to conservation of grade of post.

2.14 Additional home to work travelling expenses incurred by a transferred teacher [including voluntary transfer – see Paragraph 2.2] will be reimbursed in accordance with the terms of Appendix B (2) Paragraph 1 of the Scheme of Salaries and Conditions of Service.

2.15 It is important that appropriate arrangements are made within schools to welcome compulsory transferees when they visit a school prior to transfer.

2.16 It is important to recognise the positive aspects of the transfer scheme, as it provides opportunities for staff to broaden their experience. Head Teachers should make every effort to ensure that transferees do not feel that they have failed in some way.

2.17 Teachers will be reminded that if they remain dissatisfied with their placement, that they have the right of appeal under the Grievance Procedure.

3. OPERATIONAL TIMESCALE AND INFORMATION FOR TRADE UNIONS

3.1 For operational reasons, procedural timescales for staff transfers differ in the primary and secondary sectors. Planned timescales are produced annually and copies sent to Head Teachers and the appropriate teacher union secretaries. Timescales for staff transfer in special education are issued as and when required.

3.2 The Service will inform the appropriate teacher unions about possible staffing levels as early as possible. This information will be available following analysis of staffing returns and will be tentative until discussions about requirements have been held with Head Teachers, and the council confirms budget provisions.

3.3 After determining their staffing allocation, Head Teachers will meet with staff and trade union representatives, at the earliest opportunity, to discuss their decision regarding any staffing reductions required within their school's complement. Full information on how their decision was made will be provided.

3.4 Primary Sector

3.4.1 A group meeting will be held of staff identified for transfer. Representatives of the trade unions will be invited to these meetings.

3.4.2 Following on from the group meetings, individual interviews will be held to consider teachers' wishes in relation to available posts.

3.5 Secondary Sector

3.5.1 Compulsory transfer of teachers should be a rare occurrence, brought about mainly by significant change, e.g. school closure, change in catchment area etc.

3.5.2 Where the demand for a subject drops, every effort should be made to redeploy teachers creatively in their own school.

3.5.3 Where a potential compulsory transfer arises, the council and secondary Head Teachers' group should be advised at the earliest possible opportunity.

3.5.4 Secondary Head Teachers will share the information and suggest solutions, where possible, on the understanding that the teacher will return to his/her original school after one year – in accordance with paragraph 2.8 above.

3.5.5 The issue will only be referred for action by Human Resources, when Head Teachers have not succeeded in recommending a solution.

3.6 The Service will provide the teacher unions with regular progress reports about the transfer arrangements

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Author: Andrew Sneddon