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ABERDEEN CITY COUNCIL

COMPULSORY TRANSFER OF TEACHING STAFF POLICY AND PROCEDURE

January 2013

Date of next review – January 2016

CONTENTS

- 1. Scope**
 - 2. Definitions**
 - 3. Core Principles**
 - 4. Procedure**
 - 4.1 Stage 1 Volunteers**
 - 4.2 Stage 2 GTCS Registration**
 - 4.3 Stage 3 Assessment Process**
 - 4.3.1 Disciplinarys**
 - 4.3.2 Sickness Absence**
 - 4.3.3 Length of Service**
 - 4.4 Right of Appeal**
 - 5. Compulsory Transfer of DHTs and Head Teachers**
 - 6. Financial Arrangements**
- Appendix 1 Scoring Summary Sheet**

1. Scope

This Procedure applies to all main grade Teachers, chartered teachers and disestablished principal teachers.

2. Definitions

Excess staffing exists when the teaching hours currently allocated to a school are in excess of those to which the school is entitled.

A “disestablished Principal Teacher” is a teacher who was formerly a subject Principal Teacher in a secondary school, and who is now deployed as a teacher, but still in receipt of a conserved salary.

3. Core Principles

Teachers are employed by Aberdeen City Council as an Education Authority and may be transferred between schools within Aberdeen City at the discretion of the Authority and in line with their contracts of employment.

This policy provides the mechanism whereby teachers are to be transferred to another school as a result of the following circumstances:

- Changes in the school roll
- A reduction in service provision in a school

Transfers resulting from school closures or amalgamations and from school management restructuring will be progressed in line with the Job Matching in Schools Procedure.

It is recognised that there may be exceptional circumstances where a teacher may transfer to another school for reasons other than those given above. Such cases will be considered on a case by case basis and management would seek to reach agreement with the teacher concerned regarding the transfer.

In all cases above this policy applies only where there is a transfer to another post within the Authority.

Teachers in job share posts will be liable for transfer in accordance with the Policy on Job Share

Part Time teachers should be treated in the same way as full time teachers, with the same selection criteria being used.

The Authority reserves the right to transfer main grade and disestablished Principal Teachers where an excess staffing situation exists.

Where excess staffing exists in a primary or special school, the selection pool will consist of all main grade teachers within the school.

Where excess staffing exists in a secondary school, the selection pool will consist of all main grade teachers/disestablished principal teachers registered and timetabled to teach in the subject area which is overstaffed. All teachers who are registered in the subject and have full responsibility for at least one teaching set in the subject for a minimum of one school session will be included in the selection pool.

Teachers who have been compulsorily transferred will be immune from further compulsory transfer for 2 years, unless there are exceptional circumstances.

A teacher who has been compulsorily transferred from a school has the right to return to that school should a vacancy arise within 12 months of the transfer, provided that the requirements of the Job Description and Person Specification are met, and the post is within the parameters of his/her GTC registration.

This Policy and Procedure will be reviewed every 3 years.

4. Procedure

The Head Teacher will arrange to meet with the staff within the selection pool to advise them of the excess staffing situation. At this meeting, the Head Teacher will ask staff to consider whether or not they wish to volunteer for transfer.

At the meeting the Head Teacher will set out the timescales for the assessment process (should there be no volunteer(s)).

4.1 Stage 1 Volunteers

In circumstances where a need for compulsory transfer is identified, a “volunteer” should be sought first.

Where more than one teacher volunteers for compulsory transfer, the volunteer teacher with the longest continuous service with Aberdeen City Council and its predecessor Authorities, including temporary service, is offered the compulsory transfer.

Where possible, information about available transfer options should be given to potential volunteers

4.2 Stage 2 GTCS Registration

Should it not be possible to resolve the excess staffing situation by voluntary means, the GTCS registration of all teachers within the selection pool will be considered against the posts that are available. If a teacher does not hold the appropriate registration for the posts available (ie a teacher with secondary registration in a primary school in which only classroom teacher posts, requiring full primary registration, are available), that teacher will be identified for transfer.

4.3 Stage 3 Assessment Process

Where the excess staffing situation still exists following the application of stages 1 and 2, an objective assessment process against defined criteria will be undertaken as set out below.

4.3.1 Disciplinaries

The information held within the disciplinary records shall be awarded a mark as follows. All expired warnings will be disregarded

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

4.3.2 Sickness Absence

The information held regarding a Sickness Absence will be taken into account. This will involve assessing the employee's sickness absence record, excluding any sickness absence which is related to:

- a declared (or recognised) medical condition where the person meets the disability provision under the Equality Act 2010
- absence directly related to pregnancy
- industrial injury at work reported at the time of the accident/incident.

Mark Definition	Mark
No recorded sickness over the previous 12 months	15
1 – 2 days sickness over the previous 12 months	14
3 – 10 days sickness on 1 or 2 occasions over the previous 12 months	12
Over 10 days up to 5 months sickness on 1 occasion over the previous 12 months	11
3 – 5 days sickness on 3 or more occasions over the previous 12 months	10
Between 6 and 10 working days over 3 or more occasions over the previous 12 months OR in total more than 5 months sickness absence over the previous 24 months over 1 to 3 occasions	5
More than 10 days sickness on more than 3 occasions over the previous 12 months (unless the employee's sickness record over the previous year meets the definition below)	2
In both of the 2 previous years* has had more than 10 days sickness on more than 3	0

occasions OR in total over 5 months sickness on 4 occasions or over in the previous 24 months.	
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* This means assessing the sickness record over the previous two years and the determining numbers of days and occasions lost to sickness in each of the two years.

4.3.3 Length of Service

This will be the length of continuous service with Aberdeen City Council (and its predecessor authorities) on the day on which the transfer is due to take effect.

Mark Definition	Mark
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

At the end of the scoring process, should there be a need to distinguish between two (or more) employees with equal scores, the length of continuous service with Aberdeen City Council (and its predecessor authorities) will be the determining factor, with the employee with the shortest continuous service being selected for transfer.

4.4 Right of Appeal

An employee will have the opportunity to appeal against the decision where they feel the process applied was flawed, or that the decision has been based on discriminatory grounds. The appeal should be submitted within 3 working days, in writing, to the Head of Service and it will be heard within 10 working days of receipt of the appeal letter.

5. Compulsory Transfer of Depute Head Teachers And Head Teachers

Whilst national open advertising of vacancies for Head Teacher and Depute Head Teacher posts is the norm, Regulation 5(3) of *The Parental Involvement in Headteacher and Deputy Headteacher Appointments (Scotland) Regulations 2007* allows for the post of Head Teacher to be filled by an existing Head Teacher or the post of Depute Head Teacher to be filled by redeployment of an existing Depute Head Teacher, at the discretion of the Authority, subject to consultation with the relevant Parent Council and the terms of the Job Matching Protocol.

6. Financial Arrangements

Where a teacher is transferred to a post that is further away from his/her home than their previous place of employment, the Corporate provisions for claiming excess travel costs will apply.

Scoring Summary Sheet

Candidate Name	GTCS Registration	Disciplinaries	Attendance	Length of Service	Total Score