

Clackmannanshire Council LNCT Agreement Procedures for the transfer of surplus promoted teaching staff

1. INTRODUCTION

- 1.1 The Scottish Schools (Parental Involvement) Act 2006 and the Parental Involvement in Head Teacher and Depute Head Teachers Appointments (Scotland) Regulations 2007 gives education authorities the powers to transfer surplus Head Teachers and Depute Head Teachers.
- 1.2 This document outlines the Authority's procedures for the transfer of surplus promoted teachers and takes account of the requirement for parental involvement.

2. SCOPE

- 2.1 The Act refers only to Head Teachers and Depute Head Teachers, but to ensure a consistent approach to the management of surplus promoted teachers, these procedures will apply to all promoted teaching posts (Head Teacher, Depute Head Teachers and Principal Teacher) in all sectors.

3. PROCEDURES TO BE FOLLOWED

- 3.1 Definition of surplus

The reasons for a promoted post to be considered surplus may be :

- The closure or amalgamation of school(s).
- Where the circumstances of a school e.g. a falling roll have caused the school to have more promoted posts than it is entitled to under the Council's devolved school management scheme
- Where a future review, either at service or Establishment level, of promoted posts structures takes place

- 3.2 Where a Parent Council exists, the Improving Outcomes Manager will consult the Parent Council when it is proposed that a surplus promoted teacher should fill a vacant promoted post. Discussion will also take place with the Parent Council about the specific skills, strengths and experience required for the post. The Authority will make the final decision on whether to transfer and in this event the Parent Council will have no further involvement in the appointment

process. This will only apply to Head Teacher and Depute Head Teacher posts. In the case of a Roman Catholic school consultation with the church will be required

3.3 Where a teacher has been identified as surplus, they will be invited to meet the Improving Outcomes Manager to discuss the process for transfer. Teachers may be accompanied by a professional association colleague or a friend at this meeting. Following this meeting the member of staff will be provided with a form to complete which will allow them to highlight their skills strengths and experience to facilitate the process. They will be asked to return the completed form within one week.

3.4 Where there is a surplus promoted post in an establishment and there is more than one post holder at the same grade, then the following would apply to determine which promoted teacher is surplus:

- A volunteer for transfer should be sought for the first instance.
- The continuous length of service in promoted post will be given a weighing of 2 points per year and 1 point will be given for any other year of teaching (e.g. 10 years in teaching the last 2 of which have been in a promoted post now declared surplus. Therefore for compulsory transfer purposes, 12 years would be used.)
- The candidate with the lowest score would be eligible for transfer

4 JOB SHARERS

4.1 Where promoted post holders job share, they will normally be transferred together as a partnership.

4.2 In a compulsory transfer situation the service of the teacher with the longer continuous service within the partnership will be used to determine the points outlined in 3.4

5 PART TIME EMPLOYEES

5.1 Part-time service will be credited on a full-time equivalent basis for the calculation of total continuous service with the authority and its antecedent authorities.

5.2 Promoted teachers who work reduced hours will be offered the promoted post on full time hours, if the vacancy is for a full time post. If they wish to continue to work part time hours then they will be offered their reduced hours in the new post. The remaining hours will be advertised in line with school requirements.

- 5.3 A surplus promoted teacher will be offered any appropriate vacancy regardless of available hours but will not be expected to increase or reduce hours in order to take up the post.

THE MATCHING PROCESS

and SALARY CONSERVATION

- 6.1 Surplus promoted teachers will ideally be matched to posts which carry the same job sized salary. Surplus promoted teachers may be transferred directly into promoted posts where the salary is 1 spinal column point higher than their current salary but will not be transferred to a post which carries a salary more than 1 spinal column lower than their current salary.
- 6.2 Where there is a promoted surplus teacher and a promoted vacancy but the salary for the vacancy is more than 1 point higher than the surplus teacher's current salary, then the post will be advertised and the surplus teacher will be invited to apply for the post and will be subject to a competitive recruitment process.
- 6.3 Where a vacancy carries a salary 1 spinal point lower, then the salary conservation arrangements as set out by the Scottish Negotiating Committee for Teacher Handbook of Conditions of Service will apply.
- 6.4 If there is more than one surplus promoted teacher eligible for the appointment to a promoted vacancy then a ring fenced competitive process conducted by the Improving Outcomes Manager. The receiving Head Teacher (in the case of appointment to a school), and the Improving Outcomes Manager will take place to identify the successful candidate. In these circumstances feedback will be offered to candidates by the Improving Outcomes Manager.

7 TEMPORARY PLACEMENT/LACK OF APPROPRIATE VACANCY

- 7.1 Until a transfer is finalised, surplus promoted teachers may be involved in a period of temporary promoted placement where there is no immediate suitable permanent post available, the Improving Outcomes Manager will direct the surplus promoted teacher to a temporary promoted placement until a suitable permanent post becomes available and is secured or until the situation is otherwise resolved. Such a placement may be to any other teaching post or

position within the Authority and the surplus promoted teacher will be expected to carry out duties up to a level commensurate with his/her current salary.

- 7.2 If a suitable appropriate promoted post as set out in 6.1 or 6.2 occurs during the course of the temporary promoted placement, a decision on whether to allow the surplus promoted teacher to complete the agreed period of the temporary placement before being allocated to his/her new substantive post will be taken by the Improving Outcomes Manager, subject to the exigencies of the service.
- 7.3 Where an alternative post has not been achieved, the situation will be reviewed on a 6 monthly basis by the Improving Outcomes Manager and other options to resolve the situation will be explored.
- 7.4 The Authority, at Improving Outcomes Manager level, will retain the right to make the final decision in the placing of surplus promoted teachers.

8 THE TRANSFER PROCESS

- 8.1 Consideration of the transfer of surplus promoted teaching staff will normally be an annual exercise carried out by the Authority prior to the similar exercise in respect of non-promoted teaching staff.
- 8.2 In normal circumstances post holders will be given the same amount of notice as contained in SNCT conditions of service ie:
- 8 weeks, where service is up to 8 years, including 4 working weeks.
 - 1 week for each year of continuous service, where service is at least 8 but less than 12 years, and
 - 12 weeks, where service is 12 years or more.
- There may be occasion when it is in the interest of the surplus promoted teacher for the transfer to take place sooner.
- 8.3 Transferred Depute Head Teachers and Principal Teachers will normally have the right to return to their original schools during a period of two years after transfer, should an appropriate vacancy arise. It will be incumbent upon the transferred Depute Head Teacher or Principal Teacher to make such a request. However, it must be recognised that there may be special circumstances related to the curricular needs of pupils or to the overall exigencies of the service which will have to be taken in to account.

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- 8.4 If surplus promoted teachers choose to apply for posts to which they have not been matched they will proceed under standard recruitment and selection procedures.
- 8.5 If in the opinion of the Chief Education Officer a surplus promoted teacher unreasonably refuse on two occasions, to accept proposed placements in accordance with the Scottish Negotiating Committee for Teacher Handbook of Conditions of Service there will be no entitlement to conservation of salary and any subsequent placement will be at behest of the Authority.

9 TRAVELING EXPENSES

- 9.1 Where transfer involves workplace relocation, transferred promoted teachers will receive excess travelling expenses in accordance with the Scottish Negotiating Committee for teachers Handbook of Conditions of Service.

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