

## Procedures for the Transfer of Surplus Promoted Teaching Staff

### 1. INTRODUCTION

1.1 The introduction of The Scottish Schools (Parental Involvement) Act 2006 and the Parental Involvement in Head Teacher and Depute Head Teacher 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 Teacher and Principal Teacher) in all sectors.

### 3. PROCEDURES TO BE FOLLOWED

#### 3.1 Definition of school

In this document the word "school" should be construed as referring to secondary, primary, Early Years and ASL schools, Early Years and ASL establishments, ASL units and ASL services.

#### 3.2 Definition of surplus

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

- The closure or amalgamation of school(s).
- Where the promoted post points attributed to a Depute Head Teacher or Principal Teacher post contribute to an overspend in the number of promoted post points allocated to a school for Depute Head Teacher and Principal Teacher posts.

- Where a future review, either at Service or Establishment level, of promoted post structures takes place.

3.3 In some instances Head Teachers may not wish to declare a promoted post surplus. This should be after consultation with staff. In such instances the post must be funded in full from the school budget and the post will not become subject to transfer arrangements.

#### 3.4 CONSULTATION WITH THE PARENT COUNCIL

Where a Parent Council exists, the Area Education Officer 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.

3.5 The process to transfer surplus promoted staff will require the support and co-operation of Head Teachers. Understandably, Head Teachers may have a preference for having an open and competitive process, however the needs of the service must take priority.

3.6 The Authority will maintain a record of surplus promoted teachers to assist in identifying transfer opportunities. All surplus promoted teachers will have the right to information about available vacancies.

3.7 All surplus promoted teachers will complete a personal profile which will highlight their skills, strengths and experience in order to facilitate the transfer process.

3.8 If they wish, surplus promoted teachers may be accompanied by a representative of their professional association, a colleague or a friend at meetings about the transfer process.

3.9 Where a school has a promoted post vacancy, the filling of the vacancy must be discussed with the Area Education Officer. The post will not be advertised or filled by an acting appointment if there is a suitable surplus promoted teacher. Where the Area Education Officer considers that there are no suitable surplus promoted teachers, the post will be released for filling as appropriate. Feedback may be requested from the Area Education Officer where a surplus promoted teacher considers that such a post would have been a suitable match.

3.10 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 in the first instance.
- The continuous length of service (with Glasgow City Council and its antecedents) in promoted posts will be given a weighting of 2 points per year and 1 point will be given for any other year (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).

#### **4. MATERNITY LEAVE/ADOPTION LEAVE**

4.1 As part of its Equal Opportunities policy, Glasgow City Council wishes to recognise the position of its teaching staff who take either Maternity Leave or Adoption Leave or a "Family Break" extending to not more than 7 years.

4.2 For the purpose of determining eligibility for compulsory transfer, all affected teaching staff who are granted maternity/paternity/adoption leave will not be regarded as having a break in continuity of service.

#### **4.3 "Family Break" for Child-Rearing Purposes:**

For the purposes of determining eligibility for compulsory transfer, the following will not be regarded as a break in continuity of service:

- A period of time out of teaching service **solely** for the purpose of child-rearing and occurring on or after 16 May 1975; **and**
- where not more than 7 years elapsed between the date of birth/adoption of the child and the date of return to duty.

Neither will it count as service.

#### **5. JOB-SHARERS**

5.1 Job-sharing is defined as the voluntary sharing of all of the duties and responsibilities of an established full-time permanent post by two people.

5.2 Therefore since job-sharers have agreed to carry out the contractual obligations associated with the post, they will normally be transferred together as a partnership.

5.3 In a compulsory transfer situation the service of the teacher with the longer continuous service within the partnership will be used.

#### **6. PART-TIME EMPLOYEES**

6.1 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.

6.2 Promoted teachers who work reduced hours will be offered the promoted post on full time hours, if they wish to continue to work reduced hours then they will be offered reduced hours in the new post. The remaining hours will be advertised internally.

6.3 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.

#### **7. THE MATCHING/PLACING PROCESS AND SALARY CONSERVATION**

7.1 Whilst length of service will be used to determine who the promoted surplus teacher will be, the matching process will allow surplus promoted teachers to be best matched in terms of the skills, strengths and experience required for the vacant post. The rationale of the matching will be shared with the candidates and following the final decision. Feedback will be made available by the Area Education Officer.

7.2 The matching process will be conducted by the Area Education Officer, the potential receiving Head Teacher(s) and a Quality Improvement Officer. For surplus Head Teachers the matching panel will be the Executive Director (or Assistant Director) and the Area Education Officer.

7.3 Although the Authority retains the right to place surplus promoted teachers, it is important that the views of the affected staff are taken into consideration throughout the process.

- 7.4 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 point lower than their current salary.
- 7.5 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.
- 7.6 Where a vacancy carries a salary 1 spinal point lower, then the salary conservation arrangements as set out in the Scottish Negotiating Committee for Teachers Handbook of Conditions of Service will apply.
- 7.7 If there is more than one surplus promoted teacher eligible for appointment to a promoted vacancy then a ring fenced competitive process, conducted by the Area Education Manager, the receiving Head Teacher (in the case of appointment to a school) and a Quality Improvement Officer, will take place to identify the successful candidate. In these circumstances feedback will be offered to candidates by the Area Education Manager.

## **8. TEMPORARY PLACEMENT/LACK OF APPROPRIATE VACANCY**

- 8.1 Until a transfer is finalised, surplus promoted teachers may be involved in a period of temporary promoted placement in accordance with the job mobility clause as stated in the written specification of contract. Where there is no immediate suitable permanent post available, the Area Education Officer 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.
- 8.2 If a suitable appropriate promoted post 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 Area Education Officer, subject to the exigencies of the service.

- 8.3 Where an alternative post has not been achieved, the situation will be reviewed by the Area Education Officer and other options to resolve the situation will be explored.
- 8.4 The Authority, at Area Education Manager level, will retain the right to make the final decision in the placing of surplus promoted teachers.

## **9. THE TRANSFER PROCESS**

- 9.1 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 unpromoted teaching staff.
- 9.2 In normal circumstances the date of transfer will be notified one month in advance and earlier if possible. There may be occasions when it is in the interest of the surplus promoted teacher for the transfer to take place sooner
- 9.3 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 into account.
- 9.4 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.
- 9.5 If, in the opinion of the Head of Service, a surplus promoted teacher unreasonably refuses on two occasions, to accept proposed placements, in accordance with the Scottish Negotiating Committee for Teachers Handbook of Conditions of Service there will be no entitlement to conservation of salary and any subsequent placement will be at the behest of the Authority

## 10. TRAVELLING EXPENSES

10.1 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.

## 11. SERVICE REFORM

11.1 On occasions, there will be the requirement for promoted posts or structures to change as a result of Service Reform or the deletion or addition of new units/establishments. In these situations promoted post holders will be offered the post that is most aligned to the duties that they had previously undertaken. If no such post exists then the postholder will be offered redeployment as per LNCT 19.

11.2 Where no suitable post is available, the postholder will be redeployed to the nearest alternative post and afforded three years salary conservation as per SNCT if the post is unpromoted or less than their current salary. If during the period of conservation a suitable post arises which is a closer match in salary terms than the redeployment then the postholder will be expected to accept. If no suitable post arises then the postholder will revert to the salary of the redeployed position at the end of the three year period of conservation. Teachers will, where a vacancy becomes available be offered up to two posts, If the postholder declines up to two suitable offers during the conservation period which are closer to the conserved salary then salary conservation ceases with immediate effect.

## 12. JOB SIZING

12.1 Where the authority undertakes a re-sizing under the guidance of the SNCT job-sizing toolkit, post-holders will be afforded the protection of LNCT 19.

12.2 Where the promoted post remains in the school structure, but, is sized at one point lower e.g. DHT6 post to DHT5, PT4 post to PT3 then the post-holder will have the option to remain in their current post, rather than seek redeployment. The postholder will revert to the lower salary at 1st August in the following school session.

12.3 Where the difference in salary as a result of resizing is more than one salary point, the post-

holder will be offered any suitable alternative post that is within one point of their current salary grade during the three year period of cash conservation. The post-holder may be offered up to two posts during the three year period of cash conservation. Where the post holder declines two offers of suitable alternative employment, then salary conservation will cease with immediate effect.

12.4 Where there is no direct match but a post with some similarities becomes available e.g. conserved PT Biology within a Science Faculty, the post-holder will be offered a guaranteed interview for a Faculty Head post that contains their subject.

12.5 If a conserved Principal Teacher does not wish to seek a Faculty Head post, this will not affect their period of three years conservation.

12.6 Any conserved employee who is entitled to a guaranteed interview, should contact the Human Resources team and confirm applications submitted for posts, and the Human Resources team will notify the recruiting manager accordingly.

12.7 If no suitable post becomes available for a conserved employee within the three year period of cash conservation then the post-holder will be placed on the reduced salary at the end of the three year period.

## 12. RIGHT OF APPEAL

12.1 A surplus promoted teacher who is dissatisfied with any decision in relation to the application of these procedures will have recourse to the Local Negotiating Committee for Teachers Circular 13 (Grievance Framework and Procedures for Teachers) only where the grievance is in relation to this agreement not being applied properly.

## 13. OTHER PROVISIONS

13.1 This agreement **will not** apply to the following;

- Any former Head Teacher, Depute Head Teacher or Principal Teacher who is now in a maingrade teaching post, with a conserved salary, as a result of a school closure or amalgamation;
- Current Principal Teachers of a subject within a Faculty.