

**CITY OF EDINBURGH COUNCIL  
EDUCATION AND CHILDREN'S SERVICES**

**COMPULSORY TRANSFER ARRANGEMENTS FOR TEACHING STAFF  
GUIDANCE NOTE**

**Purpose**

Sometimes, when school rolls fall or there is a fall in demand for a particular subject, we may need to reduce numbers of teachers in particular schools. To do this, we will carry out a compulsory transfer exercise. This document sets out the process we will use when we need to carry out compulsory transfers.

**Introduction**

All teaching staff are appointed to the service of the Council and not to a particular school. All teachers are contractually obliged to transfer from one educational establishment to another as the needs of the service requires. However, every effort will be made to minimise the number of compulsory transfers that take place.

When we do have to carry out compulsory transfers, we will consider a number of factors, including the curricular and educational requirements of the schools involved, the circumstances and preferences of the teacher(s) concerned and the views of the Head Teacher.

All employees will be treated fairly. The City of Edinburgh Council is committed to ensuring that this procedure does not discriminate directly or indirectly in relation to current equalities legislation.

**Process**

If the need for a staffing reduction is identified, notification will be given verbally at a teaching staff meeting and this will be confirmed by e-mail to each member of teaching staff. (A draft letter is prepared which Head Teachers should use).

Head Teachers should inform the trades unions at the earliest opportunity. Council officials will also inform the Teachers'-Side Secretary.

Voluntary solutions to staff transfers will be sought whenever possible. However, when a volunteer comes forward, they must confirm their commitment to the process in writing. It is recognised that it would be unfair to other members of staff if the volunteer subsequently withdrew their offer. Once they've noted their interest, volunteers will be treated in the same way as any other compulsory transferee. If there is more than one volunteer, the teacher with the longest continuous service with the Council and its predecessor organisations will be transferred.

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In the absence of a volunteer, the Head Teacher will nominate a teacher, taking into account the factors set out below.

The Head Teacher will meet the teacher(s) nominated for transfer, inform them why they have been selected and outline the transfer process. The teacher(s) will be given the opportunity to be represented/supported by a trade union representative.

Thereafter the Head Teacher will meet the teacher(s) on an ongoing basis to

- Complete the personal profile form
- Provide ongoing support and follow up to assist in their transfer to another job

The Education and Children's Services SEOs and Operations Manager will meet with the teacher(s) to

- Share and explain the matching process
- Review and discuss available vacancies
- Provide ongoing support and follow up to assist in their transfer to another job

### **Factors to be considered when selecting a teacher for compulsory transfer**

In selecting a teacher for compulsory transfer the following factors need to be taken into account:-

- the needs of the school and the service;
- the teacher's length of service **with the Council and its predecessor organisations**, not the particular school;
- the teacher's relevant personal circumstances.
- that if a teacher has previously been compulsory transferred into a school, then they will be exempt from being considered as part of future transfer exercises for the next 2 academic sessions.

If length of service is applied as a deciding factor, all permanent teachers (both part-time and full-time) need to be included in the assessment. Main grade teachers in an acting -up position should still be considered as part of this exercise in relation to their substantive post.

Further considerations when using length of service are as follows:-

- (a) Where two or more teachers have equal service with the Council, consideration will be given to the needs of the school and the Department overall and the relevant personal circumstances of the teacher. Full consultation will take place with the teachers concerned and their representatives prior to a final decision being made.

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- (b) If length of service is not the deciding factor in determining which teacher is nominated for compulsory transfer, the Head Teacher will consult the employee selected and make them aware of the reason for their decision.
- (c) Maternity leave counts as part of continuous service. Provided the teacher returns to service during the period when the statutory right of return applies, the period between the ending of maternity leave and the re-commencement of service will also count as continuous service.
- (d) Where, for any reason other than disciplinary, a teacher has a break (or breaks) in service from the Council, the longest total break in service that will be considered is seven years. Teaching service which occurred before a break of seven years or less will count in full. Previous service before a break in service of more than seven continuous years will not be considered.

### **Teachers on Maternity, Adoption, Partner or Shared Parental Leave**

**By the end of February in any academic year**, any teacher who is known to be pregnant or has indicated that they are likely to have a child placed with them imminently for adoption or has arranged either partner support leave or shared parental leave will not be placed on the transfer list.

**Between the end of February and 31st May in any academic year**, any teacher who makes known their pregnancy or has indicated that they are likely to have a child placed with them imminently for adoption or has arranged either partner support leave or shared parental leave will not normally be asked to transfer.

**After 31st May in any academic year**, any teacher who makes known their pregnancy or has indicated that they are likely to have a child placed with them imminently for adoption or has arranged either partner support leave or shared parental leave will not be granted exemption from the annual transfer arrangements (see Paragraph 3 below).

Teachers on maternity leave, adoption leave, partner support leave or shared parental leave will be reminded that they have the right of return to the same school. A teacher who is on maternity leave, adoption leave, partner support leave or shared parental leave and who returns to duty before 31 May is not exempt from selection for transfer in the following session. Similarly, if a teacher confirms that they will return to duty after 31 May but before the end of the school session, they would not be exempt from transfer, since this would satisfy the teacher's right to return to the same school.

The Head Teacher must ensure that teachers on maternity, adoption, partner support and shared parental leave who are nominated for transfer are contacted formally and that the normal procedures for compulsory transfer are applied.

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## General Information

- Teachers who are compulsory transferred will normally have the right to return to their original school continued for one year after transfer, should an appropriate vacancy arise. It will be incumbent upon the Headteacher to notify relevant HQ staff of the vacancy. However, it must be recognised that there may well be circumstances related to the curriculum needs of the pupils in the previous school which have to be taken into account e.g. the vacancy is in Maths but the transferred teacher has a History qualification.
- The date of transfer will normally be the first day of the new school session. However, there may be occasions when it is in the interests of the teacher or the service to transfer more quickly.
- Posts, including promoted posts, will not be filled other than by compulsory transfer if a suitable teacher is available.
- No teacher will be transferred to a post at a higher grade than that which they presently hold.
- A promoted post-holder who is compulsorily transferred will be entitled to conservation of salary in accordance with the SNCT agreed position on salary conservation.
- There will be ongoing consultation with the Teaching Trade Unions during this exercise about the progress of the transfer arrangements.
- Managed Moves - Where a member of staff requires to move during an academic session, a similar process would be undertaken.

Signed:

Lorna French

Alison Murphy



Joint Secretary (Management)

Date: November 2023

Joint Secretary (Teachers)

Date: November 2023

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