

## **NORTH AYRSHIRE COUNCIL: EDUCATION AND SKILLS**

### **AGREED PROCEDURES FOR THE MANAGEMENT OF TEACHING STAFF IN SITUATIONS OF SCHOOL CLOSURES AND AMALGAMATIONS 2012/13 – 2016/17**

This agreement applies to all teaching staff on contracts.

No substantive Teacher shall be made compulsorily redundant as a result of any school closure or amalgamation.

In all cases of transfer, agreed procedures relating to travelling expenses will apply.

Where schools amalgamate, for the basis of comparing length of service all the teaching staff affected will be considered as a single staff group for the new amalgamated school.

#### **Unpromoted Teachers**

- Primary (including Nursery and Early Years Centres) teachers will be managed in accordance with Agreed Procedures for the Compulsory Transfer of Surplus Unpromoted Teachers in Primary Schools. Appendix 1.
- Secondary teachers will be managed in accordance with Agreed Procedures for the Compulsory Transfer of Surplus Unpromoted Teachers in Secondary Schools. Appendix 2.

#### **Promoted Teaching Staff** (excluding Headteachers)

- Promoted teachers (Principal Teachers, Faculty Leaders and Depute Headteachers) and surplus Headteachers will be managed in accordance with the agreed procedures Promoted Teaching Staff Changes. Appendix 3.

#### **Headteachers**

- In all cases the Headteacher post, or equivalent, will be selected and recruited through an external advert in accordance with the appropriate Council policies and procedures.
- Where this process results in a surplus Headteacher(s) these staff will be eligible for transfer to a vacant Depute Headteacher post in

accordance with the agreed procedures Promoted Teaching Staff Changes. Appendix 3.

- Surplus Headteachers will have no less and no more favourable treatment than Depute Headteacher colleagues if a surplus situation were to arise.
- Any surplus Headteacher will be guaranteed an interview for a vacant Headteacher post should they choose to be considered for the vacancy.

## NORTH AYRSHIRE COUNCIL : EDUCATIONAL SERVICES

## PROCEDURES FOR THE COMPULSORY TRANSFER OF SURPLUS

UNPROMOTED TEACHERS IN PRIMARY SCHOOLS (INCLUDES NURSERY CLASS)FROM JANUARY 2008**1 Introduction**

Unpromoted staff are appointed to the service of the Council and not to a particular school. Although all teachers have a contractual liability to transfer from one educational establishment to another, every effort will be made to minimise the number of compulsory transfers.

Where arrangements have to be made for a compulsory transfer, a number of factors require to be considered, including the needs of the schools involved, the wishes of the teachers concerned and the views of the Head Teacher.

**2 Types of Transfer**

Every effort is made to overcome problems by having teachers surplus to a school's establishment transferred to real vacancies. There are, therefore, three modes of transfer : -

**2.1 Voluntary transfer from a school with identified surplus staff**

Where it has been established that a primary school is likely to have surplus unpromoted staff in a coming session, the opportunity is given for teachers to put themselves forward to be nominated for transfer. In these circumstances the volunteer is treated in the same way as all others compulsorily transferred and enjoys the same benefits as laid down for teachers transferred compulsorily.

**2.2 Compulsory Transfer**

Where a school has more unpromoted teachers than that to which it is entitled in accordance with the Council's staffing standards and no volunteer for transfer can be found to reduce the staff to the approved entitlement, a teacher will be compulsorily transferred in accordance with these procedures.

**2.3 Holding Transfer**

Where no permanent full-time vacancy is available at the time of transfer a teacher may be required to transfer on a temporary basis to another school which has a part-time vacancy or long term temporary post, or remain in their current school if such a part-time vacancy is available, until a full-time vacancy becomes available.

A teacher still on a holding transfer after a year will be offered a professional interview to ascertain all options available including retraining, working between two or more schools etc in an effort to maximise an appropriate timetable for such a teacher.

These procedures cover the identification of the individual teacher to be transferred compulsorily and accord certain benefits by way of a measure of protection from further transfer, some assistance with travelling expenses and the opportunity, where possible, to return to their original school should a suitable vacancy arise there within two years of the initial transfer.

### **3 Procedures**

- 3.1 The Head of Educational Resources will identify, at as early a date as possible, schools in which reductions in teaching staff may be required and will inform local secretaries of teacher organisations represented on the LNCT.
- 3.2 The Head of Educational Resources will determine, after consultation with Head Teachers, the extent of the reductions, and the Head Teacher will in turn convey this information to his/her teaching staff at the earliest opportunity.
- 3.3 The entire unpromoted teaching staff of an affected school will be consulted to ascertain whether there is a volunteer to transfer. If there is no such volunteer, the Head of Educational Resources will decide which teacher is to transfer. The teacher of least total continuous service will normally be required to transfer unless there are, in the view of the Head of Educational Resources, strong reasons for deciding otherwise and in the latter event such decisions indicating the reasons shall be communicated to the local association secretaries prior to the transfer being effected. This could, for example, result in a part-time member of staff being transferred rather than a full-time member of staff.  
  
If there is no volunteer from those teachers in P1 to P7 and the teacher to transfer with the least total continuous service is the nursery teacher, then that teacher would be nominated as the teacher in the normal way, ie access to all known vacancies in P1 to P7 or nursery class. However, if there is no volunteer from the remaining teachers within the school, or the teacher in P1 to P7 with the least total continuous service is unwilling to accept the transfer to the nursery post, including undertaking appropriate training, then the current nursery teacher would remain at the school and the appropriate teacher within P1 to P7 would become the nominated teacher subject to transfer.
- 3.4 The teacher nominated for compulsory transfer will be informed by the Head of Educational Resources of the proposed transfer and will receive a formal letter intimating the decision to transfer and the reason for it.
- 3.5 Any teacher being compulsorily transferred will be allowed the choice of all known appropriate vacancies. Where more than one teacher is interested in any vacancy it will offered to the teacher with the longest continuous service.

## 4 General Conditions

- 4.1 When filling vacancies for the coming session the following teachers should be given priority when filling each vacancy:
- 4.1.1 Teachers who have been transferred compulsorily within two years should be given the opportunity to return to their original schools, should a vacancy arise.
  - 4.1.2 Teachers who become surplus to establishment as a result of a school closure/amalgamation should be offered a choice of all appropriate vacancies.
  - 4.1.3 Teachers who are either volunteers from schools with staff surplus to establishment or who are to be transferred compulsorily should be offered the choice of all appropriate vacancies.
  - 4.1.4 Teachers who have been on the permanent peripatetic supply pool for at least two full sessions and have requested a transfer.
- 4.2 Factors which may be taken into account in considering the nomination of a teacher for compulsory transfer include the needs of the school, the length of continuous service, the personal circumstances of the teacher and his/her suitability for vacancies.
- 4.3 For the purpose of determining liability to transfer in a situation of surplus the undernoted will not be regarded as constituting breaks in service, neither will they count as service.
- (i) holiday periods between contracts
  - (ii) lapses of employment of no more than 10 working days
  - (iii) lapses of employment falling within the period from the start of the session up to but not including the first working day after 31 August
- 4.3.1 Periods of maternity/paternity/adoption leave not exceeding 52 weeks will not be regarded as constituting breaks in service and will be counted as service for the purpose of compulsory transfer.
  - 4.3.2 Periods out of service solely for the purpose of child rearing for a period not exceeding eight years will not be regarded as constituting a break in service. Such periods out of service in connection with child rearing shall not count as service for the purpose of identifying a teacher as surplus to the establishment of a particular school.
- 4.4 As job-sharers have agreed to carry out all the contractual obligations associated with a post job-sharers, when appropriate, will normally be transferred together. At the commencement of a job-share the service of the job-sharers should be averaged and the service credited to the

post. Thereafter, service would be credited to the post being job-shared at the normal rate. In this way consideration can be given to the compulsory transfer of the job-share post when compared to the other posts within the school.

- 4.5 Part-time service will be credited on a full-time equivalent basis for the calculation of total continuous service.
- 4.6 Where calculation of continuous service as referred to above produces identical results for two or more teachers then regard would be had to total actual service and reckoning part-time service on a full-time equivalent basis. Where this further calculation fails to resolve the issue then the teacher to be compulsorily transferred will be chosen by the drawing of lots in the presence of the teachers concerned.
- 4.7 A teacher on maternity/paternity/adoption leave would be treated no more or no less favourably than others on the staff when an assessment was made as to who would be transferred.
- 4.8 A teacher transferred compulsorily will not normally be transferred again within a period of two years.
- 4.9 A teacher transferred compulsorily or one who volunteers in a school where a transfer has to be arranged will be entitled to excess travelling expenses after the first £2 per week (currently) for a period of four years in terms of the national conditions of service.
- 4.10 A teacher who is compulsorily transferred will have the opportunity of returning to the school from which transferred should a suitable vacancy arise within two years of the initial transfer.
- 4.11 At any stage of transfer the teacher will have the opportunity, if so desired, to discuss the matter with the Head of Educational Resources and be accompanied by a representative of his/her professional association.

## **5 The Timing of the Main Transfer Programme**

- 5.1 Head Teachers will give as much notice as possible to teaching staff of the need to make a reduction in the number of teachers employed in their school. This would normally be by the end of March.
- 5.2 Individual teachers nominated for transfer will be notified in writing at the earliest possible date. This would normally take place during May.
- 5.3 The normal notice for transfer will be four weeks, but where, for good educational reasons, it is not possible to provide this notice the Head of Educational Resources will discuss the timing of the transfer with the local secretary of the appropriate professional association.
- 5.4 A number of factors have to be taken into account in considering the timing of any programme which might encompass the bulk of the transfers from one session to the next. These include the following :-

- (i) the need to review projected rolls on a school by school basis.
- (ii) the effect of placing requests made by parents on the distribution of pupils.
- (iii) the need to take account of pupil registration for P1.
- (iv) the need to take account of changes in staff entitlements brought about by the difference between estimated and actual pupil numbers at the start of a new session.
- (v) the fact that teachers need not give notice of resignation until late in the session.

## NORTH AYRSHIRE COUNCIL : EDUCATIONAL SERVICES

## PROCEDURES FOR THE COMPULSORY TRANSFER OF SURPLUS

UNPROMOTED TEACHERS IN SECONDARY SCHOOLSFROM JANUARY 2008**1 Introduction**

Unpromoted staff are appointed to the service of the Council and not to a particular school. Although all teachers have a contractual liability to transfer from one educational establishment to another, every effort will be made to minimise the number of compulsory transfers.

Where arrangements have to be made for a compulsory transfer, a number of factors require to be considered, including the needs of the schools involved, the wishes of the teachers concerned and the views of the headteacher.

**2 Types of Transfer**

Every effort is made to overcome problems by having teachers surplus to a school's establishment transferred to real vacancies. There are, therefore, three modes of transfer : -

**2.1 Voluntary transfer from a school with identified surplus staff**

Where it has been established that a secondary school is likely to have surplus unpromoted staff in a coming session, the opportunity is given for teachers to put themselves forward to be nominated for transfer. In these circumstances the volunteer is treated in the same way as all others compulsorily transferred and enjoys the same benefits as laid down for teachers transferred compulsorily.

**2.2 Compulsory Transfer**

Where a school has more unpromoted teachers than that to which it is entitled in accordance with the Council's staffing standards and no volunteer for transfer can be found to reduce the staff to the approved entitlement, a teacher will be compulsorily transferred in accordance with these procedures.

**2.3 Holding Transfer**

Where no permanent full-time vacancy is available at the time of transfer a teacher may be required to transfer on a temporary basis to another school which has a part-time vacancy or long term temporary post, or remain in their current school if such a part-time vacancy is available, until a full-time vacancy becomes available.

A teacher still on a holding transfer after a year will be offered a professional interview to ascertain all options available including retraining, working between two or more schools etc in an effort to maximise an appropriate timetable for such a teacher.



These procedures cover the identification of the individual teacher to be transferred compulsorily and accord certain benefits by way of a measure of protection from further transfer, some assistance with travelling expenses and the opportunity, where possible, to return to their original school should a suitable vacancy arise there within two years of the initial transfer.

### **3 Procedures**

- 3.1 The Head of Educational Resources will identify, at as early a date as possible, departments in schools in which reductions in teaching staff may be required and will inform local secretaries of teacher organisations represented on the LNCT.
- 3.2 The Head of Educational Resources will determine, after consultation with headteachers, the extent of the reductions, and the area which will be affected. The headteacher will in turn convey this information to teaching staff at the earliest opportunity.
- 3.3 The entire unpromoted teaching staff of an affected department will be consulted to ascertain whether there is a volunteer to transfer. If there is no such volunteer, the Head of Educational Resources will decide which teacher is to transfer. The teacher of least total continuous service will normally be required to transfer unless there are, in the view of the Head of Educational Resources, strong reasons for deciding otherwise and in the latter event such decisions indicating the reasons shall be communicated to the local association secretaries prior to the transfer being effected. This could, for example, result in a part-time member of staff being transferred rather than a full-time member of staff.
- 3.4 The teacher nominated for compulsory transfer will be informed by the Head of Educational Resources of the proposed transfer and will receive a formal letter intimating the decision to transfer and the reason for it.
- 3.5 Any teacher being compulsorily transferred will be allowed the choice of all known appropriate vacancies. Where more than one teacher is interested in any vacancy it will offered to the teacher with the longest continuous service.

### **4 General Conditions**

- 4.1 When filling vacancies for the coming session the following teachers should be given priority when filling each vacancy:
  - 4.1.1 Teachers who have been transferred compulsorily within two years should be given the opportunity to return to their original schools, should a vacancy arise.

- 4.1.2 Teachers who become surplus to establishment as a result of a school closure/amalgamation should be offered a choice of all appropriate vacancies.
- 4.1.3 Teachers who have been on retraining courses should be offered a choice of all appropriate vacancies either in the new subject or in a combination of their old and new subjects in accordance with the wishes of the teacher and the exigencies of the service.
- 4.1.4 Teachers who are either volunteers from schools with staff surplus to establishment or who are to be transferred compulsorily because they are surplus to the establishment of a particular school, should be offered the choice of all appropriate vacancies.
- 4.2 Factors which may be taken into account in considering the nomination of a teacher for compulsory transfer include the needs of the school, the length of continuous service, the personal circumstances of the teacher and his/her suitability for vacancies.
- 4.3 For the purpose of determining liability to transfer in a situation of surplus the undernoted will not be regarded as constituting breaks in service, neither will they count as service.
- (i) holiday periods between contracts
  - (ii) lapses of employment of no more than 10 working days
  - (iii) lapses of employment falling within the period from the start of the session up to but not including the first working day after 31 August
- 4.3.1 Periods of maternity/paternity/adoption leave not exceeding 52 weeks will not be regarded as constituting breaks in service and will be counted as service for the purpose of compulsory transfer.
- 4.3.2 Periods of service solely for the purpose of child rearing for a period not exceeding eight years will not be regarded as constituting a break in service. Such periods out of service in connection with child rearing shall not count as service for the purpose of identifying a teacher as surplus to the establishment of a particular school.
- 4.4 As job-sharers have agreed to carry out all the contractual obligations associated with a post job-sharers, when appropriate, will normally be transferred together. At the commencement of a job-share the service of the job-sharers should be averaged and the service credited to the post. Thereafter service would be credited to the post being job-shared at the normal rate. In this way consideration can be given to the compulsory transfer of the job-share post when compared to the other posts within the school.

- 4.5 Part-time service will be credited on a full-time equivalent basis for the calculation of total continuous service.
- 4.6 Where calculation of continuous service as referred to above produces identical results for two or more teachers then regard would be had to total actual service and reckoning part-time service on a full-time equivalent basis. Where this further calculation fails to resolve the issue then the teacher to be compulsorily transferred will be chosen by the drawing of lots in the presence of the teachers concerned.
- 4.7 A teacher on maternity/paternity/adoption leave would be treated no more or no less favourably than others on the staff when an assessment was made as to who would be transferred.
- 4.8 A teacher transferred compulsorily will not normally be transferred again within a period of two years.
- 4.9 A teacher transferred compulsorily or one who volunteers in a school where a transfer has to be arranged will be entitled to excess travelling expenses after the first £2 per week (pro rata) for a period of four years in terms of the national conditions of service.
- 4.10 A teacher who is compulsorily transferred will have the opportunity of returning to the school from which transferred should a suitable vacancy arise within two years of the initial transfer.
- 4.11 The following factors will be taken into account when there is no volunteer prepared to transfer and the teacher due to be compulsorily transferred from a department has a teaching commitment to another department in a school:
- (i) the presence in the school of other members of staff who could take over the teaching commitment.
  - (ii) the possibility of filling the gap on a part-time or peripatetic basis within the school.
  - (iii) the historical experience that the teacher has in the department in question.
  - (iv) the future curricular needs of the school.
  - (v) the recommendations of the appropriate Quality Improvement Officer.

Having taken these and other relevant factors into consideration the Head of Educational Resources, having consulted the headteacher and teacher concerned, will decide who is to be compulsorily transferred.

Where a teacher feels aggrieved, further discussions involving the teacher, the teacher's local association representative and the Head of Educational Resources will take place.

- 4.12 At any stage of transfer the teacher will have the opportunity, if so desired, to discuss the matter with the Head of Educational Resources and be accompanied by a representative of his/her professional association.

## **5 The Timing of the Main Transfer Programme**

- 5.1 Headteachers will give as much notice as possible to teaching staff of the need to make a reduction in the number of teachers employed in their school. This would normally be by the end of March.
- 5.2 Individual teachers nominated for transfer will be notified in writing at the earliest possible date. This would normally take place during early May.
- 5.3 The normal notice for transfer will be four weeks, but where, for good educational reasons, it is not possible to provide this notice the Head of Educational Resources will discuss the timing of the transfer with the local secretary of the appropriate professional association.
- 5.4 A number of factors have to be taken into account in considering the timing of any programme which might encompass the bulk of the transfers from one session to the next. These include the following :-
- (i) the need to review projected rolls on a school by school basis.
  - (ii) the effect of placing requests made by parents on the distribution of pupils.
  - (iii) the need to take account of changes in staff entitlements brought about by the difference between estimated and actual pupil numbers at the start of a new session.
  - (iv) the fact that teachers need not give notice of resignation until late in the session.

**NORTH AYRSHIRE COUNCIL : EDUCATION AND SKILLS****PROMOTED TEACHING STAFF CHANGES – 2012/2013 – 2016/17****Procedures for Redeployment following School Amalgamation or Closure**

These procedures apply to all promoted teachers (Principal Teachers, Faculty Leaders and Depute Headteachers). Headteachers who are surplus following school amalgamation or closure will be managed as equivalent to Depute Headteachers.

**GENERAL PRINCIPLES**

1. No substantive permanent promoted postholder shall be made compulsorily redundant as a result of school amalgamation or closure.
2. In all cases of transfer, agreed procedures relating to travelling expenses and right to return will apply.
3. All promoted vacancies, with the exception of Headteacher vacancies, in North Ayrshire Council schools shall in the first instance be ring-fenced to existing substantive promoted staff of equivalent rank within the school(s) affected..
4. Where promoted posts require to be filled in the new or amalgamated school, applications will initially be restricted to internal applicants in substantive promoted posts of equivalent rank.
5. Promoted postholders affected by restructuring shall have access to the Teacher Refresh or other Premature Retirement Compensation scheme.
6. New management posts will require to be job-sized in accordance with SNCT agreements.
7. Proposals for new management structures shall be subject to discussion at a school level and advised at LNCT.
8. North Ayrshire Council will provide support and practice in preparing for and undertaking an interview.

**PRIMARY (incl. nursery and Early Years Centres), SECONDARY  
AND SPECIAL SCHOOLS**

9. Where a school structure is created by the amalgamation of one or more schools, the new vacant promoted post(s) shall in the first instance be ring-fenced solely to the substantive permanent equivalent promoted postholders of the amalgamating schools.
10. Postholders in amalgamating schools will be invited to express an interest in posts of equivalent rank for which they are qualified in the new school. Where the number of postholders expressing an interest exceeds the number of posts available, the post(s) shall be filled by competitive interview.
11. Where the number of eligible postholders is equal to or less than the number of posts available, the eligible postholder(s) shall be appointed to the post(s).
12. All appointments to new management posts will require to meet with their headteacher who will outline the post objectives, detail expectations and agree any specific PRD support with set timescales to ensure achievement of objectives and expectations.
13. Where no eligible postholders express an interest in a new management post within a school, the vacancy will initially be ring-fenced to those postholders of equivalent rank in North Ayrshire schools who are appropriately qualified and whose permanent substantive post has been affected by the creation of a new school structure.
14. If a postholder is unsuccessful at interview stage, there will be an opportunity to apply for an equivalent post in another school as and when one arises. Such vacancies will initially be restricted to internal North Ayrshire applicants in substantive permanent promoted posts of equivalent rank and whose substantive post has been affected by the creation of a new school structure.
15. Where a postholder does not express an interest in a management position they may opt to demit the promoted post and would be transferred to a teaching post within the school if a vacancy existed, but would have no less and no more favourable treatment than colleagues if a surplus situation were to arise. The demitting postholder would retain conservation of salary in accordance with SNCT agreements.
16. If a new management post is unable to be filled from the pool of affected postholders it will normally be opened up to all promoted postholders within North Ayrshire Council and if not filled an external advert on the recruitment Portal as the last stage in the process if necessary. In exceptional cases, and with the agreement of the LNCT joint secretaries, such vacancies will go straight to external advert.

For further clarification :

- a. Those promoted postholders who are unsuccessful in securing a new management post within their school at the time of amalgamation or restructuring and who have not demitted their promoted post, will be eligible, for the period up to the end of their conservation of salary in accordance with SNCT agreements, to have priority for any management vacancy of equivalent rank within North Ayrshire Council and for which they are suitably qualified.
  - b. These postholders, during the period of their salary conservation, can be allocated additional duties commensurate with the status of promoted posts and that can reasonably be expected to be carried out within the normal working week in line with the 35 hour week agreement. The duties shall be discussed and agreed with the Head Teacher to confirm they are commensurate with the status of the promoted post.
  - c. If there is dispute over the appropriate subject expertise required to undertake a Secondary middle management post, agreement will be required through LNCT on the appropriate subject expertise required.
  - d. In circumstances, where there is only one eligible individual with the appropriate subject expertise that individual will be appointed into the vacant post. Where there is more than one eligible individual the post shall be filled by competitive interview amongst those who are eligible.
  - e. All appointments will require to meet with their Head Teacher who will outline the post objectives, detail expectations and agree any specific PRD support with set timescales to ensure achievement of objectives and expectations.
  - f. If by the end of their period of salary conservation these promoted postholders have been unsuccessful in securing a promoted post within North Ayrshire they will return to their subject as maingrade teacher and will receive the substantive salary for the post. At this point they will have no further priority rights for any promoted vacancy within North Ayrshire Council.
- c.

