



COMPULSORY TRANSFER OF TEACHING STAFF POLICY AND PROCEDURE

May 2021

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1. Scope

This Procedure applies to all main grade teachers, and those on the chartered teacher spine.

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.

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 which states,
“Where the selection process for transfer as set out in the Compulsory Transfer Procedure is applied, job share partners will be assessed individually.”

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 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 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. Potential options available to volunteers will be given at this initial meeting where possible. 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 possible, information about transfer options should be given to potential volunteers. Where this is not possible staff can volunteer “in principle”.

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.

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 (i.e. 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 Disciplinary

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 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. Compulsory Transfer of Principal Teachers

Where a school management restructure results in a principal teacher post being identified as excess the provisions of the job matching protocol will be applied.

7. 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.

APPENDIX 1

Scoring Summary Sheet

Candidate Name	GTCS Registration	Disciplinaries	Length of Service	Total Score

