

February 2020

LNCT/6 Transfer Policy and Guidance for Teachers

Introduction

1. Teachers are employed by Fife Council as an Education Authority and may be transferred between schools within Fife at the discretion of the Authority.
2. Unless there are teachers who have been designated surplus, any permanent post will normally be advertised.
3. The requirement to move or transfer to another school will normally be the result of the following circumstances:
 - Circumstances relating to falling school rolls
 - School closures and amalgamations
 - Circumstances relating to the reduction of service provision in the base school
 - The application of LNCT/16 as a result of restructuring
4. It is recognised by unions and management that there may be exceptional circumstances where a teacher would transfer to another post for reasons other than those given above. These may relate to personal circumstances or the breakdown of working relationships. Generally, management would seek agreement from all involved i.e. unions, management and the teacher.
5. In circumstances where a transfer is the proposed action and agreement cannot be reached or the teacher believes the selection criteria have been applied inappropriately, he/she should discuss this with his/her Headteacher in the first instance. The teacher may consult with his/her union and will have the right to pursue this matter through the Grievance Procedure. In accordance with this procedure, the status quo would be maintained until the grievance is resolved.

6. In normal circumstances, individual teachers do not have a right to ask for a voluntary transfer other than as defined in this policy. In the event that they wish to move school they would be required to apply for vacancies through the normal recruitment and selection procedures.
7. Written notice of any intended compulsory transfer will normally be given to the teacher at least 4 weeks before the effective date of transfer.
8. When a teacher has been compulsorily transferred then, if the teacher has to travel further to work to reach the school to which he/she is currently based and incurs additional expense, this will be reimbursed in accordance with the current provisions.
9. The Service reserves the right to depart from the above procedure in exceptional circumstances but undertakes to consult the appropriate trade union or professional association before doing so. Normally Fife Education Service will consider transfer to another suitable teaching post, for which the teacher is qualified, as the main option.

Continuous Service

10. Within this policy, reference to continuous service refers to full and part time service and will include temporary service where there has been no break in service.
11. Maternity Leave / Adoption Leave

A teacher who returns to work following a period of ordinary or additional maternity leave, will be deemed to have no break in continuity of service. This also applies to adoption leave.

12. Career Break

Any period of career break under 5 years will not be regarded as being a break in continuous service. Where a career break of more than 5 years has been taken, service will be deemed not to be continuous. On an employee's return from a career break under 5 years their separate periods of employment (ie before the career break and after the career break) will be treated as continuous. The period of the career break is not a period of employment and will not count towards reckonable service.

13. Part time / Full time Contract

In a secondary school, where the surplus identified is full time i.e. 1.00 FTE, the teachers considered for transfer would comprise only full time teachers.

Where the surplus identified is less than 1.00 FTE, then the teachers considered would include any full time or part time teachers within the identified subject.

14. Temporary / Permanent Contract

Where a teacher is appointed on a temporary basis to cover the absence of a permanent postholder e.g. career break, long term illness cover, special leave, it is the continuous service of the substantive post holder which will be considered.

15. Job Share

The length of service will be determined by the length of continuous service of the longest serving teacher in the job share arrangement. This will apply, if necessary, to each of the first three criteria in paragraph 24 below.

NB Where a formal job-share arrangement is in place and the post is identified as surplus, then both job-sharers will require to transfer to another school in which a vacancy exists. The job-share situation will continue to apply in this context with the detailed arrangements being negotiated at school level.

A. CIRCUMSTANCES RELATING TO FALLING SCHOOL ROLLS

16. In line with the Authority's current staffing formulae and the projection for the roll of the school, a staffing complement will be determined annually for each school. If this complement requires fewer teachers than the number of teachers currently based in the school or if, in a secondary school, the balance of unpromoted staff must change to meet, for example, changing curriculum needs, then it will be necessary, in line with the procedures described below, to identify a teacher or teachers to be transferred. This will be undertaken on a voluntary or compulsory basis.

Voluntary Transfer

17. Where it becomes necessary for a teacher to be transferred, the Education Service will explore first the possibility of a voluntary transfer.

18. In a primary or ASN school, this will be done on the basis of a meeting of the whole teaching staff with the Headteacher.
19. In a secondary school the Headteacher will:
 - a. call a full staff meeting to advise all staff of any surpluses being declared; and
 - b. call a meeting with all staff in all subjects in which a surplus has been identified.
20. The Headteacher should ask that any teacher who wishes to volunteer for transfer should inform him/her within five working days of the meetings outlined above (see paragraphs 18 and 19b).
21. In all cases, Headteachers must ensure that all absent staff are made aware of the situation.
22. If there are more volunteers than are requested, the Headteacher should discuss the position with the volunteers and endeavour to resolve the position by mutual agreement. If this does not lead to a resolution of the matter, then the criteria relating to length of service should be applied in the order shown in paragraphs 24 and 25, where the member of staff with the most service from the volunteer pool would be the person who would transfer.
23. The term 'voluntary transfer' applies only as defined in paragraphs 17 to 22 above. If a teacher wishes to move to a post in another school then paragraph 6 will apply.

Compulsory Transfer

24. Where no volunteer is found the following criteria will be applied, subject to para 29 below, in the order of priority shown i.e. when application (1) fails to select a person, (2) will be applied, then (3). The final step would be to draw lots. The teacher with the least service would be the teacher to be transferred.
 - (1) Total length of continuous service in Fife, while on full teaching terms and conditions
 - (2) Total length of continuous service based in the school, while on full teaching terms and conditions
 - (3) Total length of all teaching service

25. In secondary schools, or specialist support services each member of teaching staff must be designated as teaching in a given subject or specialist support area. This will be based on the proportion of time that the teacher is timetabled to teach that subject or provide specialist support.
26. The teacher(s) identified by the above process will then be compulsorily transferred to an available permanent vacancy for which he/she is qualified.
27. If there is no permanent vacancy available the teacher may be temporarily transferred to a suitable alternative post without prejudice to his or her permanent employment status. When transferred on this basis, available permanent posts will continue to be sought. The teacher should notify the Education Staffing Team should they identify a post that they would wish to be considered for.
28. If no appropriate vacancy under paragraphs 26 and 27 above exists, the teacher will be informed that he/she will remain in their current post until a suitable vacancy or other such option is identified. In such circumstances, the teacher must be given a meaningful timetable until a transfer or other option is identified.
- 29.a Notwithstanding para 24 above, in determining the appropriateness of any compulsory transfer, personal circumstances such as travel, family or health will be taken into account in any decision making process in relation to both the selection of the member of staff liable to transfer and the suitability of any post to which he/she may be transferred.
- 29.b The Equalities Act 2010 legally protects people from discrimination in the workplace. Whilst the Service will endeavour to ensure that employees protected by the Equality Act have provisions in place to support them during this process, it is also the employee's responsibility to notify their Headteacher immediately following the full staff meeting, so that their individual circumstances can be considered.

Any personal circumstances in relation to the Equalities Act 2010 must be shared with the Headteacher. The teacher must also confirm if they want the individual circumstances taken into consideration during any compulsory transfer. This allows for any reasonable adjustments or appropriate additional support to be considered during the process.

Employees with specific personal circumstances (including those covered by the Equality Act) will not be exempt from the transfer process.

The Service may request an occupational health referral when an employee discloses personal information and requires additional supports during the transfer process.

30. After a compulsory transfer, a teacher will not normally be similarly transferred again within a period of 3 years unless the compulsory transfer has been to a temporary post (see paragraph 27).
31. A teacher who is compulsorily transferred will have the first chance to transfer back to his/her former school, should a suitable vacancy arise within that school within a calendar year of the original transfer, and a request for a transfer back is received in writing. To be considered a suitable vacancy, the posts should be permanent, of equivocal hours to that of the teacher's permanent contract at point of transfer. Within Secondary, the post would normally be within the same faculty, and in all cases the teacher must hold full General Teaching Council Scotland registration for the identified vacancy. Such a return revokes the right to freedom from transfer for a three-year period from the date of the original transfer.

Promoted Posts

32. Where promoted posts may no longer be required, due to circumstances relating to falling school rolls, the Education Service will identify suitable alternative employment which may include a suitable promoted post or a transfer to a class teacher post with conservation in accordance with the SNCT Handbook of Conditions of Service. This may be in the same school or a different school.
33. In circumstances that require the redeployment of HTs / DHTs, every effort will be made to identify opportunities for meaningful redeployment. This process will be conducted in accordance with the relevant appointment procedures for Senior Promoted posts in Fife Schools.

Exceptional Circumstances

34. In the event that there is no likelihood of any other suitable post arising or a post suitable to the member of staff, then other options may be considered including retraining and redundancy (this may be triggered by an expression of interest by the member of staff). Where redundancy is being considered, discussions will take place with the teaching unions.

B. SCHOOL CLOSURES AND AMALGAMATIONS

35. Normally school closures result from a strategic decision and local consultation. Once the decision has been made to close a school appropriate organisation, communication and direction will be undertaken by the relevant Head of Service/Education Manager/Service Manager.

36. In relation to staff, the following procedures will apply to teachers from the closing school who are identified as surplus. One overarching principle will be that each member of staff at the closing school will be entitled to individual interview to establish her/his preferences.

Teachers

37. Every effort will be made to transfer teachers to a suitable alternative post and, where possible, cognisance will be taken of preferences stated by staff.
38. In the event of there being more than one teacher stating a preference for a particular post, subject to para 39 below, selection of the person who will transfer will be on the basis of length of service and applied in the order of priority shown i.e. when application (1) fails to select a person, (2) will be applied, then (3). The final step would be to draw lots. The teacher with the most service would be the teacher to be transferred.
- (1) Total length of continuous service in Fife, while on full teaching terms and conditions
 - (2) Total length of continuous service based in the school, while on full teaching terms and conditions
 - (3) Total length of all teaching service
- 39.a Notwithstanding para 38 above, in determining the appropriateness of any compulsory transfer, personal circumstances such as travel, family and health will be taken into account in any decision-making process in relation to both the selection of the member of staff liable to transfer and the suitability of any post to which he/she may be transferred.
- 39.b The Equalities Act 2010 legally protects people from discrimination in the workplace. Whilst the Service will endeavour to ensure that employees protected by the Equality Act have provisions in place to support them during this process, it is also the employee's responsibility to notify their Headteacher immediately following the full staff meeting, so that their individual circumstances can be considered.

Any personal circumstances in relation to the Equalities Act 2010 must be shared with the Headteacher. The teacher must also confirm if they want the individual circumstances taken into consideration during any compulsory transfer. This allows for any reasonable adjustments or appropriate additional support to be considered during the process.

Employees with specific personal circumstances (including those covered by the Equality Act) will not be exempt from the transfer process.

The Service may request an occupational health referral when an employee discloses personal information and requires additional supports during the transfer process.

40. In the event of a school closure, if there is no permanent vacancy available, the teacher may be temporarily transferred to a suitable alternative post without prejudice to their permanent employment status.
- 41.a In the event of a school amalgamation, the option of voluntary transfer would be open to all staff. Where a number of vacancies exist in a particular school and more staff wish to transfer than there are appropriate places, then selection will be on the basis of paragraphs 38 and 39.
- 41.b Should a class teacher not wish to transfer to the amalgamated school they can request a voluntary transfer. The teacher should write to the appropriate Head of Service to confirm their request not to transfer to the amalgamated school. Staff requesting to transfer to an alternative school will not receive three-year protection to further transfers, per para 30. There is no guarantee that the teacher's request can be granted.
42. Redeployment to a suitable alternative service / council post is an option which will be considered in accordance with legislation.
43. In certain circumstances early retiral may be a consideration.

Promoted Posts

44. Where promoted posts may no longer be required, due to circumstances relating to school closures and amalgamations, the Education Service will identify suitable alternative employment which may include a suitable promoted post or a transfer to a class teacher post with conservation in accordance with the SNCT Handbook of Conditions of Service. This may be in the same school or a different school.
45. In circumstances that require the redeployment of HTs / DHTs every effort will be made to identify opportunities for meaningful redeployment. This process will be conducted in accordance with the relevant appointment procedures for Senior Promoted posts in Fife Schools.

46. In addition HTs / DHTs may be given the following options, if appropriate:-

- a. Allocation on a management support basis to a temporary area of need.

At any given time there will be a need in a range of schools for input and support from an experienced Headteacher. When this situation is no longer required other options listed here will be considered.

- b. Transfer to a class teacher position.

This would not affect any rights which the individual may have accrued in terms of conservation of salary. It should be noted that initially this could be to a temporary vacancy in anticipation of a future appropriate permanent vacancy. This would not require a selection process.

Exceptional Circumstances

47. In the event that there is no likelihood of any other suitable post arising or a post suitable to the member of staff, then other options may be considered including retraining and redundancy (this may be triggered by an expression of interest by the member of staff). Where redundancy is being considered, discussions will take place with the teaching unions.

C. CIRCUMSTANCES RELATING TO THE REDUCTION OF SERVICE PROVISION IN THE BASE SCHOOL

Deployment of Learning Support Teachers (Primary)

48. A Learning Support teacher will be employed by Fife Council and assigned to a base school for travel and other defined purposes. As the teacher is not appointed to a specific school, he/she may be required to teach in this and in other schools as required by the Executive Director of Education.

49. The deployment of the Learning Support Service will be regularly reviewed and outcomes of such reviews may require Learning Support teachers to change school and/or change base school. This is an integral part of the Learning Support service review of allocation.

50. Where a review of the area learning support provision demonstrates a reduction in demand at the current base school, a learning support teacher may be transferred to a new base school. This change will be made in consultation with the teacher concerned. This will involve consideration of relevant personal circumstances and an opportunity for the member of staff to discuss the

reasons for change. Normally the base school will be the largest in any group of schools allocated.

51. Where a Learning Support teacher is required to teach in more than one school, travelling expenses will be paid in accordance with the current provisions.
52. Where a transfer of the base arises at the request of the visiting learning support teacher, the Service will take this into account at the next review of allocation. In this case the member of staff must make this known prior to this review.

Deployment of Visiting Teachers (Primary)

53. A visiting teacher will be employed by Fife Council and assigned to a base for travel and other defined purposes. As the teacher is not appointed to a specific school he/she may be required to teach in this and in other schools as required by the Executive Director of Education.
54. The deployment of the visiting teachers will be regularly reviewed and outcomes of such reviews may require the visiting teacher to change school or change base. This is an integral part of the Visiting Teacher Service.
55. Where a review of the visiting teacher provision demonstrates a requirement to change the current base school, a visiting teacher may be transferred to a new base school. This change will be made in consultation with the teacher concerned. This will involve consideration of relevant personal circumstances and an opportunity for the member of staff to discuss the reasons for change.
56. Where a visiting teacher is required to teach in more than one school, travelling expenses will be paid in accordance with the current provisions.
57. Where a transfer of the base arises at the request of the visiting teacher, the Service will take this into account at the next review of allocation. In this case the member of staff must let this be known prior to the review.

Exceptional Circumstances

58. In the event that there is no likelihood of any other suitable post arising, then other options may be considered including retraining and redundancy (this may be triggered by an expression of interest by the member of staff). Where redundancy is being considered, discussions will take place with the teaching unions.

D. THE APPLICATION OF LNCT/16 AS A RESULT OF RESTRUCTURING

59. Where restructuring occurs in relation to school management the terms of LNCT/16 shall apply. In this context, promoted staff who are not matched to posts within a new structure may be liable to be transferred.
60. Staff will be notified in writing that they are displaced and may be liable to transfer to the next suitable alternative post which may arise. In normal circumstances, where such posts are available or become available, these posts will be notified to the individuals but transfers will normally take effect from the start of either the August or January terms.
61. An alternative post will be deemed suitable if it is within +/- two scale points of the individual's current post and where the individual meets the requirements of the post.
62. There may be 4 scenarios that could apply to transfers within Section D. These are set out below along with an indication of the process that would be followed.
63. In all circumstances where a vacancy/vacancies exists, staff will be given the opportunity to visit the school(s) and they will be required to attend.

One Person – One Post

64. The individual would have the opportunity to meet the Headteacher and visit the school, prior to confirmation of transfer, to discuss the detail of the post.

Thereafter the transfer will be confirmed in writing and would usually take effect from the beginning of the appropriate term (see paragraph 60). This is subject to 4 weeks' notice.

One Person – Multiple Posts

65. The individual would have the opportunity to meet the Headteachers and visit the schools concerned, to discuss the detail of the post and decide whether any of these positions would be posts for which they would wish to volunteer. If no preference is expressed the Education Service reserves the right to assign the individual to one of the available posts.

Thereafter the transfer will be confirmed in writing and would usually take effect from the beginning of the appropriate term (see paragraph 60). This is subject to 4 weeks' notice.

More than One Person – One Post

66. The individuals would have the opportunity to visit the school and meet the Headteacher, prior to confirmation of transfer, to discuss the detail of the post and decide whether this would be a position for which they would wish to volunteer.
- a. Where one person volunteers from the pool, the transfer will be confirmed in writing and would usually take effect from the beginning of the appropriate term (see paragraph 57). This is subject to 4 weeks' notice.
 - b. Where more than one person volunteers from the pool, selection will be made in accordance with the principles within LNCT/9 Recruitment and Selection policy.
 - c. Where no one volunteers the following criteria will be applied, subject to para d below, in the order of priority shown i.e. when method (1) fails to select a person, (2) will be applied, then (3). The final step would be to draw lots. The teacher with the least service would be the teacher to be transferred.
 - (1) Total length of continuous service in Fife, while on full teaching terms and conditions
 - (2) Total length of continuous service based in the school, while on full teaching terms and conditions
 - (3) Total length of all teaching service
 - d. Notwithstanding para c above, in determining the appropriateness of any compulsory transfer, personal circumstances such as travel, family and health will be taken into account in any decision making process in relation to both the selection of the member of staff liable to transfer and the suitability of any post to which he/she may be transferred.

More than One Person – Multiple Posts

67. The individuals would have the opportunity to visit the schools and meet with the Headteachers, prior to confirmation of transfer, to discuss the detail of the post and decide whether any of these positions would be posts for which they would wish to volunteer.
- a. Where one person volunteers from the pool for a particular post, the transfer will be confirmed in writing and would usually take effect from the

beginning of the appropriate term (see paragraph 57). This is subject to 4 weeks' notice.

- b. Where more than one person volunteers from the pool for a particular post, selection will be made in accordance with the principles within LNCT/9 (Recruitment and Selection policy).
- c. Where no one volunteers the following criteria will be applied, subject to para d below, in the order of priority shown i.e. when method (1) fails to select a person, (2) will be applied, then (3). The final step would be to draw lots. The teacher with the least service would be the teacher to be transferred.
 - (1) Total length of continuous service in Fife, while on full teaching terms and conditions
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 - (3) Total length of all teaching service
- d. Notwithstanding para c above, in determining the appropriateness of any compulsory transfer, personal circumstances such as travel, family and health will be taken into account in any decision making process in relation to both the selection of the member of staff liable to transfer and the suitability of any post to which he/she may be transferred.

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