



# **Education, Culture & Sport Service**

## **Highland Local Negotiating Committee for Teachers**

**LNCT Agreement no.28 -**

**Procedures for the Transfer of Surplus  
Teaching Staff**

**(excluding Promoted Staff)**

**THE HIGHLAND COUNCIL**  
**EDUCATION, CULTURE AND SPORT SERVICE**  
**Procedures for the Transfer of Surplus Teaching Staff**  
**(excluding Promoted Staff)**  
**(Replaces Regional Circular R3/8)**

## **Section A – Transfer Procedures**

### **1. Introduction**

- 1.1 In certain situations, the Education, Culture & Sport (ECS) Service may need to consider transfer of existing staff within their employment. This Agreement outlines the ECS Service's procedures for the transfer of surplus teaching staff on maingrade and chartered scales.

### **2. Definition of surplus**

- 2.1 A teaching post may be declared surplus for any of the following reasons:
  - Closure of the school
  - Merging of two or more schools
  - Where a falling school roll leads to a reduction in the number of teachers required in accordance with current staffing formulae
  - Where, following appropriate school based consultation, changes in curriculum provision lead to a reduction in the number of teachers required
  - Where the ECS Service has altered the staffing formula, leading to a lower staffing entitlement for the school

### **3. Identification of teacher to be transferred**

- 3.1 The entire teaching staff of the school (primary and special sectors) or department (secondary sector) will be consulted to ascertain whether there is a volunteer for transfer.
- 3.2 If no suitable volunteer is forthcoming, the teacher with the least total continuous service with the Highland Council and previous constituent Authorities, and with the necessary qualification (secondary sector), will normally be subject to transfer unless there are, in the view of the Workforce Planning and Staffing Manager, over-riding reasons for deciding otherwise.
- 3.3 When a compulsory transfer is required in a school where job share arrangements are operating, the service of the longer job sharer will apply to both employees. This is for purposes of transfer only. Teachers should note that transfer results in the transfer of the full post and both job sharers.

### **4. Transfer procedures**

- 4.1 There will be effective consultation with the Teacher Unions when management first becomes aware of the need for transfer of staff.
- 4.2 While Head Teachers will have a preference for having an open and competitive process, the needs of the ECS Service and its overall responsibility for workforce planning must take priority.

- 4.3 Where a vacancy is identified, the filling of the vacancy must be discussed with the Workforce Planning and Staffing Manager. The post will not be advertised or filled if there is a suitable surplus teacher. If no suitable surplus teacher is available, the post will be released for filling as appropriate.
- 4.4 The ECS Service will maintain a record of all surplus teachers to assist in identifying transfer opportunities. All surplus teachers will be informed of available vacancies.
- 4.5 The transfer process for surplus teachers will be conducted by the Workforce Planning and Staffing Manager and the receiving Head Teacher.
- 4.6 Although the ECS Service reserves the right to transfer surplus teachers according to the needs of the Service, the views and circumstances of the teacher will be taken into consideration throughout the process.
- 4.7 The Director of the ECS Service has the right to make the final decision in the placing of surplus teachers.
- 4.8 In normal circumstances the teacher will be notified in writing of the date of transfer at least one month in advance. However, by mutual agreement the transfer may take place sooner.
- 4.9 Transferred teachers have the right to request a return to their original schools during a period of two years after transfer, should an appropriate vacancy arise. It will be incumbent on the transferred teacher to make such a request. However, the exigencies of the Service will take priority. Having so returned, paragraph 4.10 will apply from the date of return to the original school.
- 4.10 Any teacher transferred under this procedure will not normally be transferred again within a period of three years. However, there may be circumstances where this paragraph cannot be applied to a particular situation.

## **Section B - General**

### **5. Travelling expenses**

- 5.1 Where a teacher identified as surplus transfers within the terms of this Agreement, relocation expenses, as specified in the Scottish Negotiating Committee for Teachers Handbook of Conditions of Service, will be paid.

### **6. Right of appeal**

- 6.1 Any 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 Agreement No 4 (Discipline & Grievance Procedures).

Signed on behalf of the Council

Signed on behalf of the Teachers' Side

Name	Hugh Fraser	Name	Andrew Stewart
Designation	Joint Secretary LNCT	Designation	Joint Secretary LNCT
Date	17 June 2011	Date	17 June 2011