

PERTH AND KINROSS COUNCIL
EDUCATION & CHILDREN'S SERVICES
COMPULSORY TRANSFER PROCESS - FEBURARY 2023

1. INTRODUCTION

- 1.1 Teaching staff are employed by Perth and Kinross Council rather than a particular school. All teachers have a contractual obligation to transfer from one educational establishment to another, based on the needs of the service.
- 1.2 This process applies to all permanent promoted and unpromoted teaching staff, on both full time and part time contracts.
- 1.3 The aim of this document is to ensure that the process for managing compulsory transfers is undertaken in a fair and consistent way. Every effort will be made to minimise both the uncertainty and anxiety for employees, and any disruption to the service during the application of this process.

2. IDENTIFICATION OF COMPULSORY TRANSFER EMPLOYEES

- 2.1 As part of the annual staffing exercise meetings in February the staffing standard will be discussed with each school. Any known pending resignations, retirements, vacancies and any potential "excess" is identified. Any declared excess may be due to circumstances such as falling school roll or falling subject demand. Discussions in staffing meetings will take place to mitigate any excess. This may include the ending of fixed term contracts where employees have less than 2 years' service or using any temporary additional funding. Where there is a small excess, there may be an opportunity to explore peripatetic roles in primary schools, if funding is available. This may not be suitable in all situations. Secondary schools are required to manage their own excess where it is not possible to compulsory transfer.
- 2.2 Once it is confirmed by the Head of Business and Resources that a compulsory transfer is required, the Headteacher will advise all staff in the school or affected department(s) of the projected staffing situation and the declared excess with appropriate sensitivity. The Headteacher should ensure anyone not at work because they are on leave/sickness/secondment/career break is also informed.

Volunteers

- 2.3 A voluntary transfer will be sought in the first instance. Transfer options (including vacancies) will be shared at this point, if known. If there is more than one volunteer and a vacancy exists at that time, employees will be put forward for a professional discussion. The Headteacher at the school who has the vacancy will have final decision on who will move to their school as part of this process. Where no transfer option/vacancy exists at the time of the discussion, the employee with the **longest continuous service with Perth and Kinross Council and its predecessor Authorities** will be given the opportunity to transfer. Any remaining volunteers can apply through the normal Voluntary Transfer Process for future opportunities.
- 2.4 As the move has arisen as a consequence of a compulsory transfer situation any volunteers will be given the same benefits that apply to staff transferring in a compulsory situation i.e., travel expenses for a period of up to 4 years, protection from further transfer and opportunity to return to original school if a vacancy arises within 1 year of transfer.

No Volunteers Identified

- 2.5 Where a volunteer is not identified, the teacher within that school/department with the **least continuous service with Perth and Kinross Council and its predecessor Authorities** will be required to transfer.
- 2.6 For the purposes of determining continuous service the undernoted will not be regarded as breaks in continuous service:
- Statutory school holiday periods between contracts
 - Career break
 - Sabbaticals
 - Maternity/Paternity/Parental leave
 - Family Break for child rearing purposes (maximum 7 years).
- 2.7 Where two or more employees have the same service, further discussion will take place with the staff members concerned to provide an opportunity within an agreed timescale to identify if one will agree to move. Where no employee volunteers then selection will be undertaken by drawing lots. The Headteacher at their school will undertake this process in the presence of the employees concerned.

Secondary Schools

- 2.8 Secondary schools are required to declare the surplus subject area. The same process will be followed to seek volunteers in the first instance. Where no volunteer is identified secondary schools must follow point 2.5 above.

3 GENERAL CONDITIONS

- 3.1 Employees who are undertaking temporary arrangements e.g., acting up, secondment, will be included in the pool for compulsory transfer, however the temporary arrangement may continue depending on the reason. Backfill may also be required for the remainder of their temporary arrangement.
- 3.2 In some circumstances it may be necessary to move an employee to a split site/post over two schools. General cover/peripatetic roles may also be offered, until a suitable permanent vacancy can be identified.
- 3.3 It may be also necessary to move an employee to a temporary post albeit they retain permanent rights.
- 3.4 Where the excess is 1 FTE and a “job share” post is identified as surplus then both job sharers will require to transfer to another school either as a partnership or to two separate schools filling two part time positions, by agreement. The teacher with the longest continuous service with Perth and Kinross Council and its predecessor Authorities will be used to determine continuous service that will be applied.
- 3.5 If the identified teacher is going on maternity leave, the timing of the move and potential options for transfer will be discussed on an individual basis.
- 3.6 Any transfer to a denominational school will require relevant church approval. Where this is not granted, the employee will remain in their originating school until a further vacancy is identified.
- 3.7 At any stage of the transfer, the employee can request the opportunity to discuss the matter with their Quality Improvement Officer (QIO) and be accompanied by a trade union representative or colleague.
- 3.8 The Head of Business and Resources has final decision. Any variation to the agreed process, for example, as a result of ongoing medical or competency concerns with the member of staff identified to be compulsory transferred, will result in the lead of the teacher’s side of the JNCT being advised.

4 INFORMING THE EMPLOYEE

- 4.1 The Headteacher will personally inform the individual teacher/s who is identified as surplus that they will be compulsory transferred. This will also be confirmed in writing. The employee will be invited to indicate preferences as to the locations/schools to which he/she would wish to be transferred. However, there, are no guarantees that these will be available.
- 4.2 Employees will be given the opportunity to visit any new school/departments and undertake a general discussion with the Headteacher and other senior staff.
- 4.3 It is acknowledged that some employees may find their involvement in this process stressful. The Council has an [Employee Assistance Programme](#) via

our Occupational Health Service, which may be beneficial for employees to access.

- 4.4 Written notice of any intended compulsory transfer will normally be at least 4 working weeks before the move is enacted.

5 TERMS OF THE COMPULSORY TRANSFER

Travel Expenses

- 5.1 An employee who is compulsory transferring or one who volunteers in a school where a transfer has to be arranged will be entitled to excess travel, in line with the [Travel and Subsistence Policy](#) and rates. Travel costs must be more than £2.00 per week. This will apply for up to four years. However, if an employee applies and is successful for another post, the excess travelling expenses will cease.

Where No Vacancy Exists

- 5.2 Where no vacancy exists the employee will be retained as an excess teacher whilst further opportunities are identified. Their Headteacher must ensure that during that time the teacher fulfils their full contract of employment i.e. they have sufficient and relevant work to undertake.

Protection Against Further Compulsory Transfer

- 5.3 A employee who has been compulsory transferred will normally remain in the receiving school without further compulsory transfer for 3 years. If, however, the needs of the service require a further transfer, and that employee is the one with the least continuous Perth and Kinross Council service in the school/department, a compulsory transfer may again be made.

Right to return to Previous School

- 5.4 If a vacancy in a similar post arises in the employee's previous school within 1 year of a compulsory transfer this will be held and discussed with the employee who has been compulsory transferred. HR will notify the relevant Education Services Service Manager in these circumstances. Employees who opt to return to their original school will no longer receive any excess travel and may be considered for compulsory transfer in subsequent future staffing exercises.

Merged Schools

- 5.5 Where a planned merger of schools is due to take place, the Compulsory Transfer Process as detail in this document will apply.

6 COMPULSORY TRANSFERS OF HEADTEACHERS/DEPUTE HEADTEACHERS AND PRINCIPAL TEACHERS

- 6.1 There may be occasions where it might be necessary to compulsory transfer a Headteacher, Depute Headteacher or Principal Teacher. This may be due to a school closure or drop in school roll which results in a change to the staffing standard. In these circumstances we will follow this process and inform the leader of the Teachers' side of the JNCT.
- 6.2 Any salary conservations will be in line with SNCT terms and conditions.