



LNCT Agreement **Scheme for the Compulsory Transfer of Teaching Staff**

1.0 Context

- 1.1 Unpromoted staff are appointed to the service of the local authority 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 by the Authority to minimise the number of compulsory transfers.

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

2.0 Posts Surplus to Establishment

- 2.1 Where a school has more permanent unpromoted teachers than places in its establishment, a teaching post or posts will be identified for compulsory transfer. All appropriate unpromoted teaching staff will be given the opportunity to volunteer for compulsory transfer. In the event of there being insufficient volunteer(s), a teacher(s) will be identified for compulsory transfer. The procedure is outlined below.
- 2.2 The Chief Education Officer, or their nominated representative, will identify at as early a date as possible any school(s) in which reductions in permanent teaching staff may be required and will inform local secretaries of teacher organisations represented on the joint consultative committee.
- 2.3 The Chief Education Officer will determine, after consultation with the Headteacher, the extent of the reductions, and where appropriate, the subject area that will be affected. The Headteacher will in turn convey this information to his/her staff at the earliest opportunity. Wherever possible, affected staff will be given one month's notice excluding holidays.

3.0 Volunteers for Compulsory Transfer

- 3.1 A volunteer(s) for compulsory transfer will be sought from suitable staff in the school. A teacher volunteering for compulsory transfer will be invited to express an interest in all available vacancies. The Headteacher(s) of the potential recipient school(s) will be invited to meet with the teacher. Both parties can express views regarding the transfer, supported by objective reasons, which will be considered by the Chief Education Officer in making his/her decision on the transfers. Teachers may seek feedback from the Chief Education Officer on any aspect of the process.

4.0 Compulsory Transfer

- 4.1 If there are insufficient volunteers for compulsory transfer, a teacher (or teachers) will be identified for compulsory transfer. The teacher with the least total continuous service with the authority will normally be required to transfer, unless the Chief Education Officer, having considered all available information, considers that there are particularly strong reasons for deciding otherwise. In such circumstances, the local association secretary will be informed of this decision and the reasons for it, prior to the transfer being effected.
- 4.2 On instruction from the Chief Education Officer, the teacher nominated for compulsory transfer will be personally notified by his/her Headteacher and formally notified in writing by Human Resources Services, of the decision to transfer and the reasons for it.
- 4.3 A teacher nominated for compulsory transfer will be invited to express an interest in all available vacancies. The Headteacher(s) of the potential recipient school(s) will be invited to meet with the identified teacher. Both parties can express views regarding the transfer, supported by objective reasons, which will be considered by the Chief Education Officer in making his/her decision on the transfers. Teachers may seek feedback from the Chief Education Officer on any aspect of the process.

5.0 General issues

- 5.1 Periods of maternity leave will not be regarded as constituting a break in service and will be counted as service for the purposes of compulsory transfer.
- 5.2 Teachers who are pregnant or absent on maternity leave or sickness may either volunteer for compulsory transfer or be identified for compulsory transfer. The transfer will be effected in the same way as if the teacher was at work. In making these arrangements, all reasonable regard will be made in respect of the individual's circumstances.

- 5.3 Travelling expenses will be paid to compulsorily transferred teachers in accordance with current national conditions of service.
- 5.4 A teacher who has been compulsorily transferred will not normally be transferred again within a two-year period.
- 5.5 At any stage of the transfer, the teacher will have the opportunity to discuss the matter with the Chief Education Officer or other senior officer in the Service. He / she may be accompanied to any such meeting by a member of his / her professional association.
- 5.6 For the purposes of this paper a job sharing partnership sharing a full-time post will be treated in the same way as a single full-time postholder. The length of service of the partnership shall be deemed to be average of the individual lengths of service of its members.

A part-time teacher may be compulsory transferred to a post with a comparable employment commitment. It is also open to a part-time teacher to offer to transfer to a post on different terms or to the authority to offer such a transfer.

- 5.7 Only in exceptional circumstances ie where there is no reasonable alternative, will the authority implement a compulsory transfer that has the effect of causing a teacher to work in more than one school.
- 5.8 Following the completion of transfer arrangements, the receiving Headteacher will meet with the transferee to formally review training, development and support needs arising from the transfer.

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