Variations to the staff entitlements of schools for the new school year will, in a number of cases, necessitate the nominated transfer of some teachers.

A nominated transfer may be required because of either a decrease in the total school enrolments or a change in the curriculum offerings in a school.

This action will be needed whenever the reduction or change in the school’s entitlement cannot be made by other means; for example, teachers deciding separately to retire, resign, take leave without pay for an extended period, continue temporary appointments, accept promotion or extend maternity leave beyond a period of twelve months.

Teachers are reminded that the Director-General may direct the transfer of any teacher from one position to another equivalent position in classification and salary.

*The following procedures apply whenever a classroom teacher is nominated for transfer.*

It is essential that the process for nomination is clear and transparent to all staff members.

1. **Making Nominations**

In making a decision as to which teacher(s) is(are) to be nominated, the prime consideration is the whole school’s staffing needs in relation to its curriculum.

These procedures apply equally to permanent full-time teachers and permanent part-time teachers.

2. **Preliminary Procedures**

The principal should:

- advise all members of the school staff that the school entitlement will have to be reduced. A copy of this memorandum is to be made available to all members of staff in affected schools to ensure they are aware of its contents.

- consider all possible organisational alternatives which would not detract from the whole school’s staffing needs in relation to its curriculum before a decision to transfer a particular teacher or teachers is made.
request that members of staff notify the principal of impending resignations, retirements, applications for leave without pay or extensions of maternity leave beyond a twelve-month period, or temporary appointments that might preclude the need to transfer a teacher from the school. Early notification of these matters will facilitate the staffing process.

invite applications from members of staff who, whether eligible for transfer or not, would be willing to accept a nomination for transfer to effect the reduction in the school’s entitlement. Where the reduction is the result of changing curriculum offerings in a particular faculty or a particular group of teachers (eg. ESL, STLA), the invitation needs to be limited to teachers in that faculty or group so that the curriculum needs of students can continue to be met.

inform all members of staff that teachers nominated for transfer will:

- receive placement in a suitable vacancy as near as possible to the present school. Nominated teachers will retain continuity of service with that placement and may qualify for benefits under Determination 132, Transferred Officers Compensation;

or

- Teachers who are nominated for transfer may also be considered for a service transfer under the normal provisions. In this instance, it should be emphasised that no special priority for appointment applies.

3. Nominating Teachers for Transfer

Where a teacher needs to be transferred, principals must consider the whole school’s staffing needs in relation to its curriculum, which is the overriding factor in all such decisions. Equal consideration should be given to both full-time and part-time permanent teachers, regardless of length of service in the school.

Within this context principals are to avoid, wherever possible, selecting:

- any teacher who has been transferred to the school as a nominated transfer in the last staffing operation. This includes those teachers who have previously been appointed as mobile teachers, and whose placement into their current position has been treated as a nominated transfer. Where a teacher has been appointed to the school but has not entered on duty and the school entitlement has been subsequently reduced, the teacher loses right of appointment to that school;

- any teacher who is on long-service leave or exchange at the time of nomination and who will not return to duty before the end of the school year;
• any teacher who is on maternity leave at the time the nomination is to be made and who will not return to duty before the end of the school year, unless this is totally unavoidable. Teachers on maternity leave have a right of return to their former position.

In the event that the principal is unable to differentiate between two or more teachers on curriculum grounds, the principal, in making a selection, may consider any personal details voluntarily provided by teachers, especially when the transfer is likely to involve a change of residence.

4. Discussing Nominated Transfer(s) with the School Education Director

Principals are to discuss the selection of the nominated transfferee with the school education director and confirm that nomination before discussing the reasons for selection with the teacher(s) concerned. While all cases must be discussed in detail, special attention is required in the situations outlined above. The school education director will confirm with the principal that the teacher is performing their duties satisfactorily and that there are no performance issues.

5. Action Following Nomination

Principals are to discuss with the teacher(s) concerned the detailed reason(s) for their selection and advise each teacher that:

• an application for nominated transfer should be submitted using the online transfer system;

• an appointment will be made to a suitable vacancy as near as possible to the present school;

• the teacher will be considered to have continuous service in the one school for the purposes of eligibility for future transfer if the appointment is to a suitable vacancy as near as possible to the present school. The appointment notice will indicate the granting of this provision;

• a teacher nominated for transfer is invited to submit a preferred list of schools (within the “as near as possible to the present school” context) and include a calculation of transfer points. This will assist in the placement of teachers in situations where more than one school may be “as near as possible to the present school” or, where two or more teachers are competing for the one “as near as possible to the present school” vacancy. A transferred teacher will retain continuity of service in these circumstances;

• in the event that no vacancy is immediately available, the teacher may be placed in a mobile permanent position (ie. filling a vacant position created by another teacher on leave with a right of return to that position) until a firm appointment can be effected;
• teachers who seek reappointment to their present school in the event of an unexpected vacancy occurring before the end of February should clearly indicate this by listing their current school as the first preference on their application form;

• transfer of a teacher under the nominated transfer provisions will be at Departmental expense, irrespective of the period of service in the current position, provided that the transfer necessitates a change of residence and accords with Determination 132;

• a teacher nominated for transfer may also be eligible to apply for a service transfer to schools or localities beyond the “as near as possible to the present school” context. Eligibility for removal expenses is determined under service-transfer provisions if the teacher is transferred by request to a school in another locality instead of a suitable vacancy as near as possible to the present school.

The principal should also:

• ensure teachers submit an application for nominated transfer using the online transfer system.

• Notify Staffing Services if a teacher fails to submit an application for nominated transfer.

6. Teachers Nominated for Transfer or Teachers Seeking to Resume Duty After Leave Without Pay

Teachers will be required to list, in addition to their current (or former) school staffing area, three adjoining school staffing areas for placement, except in the case of teachers from Batemans Bay and Tweed Heads/Ballina school staffing area where there are only two adjoining school staffing areas.

Teachers who fail to nominate school staffing areas will be allocated their current (or former) school staffing area, and three adjoining school staffing areas, except in the case of teachers from Batemans Bay and Tweed Heads/Ballina school staffing areas where there are only two adjoining school staffing areas.

Teachers who believe they have exceptional or compelling circumstances may vary their nominated school staffing areas by submitting an application for compassionate transfer in accordance with the compassionate transfer procedures. Approvals should not be anticipated. Each application will be considered on its merits.