

Section Q –Transfer Entitlement

107. Introduction

- 107.1 Transfer entitlement focuses on teacher transfer as a professional right that benefits teachers, schools and students in the ACT public education system.
- 107.2 Transfer entitlement links closely with quality teaching, professional learning, career planning, performance management and leadership development in helping to develop a capable and sustainable teaching workforce. By transferring to new settings regularly throughout their careers, classroom teachers and school leaders gain a broad experience and contribute to renewal of school communities through regular incorporation of new perspectives.
- 107.3 The objectives of transfer entitlement are to:
- a. promote high quality and sustainable public education for ACT students
 - b. promote the professional empowerment of all teaching staff in career planning and development
 - c. promote a dynamic public education system, which develops skilled and resilient teaching staff
 - d. value individuals and their capacity to positively contribute to schools and the ACT education system
 - e. assist in meeting the strategic needs and legislative requirements of the ACT public education system
 - f. fill each position with suitably qualified and experienced staff and, with quality teaching as a focus, prepare teachers and school leaders to transfer successfully at their planned time
 - g. promote workforce planning at the school level by principals in professional discussion with staff to sustain and renew schools' educational programs.
- 107.4 Unless specifically referred to in this section, the processes outlined in this section apply to the exclusion of provisions contained in sub section 83(4) of the Public Sector Management Act 1994 and any related provisions contained in the ACT Public Sector Management Standards.
- 107.5 From the date of lodgement, transfer entitlement provisions will apply to all teaching classification positions.
- 107.6 All teachers and school leaders may apply for transfer (prior to or with entitlement) at any stage in their career. In dealing with compassionate transfers, special consideration of an individual's circumstances and needs will occur.

108. Workforce planning at the school level

- 108.1 There is a need for principals to maintain flexibility in managing their teaching workforce to meet the needs of students by sustaining and renewing educational programs at the school.
- 108.2 Principals plan the optimum placement time of individual staff with transfer entitlement through annual professional discussions with reference to teachers' Professional Pathways and career plans.

- 108.3 Staff changes should be managed according to the guiding principle of 'reasonable change'. Accordingly, where staff turnover, including contract teachers, over any two consecutive calendar years is expected to be or has been less than 10% per year or greater than 25% per year the Director, Human Resources will notify and work with the principal/manager to determine a plan to manage the situation through the application of clause 109.
- 108.4 Nothing in the clause above prevents the outcome of the plan being that the staff turnover remains less than 10% per year or greater than 25% per year, provided that the processes required under clause 109 have been properly implemented.

109. Transfer entitlement processes

- 109.1 To achieve the objectives of transfer entitlement outlined in clause 107.3, the following processes will be implemented.
- 109.2 All teachers and school leaders have a responsibility to plan their career pathways and professional growth, including placement and transfer options, through Professional Pathways or Principals' Appraisal.
- 109.3 The decision for a teacher or school leader C or B about when to use their transfer entitlement should be made in annual professional discussions with the principal, with reference to Professional Pathways and career plans. The decision for a principal about when to use their transfer entitlement should be made in annual professional discussions with the Schools Director.
- 109.4 Transfer must not be used to solve performance issues. Teachers and school leaders who are experiencing performance issues will not be permitted to use their transfer entitlement until they have undertaken sufficient development with principal/director and colleague support.
- 109.5 All teachers and school leaders gain access to transfer entitlement detailed in clause 109.6 during their placement in a teaching position on the following basis.
- a. Placement periods will not be varied to account for periods of leave or temporary transfer.
 - b. Graduate teachers are initially placed for five years, and may use transfer entitlement in their fourth or fifth year.
 - c. Subsequent placements for teachers and school leaders are for a maximum of ten years in school-based positions. They may use transfer entitlement at any time in their fifth to tenth year.
 - d. Classroom teachers are placed in office-based positions for one year, under clause 112.1 and may use transfer entitlement in that year.
 - e. School leaders are placed in office-based positions for a maximum of five years, under clause 112.2. They may use their transfer entitlement in the third to fifth year.
 - f. Teachers promoted to School Leader C, B or A in their current location (internal promotion) are placed initially for three years and may be extended to a maximum total placement of ten years, under clause 113.1. They may use their transfer entitlement from their third year.
 - g. Teachers not subject to the previous mobility provisions until 2012 will be deemed to be in their eighth year of placement in 2010. The provisions

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relating exceptional circumstances under clause 109.9 apply to this group of teachers and may be extended to up to three years.

109.6 Using transfer entitlement

- a. Teachers using their transfer entitlement may nominate preferred positions and/or schools for transfer, based on provision of accurate information about known and anticipated vacancies. They will be considered for the nominated positions/schools together with others using transfer entitlement and graduate teachers who have been given early offers. Transfers prior to entitlement will be considered only if there are no suitable applicants in these fields.
- b. Teachers will remain at their current school if they are unsuccessful in transferring to their nominated positions/schools in their fourth year of initial placement and in their fifth to ninth year of subsequent placement.
- c. School leaders using their transfer entitlement apply for specific positions against the capabilities outlined in the School Leadership Framework. They will be considered for positions advertised for transfer together with others at level using transfer entitlement.
- d. School leaders will remain in their current position if they are unsuccessful in transferring to a nominated position in their fourth to ninth year in a school-based placement and in their third or fourth year in an office-based placement.

109.7 If a teacher's or school leader's transfer under clause 109.6 is unsuccessful

- a. The originating principal and teacher or school leader will be notified.
- b. The system transfer panel or selection committee will provide feedback to the principal.
- c. The teacher or school leader and principal will discuss that feedback in the context of their Professional Pathways plan and, if appropriate, a Pathways to Improvement plan may be developed.
- d. If performance issues are identified, then it is the joint responsibility of the originating principal and teacher or school leader to address them as soon as possible. It is important that attention to such issues not be left until the final year of placement.

109.8 Transfer in the final year of placement

- a. In the final year of placement, the onus is on the teacher or school leader to nominate a reasonably wide range of positions/schools to enable successful transfer.
- b. If transfer to nominated position/schools is unsuccessful, then, subject to clause 109.9, placement in a suitable position will be made.

109.9 Exceptional circumstances.

- a. In exceptional school or personal circumstances, such as unexpected staff turnover, an unforeseen threat to continuation of a particular educational program or a previously unidentified performance issue, the principal can apply to the Schools Director and Director, Human Resources to retain a teacher or school leader beyond their tenth year of placement. Such a case for extension of placement must be made each year for a maximum of two years.

- b. In exceptional school or personal circumstances, a Schools Director, in consultation with Executive Director, Schools and Director, Human Resources, may decide to retain a principal beyond their tenth year of placement. Such a case for extension of placement must be made each year for a maximum of two years.

110. Incentives to transfer

- 110.1 Successful experience in a range of settings is valued for its contribution to quality teaching, quality student outcomes, professional development, career advancement and promotion.
- 110.2 Transferred teachers and school leaders, through their Professional Pathways plan, will be given access to professional development to assist in the transition to the new setting.

111. Unattachment

- 111.1 If an officer is absent from their substantive position, except for the purposes of internal transfer, for more than 12 months they may be deemed unattached and the position declared vacant.
- 111.2 Such a 12 month period of absence for an officer on maternity leave, will commence after the 18 week mandatory leave period.
- 111.3 An unattached officer is required to seek appropriate placements within a reasonable period prior to their return to duty with the Department.
- 111.4 An individual deemed to be unattached may seek special consideration from the Director, Human Resources for exemption from this provision.

112. Office-based positions

- 112.1 Classroom teacher positions in central office are filled for one year. Office-based classroom teacher positions will be readvertised during the transfer round. The current occupant may reapply for the position and, if successful, may be extended in the position for up to 12 months. The maximum period an officer may spend in office-based classroom teacher positions is three consecutive years in any combination of placements.
- 112.2 School Leader C, B or A positions in central office are filled for a maximum of five years. In the third year of a school leader's placement in an office-based position, the placement may be continued for a further two years with the agreement of the officer and their manager/director in consultation with Director, Human Resources. School Leader C, B and A officers in an office-based position will have transfer entitlement in their third, fourth and fifth years.
- 112.3 The maximum period an officer may spend in office-based school leader positions is eight consecutive years in any combination of placements at any level.

113. Internal promotion

- 113.1 A teacher who is promoted to School Leader C, B or A in their current location will be appointed for a minimum period of three years. In the final year of such a placement, the principal can apply to the Schools Director and Director, Human

Resources to extend the placement up to a maximum total placement of ten years.

114 Jervis Bay School

- 114.1 In addition to general transfer entitlement provisions, teacher transfer as set out in this section will apply to all teachers (including classroom teacher and school leader classifications) who are appointed, promoted or transferred to Jervis Bay School.
- 114.2 Teachers who request a transfer to classroom teacher positions at Jervis Bay School in order to accompany their partner on a temporary posting to the naval complex will be eligible to seek an extension to their placement to match the period of the posting. Appropriate evidence of the posting must be supplied.
- 114.3 Teachers appointed to classroom teacher positions at Jervis Bay School who are already established residents of the local area at the time of appointment may apply to have the placement extended to meet ongoing family commitments.
- 114.4 Teachers appointed, promoted or transferred to a school leader position at Jervis Bay School may reapply for the position when advertised. If successful, the teacher will be placed for the maximum period applicable. If unsuccessful, the teacher will be placed through the normal transfer entitlement procedures.

115 Special education and student support positions

- 115.1 In addition to the general transfer entitlement provisions, a classroom teacher may access transfer entitlement from their third year of special education or student support placement in order to transfer to another setting or site.

116 Birrigai@Tidbinbilla positions

- 116.1 Vacant classroom teacher positions at Birrigai@Tidbinbilla will be advertised as limited time positions for one, two or three years.
- 116.2 The maximum period a classroom teacher may spend at Birrigai@Tidbinbilla is six consecutive years.
- 116.3 Teachers and school leaders may use transfer entitlement in the final year of appointment or from their fifth year at Birrigai@Tidbinbilla.

117 Instrumental Music Program

- 117.1 All identified teacher positions in the program will be advertised as limited time positions for one, two or three years.
- 117.2 The maximum period a classroom teacher may spend in the Instrumental Music Program is six consecutive years.
- 117.3 Teachers and school leaders may use transfer entitlement in the final year of appointment or from their fifth year in the Instrumental Music Program.

118 Languages teachers

- 118.1 Taking into account recent changes in Languages provision across the system, the ACT Department of Education and Training and the Australian Education Union agree to monitor the effect of transfer entitlement on Languages programs in schools, with a view to addressing any issues as they arise.