



North Ayrshire Council

Education Policies and
Operating Procedures

LNCT Agreement

Transfer of Teachers

Devolved Matter: Particulars of
employment

Effective Date: 10 June 2026



1. INTRODUCTION

- 1.1 Teachers are appointed to the service of North Ayrshire Council and not to a particular school. In accordance with their terms of employment, teachers can be transferred from one school to another, subject to the needs of the service. Every effort will be made to avoid the compulsory transfer of teachers.
- 1.2 The need to transfer teachers from one school to another can arise for several reasons such as:
- Reduction in the teaching staff allocation to a school
 - Change in subject demand within a secondary school
 - Reorganisation of promoted posts
 - Mothballing or closure of a school
 - Amalgamation of schools
 - Exceptional circumstances
- 1.3 Whilst Head Teachers are responsible for the appointment of teachers to their school, they are required to fill vacant posts with teachers who are surplus in another school in the first instance.
- 1.4 This agreement sets out the process to be followed when transferring teachers from one school to another.

2. SCOPE

- 2.1 This Agreement applies to all unpromoted and promoted teachers employed on Scottish Negotiating Committee for Teachers Conditions of Service.

3. IDENTIFYING THE NEED TO TRANSFER TEACHERS

Reduction in Teaching Staff Allocation / Change in Secondary Subject Demand

- 3.1 The annual staffing exercise for primary schools will identify any schools projected to have more unpromoted / promoted teachers than their entitlement for the following school academic session.
- 3.2 If the primary school is projected to have more unpromoted teachers than their entitlement, all unpromoted teachers will be in scope for transfer. If the primary school has more promoted teachers than their entitlement, then only those teachers in the promoted grade will be in scope for transfer.
- 3.3 The annual staffing exercise for secondary schools will identify any schools projected to have more unpromoted teachers than their entitlement for the following school academic session or where there is a need to reduce teachers in a particular subject area. All unpromoted teachers in the subject area required to reduce will be in scope for transfer. This will include teachers who are qualified in more than one subject, if they hold a teaching commitment in the subject required to reduce.

- 3.4 Secondary Head Teachers will be required to provide information to the Head of Service (Education) to support the need to reduce teachers within a specific subject area and seek their approval as part of the annual staffing exercise.
- 3.5 Secondary schools should make every effort to plan their teaching workforce to meet future subject needs, by using natural attrition to reshape their teaching complement and supporting teachers to gain qualifications in other subject areas where appropriate.
- 3.6 The annual staffing exercise for the ASN school and bases (as set out in DSM Scheme) will identify any school projected to have more unpromoted / promoted teachers than their entitlement for the following school academic session. Teachers in scope of transfer will be identified on a school-by-school basis as they may comprise promoted teachers, unpromoted primary teachers or unpromoted secondary teachers.
- 3.7 Schools may be required to reduce their teaching staff allocation by any full-time equivalent from 0.2fte upwards. The Head of Service (Education) will determine if any schools should remain in a small overstaffing situation rather than require any teacher to transfer.

Reorganisation of Promoted Posts

- 3.8 If there is a need to transfer promoted teachers due to a reorganisation, the LNCT will be consulted as part of the organisational change process.

Mothballing / Closure / Amalgamation of Schools

- 3.9 If there is a need to transfer teachers due to the mothballing/closure of a school, or the amalgamation of schools, the LNCT will be consulted as part of the organisational change process.

Exceptional Circumstances

- 3.10 Circumstances may arise when a teacher needs to transfer to another school for health reasons, as an outcome of formal proceedings or for other exceptional reasons. The Head of Service (Education) will determine when there is a requirement to transfer a teacher for exceptional circumstances, and the most suitable placement of the teacher will be considered on a case-by-case basis.
- 3.11 Unpromoted teachers who wish to move to another school or promoted teachers who wish to move to a post at a lower grade and where there are no exceptional circumstances, should apply for any advertised vacancies in the normal way.

4. ARRANGEMENTS FOR TRANSFERRING UNPROMOTED TEACHERS TO ANOTHER SCHOOL

- 4.1 The Head of Service (Education) will inform the LNCT Joint Union Side Secretary of the schools in which reductions in teaching staff may be required.
- 4.2 The Head Teacher will inform teachers in scope of transfer of the reductions in teaching staff required, including teachers on leave, career break or secondment to another post.

- 4.3 The teacher(s) required to transfer will be identified in the following order:
- a) Teachers who have transferred to permanent status and been placed in a temporary post due to lack of permanent vacancies will be required to transfer. If there is more than one teacher in this category, the teacher with the least continuous service with North Ayrshire Council will transfer. Every effort will be made to place such teachers into a permanent post as soon as possible; however, they may be required to transfer to other temporary posts if no other options are available.
 - b) If there is only one teacher in scope of transfer, such as a single subject secondary teacher, then they will be the teacher required to transfer to another school.
 - c) Head Teachers will invite volunteer(s) to transfer to another school and if there are more volunteer(s) than required, the teacher with the longest continuous service with North Ayrshire Council will transfer.
 - d) Where there are no volunteers, Teachers(s) with the least continuous service with North Ayrshire Council will normally be selected for compulsory transfer unless in the view of the Head of Service (Education) there are reasons for deciding otherwise. In such circumstances, the Head of Service (Education) will discuss reasons with the LNCT Joint Union Side Secretary.
- 4.4 Teachers who are pregnant, on family leave, or on a phased retirement can volunteer for transfer but will not be compulsorily selected for transfer unless they are the only teacher in scope of transfer.
- 4.5 Teachers who are the subject of disciplinary investigation or competence proceedings may volunteer for transfer, however, this will be considered on a case-by-case basis and might not be selected for transfer, unless they are the only teacher in scope of transfer. Teachers subject to a temporary restriction order from the GTCS cannot be transferred in accordance with GTCS terms.
- 4.6 For the purposes of reaching transfer decisions based on length of service, continuous service includes service with North Ayrshire Council and any previous service recognised in accordance with the Redundancy Payments (Local Government) (Modification) Order 1999 (as amended).
- 4.7 Teachers who have volunteered for transfer or been selected for compulsory transfer will receive written confirmation of transfer arrangements.
- 4.8 Where there are a number of suitable vacancies available, transferring teachers will be given the option to select the vacancy they wish to transfer to. If more than one teacher selects the same post, it will be allocated to the teacher with the longest continuous service.
- 4.9 Where there is only one suitable vacancy, the teacher will be informed of the school to which they will transfer.
- 4.10 Every effort will be made to avoid transferring a teacher to vacancies across more than one school.

- 4.11 Teachers transferring to a Catholic School will require Catholic Church approval. Although the Council reserves the right to transfer a teacher to another school, preferences to transfer to a Catholic School or non-denominational school will be taken into consideration.
- 4.12 If there is a requirement to transfer teachers from a mainstream setting to an ASN setting or vice-versa, the preferences of teachers will be taken into consideration.
- 4.13 Teachers will normally be given 4 weeks written notice of the school they are transferring to (excluding school holiday periods). It must be recognised however that vacancies can arise towards the end of the school session due to late resignations etc. In these situations, it may not be possible to provide 4 weeks' notice of transfer, however personal circumstances will also be taken into consideration.
- 4.14 Teachers transferring to a new school will be given the opportunity to visit the school, to meet their Head Teacher and colleagues. The existing and new Head Teacher should also arrange for the transfer of the teacher's employment record to take place, including any information on PRD being undertaken, sickness absence in the preceding 12 months, health adjustments or individual risk assessments in place.
- 4.15 Where there are no suitable permanent vacancies available for a transferring teacher they may be required to transfer to a temporary vacancy, pending a permanent vacancy arising. Alternatively, they may remain in their current school on a supernumerary basis pending a suitable vacancy arising. Supernumerary teachers should be given an appropriate timetable that can be reorganised if the teacher is subsequently transferred. If supernumerary teachers are allocated a class, Head Teachers should ensure that arrangements are in place to maintain continuity of teaching and learning, should the supernumerary teacher be transferred to another school during the academic year.

5. SPECIFIC ARRANGEMENTS FOR THE TRANSFER OF PROMOTED TEACHERS

- 5.1 The transfer of promoted teachers will follow the same process as the transfer of unpromoted teachers with additional specific arrangements detailed below.
- 5.2 The Scottish Schools (Parental Involvement Act) 2006 and the Parental Involvement in Head Teacher and Depute Head Teacher Appointments (Scotland) Regulations allows for Head Teachers and Depute Head Teachers to be transferred to other commensurate posts should their substantive post cease. In these circumstances, the Head of Service (Education) will ensure consultation with the relevant Parent Council is undertaken.
- 5.3 A promoted teacher may be transferred to a suitable post at the same designation and salary point. If there was only one promoted teacher, they would be matched into the post. If there was more than one promoted teacher eligible, selection would be based on longest continuous service.
- 5.4 Promoted Teachers will be required to apply for posts at a higher job sized salary unless this is one point above their current position where, if they are the only eligible surplus promoted teacher, they can be matched into the post. Otherwise, these posts

will be advertised as normal, unless a separate organisational change process is in place.

5.5 Promoted teachers who are not transferred to a suitable vacancy or successfully appointed to another post prior to their substantive post ceasing will have a one-to-one meeting with an HR Adviser, with a right to be accompanied as per the HR Guide: Representation, to discuss the following options:

- a) Remain supernumerary at their current designation and salary pending a suitable vacancy to be transferred to or appointment to another post. In these circumstances the teacher will be required to perform duties commensurate with their current designation and salary. Where a promoted teacher unreasonably refuses to transfer to a suitable vacancy on two occasions, salary conservation will commence and transfer to a lower graded post will be sought. This will be subject to review and where a suitable post hasn't been identified within a one-year period of the post becoming supernumerary one of the options below will then be explored.
- b) Transfer to a post with a lower salary and/or different designation. Salary conservation will commence from the date of transfer.
- c) Voluntary early release from the service of North Ayrshire Council.

6. ENTITLEMENT OF TRANSFERRING UNPROMOTED AND PROMOTED TEACHERS

- 6.1 Teachers who have compulsory transferred to another school will be entitled to excess travelling expenses for a period of four years if the cost of travelling both ways from home to the new place of employment and home to the old place of employment is greater than £2.91 per week.
- 6.2 Every effort will be made to ensure that teachers selected for compulsory transfer to another school are not transferred again within a period of two years.
- 6.3 Teachers who are compulsory transferred will be eligible to return to their original school / post should a vacancy arise within two calendar years from the date of transfer. Teachers will be notified if a vacancy arises which is on the same contractual terms of employment as the post they were transferred from. If a teacher does not wish to return to the vacant post, they will no longer be eligible to return should a further vacancy arise. Teachers will not be eligible to return to their original school / post if they voluntarily make any changes to their terms of employment following transfer (such as appointment to a new post or a permanent change to hours of work).
- 6.4 Teachers selected for compulsory transfer will be entitled to meet with the Head of Service (Education) or nominee within the Education Directorate Leadership Team to discuss their selection for transfer. Teacher will have the right to be accompanied by a trade union representative or fellow employee of their choice at this meeting.

7. REVIEW

- 7.1 Review of this Agreement can be initiated by the employer or trade union side of the LNCT at any time.

Version Control

Date of Change	Summary of Changes
10 June 2026	This Agreement supersedes existing LNCT Agreements – Procedures for the Compulsory Transfer of Surplus Unpromoted Teachers in Secondary Schools and Procedures for the Compulsory Transfer of Surplus Unpromoted Teachers in Primary Schools.