



LNCT Agreement 11: Compulsory Transfer: Conditions of Transfer (Revised July 2026)

Teachers are appointed to the service of the Authority and not to a particular school.

It is sometimes necessary to transfer teaching staff to other schools in order to ensure that individual schools do not exceed staffing budgets authorised by Stirling Council. Also, the Chief Education Officer may exercise discretion to move a teacher for some other substantial reason in the best interests of the Service and/or the employee.

Stirling Council aims to secure such transfers as are necessary in a manner which is responsive to the concerns and aspirations of individuals. Consequently, as part of the transfer procedure employees should be aware that the Schools, Learning and Education Service will conduct a consultation process with Head Teachers and Trade Union representatives before agreement is reached and individual transferees are nominated. Those considered for transfer purposes must be within the core complement of the affected school.

- Headteachers will carry out the timetabling and/or class structure exercise annually.
- Where there is a possibility of the need for compulsory transfer, the proposed timetable/class structure will be subject to consultation with the Headteacher. The Trade Union representative will be informed.
- Following this consultation the identified subject area (where relevant) and member(s) of staff affected will be identified.

The aim of this process is to provide staff with general safeguards that the proposed arrangements conform to local agreements.

The annual staffing exercise normally begins in February and the identification of vacancies and surplus staff is finalised as quickly as possible after this date and normally prior to the Spring holiday period.

Where a school has identified a surplus of staff, volunteers for transfer will first be invited. In secondary schools, this will be ring-fenced to the subject in which the surplus arises.

Where no or insufficient volunteers are forthcoming, teachers will be identified as being subject to transfer according to the local agreement reached between the Council and the Staff side. This provides for transfers to be determined on the basis of “last in, first out”, depending on length of continuous service with Stirling Council and previously with Central Regional Council.

Promoted post holders will normally be exempt from compulsory transfer. There may however be exceptional circumstances such as a school closure where promoted post holders could be subject to compulsory transfer. Those staff previously affected by management restructuring are also covered by this clause e.g. Principal Teachers who are conserved.

Continuous service is defined as an unbroken succession of temporary and/or permanent teaching appointments. Where a teacher is absent on maternity leave and exercises their right to return to work their service will be regarded as continuous service for transfer purposes. A teacher's decision to exercise their right to parental leave or paternity leave will not be considered a break in service for these purposes.

Where staff have equal lengths of service with the Council, teachers will be identified as subject for transfer on the basis of length of service with the school. The teacher with the shortest length of service with the individual school will be subject for transfer.

Job share posts may give rise to complications in determining liability for transfer. It is accepted by Management and the Staff side that some flexibility may be necessary in dealing with such arrangements and that no perfect solution exists. Other than in exceptional circumstances, it is agreed that the general rule will be that length of service for both job share partners will be calculated with reference to the length of continuous service of the longer serving job share partner.

Staffing surpluses should normally only be identified as full time posts. However, this will not always be possible. Where a part-time post has been declared surplus, every effort will be made to arrange timetables so that the transferee can be transferred for a consecutive period of days. Part time transfers will be for a minimum of a half day.

Surplus staff who are placed on the transfer list will normally be informed of this by their Headteacher no later than the end of April.

Once a member of staff has been informed by their Headteacher that they are subject to transfer, the appropriate HR representative will ensure that the transfer arrangements are progressed as sympathetically as possible. Teachers nominated for transfer are entitled to involve their Trade Union representatives in connection with proper application of the procedures.

In placing transferred staff, every effort will be made to take into account factors such as home to work mileage and the matching of skills and experience for the requirements of specific vacancies. However, the ability to match will be constrained by the availability of vacancies and the Schools, Learning and Education Service cannot guarantee to achieve this in every case.

Staff identified for transfer should expect to be contacted in May by their new Headteacher inviting them to visit the school before taking up their new appointment.

Headteachers have been advised that transfers should be effective at the earliest possible date and these may proceed before the commencement of the new session. For example, in secondary schools transfer may take place at the start of the new session's timetables.

Where a compulsory transfer has been identified in a secondary school and no suitable vacancy exists, no transfer will take place. The costs of the surplus teacher will remain with the school seeking to transfer until a transfer can be arranged and the teacher will be used to supplement the school's internal cover arrangements. In exceptional circumstances, the Council may, however, seek to exercise its right to declare the post redundant in line with the Council's Organisational Change policy.

It is accepted that when an employee transfers they will do so on the basis of their current conditions of service, unless an agreement is reached with the employee that these be varied.

Where, as a result of a transfer, a teacher incurs additional travelling expenses Stirling Council's excess travel arrangements will apply.

The general aim of Stirling Council is to try to minimise the disturbance of recently transferred teachers. Therefore teachers who have been subject to transfer will normally be excluded from compulsory transfer for a two year period. However, it is recognised that there may be exceptional circumstances in which it is necessary to transfer a member of staff into a different team, establishment or post.

This would only be the case where:

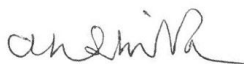
- (a) The employee requests in writing a transfer.
- (b) There is a medical report from the Occupational Health Adviser which recommends redeployment on the basis of the individual's fitness for work, together with the Council's responsibilities as an employer under the Disability Discrimination Act.
- (c) The Head of Education, having followed a proper investigation, determined that there is evidence to support the fact that it is in the best interests of the Service and/or the employee that a transfer be arranged. In such cases the relevant Trade Union will be consulted prior to a final decision being taken.
- (d) A school has been agreed for closure.

Where staff wish additional advice, they are encouraged to consult with the Headteacher and the appropriate Head of Education or their TU representative.

Signed: 

Bryony Monaghan, Co-secretary LNCT

Date: 31 July 2026

Signed: 

Ann Skillen, Co-secretary LNCT

Date: 31 July 2026