

DRAFT

DEPARTMENT OF EDUCATION AND COMMUNITY SERVICES

SCHOOLS SERVICES

Guidance for Headteachers, Operational Managers and Staffing Section on the use of temporary contracts for Teachers.

INTRODUCTION

The Schools Service aims to be responsive to service needs whilst at the same time providing teachers with access to more secure employment opportunities wherever practical and possible.

There are a variety of circumstances where it is necessary for contracts of employment to be offered on a temporary basis such as to cover the maternity or sickness leave of a permanent post holder.

Since a number of statutory and employment rights, responsibilities and entitlements accrue from the first day of employment, irrespective of temporary or permanent status, it is vitally important that offers of temporary employment and the management of temporary contracts is undertaken in a structured and co-ordinated way.

PURPOSE

The LNCT Agreement on the use of Temporary Contracts sets out a framework for the effective management and deployment of temporary teachers in schools.

These guidelines provide more detailed guidance for Headteachers and Managers who have authority to recruit staff on a temporary basis and should be read in conjunction with the LNCT framework and SNCT/31 (Code of Practice on the use of Temporary Contracts).

DEFINITIONS

Temporary employment is “employment on a contract which will come to an end at a given date or event”.

Those who have authority to offer employment on behalf of the Council will be aware that, in Scots law, a verbal offer and verbal acceptance is all that is needed to form an employment “contract”. In practical terms, no paperwork needs to change hands for a legally binding contract to exist. (e.g. a Headteacher asks a supply teacher to come in every Monday until the end of term. A legal obligation is created and this binds the Council.)

It is thus important for those offering contracts of employment to know the distinction between temporary employment as defined above and casual or supply work.

SHORT-TERM SUPPLY

Short-term supply is most often required to cover in-service training, special leave and short-term sickness.

Teachers may be offered work on a short-term supply basis, generally with little notice, and usually on a day-to-day basis. In such circumstances, there is no obligation on the Council to provide work, or indeed for the teacher to accept an offer of work, and a temporary contract is not applicable. Supply staff will be issued with the normal documentation from Staffing Section when they are first registered which makes it clear there is no employment relationship.

Where it becomes clear that the need for such cover is likely to be ongoing, lengthy, or regular, rather than ad-hoc, then headteachers should consider advertising the post as temporary or permanent in light of ongoing service need.

Headteachers should be clear about their requirements, consult the Education Officer (Staffing) where required and liaise closely with Staffing Section regarding longer-term or regular arrangements.

TEMPORARY APPOINTMENTS

Temporary appointments can be necessary to cover for maternity or adoption leave, long-term sickness, or secondments/ attachments.

In cases where the likely duration of an appointment is known, then the fact that the appointment is temporary and of limited duration should be made clear at all recruitment stages, especially advertising and interview stages.

The maximum duration and reason for the temporary appointment must be clearly stated in the relevant letter of appointment and this will be issued as soon as possible, preferably prior to commencing employment, and certainly no later than 8 weeks from the date of commencement. Temporary appointments must not run on unchecked as they are neither fair to the individual or in the best interests of the needs of the service.

It is vital that the terminology (both written and verbal statements) reflects the need for flexibility. For example, if a post is to cover sickness absence, then it should be made clear that the appointment is temporary *for up to 26 weeks, or earlier* subject to one weeks notice.

Such measures aim to ensure that the rights of the permanent post holder are safeguarded, the temporary post holder is clear about the nature of employment, and there is some flexibility to manage the situation.

Headteachers should be clear about their requirements, consult the Education Officer (Staffing) where required, and liaise closely with Staffing Section regarding temporary appointments.

In cases where the likely duration of an appointment is not known Headteachers should review circumstances on a weekly basis and when a temporary contract has extended to 8 weeks duration. At this point, consideration should be given to advertising the post on a longer-term temporary or permanent basis.

Headteachers should arrange for appropriate induction, training and support for Temporary Teachers ensuring this group of staff are treated no less favourably in terms of access to training, development and support.

PERMANENT VACANCIES

Whilst there will always be a requirement for supply and temporary cover, and indeed many teachers find this way of working attractive, efforts should be made to ensure that supply/temporary teachers are aware of permanent vacancies in Dumfries and Galloway.

Headteachers should ensure that supply/temporary staff are able to access details of all current vacancies and have the opportunity to make applications for such posts through normal recruitment procedures. (The same would apply to permanent members of staff)

APPOINTMENT TO PERMANENT STAFF

Additionally, temporary staff who have been employed by the Council for a period of 2 years or more, except when such employment was clearly identified at the time of initial appointment as time limited, project or needs specific, can be considered for permanent employment under agreed re-deployment arrangements. This will be the subject of a further paper to LNCT for consultation.

Under the Fixed Term Employees Regulations 2002, any temporary contract extended beyond 4 years will be made permanent unless the authority can objectively justify not doing this.

MANAGEMENT AND ADMINISTRATION

At school level, Headteachers and School Support Managers/Officers will be responsible for the management and administration of short-term supply arrangements. They must ensure appropriate records are kept in relation to the duration of employment and that arrangements are reviewed regularly and, in any case, at the end of each 8-week period. If a member of supply staff is employed on a regular basis in excess of 8 weeks or if it is anticipated that they will be required for more than 8 weeks then a temporary contract is required to be issued. The

Headteacher should initiate this by completing a Contract Request Form (Appendix 8 in the Recruitment Guide)

The success of the implementation of these guidelines depends on all those involved keeping accurate and easily accessible records. **It is essential that all bookings for supply staff are made through the Supply Teachers Database.** This will enable the Staffing Section to monitor the use of staff who may have worked in excess of 8 weeks continuously, but in several different schools.

Human Resources will be available to provide professional advice and guidance on wider recruitment and employment issues.

REVIEW OF CURRENT ARRANGEMENTS

The Staffing Section will be responsible for the issuing of initial documentation to supply teachers and for issuing temporary contracts in line with this guidance. Existing systems are likely to require further development to support the implementation of this guidance and proper process and practice.

Headteachers and School Support Managers/Officers must review all current arrangements in conjunction with the Staffing Section to ensure adherence to this guidance. Feedback from this review will be given to LNCT for information and further discussion.

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