

**POLICY ON THE USE OF TEMPORARY CONTRACTS FOR TEACHERS**

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**1. INTRODUCTION**

- 1.1 The aim of this Policy is to establish good practice on the use of temporary contracts.
- 1.2 Argyll & Bute LNCT recognises the important contribution made by temporary teachers, many of whom go on to hold permanent contracts. The LNCT believes that it is essential that temporary teachers are treated in the same way as permanent staff and given access to appropriate induction, training and support.
- 1.3 The Policy takes into account the Employment Rights Act 1996, as amended by the Employment Relations Act 1999 and the Employment Act 2002, as well as Part-Time Workers (Prevention of Less Favourable Treatment) and the Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002.

**2. PURPOSE**

- 2.1 The purpose of the policy is to enhance the principles of a professional service by providing a framework within which Argyll and Bute Council will manage their staffing requirements in a coordinated and structured way. This must be responsive to service needs whilst at the same time providing teachers with access to secure employment opportunities, wherever possible.
- 2.2 The policy aims to ensure that employees on temporary contracts are not treated less favourably than permanent employees.
- 2.3 It is recognised that there will be teachers who may be employed on temporary contracts for significant periods of time. In such cases the letter of appointment must make it clear the expected length of appointment.
- 2.4 It is recognised that there will always be a requirement for short-term temporary cover, and indeed there will always be teachers wishing to work on that basis.

### **3. DEFINITIONS**

#### **3.1 *Fixed Term Temporary Requirement***

3.1.1 Where the reasons for the temporary requirement and its likely duration are known from the outset a temporary contract of employment will be issued, as soon as possible, specifying entitlement to pay and conditions of service and detailing the expected duration of, and reason for, the appointment.

3.1.2 The use of fixed term temporary appointments may be made in a number of circumstances, including those where the following would apply:

- maternity leave
- parental leave
- adoption leave
- career break
- long-term sickness absence
- secondment
- sabbaticals
- staffing from time limited funding
- probationer year (a separate probationer contract covers this, see section 6)

3.1.3 In some exceptional circumstances the duration of a temporary fixed term contract may need to be temporarily extended e.g. recurring sickness or over the period between a substantive postholder moving job to the time of a new appointee taking up post. In those circumstances the temporary postholder, where service has been satisfactory, will be given an extended temporary contract. Temporary contracts will not exceed a period of 23 months, either in one contract or by extension, unless agreed by the joint secretaries of Argyll and Bute LNCT.

#### **3.2 *Short Term Temporary Requirement***

3.2.1 In certain limited circumstances, teachers may be offered work on a short term temporary basis, generally with little or no notice, and usually on a day to day basis. In such instances there is no obligation on the council to provide work or on the teacher to accept the offer of work. In the short term situation, teachers may be asked to provide cover for absences including those where the following would apply:

- in-service training/staff development/working groups
- special leave, for example, bereavement leave, jury duty
- paternity/maternity support leave
- short term sickness absence
- trade union duties
- SQA duties

3.2.2 Where it becomes clear that the need for the temporary replacement is likely to be ongoing or lengthy, then the individual should be issued with a fixed term contract as described in section 3.1 above.

3.2.3 Argyll and Bute Council will ensure that adequate systems are in place to record the days/hours worked by temporary teachers for pay purposes.

#### **4. RECRUITMENT**

4.1 Every teacher recruited to undertaken work on a fixed term or short term temporary basis will be appointed in accordance with the guidance contained in Argyll and Bute Council's recruitment procedures.

4.2 Following this process such teachers will normally be placed on a register of approved teachers maintained for these purposes.

#### **5. TRANSFER TO PERMANENT STATUS**

5.1 Movement to a permanent post during the school year will be open to temporary teachers through normal application. Temporary teachers should be provided with the same access to information on vacancies for permanent posts as is provided to existing permanent postholders.

5.2 Temporary teachers may apply for a transfer to the permanent staff after they have completed one year of satisfactory service and where there is an ongoing need for the continuation of the post in the long term. Transfer in those circumstances would not normally be refused, and would be to a full time or part time contract required by the education service.

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

5.4 Fixed term temporary employees should not be selected for redundancy on the grounds of their employment status. Any selection for redundancy must be objectively justified.

#### **6. PROBATIONER TEACHERS**

6.1 Probationer teachers will have a separate probationer contract.

6.2 Where there is an ongoing staffing requirement beyond the induction year and the probationer has met the requirements of the Standard for Full Registration and subsequent full registration with the GTCS, the probationer can be matched in to the vacant post within the school after consultation with the Principal Administrative Officer, Personnel.

- 6.3 The head teacher should consult with the education personnel section to ascertain whether or not there are other suitably qualified staff in the school area who have completed satisfactory service with the authority on a temporary basis and are currently working for the authority on a temporary contract. If those circumstances apply the vacancy should be advertised in the normal way and the incumbent probationer be guaranteed an interview for the post as outlined in 6.2 above.
- 6.4 The Principal Administrative Officer, Personnel, in relation to 6.2 and 6.3 will also have regard to the council's responsibility to support the national training arrangement for probationer teachers and the council's obligation to identify appropriate vacancies annually for future probationer training.

## **7. IMPLICATIONS**

- 5.1 **Policy:** None
- 5.2 **Financial:** None
- 5.3 **Personnel:** None
- 5.4 **Equal Opportunities:** None
- 5.5 **Legal:** None

Douglas Hendry  
Director of Community Services  
Argyll and Bute Council  
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For further information contact:

Ronnie Gould, Head of Service: Secondary Education and Pupil Support  
Argyll and Bute Council, Argyll House, Alexandra Parade, Dunoon PA23 8AJ  
Telephone 01369 708527

Carol Walker, Head of Service: Pre School and Primary Education  
Drummore Development Centre, Lower Soroba, Oban PA34 4SB  
Telephone 01631 564908

Dougie Mackie, Joint Chair, Teachers' Side,  
Local Negotiating Committee for Teachers,  
Educational Institute for Scotland, 8 Dalriach Park Terrace, Oban PA34 5EG  
Telephone 01631 570558