

EL&L Circulars

Aberdeenshire Education, Learning & Leisure

Staffing Circular

Ref No. ST2 -- 043

Action: For Action

Category. Staffing

Sub-Category. Conditions of Service

Replaces circular dated: 25/02/2008 Expiry Date:

A C T I O N

Please address
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Circulation Date: 08/08/2011

Subject: USE OF FIXED TERM TEMPORARY TEACHING CONTRACTS FOR
TEACHING STAFF AND TRANSFER OF TEACHING STAFF ON TEMPORARY
CONTRACTS TO PERMANENCY

The attached policy and guidance on the 'Use of Fixed Term Temporary Contracts, for Teaching Staff and Transfer of Teaching Staff on Temporary Contracts to Permanency' replaces the policy and guidance issued as Circular ST2/035 on 25/02/2008.

The existing policy and guidance have been amended to take account of the 2011 SNCT Agreement on Teachers' Terms and Conditions and should be read in conjunction with SNCT Handbook Part 2 Appendix 2.8 – Code of Practice on the use of Fixed Term Temporary Employment and Part 2 Appendix 2.8A – Code of Practice on the Engagement of Short Term Supply Teachers. The amended policy and guidance also take account of the SNCT agreement that permanent main grade teacher vacancies should be advertised and filled on a fixed term basis throughout session 2011/12.

Head Teachers are requested to brief their teaching staff on the attached policy and guidance. All current teaching staff on Fixed Term Temporary Contracts and Short Term Supply Teachers should be issued with a copy of this Circular and the attached policy and guidance. When staff in these categories are appointed to the school at a future date, they should also be issued with this documentation.

Distribution: E&R_Primarys; E&R_Special_Schools; E&R_Academies; Pat
Dinwoodie/EL&L/Abdnshire

Date to
be
actioned
by: 31/08/2011

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Aberdeenshire Council Education, Learning and Leisure

**Policy on Use of Fixed Term Temporary Contracts for Teaching Staff and
Transfer of Teaching Staff on Temporary Contracts to Permanency**

1 Introduction

- 1.1 SNCT Handbook Part 2, Appendix 2.8 provides a Code of Practice on the use of temporary contracts for teachers working in Scottish Schools. The code takes into account various pieces of employment legislation, including, the Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002 and the Part Time Workers (Prevention of Less Favourable Treatment) Regulations 2002. This means that all staff have the same rights and obligations irrespective of their contractual status. Staff on fixed term contracts should not be treated any less favourably in respect to, for example, salary, working hours (contact time, collegiate time and preparation and correction time), CPD (right to PDRS, annual 35 hours CPD and in-service days etc) sick leave, maternity/adoptive and parental leave.
- 1.2 Under the Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002 all temporary contracts or series of continuous temporary contracts that extend beyond 4 years will be made permanent unless the employer can objectively justify why this should not happen.
- 1.3 The purpose of the Code of Practice is to enhance the principles of a professional service and assist Councils in managing their staffing requirements in a coordinated and structured way, and to ensure that employees on temporary contracts are not treated less favourably than permanent employees.
- 1.4 The code encourages LNCTs to reach agreement at a local level on provisions that supersede Para 8.5 of the Scheme of Salaries and Conditions of Services for Teaching Staff in school education, which currently allows teachers on temporary contracts within the council to apply for, transfer to the permanent staff of the authority after one years continuous service.
- 1.5 This policy applies to full time and part time temporary teaching staff and to part time permanent teaching staff working additional hours. It does not apply to Music Instructors or Educational Psychologists.

2 Use of Fixed Term Temporary Contracts

2.1 *Fixed-Term Temporary Requirement*

As detailed in part 2 of The SNCT Handbook, Appendix 2.8, the use of a fixed term temporary appointment may be made in the following circumstances (in addition to the issue of fixed term contracts for cover requirements likely to extend beyond 2 days):

- Maternity leave
- Paternal leave
- Adoption leave
- Career break
- Long term sickness absence
- Secondment
- Sabbatical
- Staffing from time limited funding
- Pattern of recurrent work.

In such circumstances a fixed term temporary contract will be issued specifying entitlement to pay and detailing expected duration, reason for the appointment and notice period. A notice period of 4 weeks will be given in most circumstances. However, in cases such as where an employee returns from sickness absence a minimum of 1 day's notice will be given where the engagement has lasted less than one month and a minimum of 1 week's notice where the engagement has been one month or more. In the unlikely event that the engagement has lasted two years or more, a minimum of one week's prior notice per year is required.

During the course of the school year a rise in a Primary school roll may change the banding and therefore an additional teacher be required. If the school roll is expected to fall back to its previous banding for the new school year, then a fixed term contract may be issued until the end of the school year.

3 Transfer to the Permanent Staff

3.1 The following sets out the revised conditions on which transfer to the permanent teaching staff will be applicable within Aberdeenshire Council.

3.1.1 Where a teacher has been employed continuously for 2 years on a temporary basis they will be invited to apply for a permanent contract with the Authority. The employment may have been full time or part time and may have been on a fixed term contract or supply work, or any combination of the two. It will include the situation where a permanent part time teacher has undertaken additional hours.

3.1.2 . A week of teaching service comprises any week in which a teacher is employed as a teacher by a council, regardless of the number of hours worked. This includes periods of annual leave, public holidays, sickness absence, maternity/adoptive and parental leave or other special leave but excludes probationary service. A break in continuous service is any one week where there is no teaching staff.

- 3.1.3 The applicant will either be transferred to the post to which they were appointed on a temporary basis or they will be offered another available permanent vacancy. The offer of a permanent post could be a permanent supply post. All teachers who have been in a permanent supply post for two years have the right to transfer to an available permanent teaching post in a school.

Applicants will be offered a post within a reasonable travelling distance of their home and their Community School Network preferences will be taken into consideration.

Where there is no permanent vacancy available applications will be held on file and the first suitable vacancy to arise will be offered. In the interim, applicants will have priority to a long-term temporary post and may be offered such a post where a suitable vacancy exists. Where no long-term temporary post is available, applicants may continue to work supply and will be paid for the hours that they work. Applications held on file will be given priority for long term temporary and supply work.

- 3.1.4 The permanent appointment will match the hours undertaken by the teacher during the two years of continuous service. Where the hours have varied then an average of the last year's service will be used.

3.2 In all above circumstances, the following apply;

- A request must be submitted using the Transfer of Temporary to Permanent application form (appendix 1) to the appropriate Quality Improvement Officer. Submission must be no later than the 30th April for consideration for transfer at the start of the following school session. Applicants must have accrued 2 years continuous service by the start of the following school session.
- Where the fixed term contract comes to an end during the school year application must be made two months prior to the end of the fixed term contract.
- Application forms received after the 30th April will not be considered until the following year.
- Applicants will be notified by the Quality Improvement Officer of an offer of a permanent post prior to the end of the school session or end of fixed term contract.
- Applicants not willing to accept the permanent post offered to them will not be offered an alternative. Only one application to transfer to the permanent staff can be made for any given period of service.
- Appointment to the permanent teaching staff of Aberdeenshire Council, other than as set out in this policy, will continue to be by way of application and interview. Details of all permanent vacancies are published on Arcadia and the council's web page. Any temporary or supply teacher wishing to secure a permanent post with Aberdeenshire Council will have the opportunity and is encouraged to make application for such posts.

Aberdeenshire Council Education and Recreation

Use of Fixed Term Temporary Contracts

Policy Guidance Notes

Roles and Responsibilities

1. Head Teachers must:

- ensure that all temporary teachers participate in PDRS.
- address any underperformance in accordance with Aberdeenshire Council's Work Performance Ability Policy for Teachers.
- ensure that all temporary staff are made aware of all aspects of the authority's policy in relation to the transfer of temporary teachers to permanent posts.
- complete section B of the Transfer of Temporary Teachers to Permanent Staff application form as appropriate.

2. Temporary Teachers must:

- familiarise themselves with this policy.
- apply for transfer using the standard form within the timescales indicated.
- ensure that all sections of the form are completed prior to submission.

3. Quality Improvement Officers must:

- ensure that all applications are considered in accordance with the criteria outlined in the policy.
- respond to all applicants prior to termination of current fixed term contract or end of school session.

APPLICATION FOR TRANSFER OF TEMPORARY TEACHERS TO THE PERMANENT STAFF

Section A: To be completed by applicant

Name: _____

Address: _____

Employment details in respect of application (please continue of a separate sheet where necessary):

School	Reason for appointment i.e. sickness cover, maternity cover.	Subject (if secondary)	Dates of Continuous employment

Community School Network Preferences in rank order (please indicate first 3 preferences):

Aboyne		Laurencekirk	
Alford		Meldrum	
Banchory		Mintlaw	
Banff		Peterhead	
Ellon		Portlethen	
Fraserburgh		Stonehaven	
Huntly		Turriff	
Inverurie		Westhill	
Kemnay			

I confirm that the above is an accurate record of my continuous service with Aberdeenshire Council.

Signed: _____

Date: _____

Section B: To be completed by Head Teacher

1. I confirm that there is an ongoing need for the post currently held by this applicant. Yes No
2. I confirm that the post the applicant was appointed to has now become vacant on a permanent basis. Yes No
3. I confirm that the details pertaining to service in this school are accurate. Yes No

Signed: _____

Date: _____

Applicants should forward the completed application form to the appropriate Quality Improvement Officer, for processing.