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East Dunbartonshire Council

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Education Procedure Manual 2/32

Use of Temporary Contracts for Teachers

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CONTENTS

1.0	Introduction	Page 3
2.0	Register of Temporary Supply Teachers	Page 3
3.0	Short Term Temporary Supply	Page 4
4.0	Fixed Term Temporary Supply	Page 5
5.0	Temporary to Permanent Employment Status	Page 6
5.1	Introduction	
5.2	Continuity of Service	
5.3	Eligibility Criteria	
5.4	Application Process	
5.5	Granting Permanent Supply Pool Status	
5.6	Granting Permanent Substantive Status	

Appendix 1 The Toolkit for Managers

- **SNCT : Code of Practice on The Engagement of Short Term Supply Teachers**
- **SNCT : Code of Practice on The Use of Fixed Term Temporary Contracts**
- **Letter of Engagement**
- **Letter of Engagement**
- **Application Form : Temporary to Permanent Supply Pool**
- **Application Form : Permanent Supply Pool to Permanent Substantive**

Monitoring and Review

This procedure manual will be reviewed in accordance with:

- Legislative change
- Changes to SNCT national conditions of service
- Other external factors
- Feedback on the effectiveness of the policy
- Requests for review by Elected Members, Trade unions and/or Management.

Alternative Formats

All Education Procedure Manuals can be found on The Hub and East Dunbartonshire Council's website. The Procedure Manual and the associated Appendix can also be made available, on request, in a variety of formats. These can be requested from the Customer Services and Transformation team by contacting 0141 578 8471. Information will be made available in accordance with the Council's Accessible Information Policy.

1.0 Introduction

- 1.1 East Dunbartonshire Council is committed to the delivery of high quality learning and teaching through the appointment of suitably qualified and skilled teaching staff.
- 1.2 The aim of this Procedure Manual is to
- 1.2.1 clarify the appropriate use of different types of temporary supply work, as defined by the Scottish Negotiating Committee for Teachers (SNCT);
 - 1.2.2 establish good practice on the use of temporary contracts for teachers within East Dunbartonshire Council;
 - 1.2.3 ensure that the conditions of service of teachers on temporary contracts are no less favourable than those for teachers on permanent contracts;
 - 1.2.4 establish a mechanism for transfer from temporary to permanent employment status.
- 1.3 These procedures comply with:
- The Employment Rights Act 1996 as amended by the Employment Relations Act 1999 and the Employment Act 2002.
 - Part Time Workers (Prevention of Less Favourable Treatment) Regulations 2000
 - Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002
 - Equality Act 2010

2.0 Register of Temporary Supply Teachers

- 2.1 East Dunbartonshire Council holds a register of temporary teachers who are available for supply work.
- 2.2 Vacancies for temporary supply teachers are advertised on the [myjobscotland](http://myjobscotland.gov.uk) national recruitment portal.
- 2.3 Teachers apply to be included on the temporary supply register through [myjobscotland](http://myjobscotland.gov.uk) and submit a Head Teacher report to support their application. This takes the form of an authority template which is attached to the advert together with the Role Profile and Roman Catholic Approval forms. All documentation, including the Head Teacher report must be submitted before the application will be progressed.
- 2.4 Once all checks, including GTCS registration and PVG, have been completed, the teacher is placed on the supply register.
- 2.5 Schools can access details of supply teachers and make bookings directly on the system. All bookings should be made through this system.

2.6 Timesheets for each supply teacher are completed manually and uploaded by the school on to SEEMIS financials. These are submitted to payroll.

2.7 An annual check is made of all teachers who are on the supply register to ensure that contact details have been updated and to confirm that the teachers wish to remain on the supply list.

3.0 Short Term Temporary Supply

3.1 The Scottish Negotiating Committee for Teachers- Code of Practice on The Engagement of Short Term Supply Teachers (SNCT Handbook Part 2 Appendix 2.8A) sets out the basis of engagement of short term supply teachers in terms of pay, duties and the working year/week. A copy of this is contained in **The Toolkit**, attached as **Appendix 1**.

3.2 Short term supply teaching is defined as a period of cover teaching for 2 days or fewer. Teachers may be offered work on a short term temporary basis, generally with little notice.

3.3 Where it is known from the outset that the requirement for cover is likely to extend beyond 2 days, a fixed term temporary contract and/or letter of engagement should be issued. Further details on fixed term contracts are given in section 4.0 of this paper.

3.4 The deployment of a short term supply teacher may occur in a number of circumstances when cover is required for absences including, for example, in service training, short term special leave or short term sickness. The reason for each engagement should be made explicit.

3.5 The Head Teacher should ensure that, within the constraints of the SNCT Pay and Conditions Agreement, the circumstances in which pupils are taught by different short term supply teachers should be limited and should not exceed 2 days regardless of individual engagement of supply teachers during any absence.

3.6 In every short term supply engagement there is no mutuality of obligation: there is no duty to offer work and no requirement to accept work. Engagement is on a daily basis.

3.7 The Head Teacher shall state the specific arrangement orally at the outset of any engagement and ensure that details, including the hours to be worked, are confirmed in writing, through a letter of engagement. A copy of this letter of engagement should be forwarded by the Head Teacher to the Resource Planning Service. A standard letter of engagement is contained in **The Toolkit**, attached as **Appendix 1**.

3.8 The duties of short term supply teachers are to:

- teach assigned classes;
- correct work, as part of ongoing classwork;
- maintain a record of work;
- contribute towards good order in the school.

- 3.9 Where a part time teacher provides absence cover for a class or classes they normally teach, that teacher will be expected to maintain the full range of duties of a teacher and be paid accordingly.
- 3.10 Short term supply teachers engaged on periods of work for 2 days or fewer will be paid on point 1 (point 0 if not fully registered) of the Main Grade Scale for each period of supply work. Pay will be calculated on the hourly rate ($1/1645$ of the annual rate of salary) and applied to the daily hours worked
- 3.11 A short term supply teacher may be engaged to teach for the whole pupil day. A short term supply teacher will not be deployed for more than one discrete block of time in any day. A discrete block of time will be a full day or half a day. In all cases the supply teacher will receive an automatic 10% pay uplift of the class contact time for preparation and correction time.
- 3.12 Where a part time teacher provides absence cover for a class or classes they normally teach, as stated in paragraph 3.9, they will be paid accordingly. However a part time teacher who provides absence cover for a class or classes they do not normally teach should be deployed in accordance with the provisions set out in paragraph 3.10.
- 3.13 When a short term engagement extends to a fixed term contract non class contact time must be managed appropriately. The reduction of non-class contact operates on a weekly basis. Where a fixed term engagement commences during a week, the pay provisions commence immediately. The non-class contact time for the remainder of the week should be pro-rated for that week but should disregard the hours worked when the short term supply engagement was being undertaken.

4.0 Fixed Term Temporary Supply

- 4.1 The SNCT Code of Practice on the Use of Fixed Term Temporary Contracts (SNCT Handbook Part 2 Appendix 2.8) takes into account the legal framework relating to temporary employees and aims to ensure that teachers on fixed term temporary contracts are not treated less favourably than permanent employees. A copy of this is contained in **The Toolkit**, attached as **Appendix 1**.
- 4.2 Where it is known from the outset that the requirement for cover is likely to extend beyond 2 days, or where it becomes clear that the need for a temporary replacement is likely to be ongoing or lengthy, a fixed term temporary contract and/or letter of engagement should be issued. This will specify the terms of the employment, entitlement to pay and conditions of service and detail the expected duration and reason for the appointment. A copy of this should be forwarded by the Head Teacher to the Resource Planning Service. A standard letter of engagement is contained in **The Toolkit**, attached as **Appendix 1**.
- 4.3 A fixed term temporary contract, or letter of engagement, will have a clear end date which relates to:
- a specified expiry date;
 - the completion of a specified task;
 - the occurrence of a supervening event.

- 4.4 The use of a fixed term temporary appointment may be made in a number of circumstances including the following:
- maternity leave;
 - parental leave;
 - adoption leave;
 - career break;
 - long term sickness absence;
 - secondment;
 - sabbaticals
 - staffing from time limited funding; and
 - pattern of recurrent work
- 4.5 Teachers on fixed term temporary contracts will fulfill the full range of duties of teachers, and will be engaged for 35 hours per week or on a pro rata basis according to the contract.
- 4.6 Teachers on fixed term temporary contracts will be paid at the appropriate point on the salary scale.
- 4.7 A minimum of one week's notice of intention to terminate the fixed term temporary contract is required. In line with mutuality of obligation, this applies to both the employee and the authority. The period of notice may be varied where both parties are in agreement to a revised period.

5.0 Temporary to Permanent Employment Status

5.1 Introduction

- 5.1.1 A teacher on a short term supply or fixed term contract may apply for a permanent post through the normal recruitment and selection process.
- 5.1.2 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 so.
- 5.1.3 The Local Negotiating Committee for Teachers (LNCT) in East Dunbartonshire Council has agreed to enhance the provision stated in 5.1.2, whereby a teacher who accrues more than 24 months continuous teaching service within East Dunbartonshire Council may apply for a transfer to permanent supply pool status within the authority and, subject to satisfying the criteria, as outlined in sections 5.2 and 5.3, will be issued with a permanent supply pool contract.

5.2 Continuity of Service

- 5.2.1 A teacher must have been employed on a temporary basis (in one or more posts) for a continuous period of twenty four months.
- 5.2.2 Continuity of service is broken where there is more than 10 consecutive working days without a contract of employment, even if the teacher remained on the supply list.
- 5.2.3 The break in service is calculated on the 190 school days and does not include holiday periods.
- 5.2.4 The employment may have been full time or part time and may have been on a fixed term temporary contract, short term supply work or any combination of the two.

- 5.2.5 A teacher who has been employed on a permanent part time contract but has also worked additional hours on a temporary contract will require to work for 24 months before gaining permanency for the additional hours.
- 5.2.6 A week of teaching service is any week in which a teacher is employed by the Council as a teacher, regardless of the number of hours worked in that week.

5.3 Eligibility Criteria

- 5.3.1 A teacher may only be contracted on a permanent capacity where he/she has maintained the GTCS Standard for Full Registration through Professional Update.
- 5.3.2 A teacher applying to transfer from temporary to permanent employment status must have accrued 24 months of continuous service within East Dunbartonshire Council.

Table 1 below should be used where a teacher has worked the same number of days each week over 24 months eg 3 days every week for 24 months without a break in service.

Table 1: Qualifying Service over 24 months

Number of days worked over 24 months	Qualifying FTE
343 – 380 days	1.0 FTE
305 – 342 days	0.9 FTE
267 – 304 days	0.8 FTE
229 – 266 days	0.7 FTE
191 – 228 days	0.6 FTE
153 – 190 days	0.5 FTE
115 – 152 days	0.4 FTE
77 – 114 days	0.3 FTE
39 – 76 days	0.2 FTE
Up to 38 days	0.1 FTE

- 5.3.3 Teaching during any probationary period, either via the Flexible Route or the Induction Scheme, does not count towards continuous service.
- 5.3.4 A teacher who is in receipt of a pension from the Scottish Public Pensions Agency (SPPA) may apply to transfer from temporary to permanent employment status, subject to the eligibility criteria. Due to potential impact on pension and lump sum, it is strongly recommended that a teacher, in this situation, seeks advice from the SPPA prior to application for permanent status.

5.4 Application Process

- 5.4.1 Applications for transfer from temporary to permanent supply pool status should be made in writing to the Resource Planning Service, using the Transfer from Temporary to Permanent Supply Pool form, contained in the **Toolkit** , attached as **Appendix 1**.
- 5.4.2 Applications can be made as soon as the eligibility criteria, as stated in section 5.3, have been satisfied.

5.5 Granting Permanent Supply Pool Status

- 5.5.1 Once received, an application will be verified in terms of the eligibility criteria.
- 5.5.2 Transfer to a permanent supply pool post will not normally be refused, where the criteria in sections 5.2 and 5.3 have been fulfilled. Where an application is not approved, the teacher will be advised of the reasons for this.
- 5.5.3 Where a teacher has worked on temporary contracts of varying lengths, permanent status will be granted for the average number of days worked over the previous 24 month period, as detailed in Table 2 below.

Table 2: Qualifying Service over 24 months

Qualifying Average	Range	Pointage to awarded
Average 5 days	0.96 – 1.0 FTE	1.0 FTE
Average 4.5 days	0.86 – 0.95 FTE	0.9 FTE
Average 4 days	0.76 – 0.85FTE	0.8 FTE
Average 3.5 days	0.66 – 0.75 FTE	0.7 FTE
Average 3 days	0.56 – 0.65 FTE	0.6 FTE
Average 2.5 days	0.46 – 0.55 FTE	0.5 FTE
Average 2 days	0.36 – 0.45 FTE	0.4 FTE
Average 1.5 days	0.26 – 0.35 FTE	0.3 FTE
Average 1 day	0.16 – 0.25 FTE	0.2 FTE
Average 0.5 day	0.01 *- 0.15 FTE	0.1 FTE
	* for illustrative purposes only	

- 5.5.4 Permanent status will be effective from the date of application for transfer from temporary to permanent status.

5.6 Granting Permanent Substantive Status

- 5.6.1 After 3 years in one school on a permanent supply pool contract, the teacher can apply for transfer from a permanent supply pool contract to a permanent substantive contract.
- 5.6.2 Applications should be made in writing to the Resource Planning Service, using the Transfer from Permanent Supply to Permanent Substantive form, contained in the **Toolkit**, attached as **Appendix 1**.