



LNCT 04 – Employment of Teachers on Temporary Contracts

December 2018

Inverclyde LNCT recognises two situations when Inverclyde Council may need a teacher to work other than on a permanent basis. These are set out below:

Supply Teachers (short-term)

- Short-term supply teaching is defined as a period of cover for two days or less.
- Short-term supply teachers are provided with a statement of relationship primarily to express that there is no duty to offer work and no requirement to accept work. ie no mutuality of obligation.
- SNCT [Code of Practice on Short Term Supply](#).

Supply Teachers (long-term)

- Long-term supply teaching is defined as a period of cover for more than two days
- Long-term supply cover is covered by a virtual temporary contract which is assumed automatically although there may be no physical contract in place.

Unless otherwise stated, for the purpose of this document the term 'supply teacher' refers to both short and long-term supply teachers, and we also consider supply teachers are those undertaking a longer term fixed term contract. : [Code of Practice on the use of Fixed Term Temporary Contracts](#)

Introduction

This agreement sets out the circumstances leading to the employment of temporary teaching staff and, subject to qualifying service, transfer to the permanent staffing complement of Inverclyde Council.

This agreement takes full account of the requirements placed on Inverclyde Council by the Employment Rights Act 1996, as amended by the Employment Relations Act 1999 and the [Employment Act 2002](#), as well as the [Part-Time Workers \(Prevention of Less Favourable Treatment\)](#) and the [Fixed Term Employees \(Prevention of Less Favourable Treatment\) Regulations 2002](#).

Purpose

This agreement will ensure that employees on temporary contracts are not treated less favourably than permanent employees.

Recruitment

Every teacher recruited to undertake work on a temporary basis will normally be appointed in accordance with [Inverclyde Council's recruitment procedures](#).

Following this process such teachers will be placed on a register of approved teachers maintained for this purpose.

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 employment will state the expected length of appointment.

The monitoring of the competence and conduct of supply teachers will be carried out under the terms of **Appendix A** of this agreement.

Transfer to Permanent Staff

Movement to a permanent post will be open to teachers on temporary contracts through normal application. Teachers on temporary contracts will be provided with the same access to information on vacancies for permanent posts as is provided to employees of Inverclyde Council.

A supply teacher, who has been employed continuously for twenty-four months, post full registration with the General Teaching Council for Scotland, will be eligible for a transfer to the permanent staffing complement of Inverclyde Council. The timing of the transfer will be confirmed during the annual staffing exercise normally concluded by the end of May each year.

A transfer to permanent staff will be facilitated where there is a teaching vacancy unless there is objective justification for not doing so. For the purpose of this agreement, a vacancy is defined as a teaching position expected to continue beyond one academic session funded within the core staffing complement of a school, establishment, unit or project.

Under the terms of the [Fixed Term Employees \(Prevention of Less Favourable Treatment\) Regulations 2002](#), Inverclyde Council is required to limit the use of fixed term contracts for any employee to a maximum period of four years, unless objectively justified. After this period, teachers who have continued to be employed on fixed term contracts will automatically become permanent members of staff, unless there is a good reason why this should not happen.

Supply Teacher Competence and Conduct Monitoring and Evaluation System

Use of Supply Teachers

Inverclyde Council will make available to all supply teachers the Code of Practice on the Engagement of Short-Term Supply Teachers, the Code of Practice on the Use of Fixed Term Temporary Contracts, LNCT 04 – Employment of Teachers on Temporary Contracts and LNCT 03 – Accelerated Incremental Progression.

Interviews for the supply register may take place where:

- a) the candidate is not fully registered with the GTCS e.g. a probationer on the flexible route.
- b) the candidate has gaps in their registration history.
- c) the candidate did not train in Scotland but has been granted Provisional/Conditional registration by the GTCS.

This information will be checked by admin support as candidates apply for the supply register and any issues highlighted to the HR Operations team. HR Operations will liaise with the relevant QIO/QIM in respect of contacting potential supply teachers and making a decision on whether the potential supply teacher should have an informal meeting or a more formal interview for inclusion on the supply register. Applicants who have had their induction year extended may also be interviewed to determine whether they should be placed on the supply register.

Quality Assurance

Inverclyde Council is committed to the provision of high-quality teaching and learning for all pupils. Managing the performance of teaching staff is recognised as a key element in this and is a continuous process that should apply to all employees regardless of whether they are permanent or supply teachers. **All** teaching staff are entitled to an annual meeting to discuss their own Career Long Professional Learning.

Teachers working on a day-to-day supply basis do not have the same opportunities for feedback. For this reason, this monitoring and evaluation system for supply teachers has been put in place. As well as being able to assess the overall quality of all supply teachers, this process will also highlight any supply teachers who need support to improve their performance.

Quality Assurance Procedures

It is recognised that the level of monitoring and evaluation will vary depending on the length of supply contract in any individual establishment.

A form (**Appendix B**) will be completed by a member of the SMT or line manager immediately concerns have been identified. There is no requirement to complete a form for a supply contract if no issues are raised.

Concerns must be discussed with the supply teacher before this form is submitted. In cases where the supply teacher's contract with the establishment has ended then a meeting should be arranged.

All monitoring forms will be submitted to HR for collation and then to the appropriate QIO/QIM for review.

Forms will be monitored and if there are concerns that the teacher is not meeting the GTCS Standard for Registration then the GTCS Framework on Teacher Competence will be implemented. Feedback from this monitoring will be provided to the teacher and to the relevant establishment/s.

Removal from the supply register

Concerns about a supply teacher's competence must be dealt with in line with the GTCS Framework on Teacher Competence. Concerns about a supply teacher's conduct should be dealt with through Inverclyde Council's Discipline Procedures for Teaching Staff.

It is recognised that there may be circumstances where, as a result of conduct or competence issues, it is necessary to remove teachers from Inverclyde Council's supply register.

Competence

Where an unsatisfactory report is received then the following procedures will be adopted:

- Regular meetings and communication between HR and the Education Management Team will provide ongoing monitoring of forms and feedback will be provided to the teacher and to the relevant establishment/s.

- When required, the EMT and HR will arrange to meet with the supply teacher. The teacher has the right to be accompanied at this meeting by their Trade Union representative and the staged process of the [GTCS Framework on Teacher Competence](#) should be followed.
- The outcome of this meeting will be communicated in writing to the supply teacher and a copy held by HR.
- If the decision is taken to remove the supply teacher from the register the Head of Service will confirm their decision in writing to the supply teacher within 14 days of the meeting.
- The supply teacher shall have the right of appeal to the Director of Education, Communities and Organisational Development within 14 days of receiving written confirmation of the decision.
- The Director will arrange, as soon as possible, a meeting to hear the appeal and will be accompanied by an HR advisor. The supply teacher has the right to be accompanied at the meeting by their Trade Union representative.
- The decision of the Director will be final.

Conduct

Any alleged conduct issues will be dealt with by invoking Inverclyde Council's Discipline Procedures for Teaching Staff. However, where the teacher is on short term supply and this is not practicable, the concerns should be brought to HR's attention using the form attached as **Appendix B**.

The employee will be invited to a meeting with HR and senior Education management to address the concerns raised. The teacher has the right to be accompanied at this meeting by their Trade Union representative.

Outcomes may include support measures, an achievable agreed action plan, an improvement note issued (removing the immediate need for disciplinary action), a recommendation that a disciplinary procedure is initiated or removal from the supply register.

If a supply teacher is removed from the **supply** register as a result of conduct issues, they will have the right of appeal to the Director of Education, Communities and Organisational Development (or nominated senior manager).

Appendix B
Supply Teacher Monitoring Form

This form should be completed immediately where there has been an issue raised with a supply teacher about their performance.

Name of Supply Teacher	
School	
Stage/Subjects covered	
Dates of Supply Cover	

Please outline below any issues with performance that have been discussed with the supply teacher.

Supply Teacher's comments (if any):

Action to be taken, eg. None required, continue to monitor, support or development opportunities offered.

SMT or line manager's signature	Date discussed with supply teacher.
Position:	Supply teacher's signature:
Date	Date