

## EAST AYRSHIRE COUNCIL

### JOINT NEGOTIATING COMMITTEE FOR TEACHING STAFF - 5 OCTOBER 2011

#### JNCT CIRCULAR 25: PERMANENT VARIATION ON CLAUSE 8.5/PART 4 OF THE SNCT HANDBOOK

##### Report by Executive Director of Educational and Social Services

## 1. BACKGROUND

- 1.1 Clause 8.5, part 4 of the SNCT handbook states that: 'A teacher who is employed on the temporary staff may at any time apply for a transfer to the permanent staff and the application shall not normally be refused if a teacher has given satisfactory full-time continuous service for a period of one year. Transfer, where granted, should normally be from 1 August.'
- 1.2 This commitment has been increasingly challenging for the Department of Educational and Social Services (ESS) capacity to absorb teaching posts which have, by dint of the clause, achieved permanency where there is no long term need for these posts in the Council. In order to minimise the risks to effective planning of staffing across the schools, given the impact of clause 8.5, the human resources service has ensured that temporary contracts are ended where necessary prior to the completion of the full year. This is not an ideal solution for a post holder or indeed the Service in terms of working efficiently with staffing, but given the constraints set by the clause there is presently no other option available to the department. In recognition of this unsatisfactory situation for both teaching staff and the council, the report recommends a permanent variation to this clause.
- 1.3 This collective agreement would modify existing Clause 8.5, part 4 of the SNCT handbook for the duration of the agreement, commencing 5 October 2011.

## 2. PURPOSE

- 2.1 The purpose of this agreement is to ensure that clear, consistent and fair pathways exist for staff to secure permanent employment with the Council. It is also to assist the Council with effective workforce planning, ensuring the necessary degree of flexibility and adaptability to changing circumstances.
- 2.2 This agreement recognises the Clause 8.5, part 4 of the SNCT handbook, Code of Practice on the Use of Temporary Contracts and the Part-Time Workers (Prevention of Less Favourable Treatment) and the Fixed-Term Employees (Prevention of Less Favourable Treatment) Regulations 2002.
- 2.3 The aim of Clause 8.5, part 4 of the SNCT handbook and the Code is to establish good practice on the use of temporary contracts, and to help

Councils manage their staffing requirements in a co-ordinated and structured way. This allows service needs to be addressed while, at the same time, provides teachers with access to secure employment opportunities.

- 2.4 The application of this revised Agreement will allow the Council to maintain an available and professional permanent supply pool which meets the needs of the service.

### **3. PROPOSAL**

- 3.1 The current statutory provision guarantees that any teacher who has been continuously employed for four or more years at the date of this agreement will continue to be offered the post they occupy at that time if there is a permanent vacancy. Where this is not possible, these teachers will be placed into a permanent vacancy in line with the agreed procedure for placing surplus teachers.
- 3.2 For any teacher who has accrued one year's continuous service prior to the date of this agreement, the provision of clause 8.5, Part 4 of the SNCT Handbook will continue to apply.
- 3.3 From the date of this agreement, teachers who accrue two years continuous service will be placed into a permanent vacancy. They will be deployed in line with the agreed procedure for placing all surplus teachers at that time. They will be deployed at equivalent pointage to that of the qualifying temporary position. Continuous and ongoing service prior to the date of this agreement will apply.

### **4. CONTRACTS**

- 4.1 It is proposed that a fixed-term temporary contract will normally be issued when the reason for, and the duration of, the need for the teacher is known from the outset and where the duration is more than five days.
- 4.2 In these circumstances, a temporary contract of employment will be issued specifying entitlement to pay and conditions of service, the likely duration of the contract and the reason for the appointment.
- 4.3 Such fixed term temporary contracts will usually be used when the need arises from:
- Maternity leave.
  - Parental leave.
  - Adoption leave.
  - Career break.
  - Long-term sickness absence.
  - Secondment.
  - Sabbaticals.
  - External or fixed term funding.

- 4.4 Teachers appointed on this basis will have their pay processed through the permanent payroll if their contract is for, or is extended to, three months or more, to avoid the need for the completion and processing of monthly timesheets.
- 4.5 The temporary payroll will only be used for short-term temporary supply work. Supply work will only be offered to those individuals who have been recruited to the short term supply register.
- 4.6 Short-term temporary supply work will normally be offered to cover the following:
- Continuing professional development.
  - Authorised cover for Council agreed working groups.
  - Special leave e.g. jury duty, bereavement leave.
  - Paternity/maternity support leave.
  - Short-term sickness absence.
  - Authorised trade union duties.
  - SQA duties.
- 4.7 Where it becomes clear that the need for a temporary placement is likely to be ongoing or lengthy e.g. short-term sickness moving into long-term sickness, then the teacher will normally be issued with a fixed-term contract. A fixed-term contract will normally be issued where the requirement is in excess of five working days.

## **5. RECRUITMENT TO THE SUPPLY REGISTER**

- 5.1 Recruitment to the short term temporary supply register will be through specific application and the normal selection process will apply.
- 5.2 The exception to this will be those teachers who have completed their induction year with East Ayrshire Council and for whom there is a detailed report on their competence e.g. East Ayrshire probationer teachers who are recommended for full registration will be automatically put on to the supply register, subject to the normal employment checks.
- 5.3 At any time a teacher on a fixed-term contract will not be constrained from applying for advertised posts in open and competitive interview. In the case of restricted interviews eg in the event of placing compulsory transferred staff, the Council will determine the teachers who will be interviewed for the vacancy concerned taking into account length of service and any other agreed factor.

## **6. RECOMMENDATIONS**

- 6.1 JNCT is recommended to agree that:

- (i) Clause 8.5 of, part 4 of the SNCT handbook is permanently varied to state that teachers who accrue 2 years continuous service will be placed into a permanent vacancy;
- (ii) such teachers will be allocated with an equivalent pointage as their temporary experience merits and this will be in line with agreed procedures for placing surplus teacher at that time;
- (iii) teachers who have accrued one year's continuous service prior to the date of this agreement will still be guaranteed permanent employment rights as per the agreement, clause 8.5, part 4 of the SNCT handbook; and
- (iii) otherwise note the contents of this report.

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AS/JW  
28/8/11

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