

EAST AYRSHIRE COUNCIL

JOINT NEGOTIATING COMMITTEE FOR TEACHERS – 11 FEBRUARY 2004

JNCT CIRCULAR 11:

TRANSFER OF TEMPORARY TEACHERS WITH EMPLOYMENT RIGHTS TO PERMANENT STAFF

Report by Director of Educational and Social Services

1. PURPOSE OF REPORT

- 1.1 The purpose of the report is to seek approval to transfer temporary teachers with employment rights to permanent teaching positions within East Ayrshire Council.

2. BACKGROUND

- 2.1 Paragraph 8.5 of the “Scheme of Salaries and Conditions of Service for Teaching Staff in School Education” indicates 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 should not normally be refused if a teacher has given satisfactory full-time continuous service for a period of one year”. Since East Ayrshire Council’s inception in 1996 and under Strathclyde Regional Council, this paragraph has not been applied as all appointments to permanent posts have been by competitive interview on merit. Temporary teachers with employment rights (1 year continuous service) have still been continuously employed but not on a permanent contract.
- 2.2 However, recently at the Court of Session, Glasgow City Council lost at the Court of Session a challenge by one of their temporary teachers (Anna McGuiness) to the refusal of the Council to apply paragraph 8.5 of the “Scheme of Salaries and Conditions of Service for Teaching Staff in School Education”. In the light of this ruling East Ayrshire Council has had to consider the position of temporary teachers with employment rights.

3. PROPOSALS

- 3.1 At present there are a total of 35 full-time temporary teachers with employment rights (16 in the primary sector and 19 in the secondary sector). It is proposed that all full-time temporary teachers with employment rights should transfer to full-time permanent posts in the primary/nursery/special sector or the secondary sector depending on their GTC registration. All temporary teachers with employment rights will not be allocated to a school but they will become part of the permanent supply pool and they will be allocated to one of six areas and to a base school within that area (copy of the areas and the schools in each area attached as Appendix 1). It would be hoped that they would work in schools in their allocated area. However it would be expected that they would work in schools outwith their area if required and for which excess travelling expenses from their base school would be paid if necessary. The compulsory transfer rules would not apply to these permanent supply teachers as they would not be part of the permanent complement of any school in which they are teaching.

- 3.2** To assist teachers who are part of the permanent supply pool gain a permanent post in a school they will be guaranteed an interview for any suitable basic grade teaching post in a school for which they apply.
- 3.3** There are a total of 41 temporary part-time teachers with employment rights (28 in the primary sector and 13 in the secondary sector). It is proposed that all temporary part-time teachers with employment rights should transfer to a permanent part-time post in the school that they are currently working and at their current pointage (provided that they have worked at this pointage for at least one year). They will be part of the complement of the school and therefore the compulsory transfer rules will apply as follows:- in the primary/nursery/special sector if the roll of the school falls so that the teacher staffing entitlement is above one but below the pointage of the part-time teacher(s) then it is the part-time teacher (not job share) with the least service who will be compulsory transferred. However, if the roll of the school falls so that the teacher staffing entitlement is below one then it is the full-time teacher with the least continuous service who will be compulsory transferred. The same rules would apply in the secondary sector accept it would be subject based.
- 3.4** If any temporary full-time or part-time teacher does not wish to accept the offer of permanent employment they would continue to be employed on a temporary basis and paid on the temporary teacher's payroll. They would be allocated work after all permanent supply staff have been placed.

4. FINANCIAL /LEGAL / POLICY IMPLICATIONS

4.1 Nil

5. RECOMMENDATIONS

- 5.1** It is recommended that Members agree that;
- (i)** full-time temporary teachers with employment rights be offered permanent full-time supply teaching posts as outlined in paragraph 3.1 above.
 - (ii)** part-time temporary teachers with employment rights be offered permanent part-time posts as outlined in paragraph 3.3 above
 - (iii)** in future temporary teachers who have employment rights can apply to be made permanent provided that they have given satisfactory service. This will be granted on the basis contained in recommendations 5(i) and 5(ii) above.
 - (iv)** the joint secretaries should circulate this paper to all educational establishments and services.

John Mulgrew
Director of Educational and Social Services

20 January 2004

Permanent Supply – Areas

<p><u>Kilmarnock Area</u> Grange Academy James Hamilton Academy Kilmarnock Academy St Josephs Academy Kilmarnock</p> <p>Annanhill Primary Bellfield Primary Crosshouse Primary Gargieston Primary Hillhead Primary Kirkstyle Primary Loanhead Primary Mount Carmel Primary New Farm Primary Onthank Primary Shortlees Primary Silverwood Primary St. Columba's Primary St. Matthew's Primary</p> <p>Witchill School Woodstock School Park School</p> <p>Cairns Nursery School Crosshouse Nursery School Onthank Nursery School Riccarton Nursery School Shortlees Nursery School</p>	<p><u>Stewarton Area etc.</u> Stewarton Academy</p> <p>Dunlop Primary Fenwick Primary Kilmaurs Primary Lainshaw Primary Nether Robertland Primary</p> <p>Kilmaurs Nursery School</p>
<p><u>Irvine Valley (including Hurlford)</u> Loudoun Academy Crossroads Primary Darvel Primary Galston Primary Hurlford Primary Newmilns Primary St. Sophia's Primary Darvel Nursery School Galston Nursery School</p>	<p><u>Auchinleck/Mauchline Area</u> Auchinleck Academy Auchinleck Primary Catrine Primary Mauchline Primary Ochiltree Primary Sorn Primary St. Patrick's Primary Auchinleck Nursery School Catrine Nursery School</p>

<u>Doon Valley Area etc.</u>	<u>New Cumnock/Cumnock/Muirkirk Area</u>
<p>Doon Academy</p> <p>Bellsbank Primary Dalmellington Primary Dalrymple Primary Drongan Primary Littlemill Primary Patna Primary St. Xavier's Primary</p>	<p>Cumnock Academy St Josephs Academy Cumnock</p> <p>Barshare Primary Cairnhill Primary Castle Primary Greenmill Primary Logan Primary Muirkirk Primary Netherthird Primary St. John's Primary</p>
<p>Drongan Nursery School</p>	<p>Hillside School</p> <p>New Cumnock Nursery School</p>