

Education & Learning
Policy

TRANSFER OF TEACHING STAFF ON TEMPORARY CONTRACTS TO PERMANENCY

2021

1 INTRODUCTION

1.1 The aim of this Agreement is to establish a fair and transparent approach to managing teachers' rights and expectations of their employment status whilst assisting Education & Learning with effective workforce planning, ensuring the necessary degree of flexibility and adaptability to changing circumstances.

1.2 Education & Learning aims to be responsive to service needs whilst at the same time providing teachers with access to more secure employment opportunities wherever practical and possible. There are a variety of circumstances where it is necessary for contracts of employment to be offered on a long-term temporary basis, such as to cover long term sickness leave or maternity leave of a post holder. Consequently, teachers accrue rights under the Fixed Term Employees Regulations (2002) which states that on renewal of a fixed term temporary contract or series of continuous contracts that extend beyond 4 years have the right to apply for permanency unless the authority can objectively justify not doing so.

1.3 Education & Learning recognises the important contribution made by temporary teachers to schools. It is important that temporary teachers and school managers are aware of temporary teachers' contractual rights. This will also assist Education & Learning Directorate, in managing these expectations in allocating teaching.

2 PURPOSE

2.1 The purpose of this Agreement is to enhance the principles of a professional service by assisting the Council to manage its teaching staffing requirements in a coordinated and structured way. This must be responsive to service needs whilst also providing teachers with access to secure employment opportunities wherever possible.

2.2 This Agreement aims to ensure that teachers on temporary contracts are not treated less favourably than permanent teachers.

2.3 This Agreement recognises the commitment and value of temporary teachers and sets out the framework for the effective management and deployment of temporary teachers.

2.4 This Agreement recognises that there will always be a requirement for temporary teaching staff and it is designed to provide clarity of employment status and fair treatment.

3 APPLICATION AND SCOPE OF AGREEMENT

This Agreement applies to all teachers employed on temporary contracts in line with the provisions set out in the [SNCT Handbook, Part 2, Appendix 2.8 Section 5](#), which details the circumstances when a teacher may apply to transfer to permanent employment status. Under the Fixed Term Employees Regulations 2002 any temporary contract extended beyond four years will be made permanent, unless the authority can objectively justify not doing so.

4 TEMPORARY APPOINTMENTS

4.1 Where it becomes clear that the need for a temporary appointment is likely to be ongoing or lengthy, then the individual should be issued with a fixed-term temporary contract as set out below.

4.2 Where it is known from the outset the reasons for the temporary appointment and its likely duration or in circumstances set out in 4.1 above, a fixed term temporary contract of employment will be issued as soon as possible, specifying entitlement to pay and conditions of service and detailing the expected duration and reason for the appointment.

4.3 A fixed term temporary contract 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 A fixed term temporary contract may be issued in a number of circumstances including the following: maternity leave; parental leave; adoption leave; career break; long term sickness absence; secondment; sabbaticals; and pattern of recurrent work.

5 PRINCIPLES

Under the Fixed Term Employees Regulations 2002 any temporary contract extended beyond four years will be made permanent, unless the authority can objectively justify not doing so. Under local agreement teachers who have accrued 2 years continuous * service can ask to be made permanent.

* two years of **teaching** service (not including the Trainee Induction Year and/ or Extension Placements) all of which must be within **Dumfries and Galloway Council**. Fixed term temporary contract will be issued for engagements which extend beyond 2 days ([SNCT Handbook Part 2 Appendix 2.8 Section 1.1](#)).

Criteria for application:

- Achieved and maintained the General Teaching Council for Scotland's (GTCS) Standard for Full Registration in the appropriate sector/subject;
- Full Time employment (i.e. full time continuous temporary contracts or combination of part time contracts equating to 1.0fte);
- Part Time employment (i.e. part time continuous temporary contracts or combination of part time contracts. This includes Permanent employees who also have a temporary position (e.g. a 0.6 permanent teacher who is also working for a further 0.4 on a temporary basis)).

Education & Learning Directorate will assess applications based on monthly salary and contractual information based on the 195 working days (12 months) preceding the date of application.

6 OFFERS OF EMPLOYMENT

6.1 As stated in 1.2 above, teachers have the right to apply for permanent status unless the authority can objectively justify not doing so. Transfer to a permanent post will not normally be refused however where it is not approved, applicants will be advised of the grounds for refusal. There is no right of appeal.

Permanent employment status will be awarded to those who fulfil the criteria above and will be to a suitable* and available position and be based on the average of the FTE (rounded to the nearest 0.1) worked by the individual over the previous 195 working days (12 months).

6.2 Contracts awarded can be split between schools.

6.3 Contracts awarded can be to temporary positions in the first instance whilst a suitable permanent position is identified.

6.4 Contracts awarded can be to positions within Clusters/ partnerships.

6.5 Whilst attempts will be made to offer contracts within a reasonable travel distance from the teacher's home address, this cannot be guaranteed and an offer may be made anywhere within Dumfries and Galloway. Travel expenses will not be provided.

6.6 Should no suitable position be available at the time of permanent status being granted the teacher will automatically be added to Position Allocation List and will be retained on the supply list. At all times, individuals are also encouraged to apply for any posts which interest them and are required to maintain a portfolio of relevant Professional Learning.

6.7 Education & Learning Directorate will analyse all emerging teacher vacancies throughout the session and assess against the Position Allocation List. Should a suitable vacancy arise then individuals with permanent status will be allocated this position.

6.8 If a teacher rejects the offer of a suitable position their rights under the Fixed Term Regulations will apply and they will be advised to re-submit their application in line with the terms of these Regulations. The teacher will automatically be retained on the supply list.

(* suitable position means a position that the teacher is Registered in, has accrued their permanency claim in, and is within 0.2 FTE of their entitlement).

7 APPLICATION FOR PERMANENT EMPLOYMENT STATUS

7.1 Teachers on fixed term temporary contracts are required to keep, an accurate record of engagements worked each term and submit this on Section B of the Application Form.

7.2 Teachers on fixed term temporary contracts who fulfil the criteria outlined under section 5 are entitled to apply for permanent employee status using **Form App P** and submit to SchoolsResourcesTeam@dumgal.gov.uk

7.3 Teachers who meet the criteria will be offered a position on the agreed priority basis as follows:-

1. Allocation of Probationers – all local authorities are required to take an agreed allocation of probationers each year. Positions require to be found for them first as part of the Trainee Induction Scheme.
2. Transfer of Extra-Numerary teachers – occasionally numbers reduce leaving extra-numerary staff. In accordance with our Policy for Transfer of Extra-Numerary Teaching Staff, these staff will receive offers of suitable positions.
3. Permanency claims – positions will be offered to those who have applied and fulfil the criteria above.
4. Open Recruitment – available positions are advertised.

At all stages above, staff who fall into any category are strongly advised to apply for any positions which interest them.

8. POLICY REVIEW

8.1 This Policy will be reviewed annually by members of the LNCT Sub-group.

8.2 This policy has been jointly developed and consulted on with the Trade Unions. The Policy has been subject to an Equality Impact Assessment and any findings incorporated into the policy.

The SNCT Code of Practice on the Use of Fixed Term Temporary Contracts states at:

5.1 Movement to a permanent post will be open to temporary teachers through normal application. Temporary teachers should be provided with the same access to information on vacancies for permanent posts as is provided to existing permanent post holders.

5.2 *Transfer to a Council's permanent staff will also be through arrangements agreed by the LNCT.*

5.3 *Under the Fixed Term Employees Regulations 2002, any temporary contract extended beyond four years entitles the employee to apply for permanency unless the authority can objectively justify not doing so.*

Rodger Hill
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UPDATED by LNCT 7 December 2021
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