

Scottish Negotiating Committee for Teachers

COSLA
Rosebery House
9 Haymarket Terrace
Edinburgh
EH12 5XZ
Tel: 0131 474 9200
Fax: 0131 474 9292
E-mail: terry@cosla.gov.uk

Teachers' Panel
46 Moray Place
Edinburgh
EH3 6BH
Tel: 0131 225 6244
Fax: 0131 220 3151
E-mail: dmorrice@eis.org.uk

Scottish Executive
Education Department
Teachers Division
2A North Victoria Quay
Edinburgh
EH6 6QQ
Tel: 0131 244 0230
Fax: 0131 244 0957
E-mail: Stephanie.walsh@scotland.gsi.gov.uk

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Dear Colleague

Part-time Staff and Public Holidays

The Joint Secretaries have been asked to clarify the entitlement of part-time staff to public holidays.

The Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000 make it unlawful to treat part-time workers less favourably than comparable full-timers in their terms and conditions, unless it is objectively justified. This means that part-time teachers are entitled the same entitlements to leave, on a pro-rata basis, as a full-time teacher and should, therefore, receive a share of leave including public holidays based on their contracted hours of work.

The teachers' working year is expressed solely as 195 days but the occurrence of public holidays impacts on the working year of part time teachers. Where the working pattern is such that a part-time teacher would be unable to take public holidays then other arrangements should be made to enable the teacher to take this leave. Likewise, if the working pattern would result in a part-time teacher receiving more public holidays than they were entitled to then arrangements would need to be made to ensure that the leave was appropriately adjusted.

Clearly the best time to resolve this would be at the start of the leave year thus allowing the maximum period in which to make the necessary arrangements for additional leave or work to be accommodated.

These situations may arise for part-time teachers working on a contract of a year or more. A teacher on a fixed term contract for less than a year can have this adjustment catered for on termination when the leave calculation would usually be carried out.

This advice also applies to teachers on job-share contracts.

We trust this clarifies the situation.

Yours sincerely

Barbara Lindsay (Employers' Side)
Drew Morrice (Teachers' Panel)
Stephanie Walsh (Scottish Executive)

Joint Secretaries