

DNCT/10

Code of Practice on the use of Temporary Contracts

1. Introduction

- 1.1 The aim of this Code is to establish good practice on the use of temporary contracts. It is based on Circular SNCT/31, agreed by the national negotiating body for teachers in March 2004, which is itself the fulfilment of a commitment made in the National Agreement "A Teaching Profession for the 21st Century" to establish a national Code of Practice on the use of temporary contracts.
- 1.2 The DNCT recognises the important contribution made by temporary teachers, many of whom go on to hold permanent contracts. The DNCT believes that it is essential that temporary teachers are treated in the same way as permanent staff and given access to appropriate induction, training and support.
- 1.3 The Code takes into account the Employment Rights Act 1996, as amended by the Employment Relations Act 1999 and the Employment Act 2002, as well as Part-Time Workers (Prevention of Less Favourable Treatment) and the Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002.

2. Purpose

- 2.1 The purpose of the Code is to enhance the principles of a professional service by helping the Council to manage its teacher staffing requirements in a co-ordinated and structured way. This must be responsive to service needs whilst at the same time providing teachers with access to secure employment opportunities, wherever possible.
- 2.2 The Code aims to ensure that employees on temporary contracts are not treated less favourably than permanent employees.
- 2.3 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 appointment must make clear the expected length of appointment.
- 2.4 It is recognised that there will always be a requirement for short-term temporary cover, and indeed there will always be teachers wishing to work on that basis. However, in order to achieve an element of consistency as well as giving staff security of permanent employment, Dundee City Council will continue to actively consider the establishment of further posts of permanent peripatetic teachers to work within a supply pool based on groups or clusters of schools. However, it is recognised that the need for additional ad hoc short-term cover will always remain.

3. Definitions

The DNCT recognises two situations when the Council may need a teacher to work other than on a permanent basis. These are set out below and apply irrespective of the number of hours worked.

3.1 Long-Term Temporary Requirement

3.1.1 Where it is known from the outset the reason for the temporary requirement and its likely duration, a temporary contract of employment will be issued. The contract will specify the start and end date and the reasons for the temporary nature of the employment, together with all other terms and conditions of employment.

3.1.2 Temporary contracts 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
- staffing from time-limited funding

In such circumstances the contract will include either a fixed end date where known or will stipulate that the contract will end at a particular event, normally the return of the substantive postholder from maternity leave/secondment etc.

3.2 Short-Term Temporary Requirement (“Supply”)

3.2.1 There will always be a requirement for short-term temporary work (“supply”) for teachers. In such circumstances a teacher will have agreed to be placed on the Education Department Supply List to be called upon with little or no notice, usually on a day-to-day basis, to provide cover for absences such as the following:

- in-service training/staff development/working groups
- special leave, for example, bereavement leave, jury duty
- paternity/maternity support leave
- short-term sickness absence
- trade union duties
- SQA duties.

In such instances there is no obligation on the Council to provide work for a teacher nor on the teacher to accept any offer of work.

3.2.2 Where a supply appointment is ongoing and the need for the temporary replacement will exceed 8 weeks then a temporary contract will be issued as described in section 3.1 and the teacher kept fully apprised of the situation by the school or establishment.

3.2.3 The Council will ensure that adequate systems are in place to record the days/hours worked by temporary teachers for pay purposes.

3.3 Periods of Notice

- 3.3.1 The minimum period of notice to terminate employment to be given by a teacher or the authority shall be as set out in the National Scheme of Salaries and Conditions of Service for Teachers and Associated Professions and shall be included in the terms and conditions contained in temporary contracts.

4. Recruitment

- 4.1 Every teacher recruited to undertake work on a temporary basis will be appointed in accordance with the Council's recruitment procedures.
- 4.2 Following this process such teachers will be placed on a register of approved teachers maintained for these purposes.

5. Transfer to Permanent Status

- 5.1 Movement to a permanent post will be open to temporary teachers through normal application for advertised posts. 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 In addition, transfer to the Council's permanent staff can be requested of the Education Department by a temporary teacher at any time. Consideration of such requests will be based on the teacher's length of service with the Council, the circumstances of the post currently held by the temporary teacher and the Council's teacher staffing requirements. However, where a temporary teacher has given satisfactory service for a full school session or equivalent and there is a continuing requirement in the Council's teaching complement then transfer to the permanent staff will be granted, on the basis of continuance of the existing level of contracted employment or otherwise by mutual agreement.
- 5.3 Further, the following relevant provisions will be applied where necessary:
- 5.3.1 Dundee City council operates a re-deployment procedure for all employees employed for a continuous period exceeding 1 year. This procedure stipulates that during the notice period given to an employee prior to the termination of a temporary contract, suitable alternative employment will be sought based on vacancies existing during the notice period.
- 5.3.2 Under the Fixed Term Employees Regulations 2002 any temporary contract extended beyond 4 years will be made permanent unless the Council can objectively justify not doing so.
- 5.4 Fixed term temporary employees will not be selected for redundancy on the grounds of their employment status. Any selection for redundancy must be objectively justified.