



LNCT

Aberdeenshire Local Negotiating Committee for Teachers

Date: March 2024

LNCT/24/07

Procedure for the Transfer of Teachers on Temporary Contracts to Permanency

This agreement has been subject to review in 2024 by the LNCT Joint Secretaries and HR as part of a review of current Aberdeenshire LNCT Agreements.

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Procedure for the transfer of Teaching Staff on Temporary Contracts to Permanency

Introduction

The aim of this procedure is to ensure a fair and transparent approach to managing teachers' rights and expectations with regards their employment status whilst assisting Education & Children's Services with effective workforce planning, ensuring the necessary degree of flexibility and adaptability to changing circumstances. The contribution made by teachers on temporary contracts is recognised therefore it is important to establish clear, consistent, and fair routes for these staff to apply for and secure permanent employment with Aberdeenshire Council where possible.

There are a variety of circumstances where it is necessary for contracts of employment to be offered on a temporary basis. Consequently, teachers accrue rights under the Fixed Term Employees Regulations (2002) which states that on renewal of a fixed term contract or series of continuous contracts that extend beyond 4 years employees will be made permanent unless the authority can objectively justify not to do so.

SNCT Handbook Part 2 Appendix 2.8 provides a code of practice on the use of temporary contracts for teachers working in Scottish schools. The code considers various pieces of employment legislation and means that staff on temporary contracts should not be treated any less favourably in respect to matters including salary, working hours, CPD, sickness absence, maternity/adoption/parental leave. The code encourages LNCTs to reach agreement at a local level on provisions regarding consideration of applications for permanency. Previously para 8.5 of the Scheme of Salaries and Conditions of Service for Teaching Staff in school education allowed for permanency after one years' continuous service but this now reflects legislative provisions with abilities of LNCTs to reach agreement as above.

Please note this procedure applies to full time and part time temporary teaching staff and to part time permanent teaching staff working additional hours who are required to apply for permanency in line with the specified timescales.

This procedure does not apply to Music Instructors, Educational Psychologists or other Associated Professionals.

Contract Types

Within Aberdeenshire Council teachers are employed on several different contracts or engagements:

Short Term Supply (part time or full time)

These engagements are necessary to maintain a pool of qualified supply teachers to provide all types of absence cover for schools. Supply placements can be for one day, a few days, or longer. Where an engagement is two days or more this is classified by the SNCT as a 'fixed term temporary contract' and the supply teacher should be undertaking the full duties of a teacher.

Please refer to LNCT Agreement 18/01 Agreement on Short Term Supply and/or LNCT Agreement 14/04 Short Term Supply Guidance for more information.

Fixed Term Contract (part time or full time)

This type of contract may be issued in a number of circumstances including the following circumstances:

- Maternity leave
- Paternal leave
- Adoption leave
- Career break cover
- Long term sickness absence cover
- Secondment cover
- Time limited funding, e.g. PEF
- Pattern of recurrent work
- Supply cover arrangements beyond 2 days

This type of contract will usually have an intended end date. Please refer to Aberdeenshire Council's [Guidance on the use of Fixed Term Contracts](#) for more information.

Criteria for Transfer to Permanency

Current Agreement

Under local agreement currently, where a teacher has been employed continuously for 2 years on a temporary basis, they may apply for a permanent contract with the authority. The employment may have been full time or part time and may have been on a fixed term contract or supply work, or any combination of the two. It will also include the situation where a permanent part time teacher has undertaken additional hours.

A break in continuous service is any one week where the teacher is not required.

A week of teaching service comprises any week in which a teacher is employed as a teacher by a council, regardless of the number of hours worked. This includes periods of annual leave, public holidays, sickness absence, maternity/adoption and parental leave, or other special leave but excludes probationary service.

Proposal

We are seeking that to be considered for a transfer from temporary to permanent, an application must be submitted if the employee meets the following criteria:

1. The employee was appointed following the Council's Recruitment & Selection Procedure, i.e. competitive selection process which does not include being interviewed for the supply register
2. There are no performance issues
3. The employee has three years' continuous service accrued either through one temporary post or a series of temporary posts, with effect of 1st April 2024.

Application for Permanency



Teachers on a temporary contract who fulfil the criteria outlined above are entitled to apply for permanency using the application form (Appendix 1) and should note the following:

- Applications should be submitted to QIO
- Applications should be received no later than 30 April for consideration for transfer at the start of the following session
- Applicants must have accrued 3 years' continuous service by the start of the following session
- Where a temporary contract comes to an end during the session, an application for permanency must be submitted 2 months before the contract end date
- Applications received after 30 April will not be considered until the following year

Offers of Employment

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

1. Allocation of Probationer Teachers
2. Transfer of excess teachers
3. Permanency requests
4. Open recruitment

Offers of employment will be to a suitable and available position which will match either:

- the hours undertaken by the teacher 3 years of continuous service in the same post
- OR
- the average hours undertaken by the teacher during year 3 where they have worked in various posts/supply over the 3 years

For example:

Teacher A has worked the following hours over the last 3 years:

Year 1 – 1.0 FTE (35 hours per week) for 28 weeks and 0.8 FTE (28 hours per week) for 19 weeks

Year 2 – 0.6 FTE (21 hours per week) for 47 weeks

Year 3 – 0.8 FTE (28 hours per week) for 12 weeks and 0.6 FTE (21 hours per week) for 35 weeks

Average hours for Year 3 = $(448 + 672) / 47 = 23.8$

Please note that where the second point applies, any supply work undertaken between submitting an application and being offered a position will not result in an increment to the average hours.

Applicants will be notified of an offer to a permanent post prior to the end of the session or end of temporary contract, whichever is sooner. Applicants will be offered a post within reasonable travelling distance of their home address and their CSN preferences will be taken into consideration. Applicants should be aware that an offer of permanency may not be in the school where they currently work.

Applicants not willing to accept the permanent post offered to them will not be offered an alternative and should note that only one application for permanency can be made for any given period of service.

Where there are no suitable permanent vacancies, applications will be held on file and the first suitable vacancy to arise will be offered. In the interim, applicants will have priority to



long-term temporary posts and may be offered such a post where there is a vacancy. Where there are no long-term temporary vacancies, applicants may continue to work on a supply basis and will be paid for the hours they work. Applications held on file will be given priority for long-term temporary and supply work.

Roles and Responsibilities

Head Teachers must:

- Ensure that all temporary teachers participate in CPD
- Address any underperformance in accordance with Aberdeenshire Council's Work Performance Ability Procedure for Teachers
- Ensure that all temporary teachers are made aware of all aspects of the authority's procedure in relation to the transfer of temporary teachers to permanent posts

Temporary Teachers must:

- Familiarise themselves with this procedure
- Apply for transfer to permanency using the application form within the timescales indicated
- Ensure that all sections of the application form are completed prior to submission

QIOs/QIMs must:

- Complete Section B of the application form
- Ensure that all applications are considered in accordance with the criteria outlined in this procedure
- Respond to all applicants prior to the termination of their current temporary contract or end of school session, whichever is sooner

Community School Network preferences in rank order (please indicate first 3 preferences)

Aboyne		Laurencekirk	
Alford		Meldrum	
Banchory		Mintlaw	
Banff		Peterhead	
Ellon		Portlethen	
Fraserburgh		Stonehaven	
Huntly		Turriff	
Inverurie		Westhill	
Kemnay			

I confirm that the above is an accurate record of my continuous service with Aberdeenshire Council. I understand that any offer of permanency may not be in the school where I currently work:

Signed:

Date:

Section B – to be completed by QIO

I confirm that there is an ongoing need for the post currently held by this applicant	Yes	No
I confirm that the post the applicant was appointed to has now become vacant on a permanent basis	Yes	No
I confirm that the details pertaining to service in this school are accurate	Yes	No

Signed:

Date:

Applicants should forward the completed application form to the appropriate QIO for processing