

LOCAL AGREEMENT

CODE OF PRACTICE ON THE USE OF FIXED TERM TEMPORARY CONTRACTS (Part 2 : Appendix 2.8 The SNCT Handbook of Conditions of Service)

1. INTRODUCTION

- 1.1 The aim of this code of practice is to establish good practice on the use of fixed term temporary contracts. Fixed term temporary contracts will be issued for engagements which extend beyond 5 days. Teachers on fixed term temporary contracts will fulfill the full range of duties of teachers and will be engaged for 35 hours per week or on a pro rata basis according to the contract.
- 1.2 The SNCT recognises the important contribution made by teachers on fixed term temporary contracts, many of whom go on to hold permanent contracts. The SNCT believes that it is essential that teachers on fixed term temporary contracts are treated in the same way as permanent staff and given access to appropriate induction, training and support.
- 1.3 The Code of Practice 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 of Practice is to enhance the principles of a professional service by helping councils to manage their 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 of Practice aims to ensure that employees on fixed term 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 fixed term temporary contracts for significant periods of time. In such cases, the letter of appointment must clarify the expected length of appointment or the event that will bring a contract to an end.

3 Fixed-Term Requirement

The SNCT recognises that a council may need a teacher to work other than on a permanent basis.

- 3.1 Where it becomes clear that the need for a temporary replacement is likely to be ongoing or lengthy then the individual should be issued with a fixed term temporary contract as set out in 3.2 below.
- 3.2 Where it is known from the outset the reasons for the temporary requirement and its likely duration or in the circumstances set out in 3.1 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.
- 3.3 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.
- 3.4 The use of a fixed term temporary appointment may be made 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; and
 - pattern of recurrent work.

4 RECRUITMENT

- 4.1 Every teacher recruited to undertake work on a fixed term temporary basis will be appointed in accordance with that 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. Temporary teachers should be provided with the same access to information on vacancies for permanent posts as is provided to existing permanent postholders.

- 5.2 Transfer to a council's permanent staff will also be through arrangements agreed by the LNCT. See Local Agreement – Appendix 1.
- 5.3 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.
- 5.4 Fixed term temporary employees should not be selected for redundancy on the grounds of their employment status. Any selection for redundancy must be objectively justified.

6 SNCT HANDBOOK

- 6.1 The pay, duties and hours of work of teachers on fixed term temporary contracts shall be set as for teachers (other than short term supply teachers) as set out in the SNCT Handbook.

Appendix 1

1 TRANSFER TO PERMANENT STATUS LNCT AGREED ARRANGEMENTS

Continuity of employment is broken when the teacher has a break in service greater than 2 weeks duration (excluding holiday periods). (The definition of a break in service as detailed in the SNCT regulations Part 2 Section 6 Para 6.3 has been adopted for the purposes of this agreement).

- 1.1 It is critical that staff understand the nature of their fixed term temporary employment and therefore the Statement of Employment Particulars issued to the temporary teacher will clearly state the reason the teacher is contracted on a fixed term temporary basis and period of notice of termination required.
- 1.2 Temporary teachers will not be eligible to apply for transfer to permanent status if they are covering a substantive post holder's job (as defined in SNCT Handbook Part 2 Appendix 2.8 Section 3 Para 3.4). In these circumstances the temporary teacher will be given notice, prior to the permanent teacher returning to their post if their contract is ended earlier than the agreed end date. (The minimum statutory period of notice required to terminate employment for periods over 4 weeks if the contract is ending earlier than the agreed date is one week).
- 1.3 The responsibility to initiate the application for transfer to permanent status lies with the teacher. Application may be made up to one month before the qualifying service is achieved to assist the administrative process.
- 1.4 In the circumstances where there is no substantive post holder, a teacher who has been in continuous employment on a temporary basis covering the same position i.e. Primary Teacher or subject Secondary Teacher for at least 2 working years in the same school/service may apply to the Head Teacher/Head of Service provided the criteria in para 1.5 below are met.
- 1.5 The Head Teacher/Head of Service will confirm that service including CPD and PRD has been satisfactory.
- 1.6 When a transfer to permanent status is agreed the timetable offered will be on a like for like basis or the best possible option available based on the hours worked during the qualifying period. If the teacher's hours have varied over the qualifying period then the average hours will be agreed.
- 1.7 If such a position is not available in the establishment in which the teacher has gained 2 full years qualifying service the search for a suitable vacancy will be widened across the Department.
- 1.8 If more than one such post is available the teacher's preference should be taken into consideration.
- 1.9 When the search has been widened, if more than one teacher is eligible and expresses interest in a post then a meeting will be arranged with the recruiting Head Teacher/Head of Service and s/he will determine the most

suitable match for their establishment in line with Council recruitment procedures.

- 1.10 If necessary the search for a post may continue for the remainder of the school session in which the application was made.
- 1.11 If a teacher refuses a "like for like" post no further offer will be made.
- 1.12 If it is not possible to find a vacant post during the school session the teacher will be awarded a permanent 0.2FTE contract in the qualifying establishment. The awarding of a permanent contract fulfils the Council's obligation in terms of the local agreement and is an end to the process.
- 1.13 Once all conditions have been satisfied the transfer from temporary to permanent contract will follow as soon as administratively possible.

2 REVIEW

This agreement will be reviewed if either Joint Secretary so requests.

3 LOCAL AGREEMENT (In accordance with the LNCT Recognition and Procedure Agreement)

This local agreement has been reached in the LNCT and is consequently binding on the signatory parties. It may be adjusted by negotiation to meet changing future needs.

Signed 

Joint Secretary
Management Side

Date 21/1/13



Joint Secretary
Teachers' Side

Date 21/1/13

