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**MIDLOTHIAN NEGOTIATING COMMITTEE FOR TEACHERS****Part-Time Staff and Public Holidays (2013-14)**

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**Background**

1.1 Permanent part-time teachers cannot be treated less favourably than comparable full-timers in their terms and conditions, unless it can be objectively justified. This means a part-time teacher who is working on a contract for a year or more on a permanent basis is entitled to 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 her/his contracted hours of work.

1.2 The teachers' working year is expressed solely as days worked (public holidays are not listed but often fall into annual leave periods) and therefore obligations for working days and in-service days have to be calculated on an annual basis. Arrangements which address this aspect are already in place for teachers who hold job-share posts. These arrangements will continue.

1.3 Responsibility for putting in place the appropriate arrangements will normally lie with the Head Teacher. The arrangements normally should be agreed by the start of the leave year (before 1 September).

1.4 A normal working year for teachers = 190 days pupil contact and 5 days Inservice; As an example, if a teacher works 0.5fte, then they should, over the course of session 2013-14 work as follows:

Primary:	0.5 of 190 days =	95 days
	0.5 of 5 in-service days =	2.5 days
	Total	97.5 days

Various patterns of contracts can be provided as examples to support the necessary calculations. The grid showing working days is enclosed.

**Actions required**

- Where a working pattern is such that a teacher is scheduled to work more days than was set out in the contract, then s/he will be allocated additional leave in session 2013-14 to ensure compliance with her/his contract.
- If the working pattern is such that a teacher will work fewer days in session 2013-14 than is set out in her/his contract, s/he should discuss and agree additional days of work to ensure compliance with the contract.
- In exceptional circumstances, where a teacher is unable to work the extra day/s due to another contractual or a personal obligation, the teacher should discuss with her/his head teacher/line manager other ways in which the deficit in working hours can be addressed during session 2013-14.

- If any part-time or jobshare teacher believes that he/she may not have worked the appropriate number of days in school session 2012-13, he/she should write to his/her head teacher detailing the number of days believed to have been worked in the session and how that differs from the number of days which should have been worked. Letters should be copied to the appropriate Midlothian Teacher Union Secretary. Head teachers will work with staff to seek solutions. Where this is not possible, HTs should contact Peter Dunn, HR, to seek advice. .
- HTs should ensure that all part-time and job-share teachers have a copy of this letter.

Should further advice be required, due to an employee's circumstances, it can be obtained from Peter Dunn, HR Business Adviser, or the Teachers' Side Joint Secretary.

Yours sincerely



Sheena Dawe  
MNCT, Management Side



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