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**MIDLOTHIAN NEGOTIATING COMMITTEE FOR TEACHERS**

**Code of Practice on the Use of Fixed-Term Contracts**

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The previous agreement (MNCT 11/04) on the use of temporary contracts has had to be revised in light of the SNCT Pay and Conditions Agreement 2014. A copy of the new MNCT agreement is attached.

Head Teachers/ Heads of Establishments are asked to ensure that a paper copy of the agreement is given to all fixed-term teachers within the establishment and that a copy is accessible to all short-term supply teachers. (The Code of Practice on the Engagement of Short Term Supply Teachers, when it is, should be issued to the latter).

Other related documentation – linked to Para 5.2 – will be sent to educational establishments.

**Peter McNaughton – MNCT Management Side**  
**Sonia Kordiak– MNCT Joint Union Side Secretary**

**Circulated to:** All Schools, Teacher Unions, SNCT

**MIDLOTHIAN COUNCIL NEGOTIATING COMMITTEE FOR TEACHERS**  
**CODE OF PRACTICE ON THE USE OF FIXED-TERM TEMPORARY CONTRACTS FOR**  
**TEACHERS**

**1. INTRODUCTION**

- 1.1 The aim of this Code is to establish good practice on the use of fixed-term temporary contracts for Teachers. Fixed-term temporary contracts will be issued for engagements which extend beyond 2 days. Teachers on fixed-term 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 Midlothian Council recognises the important contribution made by teachers on fixed-term contracts, many of whom go on to hold permanent contracts. It is essential that teachers on fixed-term temporary contracts are treated in the same way as permanent teachers and that they are given access to appropriate induction, training and support.
- 1.3 This 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 this Code is to enhance the principles of a professional service and enable Midlothian Council to manage its 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 This Code aims to ensure that teachers on fixed-term temporary contracts are not treated less favourably than permanent teachers.
- 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 make clear the expected length of appointment or the event that will bring the contract to an end.

**3. FIXED-TERM REQUIREMENT**

- 3.1 The MNCT recognises that a teacher may be required to work other than on a permanent basis. Where it becomes clear that the need for a temporary replacement is likely to be on-going 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 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 Employees and employers will be required to give 4 weeks' notice.
- 3.5 The use of a fixed-term temporary appointment may be made in a number of circumstances which may include:
- maternity leave;
  - parental leave;
  - adoption leave;
  - career break
  - long-term sickness absence;
  - secondment
  - sabbaticals
  - staffing from time limited funding and
  - a pattern of recurrent work (e.g. a day a week over a period of 4 weeks or more)

#### **4. RECRUITMENT**

- 4.1 Every teacher recruited to undertake work as a short-term supply teacher or as a teacher on a fixed-term temporary basis will be appointed in accordance with Midlothian Council's Recruitment and Selection Policy and the agreed MNCT Recruitment and Selection Procedure for Teachers.
- 4.2 Following the recruitment process, short-term supply teachers will be placed on a register of approved teachers maintained for supply purposes by the Education Division in partnership with the HR Operations Unit.

#### **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 post holders. Vacancies are advertised on [myjobscotland.gov.uk](http://myjobscotland.gov.uk) (there is a link via Midlothian Council's website).
- 5.2 Transfer to the Council's permanent staff, normally to a permanent post within a school, will be offered to teachers on application, who expect to have given satisfactory continuous service for two years. Transfer will normally be from 1 August. (Teachers who believe this situation applies to them should seek more information on the agreed MNCT procedure to be followed from their Head Teacher/Head of Establishment or local teaching union secretary and should apply following the agreed procedure by the end of February each year. Please see Appendices 1 and 2)

- 5.3 In order to achieve an element of consistency, as well as to give teachers security of permanent employment, Midlothian Council has also appointed permanent peripatetic teachers to work across the Council. The numbers of peripatetic appointments will remain under review.
- 5.4 Under the Fixed Term Employees Regulations 2002 any temporary contract extended beyond four years will be made permanent, unless Midlothian Council can objectively justify not doing so.
- 5.5 Fixed-term temporary teachers will 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.