

Local Negotiating Committee for Teachers – Agreement No.4

Code of Practice on the use of Temporary Contracts

Amendment to SNCT appendix 2.8
Agreed at LNCT - 22 September 2009
Approved at Committee – 11 November 2009

1. Background and Introduction

1.1 As an amendment to the code of practice on the use of temporary contracts (Appendix 2.8 of the SNCT Handbook of Conditions of Service) West Dunbartonshire Council LNCT have agreed to reduce the time frame for application for temporary to permanent positions to two years.

1.2 The following adjustment to SNCT guidance has been agreed.

“Any temporary contract extended beyond 2 years will be made permanent unless the authority can objectively justify not doing so”.

2. Application

2.1 A teacher who is employed on the temporary staff for 2 years or more can apply for a transfer to the permanent staff.

2.2 It is acknowledged that only where a permanent post exists can a permanent contract be offered and in the absence of this availability the request will be justifiably refused.

3. Objective Justification for refusal

3.1 For clarity objective justification could be in situations where no permanent post exists, or that the post is directly linked to time defined funding etc. This is not exhaustive but full details of any refusal will be clearly detailed to the applicant.

3.2 It is not justifiable to decline an application and continue using successive fixed-term contracts.

Supporting Documents

- Appendix 1 - Guidance Note – Transfer of Temporary Staff to Permanent Staff – approved by LNCT on 25 March 2014) and Transfer from Temporary to Permanent Staff Application Form
- Appendix 2 – Short Term Supply and Temporary Cover Report

Guidance Note – Transfer of Temporary Staff to Permanent Staff Noted by LNCT on 25 March 2014

1.0 Introduction

- 1.1 This guidance note has been developed to support LNCT Agreement No.4 – Code of Practice on the Use of Temporary Contracts, which was agreed at LNCT on 22 September 2009, and approved by Committee on 11 November 2009.

2.0 Eligibility

- 2.1 A teacher who has been employed on a temporary basis (in one, or more posts) for a continuous period of two years, may apply for a transfer to a permanent position. The employment may have been full time or part time and may have been on a fixed term contract, supply work, or any combination of the two.

3.0 Continuity of Service

- 3.1 A week of teaching service is any week in which a teacher is employed by the Council, regardless of number of hours worked in that week. This includes periods of absence due to: annual leave; public holidays; sickness absence; maternity/adoptive and parental leave; special leave; provided the employment contract continued throughout. Probationary service is excluded.
- 3.2 Continuity of service is broken where there is at least one week without a contract of employment, even if the teacher remained on the supply list.
- 3.3 There may be circumstances where the break in contract may be regarded as a temporary cessation of work. In this instance continuity will not be broken. Temporary cessations of work will not count towards the total length of service but will not break continuity. The Education Staffing Team will consider the possibility when reviewing successive contracts.

4.0 Application Process

- 4.1 Applications should be made in writing to the Education Staffing Team (email: educationstaffingteam@west-dunbarton.gov.uk), using the “Transfer of Temporary to Permanent” form (Appendix 1). An assessment of the application will be made by the Team to verify employment dates and a recommendation will be made. The recommendations will be discussed with the Teachers’ Convenor. The application will be accepted if the following conditions are met:
- There is evidence of satisfactory standard of teaching (demonstrated through Head Teacher reports)
 - There is a permanent post, for which there is a budget

- Essential criteria is met i.e. Catholic Approval for Catholic schools

4.2 Applications should be made by 31 March to enable them to be considered as part of the annual staffing exercise and for consideration for transfer at the start of the following school session. Applications received after this date will not be considered until the following year. Applicants must have accrued 2 years continuous service by the start of the following school session.

4.3 Where the fixed term contract comes to an end during the school year application must be made two months prior to the end of the fixed term contract.

5.0 Matching to Permanent Post

5.1 The following factors will be considered for matching purposes:

- Where the teacher can be matched to an equivalent post (i.e. subject) within the authority, this will be deemed as suitable.
- Where a permanent post exists within the current location and is deemed suitable, this will be regarded as a match for continuity purposes.
- Where possible the permanent appointment will match the hours undertaken by the teacher during the two years of continuous service.
- Where the hours have varied over the 2 year period then a suitable offer will be made taking account of what vacancies are available and considering the variance in hours over the period.

5.2 Applicants will be notified by the Staffing Team of an offer of a permanent post prior to the end of the school session or at end of fixed term contract. Where there is more than one temporary teacher section 6.0 below will apply.

6.0 Selection Process

6.1 Where more than one temporary teacher is applying for a permanent appointment than posts available, then normal selection procedures (including interview and reference) will be followed. Teachers who meet the selection criteria, but to whom the Council is not able to offer a permanent appointment, will normally be offered any future vacancy which arises.

7.0 No Permanent Post Available

7.1 Where there is no permanent budgeted post available, applications will be held on file for the remainder of the contract period and during this time any suitable vacancies that arise will be offered.

7.2 Where no suitable alternatives arise during this time then the fixed term contract will end at the appropriate date. At this time the applicant will have the opportunity to return to the supply list (however service may be broken in line with 3.2).

8.0 Non Acceptance of Post

- 8.1 Applicants not willing to accept the permanent post offered to them will not be offered an alternative, unless a justifiable reason can be provided. Only one application to transfer to the permanent staff can be made for any given period of service.

**RIGHTS TO PERMANENCY FOR TEMPORARY TEACHERS
APPLICATION FORM**

Section A – to be completed by applicant

PERSONAL DETAILS:	
Full Name:	
Address:	
Current Post/School:	

EMPLOYMENT DETAILS: (in respect of application)			
School	Reason for Appointment (i.e. sickness, maternity)	Subject (if secondary)	Dates of Continuous Employment

I confirm that the above is an accurate record of my 2-years continuous service with West Dunbartonshire Council. Short Term Supply/Temporary Cover Reports attached as evidence of satisfactory standard of teaching.

Signed: _____ Date: _____

Please return completed application to educationstaffingteam@west-dunbarton.gov.uk

Section B – to be completed by Educational Services Staffing Team, Garshake Road

- | | |
|-------------------------------------------------|--------|
| 1. Eligibility Criteria met | Yes/No |
| 2. Permanent vacancy available, deemed suitable | Yes/No |
| 3. Retain on list for next permanent post | Yes/No |
| 4. Selection process required | Yes/No |
| 5. Offer post | Yes/No |

SHORT TERM SUPPLY AND TEMPORARY COVER REPORT

This report should be completed at the end of a Teacher's temporary appointment when this reaches or exceeds 30 days in total in any school year. The form can be completed earlier if necessary at the request of the Head Teacher or the Supply Teacher.

It is shared responsibility to have these forms completed. Temporary Teachers should approach their line manager in the absence of this form being completed.

The Teacher should keep a copy of the report for their own records and send a copy to the Educational Staffing Team, Education Services, Council Offices, 2nd Floor, Garshake Road, Dumbarton.

TEACHER DETAILS

Full Name			
School:			
Dates of Supply / Temporary cover From-To	Stages/Subjects Covered		

Please include details if there have been various episodes over the academic year.

ASSESSMENT OF PERFORMANCE IN TEMPORARY POST

This section should be completed by the Head Teacher/Line Manager to indicate effectiveness of Teacher in the post in terms of knowledge of:

1. Teaching for effective learning / Meeting Learners' Needs

- 1.1 This section should concentrate on themes such as: the learning climate and teaching approaches; teacher – pupil interaction including learners' engagement; judgements made in the course of teaching including planning and evaluation.

Outstanding or sector leading	Major Strengths	Important strengths with areas for improvement	Strengths just outweigh weaknesses	Important weaknesses	Major Weakness
Additional Comments (please identify any areas for development):					

Appendix 2

1.2 This section should cover themes such as: tasks, activities and resources; identification of learning needs.

Outstanding or sector leading	Major Strengths	Important strengths with areas for improvement	Strengths just outweigh weaknesses	Important weaknesses	Major Weakness
Additional Comments (please identify any areas for development):					

2. Assessment of Learning

2.1 This section should cover the following themes: assessment approaches, planning learning experiences and activities; use of assessment information to identify and plan future learning; arrangements for recording and reporting.

Outstanding or sector leading	Major Strengths	Important strengths with areas for improvement	Strengths just outweigh weaknesses	Important weaknesses	Major Weakness
Additional Comments (please identify any areas for development)::					

3. Curriculum

3.1 This section should cover the following themes: the rationale and design of the curriculum; the development of the curriculum; programmes and courses used.

Outstanding or sector leading	Major Strengths	Important strengths with areas for improvement	Strengths just outweigh weaknesses	Important weaknesses	Major Weakness
Additional Comments (please identify any areas for development):					

4. Punctuality / Attendance: please comment in detail

Excellent	Good	Fair	Poor

5. Comments

To be completed by Head Teacher:

Provide any further comments to support this assessment:

To be completed by SupplyTeacher/Temporary Cover Teacher:

Provide comments if any

Signed _____
(Head Teacher)

Date _____

Signed _____
(Teacher)

Date _____

Additional sheets can be used if necessary and attached to the original form.

Please retain one copy and return completed form to:

Educational Staffing Team
Council Offices
2nd Floor
Garshake Road
Dumbarton.