

Education Procedure Manual 2/32
Appendix 1
Use of Temporary Contracts for Teachers

Toolkit for Managers

November 2015

De minimis changes approved at EDC LNCT - January 2016 and June 2016

This toolkit will be subject to future updates to reflect best practice. Please consult the Resource Planning Team for advice if required.

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Education Procedure Manual 2/32
Appendix 1

Use of Temporary Contracts for Teachers

SNCT : Codes of Practice

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Procedure Manual 2/32 Section 3.0

SNCT : Code of Practice on The Engagement of Short Term Supply Teachers

SNCT Handbook Part 2: Appendix 2.8 A

Short term supply teaching is defined as a period of cover teaching for 2 days or fewer. This Code of Practice sets out the basis of engagement of short term supply teachers. Supply teaching is where teachers may be offered work on a short term temporary basis, generally with little notice. Short term supply teachers will fulfil the duties set out in the SNCT Handbook (Part 2, Section 2, paragraph 2.2).

(1) Terms of Engagement of Short Term Supply Teachers

The arrangements for engaging short term supply teachers should be as follows:

- a. In every short term supply engagement there can be no mutuality of obligation; there is no duty to offer work and no requirement to accept work. Engagement should be on a daily basis.
- b. The reasons for each engagement should be made explicit.
- c. Where it is known at the outset that the requirement for cover is likely to extend beyond 2 days a fixed term temporary contract (in accordance with the SNCT Code of Practice on the Use of Fixed Term Temporary Contracts) and any relevant LNCT Agreements should be issued.
- d. The deployment of a short term supply teacher may occur in a number of circumstances when cover is required for absences including:
 - in service training/staff development/working groups
 - short term special leave, for example, bereavement leave, jury duty
 - short term sickness absence
 - trade union duties arranged on an ad-hoc basis
 - SQA duties
 - public duties

(2) The Role of Headteachers

The Headteacher has a crucial role in ensuring the Code of Practice operates smoothly and in maintaining, as far practicable, the continuity of education provision. The Headteacher shall ensure that, within the constraints of the SNCT Pay and Conditions Agreement, the circumstances in which pupils are taught by different short term supply teachers should be limited and should not exceed 2 days regardless of individual engagement of supply teachers during any absence.

The Headteacher shall:

- a. state the specific arrangement orally as set out in Section 1 above and ensure the arrangements are confirmed in writing at the outset of any engagement, including the hours to be worked.
- b. take responsibility for arranging the daily renewal of engagements of up to 2 days.
- c. ensure that the duties of short term supply teachers do not extend beyond the duties set out in the SNCT Handbook (Part 2 Section 2, Paragraph 2.2). Headteachers may, however, require short term supply teachers to cover classes during the class contact time of the school. During a short term

engagement Headteachers may deploy the supply teacher for full pupil contact hours but this deployment should be clear to the supply teacher at the outset of the engagement. Authorisation should be sought from the Council for payment in accordance with the provision of the SNCT Handbook in circumstances where a short term supply teacher is asked to take on the full range of duties of a teacher before the engagement extends beyond 2 days.

- d. ensure that where there is a pattern of recurrent work a fixed term contract is issued.
- e. ensure that in circumstances where a part time teacher provides absence cover for a class or classes they normally teach, that teacher will be expected to maintain the full range of duties of a teacher and be paid accordingly. However a part time teacher who provides absence cover for a class or classes they do not normally teach should be deployed in accordance with the provisions of the SNCT handbook set out in Section 4 below for the first 2 days of that engagement as per the SNCT Pay and Conditions Agreement.
- f. When a short term engagement extends to long term contract it will be important to manage non class contact time appropriately. The reduction of non-class contact operates on a weekly basis. Where a long term engagement commences during a week, the pay provisions commence immediately. The non-class contact time for the remainder of the week should be pro-rated for that week but should disregard the hours worked when the short term supply engagement was being undertaken.

(3) The Role of the Council

The Council has prime responsibility in ensuring short term supply is managed efficiently and properly and shall:

- a. issue clear guidelines on supply teaching when placing teachers on supply lists. In particular, those on supply lists should be provided with the Code of Practice on the Engagement of Short term Supply Teachers and the Code of Practice on the Use of Fixed Term Temporary Contracts and, where applicable, relevant LNCT agreements.
- b. ensure that engagements are confirmed in writing signed by the supply teacher and Headteacher or nominated manager.
- c. ensure clear mechanisms for recording deployment as short term supply and deployment on fixed term contracts.
- d. support these by clear pay mechanisms.
- e. ensure that service as a short term supply teacher counts in full for pay increments, as set out in the SNCT Handbook, Part 2, Section 1 paragraphs 1.11 to 1.26.

(4) SNCT Handbook

The SNCT Handbook sets out the provisions for short term supply teachers as follows:

- a. Pay – SNCT Handbook, Part 2, Paragraphs 1.5 to 1.7.
- b. Duties – SNCT Handbook, Part 2, Paragraph 2.2.
- c. Working Year, Working Week – SNCT Handbook, Section 3, paragraphs 3.2 and 3.3.

Procedure Manual 2/32 Section 4.0
SNCT : Code of Practice on The Use of Fixed Term Temporary Contracts

SNCT Handbook Part 2: Appendix 2.8

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 2 days. Teachers on fixed term temporary contracts will fulfil 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 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 post holders.
- 5.2 Transfer to a council's permanent staff will also be through arrangements agreed by the LNCT.
- 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.

Education Procedure Manual 2/32
Appendix 1

Use of Temporary Contracts for Teachers

Letters of Engagement

Letter of Engagement : Short Term Supply *

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Letter of Engagement : Fixed Term *

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*Both letters are also available in Word format.

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Standard Letter PM 2/32/1 **Procedure Manual 2/32 Section 3.0**
Letter of Engagement for Short Term Temporary Supply

PM 2/32 Para 3.2

‘Short term supply teaching is defined as a period of cover teaching for 2 days or fewer’.

PM 2/32 Para 3.4

‘The deployment of a short term supply teacher may occur in a number of circumstances when cover is required for absences including, for example, in service training, short term special leave or short term sickness. The reason for each engagement should be made explicit.’

PM2/32 Para 3.7

‘The Head Teacher shall state the specific arrangement orally and ensure that details, including the hours to be worked, are confirmed in writing, through a letter of engagement, at the outset of any engagement...A copy of the letter of engagement should be forwarded by the Head Teacher to the Resource Planning Service.’

Dear

In accordance with the Scottish Negotiating Committee for Teachers (SNCT) Handbook of Conditions of Service, I have pleasure in offering you a short term supply teaching engagement with East Dunbartonshire Council in (*insert name of school*) for the purpose of :

(insert specific details of the reason for the engagement with details of the class(es)/subject(s) the supply teacher will be required to teach).

The period of engagement will be on a daily basis as detailed below or until the (*insert the purpose of engagement as above*) comes to an end, whichever is earlier.

| Day/Date | Hours |
|----------|-------|
| | |
| | |

Payment for the duration of this engagement payment will be

| Status | Point | Tick |
|--|-----------------------------|------|
| Probationer | Maingrade 0 | |
| Teacher with full GTCS registration | Maingrade 1 | |
| Part time or Job Share Teacher undertaking additional hours with own class | Maingrade incremental point | |

You will be required to fulfil the undernoted duties:

- a. teaching assigned classes
- b. correction of work, as part of ongoing classwork

- c. maintaining a record of work
- d. contributing towards good order in the school

At the end of this engagement you will have no right to continue in employment with East Dunbartonshire Council but will revert to inclusion on the teaching supply list.

Please refer to the SNCT Code of Practice on the Engagement of Short Term Supply Teachers (SNCT Handbook Part 2, Appendix 2.8A) and East Dunbartonshire Council’s Education Procedure Manual 2/32 for further information.

If you wish to accept this offer of engagement please sign and date the acceptance below and return it to me.

Yours sincerely

HEAD TEACHER

.....

ACCEPTANCE OF SHORT TERM TEMPORARY SUPPLY WORK

I accept the offer of short term temporary supply engagement, as detailed in this letter.

Signed: Print Name:

Date:

-
- 1 copy to be retained by school**
 - 1 copy to be retained by teacher**
 - 1 copy to be forwarded to Resource Planning Service - resource.planning@eastdunbarton.gov.uk**

Standard Letter PM 2/32/2
Letter of Engagement for Fixed Term Temporary Supply

Procedure Manual 2/32 Section 4.0

PM 2/32 Para 4.2

*'Where it is known from the outset that the requirement for cover is likely to extend beyond 2 days, or where it becomes clear that the need for a temporary replacement is likely to be ongoing or lengthy, a fixed term temporary contract and/or letter of engagement should be issued. This will specify the terms of the employment, entitlement to pay and conditions of service and detail the expected duration and reason for the appointment. A copy of a letter of engagement is contained in **The Toolkit**, attached as **Appendix 1**. A copy of this should be forwarded by the Head Teacher to the Resource Planning Service.'*

PM 2/32 Para 4.3

'A fixed term temporary contract, or letter of engagement, 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.'*

PM 2/32 Para 4.4

'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.'

Dear

In accordance with the Scottish Negotiating Committee for Teachers (SNCT) Handbook of Conditions of Service, I have pleasure in offering you a fixed term temporary teaching engagement with East Dunbartonshire Council within (*insert name of school*) for the purpose of :

(insert specific details of the reason for the engagement with details of the class(es)/subject(s) the fixed term temporary teacher will be required to teach).

The period of engagement will be from (*insert date*) to (*insert date*) or until the (*insert the purpose of engagement as above*) comes to an end, whichever is earlier.

Payment for the duration of this engagement will be on SNCT main grade salary scale for unpromoted teachers to a maximum of point 6. If your current/recent salary point on the SNCT salary scale is above Point 1 of the scale, please provide proof of your salary point to Resource Planning at resource.planning@eastdunbarton.gov.uk to allow the correct salary calculation to be made. If you are unable to provide proof of your salary point you will be paid at Point 1 (or Point 0 if you are not fully registered) of the salary scale until your salary point can be confirmed.

You will be required to fulfil the undernoted duties;

- a. manage and organise classes through planning and preparing for teaching and learning.
- b. assess, record and report on the work of pupils' progress to inform a range of teaching and learning approaches
- c. prepare pupils for examinations and where required, assist with their administration.
- d. contribute towards good order and the wider needs of the school
- e. develop the school curriculum
- f. contribute to the school and council planning and improvement processes.
- g. maintain and develop knowledge and skills and contribute to the professional development of colleagues including probationary and student teachers.

At the end of this engagement you will have no right to continue in employment with East Dunbartonshire Council but will revert to inclusion on the teaching supply list.

If you have a grievance relating to your employment, you should notify your Head Teacher. Details of the grievance and disciplinary procedures for teaching staff may be obtained from any of the authority's educational establishments or from the Resource Planning Team.

Please refer to the SNCT Code of Practice on the Use of Fixed Term Temporary Contracts (SNCT Handbook Part 2, Appendix 2.8) and East Dunbartonshire Council's Education Procedure Manual 2/32 for further information.

If you wish to accept this offer of engagement please sign and date the acceptance below and return it to me.

Yours sincerely

HEAD TEACHER

.....

ACCEPTANCE OF FIXED TERM TEMPORARY SUPPLY WORK

I accept the offer of fixed term temporary supply engagement, as detailed in this letter.

Signed: Print Name:

Date:

1 copy to be retained by school

1 copy to be retained by teacher

1 copy to be forwarded to Resource Planning Service - resource.planning@eastdunbarton.gov.uk

Education Procedure Manual 2/32
Appendix 1

Use of Temporary Contracts for Teachers

Application Forms

Application Form : Permanent Supply Pool *

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Application Form : Permanent Substantive Post *

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*Both application forms are also available in Word format.

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Standard Form PM 2/32/1
Application to Permanent Supply Pool

Procedure Manual 2/32 Section 5.0

SECTION A

PERSONAL DETAILS

| | |
|---|--|
| Name | |
| Contact Address | |
| Current School | |
| Date of completion of 24 months continuous service excluding any probationary period | |

RECORD OF EMPLOYMENT IN EDC (in respect of application for permanency)

| School | Subject (if secondary) | Reason for Engagement | FTE Contracted | Date From | Date To |
|--------|------------------------|-----------------------|----------------|-----------|---------|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

If required, please continue on a separate sheet.

What is your GTCS Registration Number?

If secondary, in which subjects do you have full GTCS Registration?

Would you be able to obtain approval to work in a Roman Catholic school if required?

Declaration

I confirm that the above is an accurate record of my 24 month continuous teaching service with East Dunbartonshire Council and that I am not currently in receipt of a pension.

I understand that if my application is accepted, I will be awarded a Permanent Supply Pool Contract, based on an average of FTE worked over the 24 month period.

I understand that the authority can place me in any school(s) in the authority where there is a vacancy.

Signed: _____ Date: _____

Please return completed application to Resource Planning Service – irene.mckenna@eastdunbarton.gov.uk

Section B – to be completed by Resource Planning Service

| Criteria | Tick if criteria met | Comments- if criteria not met |
|--|----------------------|-------------------------------|
| 24 months Continuous Service | | |
| GTC Standard for Registration maintained | | |
| Dates worked exclude periods of probationary service | | |

Permanent Supply Pool status will be granted for FTE

This is the average number of hours worked over the previous 24 month period.

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Standard Form PM 2/32/2 **Procedure Manual 2/32 Section 5.0**
Application to transfer from Permanent Supply Pool to Permanent Substantive Contract

Please return completed application to Resource Planning Service – irene.mckenna@eastdunbarton.gov.uk

Section A

| PERSONAL DETAILS | |
|---|--|
| Name | |
| Contact Address | |
| Current School | |
| FTE | |
| Date of completion of 3 years continuous service on a permanent supply pool contract in one school | |

Signature.....

Date.....

As with your existing permanent supply pool contract, if you agree to the proposal to change contract status you should be aware that following appropriate consultation, the authority reserves the right to transfer you to such other place of employment/designated centre in the authority’s service as may be required and is deemed to be reasonable. Should this be required, any transfer will be in accordance with the authority’s compulsory transfer procedures.

Section B – to be completed by Resource Planning Service

| Criteria | Tick if criteria met | Comments- if criteria not met |
|--|-----------------------------|--------------------------------------|
| 3 Years Continuous Service on Permanent Supply Pool Contract | | |
| GTC Standard for Registration maintained | | |
| FTE Confirmed | | |
| | | |