

**PERTH AND KINROSS COUNCIL
JOINT NEGOTIATING COMMITTEE FOR TEACHING STAFF
LOCAL AGREEMENT**

**TRANSFER OF PRIMARY & SECONDARY TEACHING STAFF ON TEMPORARY
CONTRACTS TO PERMANENT STAFF**

In terms of the Local Recognition and Procedure Agreement, it is accepted by all signatories acting on behalf of Perth and Kinross Council and the recognised trade unions that this agreement is a binding local agreement effective from 3 December 2019.

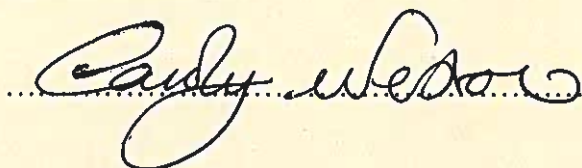
This supersedes relevant provisions within the National Agreement and constitutes a formal amendment to the terms and conditions of employment for teaching employees within Perth and Kinross Council.

Sheena Devlin, Executive Director (Education and Children's Services), on behalf of Perth and Kinross Council.



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Carolyn Weston, Perth and Kinross EIS Local Secretary on behalf of the Teachers' Trade Unions



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PERTH & KINROSS COUNCIL

Joint Negotiating Committee for Teaching Staff – 3 December 2019

TRANSFER OF PRIMARY & SECONDARY TEACHING STAFF ON TEMPORARY CONTRACTS TO PERMANENT STAFF

Joint report by Executive Director of Education & Children's Services and Corporate Human Resources Manager

Purpose of Report - For Agreement

This report presents a Local Agreement for approval on the transfer of teaching staff on temporary contracts to permanency. This agreement is effective from 3 December 2019 and supersedes the previous local agreement on Temporary, Fixed Term and Part Time contracts.

1. INTRODUCTION

- 1.1 This Local Agreement is to establish a fair and transparent approach to managing teachers' rights and expectations of their employment status, whilst assisting Education & Children's Services with effective workforce planning, ensuring the necessary degree of flexibility and adaptability to changing circumstances. It also aims to ensure that teachers on temporary contracts are not treated less favourably than permanent teachers.
- 1.2 Education & Children's Services recognises the important contribution made by temporary teachers in our schools and it is important to establish clear, consistent and fair pathways for teaching staff to secure permanent employment with the Council, where possible.

2. BACKGROUND

- 2.1 Teachers accrue rights under the Fixed Term Regulations (2002), which states that on renewal of a temporary contract, or a series of continuous contracts that extend beyond 4 years have the right to apply for permanency unless the authority can objectively justify not doing so.
- 2.2 In 2003 the Joint Negotiating Committee for Teachers (JNCT) agreed a Local Agreement on "Temporary, Fixed Term and Part-time Contracts" to ensure that the Council determines the best means of filling a teaching vacancy and requesting that temporary, full-time and part-time contracts be reviewed with a view to being offered permanent contracts. This revised Local Agreement would supersede our previous local agreement from 2003.

3. CURRENT POSITION

- 3.1 Within Perth & Kinross Council we employ individuals on a number of different contracts or engagements:

Short Term Supply (Part Time or Full Time)

These engagements are necessary in order to maintain a pool of qualified supply teachers to provide all types of absence cover for schools. No formal contract is given and there is no mutuality of obligation on either side to provide or accept work. An interview process is undertaken to be added to the supply register. Supply placements can be for one day, a few days or longer. Where an engagement is two days or more this is classified by the SNCT as a "fixed term temporary contract" and the supply worker should be undertaking the full duties of a teacher. Supply engagements can be converted to temporary up to a maximum of one year. This arrangement cannot be made permanent without a competitive recruitment and selection process. These people are "workers" and not employees

Fixed Term Temporary Contract (Part Time or Full time)

There are a variety of circumstances where it is necessary for contracts of employment to be offered on a temporary basis, as described above e.g. due to long term staffing with limited funding eg PEF, sickness absence, maternity cover or secondment cover. This type of contract is usually prompted by an event and will usually have an intended end date. In many cases the contract is reviewed and/or renewed either term by term, or annually. Contracts can be split between schools.

Permanent (Part time or Full time)

These have no end date. Employee is permanent to Perth & Kinross Council. Employees are placed in schools, subject to the annual staffing exercise.

Probationer's One Year Training Contract

This scheme was introduced as part of the implementation of "A Teaching Profession for the 21st Century", in August 2002 and enables individuals who trained in Scotland to be placed in a probationary position on a one year training contract to gain experience and thereby obtain full registration with the GTCS. Where possible, Education & Children's Services attempt to secure permanent or fixed term roles for their allocated probationers on successful completion of their induction year through the annual staffing exercise.

- 3.2 Temporary teachers are given the same access to information on vacancies as is provided to existing permanent post holders.
- 3.3 Temporary teachers can make a request, in writing, to transfer to become permanent, as per the SNCT Handbook, Part 4 -Devolved Matters, 8.5 which states that:

"A teacher who is employed on the temporary staff may at any time apply for a transfer to the permanent staff and the application shall normally not be refused if a teacher has given satisfactory full time continuous service for a period of normally one year. Transfer, where granted, should normally be from 1 August".

3.4 Within Perth & Kinross Council a request can be made to convert a fixed term contract to permanent **if** the reason for the post being temporary **has not changed** and the following five criteria **can** be met:

1. The employee was appointed following the Council's Recruitment and Selection Policy and process (i.e. Competitive selection process. This does not include being interviewed for the supply register)
2. There are no performance issues
3. The employee has normally one year's continuous service in the temporary post
4. The post is unchanged from when it was created and filled on the temporary basis
5. No suitable existing employee(s) have been identified as 'at risk' and there are no teachers needing to be placed.

Please note the following arrangements do not apply when looking at permanency rights: -

- *a part time teacher does a temporary increase in hours for a period in time, this does not give them any rights to a permanent change in hours.*
- *a teacher is in an acting up role for a period in time then this does not give them any right to the post on a permanent basis but after 2 years they will be entitled to 3 years cash conservation*

4. PROPOSALS

- 4.1 The annual staffing exercise will consider which employees can be made permanent in line with the criteria in 3.4.
- 4.2 Following the generic teaching interviews, all appointable candidates will be placed on our appointable register of approved appointable teachers for the school session and be considered for suitable vacant teaching posts.
- 4.3 Where a fixed term arrangement has come to an end subject to there being no performance issues, the employee will also be added to our register of approved appointable teachers and be considered for suitable vacant teaching posts.
- 4.4 The register will be kept open throughout a school session. The appointable register will be explored prior to advert.

- 4.5 Requests to be made permanent (see 3.4) or to go on the appointable register (see 4.3) should be made via current headteacher.

5 FINANCIAL IMPLICATIONS

- 5.1 There are no financial implications arising directly as a result of this report. Education & Children's Services - Finance Team and Human Resources will be consulted when a recommendation is made to make a temporary post permanent. Education & Children Services Senior Management Team will make the final decision.

6 CONSULTATION

- 6.1 Education & Children Services Senior Management Team and the Professional Associations have been fully consulted in the preparation of this report.

7 CONCLUSION AND RECOMMENDATIONS

- 7.1 This Local Agreement would be effective from 3 December 2019 and may assist in reducing recruitment timescales. The principles would provide stability and consistency of teaching whilst retaining an element of flexibility. This Local Agreement is in line with the SNCT Handbook and Code of Practice on the use of Fixed Term Temporary Contracts.

