

# **SOUTH AYRSHIRE COUNCIL**

## **JOINT NEGOTIATING COMMITTEE FOR TEACHERS**

### **Code of Practice on Use of Temporary Teachers (JNCT1.12)**



Reference:

JNCT1.12

Review Date:

**Version Control**

Version	Date Issued	Last Review Date	Author	Update Information
1		April 2018	C Douglas	
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## 1. Background

- 1.1 This agreement should be read in conjunction with SNCT Handbook Part 2 Appendix 2.8, Code of Practice on the use of fixed-term temporary contracts which establishes good practice on the use of fixed term temporary contracts.
- 1.2 South Ayrshire Council recognise the important contribution made by temporary teachers. It is also important that temporary teachers and school managers are aware of temporary teachers' contractual rights. This will also assist Educational Services, in managing these expectations in allocating teaching resources.

## 2. Purpose

The aim of this local agreement is

- to establish good practice on the use of temporary contracts for teachers within South Ayrshire Council.
- to assist the Council in managing staffing in a co-ordinated and structured way which allows for a flexible response to changing service needs
- to ensure that the teacher recruitment process is fair and transparent
- to establish a mechanism for transfer from temporary to permanent status
- to ensure that the conditions of service of teachers on temporary contracts are no less favourable than those for teachers on permanent contracts
- to establish appropriate record keeping and reporting processes.
- to ensure the Authority have an adequate and flexible pool of supply teachers available when required

## 3. Employment Legislation

This agreement complies with the Employment Rights Act 1996 as amended by the Employment Relations Act 1999 and the Employment Act 2002. It also specifically takes into account the responsibilities placed on employers under the following regulations highlighted briefly below:

- Part Time Workers (Prevention of Less Favourable Treatment) Regulations 2000 – stipulate that part timers are treated no less favourably than full timers with regards to payment, superannuation, leave provision, sickness, maternity, access to training opportunities etc
- Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002 – stipulate that fixed term employees should not be treated less favourably than comparable permanent employees. These regulations also stipulate the use of successive fixed term contracts will be limited to 4 years after which the employee would be considered to be permanent.
- Equality Act 2010 seeks to ensure that equality of opportunity exists in all policies and procedures affecting employees and service users.

## 4. Short Term Temporary and Fixed Term Contracts

### 4.1 Short Term Contracts

SNCT Handbook Part 2 Appendix 2.8A details the circumstances in which short term supply would be used and recognises that there will always be a requirement for short-term temporary cover for teachers, and indeed that there will always be teachers who wish to work on that basis. South Ayrshire Council consider short term to be those requiring little or no notice and where there is no obligation on either the Council to provide work or on the teacher to accept the offer. It is deemed that short term supply is where a teacher is engaged for a period of work of 2 days or fewer on a single period of engagement.

### 4.2 Fixed Term Contracts

Teachers undertaking long term temporary work as shown below will be entitled to receive a fixed term contract detailing the expected duration and reason for the contract. There will be no automatic right for extension of such a contract. If the anticipated end date requires to be brought forward for reasons outwith the Authority's control, at least four working weeks' notice of termination will normally be given. This section of the agreement clarifies when South Ayrshire Council would normally expect a teacher to work on a fixed term contract rather than on a permanent basis:

- Maternity leave
- Parental Leave
- Adoption Leave
- Career Break
- Long-term sickness absence
- Secondment
- Sabbaticals
- Time Limited Funding
- Pattern of Recurrent Work

There may be other circumstances which necessitate a fixed term contract, but these will be subject to agreement by the Joint Secretaries.

- 4.3 South Ayrshire Council JNCT recognises that many teachers are likely to be employed on a series of fixed term contracts and have therefore established a transfer process which can be found in Section 6 of this agreement.

## 5. Teachers' Staffing Exercise

- 5.1 Schools are staffed based on pupil roll which results in a need for an annual staffing exercise to be conducted, during which surplus staff in particular establishments may be identified for transfer.
- 5.2 Permanent posts will normally be identified and interviewed prior to the end of each school year. Posts will normally be advertised in myjobscotland.
- 5.3 South Ayrshire Council will continue to make every effort to avoid compulsory redundancy. However, if this became necessary, employees on fixed term contracts would be treated equally and would not be selected for redundancy simply on the grounds of their employment status.

## 6. Transfer Procedure from Temporary to Permanent Status

There are a variety of means by which a temporary teachers can achieve transfer to a permanent teaching position:

### 6.1 Competitive Interview

Provided they are fully GTCS registered they are entitled to apply for permanent posts through the normal recruitment process.

### 6.2 Permanent Peripatetic pool

A pool of permanent peripatetic teachers already exists within South Ayrshire Council and those temporary teachers who have achieved permanent status will be included in the permanent peripatetic pool

### 6.3 Teachers on successive fixed term contracts

Normally a temporary teacher holding fixed term contracts continuously for two full calendar years.

This appointment will normally be to the permanent peripatetic pool although in certain circumstances teachers may be offered permanency in a particular school.

Transfer to the permanent peripatetic pool will be based on the teacher giving continuous satisfactory service to the Authority. The Head Teacher will complete a report for all teachers requesting permanency A copy of the report pro-forma is attached as Appendix A. Where service is deemed not to meet any aspect of the standards the teacher will be made aware of the standard/standards they have been deemed not to have met. A copy of any current support plans should be provided with the completed report.

The permanent appointment will normally match the temporary pointage undertaken by the teacher during the course of employment. If the contractual hours were variable, then an average of the hours undertaken in the last school year worked will normally be offered on a permanent basis provided the Authority still has a requirement for this subject or area of work. If the Authority has no requirement for this particular subject or post an offer of general cover may be made.

Teachers, mostly in the secondary sector, who are qualified in more than one subject area may be offered permanency in either of the qualified areas, regardless of the subject area which built up the entitlement to permanency. The decision will be based on the exigencies of the service. This approach will also be applied to primary and secondary qualified teachers who have accrued rights undertaking pupil support.

Teachers who have met the criteria highlighted above will in the first instance become part of the permanent peripatetic pool and can be placed in any primary/secondary school within South Ayrshire and may where necessary be placed in more than one school.

During the annual staffing exercise teachers who are part of the permanent peripatetic pool will be included in a surplus exercise JNCT 2.2b contains further details regarding this process.

#### 6.4 Definition of continuous service

Continuity is when a teacher has worked a minimum of one hour per week every week in a South Ayrshire Council operated school. If more than 5 days (normally Mon – Fri) pass without any employment being offered, then this will be deemed to be a break in service. Holiday periods between contracts will not be regarded as breaks in service.

The service of probationer teachers participating in the Teacher Induction Scheme will not be counted as continuous for employment protection but shall be counted as reckonable service for sickness, superannuation etc as outlined in the Teacher Induction Scheme Training Agreement.

#### 6.5 Permanent staff undertaking additional temporary hours

A number of part time teachers have chosen to accept additional temporary hours either in their base school or elsewhere within the Authority. If such an arrangement exists continuously for 2 full calendar years then the teacher may request these hours on a permanent basis. Normally these additional permanent hours would be within the Authority's permanent peripatetic pool although in certain circumstances teachers may be offered permanency in a particular school Section 6.3 applies equally to permanent staff accepting additional temporary hours.

### 7. Recruitment Process for Unpromoted Teaching posts

- 7.1 South Ayrshire Council's JNCT has a separate agreement detailing the recruitment process for permanent unpromoted teaching posts.
- 7.2 In order to secure the most appropriate person for the post, it is intended that South Ayrshire Councils' Educational Services Directorate will, where possible, undertake a process of competitive interviews for foreseen long term temporary cover posts identified in 4.2 above.

### 8. Conditions of Service for Temporary Teachers

South Ayrshire Council policies, procedures and terms and conditions apply equally to permanent and temporary staff and to part time and full-time staff. Specific agreement has been reached through the JNCT that in relation to induction, employment opportunities, CPD and general support all teaching staff should be treated equally and given the same opportunities.

### 9. Record Keeping



- 9.1 Schools must complete the online booking request form on The Core for temporary or supply work. The By-yourself Online Booking (BOB) support team will add the booking onto the (BOB) system. The BOB request will detail the period of engagement, the reason for engagement and the hours which will be applicable.
- 9.2 Fixed term temporary teachers will receive a contract of employment for each period of engagement.
- 9.3 Short term supply teachers will not receive separate contracts for each period of work. All teachers recruited for the supply list will be issued with a casual contract which will detail the terms of engagement. Thereafter schools must ensure that all supply teachers are advised of the process to be used regarding submitting timesheets for work undertaken. This will be considered as the teacher's record of work.

## **10. Monitoring of this agreement**

The JNCT will monitor the impact of this agreement on a regular basis with any further changes requiring full agreement by both sides.



**APPENDIX A**SOUTH AYRSHIRE COUNCILREPORT ON LONG TERM TEMPORARY TEACHERTRANSFER FROM TEMPORARY TO PERMANENT STATUS**Personal Details**

Teacher's Name:	
Subject of Post Held:	
Start Date in post:	
Pointage held (FTE):	

	YES	NO
Is current disciplinary action recorded on file for this teacher?		
Have timekeeping or attendance given any recent cause for concern?		

**Assessment of performance in temporary post:**

Please complete the table below using the following key:

**Y** = element of the SFR maintained

**N** = element of the SFR not maintained and identified by you as an area of concern

1	Being a Teacher in Scotland	
	SFR	Y/N
1.1	Professional Values	
1.2	Professional Commitment	

Please note: Part 1.3 of the Standard has been omitted because it provides contextual information regarding the use of the Standard and the cross-cutting themes within it.

2	Professional Knowledge and Understanding	
2.1	Curriculum and Pedagogy	Y/N
2.1.1	Have a depth of knowledge and understanding of Pedagogical Theories and Professional Practice	
2.1.2	Have a depth of knowledge and understanding of Research and Engagement in Practitioner Enquiry	
2.1.3	Have a depth of knowledge and understanding of Curriculum Design	
2.1.4	Have a depth of knowledge and understanding of Planning for Assessment, Teaching and Learning	
2.2	Professional Responsibilities	
2.2.1	Have a depth of knowledge and understanding of Education Systems	
2.2.2	Have a depth of knowledge and understanding of Learning Communities	
2.3	Pedagogical Theories and Practice	
2.3.1	Have a depth of knowledge and understanding of Learning Communities	

2.3.2	Have knowledge and understanding of the importance of research and engagement in professional enquiry	
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3 Professional Skills and Abilities		
3.1	Curriculum and Pedagogy	Y/N
3.1.1	Plan effectively to meet learners' needs	
3.1.2	Effectively utilise pedagogical approaches and resources	
3.1.3	Effectively utilise partnerships for learning and wellbeing	
3.1.4	Effectively employ assessment, evaluate progress, recording and reporting as an integral part of the teaching process to support and enhance learning	
3.2	The Learning Context	
3.2.1	Effectively organise and manage learning	
3.2.2	Effectively engage learner participation	
3.2.3	Build positive, respecting relationships for learning	
3.3	Professional Learning	
3.3.1	Engage critically with literature, research and policy	
3.3.2	Engage in reflective practice to develop and advance career-long professional learning and expertise	

If you have indicated above any element of the SFR has not been maintained, please indicate below which of the following steps you have taken:

	YES	NO
Made teacher aware of specific concerns on their competency		
Offered appropriate support		
Agreed appropriate professional development opportunities		
Set appropriate targets for improvement		

### Overall assessment of suitability for transfer to permanent status

	YES	NO
I consider this teacher to be suitable for employment as a permanent teacher with South Ayrshire Council - if ticking no, please give reasons below		

Reasons why teacher should **not** be offered a permanent appointment in South Ayrshire:

I confirm that this is an accurate report which has been discussed with the teacher concerned.

Signature of Head Teacher		Date	
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**This section to be completed by temporary teacher**

I have been given the opportunity to discuss this report	YES		NO	
My registration with the GTC is	FULL		PROVISIONAL	
My GTC Registration allows me to teach in	PRIMARY		SECONDARY	
Are you currently approved to teach in a post in the Catholic Sector	YES		NO	

**Employee referenced in this document is encouraged to make a statement regarding the content of this report.**

The contents of this report have been discussed with me. My signature does not indicate agreement with the content.

Signature of Temporary Teacher		Date	
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Head Teacher should return this form to: [education.staffing@south-ayrshire.gov.uk](mailto:education.staffing@south-ayrshire.gov.uk)

**Quality Improvement Manager**

	YES	NO
I consider this teacher to be suitable for employment as a permanent teacher with South Ayrshire Council - if ticking no, please give reasons below		

Reasons why teacher should **not** be offered a permanent appointment in South Ayrshire:

Signature of Quality Improvement Manager		Date	
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