

# SOUTH AYRSHIRE COUNCIL

## JOINT NEGOTIATING COMMITTEE FOR TEACHERS

### Arrangements for Employment of Supply/Temporary Teachers (JNCT1.17)

August 2022



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## 1. Introduction

- 1.1 The Scottish Joint Negotiating Committee for Teachers (SJNCT) reached agreement IN 2011 on revisions to teachers' terms and conditions which introduced two different types of temporary work – Short Term Supply or Fixed Term Temporary.
- 1.2 Short term supply teachers are paid the appropriate point on the main grade scale and are not expected to carry out the full range of duties normally undertaken by a fixed term or permanent teacher.
- 1.3 Fixed term temporary teachers are paid on the main grade scale at the relevant incremental point during their period of engagement and are expected to carry out the full range of duties as contained in the SNCT Handbook.
- 1.4 The SNCT have issued two new Codes of Practice governing the use of Fixed Term Temporary Teachers and Short-Term Supply Teachers, copies of which can be found in Appendices A and B of this agreement.

## 2. Definition of Periods of Engagement

- 2.1 Short term supply work is deemed to be where a teacher is engaged for a period of work of 2 days or fewer on a single period of engagement.
- 2.2 Fixed term temporary employment is where the period of work is known at the outset to be greater than 2 days in duration OR where a short-term supply teacher continues to work on the same period of engagement for over 2 days.

## 3. Payment

- 3.1 The payment of both fixed term and short-term supply teachers is outlined in Part 2, Section 1 of the SNCT Handbook. 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.
- 3.2 Fixed term teachers who are offered a temporary contract for a period of 8 weeks or longer will be set up on the Payroll system for payment. Fixed term teachers who are offered a temporary contract for a period of less than 8 weeks will be paid via timesheets. Fixed term teachers who aren't initially offered a temporary contract for 8 weeks or more but may go beyond the 8 weeks due to a contract extension(s) will also be paid via timesheets.
- 3.3 The JNCT has agreed that holiday pay for short term supply teachers will be accrued at a rate of 0.2052 per day and paid to the short-term supply teacher on a monthly basis along with any salary for work undertaken that month.
- 3.4 Holiday pay arrangements for fixed term temporary teachers will depend on the length of the temporary contract. If a fixed term teacher is offered a temporary contract for a period of 8 weeks or longer, the teacher will be set up on Oracle and their holiday pay will be included within the relevant SNCT calculations. However, if a fixed term teacher is offered a temporary contract for less than 8 weeks, timesheets will have to be submitted for the duration of the contract, meaning they will also accrue annual leave at 0.2052 per day but will be paid at the 5 holiday periods annually agreed by the JNCT. The 5

holiday periods will also apply to fixed-term teachers whose employment duration may exceed the 8 weeks period due to extensions.

- 3.5 Teachers on fixed term temporary contracts will potentially be eligible for sick pay if they are too sick to report for work providing they have met the necessary qualifying period.
- 3.6 If a teacher on a short-term supply contracts is unable to report for work for any reason, no pay for the unworked hours/days will be made and the contract will cease.
- 3.7 Arrangements must be in place to enable a teacher to determine from their payslip how many hours they have been paid for short term supply work or how many days they have worked as a fixed term temporary teacher.
- 3.8 The JNCT recognise that both short term supply and fixed term temporary work counts towards the calculation of increments against a teacher's normal main grade scale. An exercise will be undertaken annually to determine the number of days work undertaken by each teacher on the supply list and any impact on their main grade salary placing will be actioned by the payroll team.

#### **4. Duties**

- 4.1 Fixed term temporary teachers are expected to carry out the full range of teacher duties outlined in the SNCT handbook.
- 4.2 Short term supply teachers will have a reduced range of duties as detailed in SNCT Handbook, Part 2, Section 2 and summarised below:
  - Teaching assigned classes
  - Correction of work, as part of ongoing class work
  - Maintaining a record of work
  - Contributing towards good order in the school

#### **5. Working Hours**

- 5.1 Fixed term temporary teachers can be employed for up to 35 hours per week (7 hours per day) or on a part time basis depending on the needs of the service. Class contact time must never exceed 22.5 hours per week for a full-time temporary teacher and will be pro-rata for a part time teacher. A Ready Reckoner for establishing maximum class contact time and hours of work will be made available for reference.
- 5.2 A short term supply teacher may be engaged to teach for the whole pupil day. A short-term supply teacher will not be deployed for more than one discrete block of time in any day. A discrete block of time will be a full day or half a day. In all cases the supply teacher will receive an automatic 10% pay uplift of the class contact time for preparation and correction time. The JNCT has agreed to take into account the length of the pupil day in Early Years, Primary and Secondary schools. in order that schools have the ability to vary the hours worked in a period of engagement.
- 5.3 During a short-term engagement Head Teachers 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.

- 5.4 JNCT acknowledges that short term supply teachers should be offered work in discrete blocks. Schools should therefore not offer a pattern of employment where there are large gaps of non-working time during the course of the day. E.g. could not offer first period then last period only.

The JNCT have agreed Quick Guides for reckoning the hours of work to be paid and maximum class contact time of short-term supply teachers. Appendix C outlines the position for Primary, Early Years and Special schools and also for secondary schools.

## 6. Record Keeping

- 6.1 Schools must complete the online booking request form on Re-wired for temporary or supply work. Employee Services will add the booking onto the By-yourself Online Booking (BOB) system. The BOB request will detail the period of engagement, the reason for engagement and the hours which will be applicable.
- 6.2 Fixed term temporary teachers will receive a contract of employment for each period of engagement.
- 6.3 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 where they can obtain the temporary teachers attendance return (DP12) at the end of each month. This will be considered as the teacher's record of work.

**APPENDIX A****CODE OF PRACTICE ON THE USE OF FIXED TERM TEMPORARY CONTRACTS****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 5 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 JNCT. Normally a temporary teacher holding fixed term contracts continuously for two full calendar years will be offered a permanent appointment with the Authority (providing the teacher has given continuous satisfactory service to the Authority). This appointment will normally be to a Permanent Peripatetic Pool, although in certain circumstances teachers may be offered permanency in a particular school. For more details, please refer to JNCT 1.12 paragraph 6.3.
- 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.

## Scottish Negotiating Committee for Teachers

### Code of Practice on the Engagement of Short-Term Supply Teachers

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 Head Teachers

The Head Teacher has a crucial role in ensuring the Code of Practice operates smoothly and in maintaining, as far practicable, the continuity of education provision. The Head Teacher 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 Head Teacher 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). Head Teachers may, however, require short term supply teachers to cover classes during the class contact time of the school. During a short-term engagement Head Teachers 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 Head Teacher 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.