



LNCT 04 – Employment of Teachers on Temporary Contracts

May 2023

Introduction

This agreement sets out the circumstances leading to the employment of temporary teaching staff and, subject to qualifying service, transfer to the permanent staffing complement of Inverclyde Council through the annual staff exercise. It also outlines how permanent teaching staff can apply to transfer across establishments as part of that process.

This agreement takes full account of the requirements placed on Inverclyde Council by the Employment Rights Act 1996, as amended by the Employment Relations Act 1999 and the [Employment Act 2002](#), as well as the [Part-Time Workers \(Prevention of Less Favourable Treatment\)](#) and the [Fixed Term Employees \(Prevention of Less Favourable Treatment\) Regulations 2002](#).

Purpose

This agreement will ensure that employees on temporary contracts are not treated less favourably than permanent employees.

Recruitment

Every teacher recruited to undertake work on a temporary basis will normally be appointed in accordance with [Inverclyde Council's recruitment procedures](#).

Following this process such teachers will be placed on a register of approved teachers maintained for this purpose.

It is recognised that there will be teachers who may be employed on temporary contracts for significant periods of time. In such cases the letter of employment will state the expected length of appointment.

The monitoring of the competence and conduct of supply teachers will be carried out under the terms of **Appendices A and B** of this agreement.

Temporary Contracts

Inverclyde LNCT recognises three situations when Inverclyde Council may need a teacher to work other than on a permanent basis. These are set out below:

1. Posts funded through time-limited, temporary funding – e.g., SEF, PEF, etc.

Apart from Pupil Equity Fund posts, these posts will be appointed through normal recruitment procedures in line with LNCT 05.

Pupil Equity Fund posts (See Appendix C) will be recruited as follows:

- PEF posts are one year development opportunities
- The term 'PEF' will form part of all job titles
- Job Descriptions and Person Specifications for new posts should go to LNCT for approval
- All promoted PEF posts should be job sized in line with LNCT 14
- PEF post recruitment will begin prior to August with appointments beginning in August each year
- Fully funded PEF posts are reviewed as part of staffing exercise if surplus/additional teachers requiring post allocation
- All PEF contracts will state the duration of the post
- PEF funded 'Responsibility Posts' have no backfill of substantive post as PEF is used to 'top up' a substantive salary
- PEF funding cannot pay for maternity or sickness cover so no cover will be available for vacant PEF posts because of, for example, maternity leave or absence etc.
- The paperwork for all PEF appointments will be sent to HR to follow the normal approval process - approved by Head of Service and Principal Accountant
- Interview paperwork will be sent to interview.support@inverclyde.gov.uk
- Change in Circumstance forms will be sent to human.resources@inverclyde.gov.uk

2. Supply Teachers (short-term)

- Short-term supply teaching is defined as a period of cover of two days or less.
- Short-term supply teachers are provided with a statement of relationship primarily to express that there is no duty to offer work and no requirement to accept work. i.e., no mutuality of obligation.
- SNCT [Code of Practice on Short Term Supply](#).

3. Supply Teachers (long-term)

- Long-term supply teaching is defined as a period of cover of more than two days.
- Long-term supply cover is covered by a virtual temporary contract which is assumed automatically although there may be no physical contract in place.
- Unless otherwise stated on appointment, long-term temporary contracts will terminate at the end of a school session each June.
- Unless otherwise stated, for the purpose of this document the term 'supply teacher' refers to both short and long-term supply teachers, and we also consider supply teachers are those undertaking a longer-term, fixed term contract.
- SNCT [Code of Practice on the use of Fixed Term Temporary Contracts](#).

Transfer to Permanent Staff (Appendix D)

Movement to a permanent post will be open to teachers on temporary contracts through normal application. Teachers on temporary contracts will be provided with the same access to information on vacancies for permanent posts as is provided to employees of Inverclyde Council.

A supply teacher, who has been employed continuously for twenty-four months, post full registration with the General Teaching Council for Scotland, will be eligible for a transfer to the permanent staffing complement of Inverclyde Council. The timing of the transfer will be confirmed during the annual staffing exercise – see - normally concluded by the end of May each year.

As part of the staffing exercise, recruitment procedures outlined in LNCT 05 may be required – this may include recruitment through interview.

In primary, allocations to school vacancies will be made from the Permanent Supply Pool (PSP) - **Appendix E** - and the subsequent PSP vacancies will be offered to those eligible for permanency.

A transfer to permanent staff will be facilitated where there is a permanent teaching vacancy unless there is objective justification for not doing so.

For this agreement, a vacancy is defined as a teaching position expected to continue beyond one academic session funded within the core staffing complement of a school, establishment, unit, or project.

Under the terms of the [Fixed Term Employees \(Prevention of Less Favourable Treatment\) Regulations 2002](#), Inverclyde Council is required to limit the use of fixed term contracts for any employee to a maximum period of four years, unless objectively justified.

After this period, teachers who have continued to be employed on fixed term contracts will automatically become permanent members of staff, unless there is a good reason why this should not happen.

Supply Teacher Competence and Conduct Monitoring and Evaluation System

Use of Supply Teachers

Inverclyde Council will make available to all supply teachers the Code of Practice on the Engagement of Short-Term Supply Teachers, the Code of Practice on the Use of Fixed Term Temporary Contracts, LNCT 04 – Employment of Teachers on Temporary Contracts and LNCT 03 – Accelerated Incremental Progression.

Interviews for the supply register may take place where:

- a) the candidate is not fully registered with the GTCS e.g., a probationer on the flexible route.
- b) the candidate has gaps in their registration history.
- c) the candidate did not train in Scotland but has been granted Provisional/Conditional registration by the GTCS.

This information will be checked by admin support as candidates apply for the supply register and any issues highlighted to the HR Operations team. HR Operations will liaise with the relevant Education Officer in respect of contacting potential supply teachers and deciding on whether the potential supply teacher should have an informal meeting or a more formal interview for inclusion on the supply register. Applicants who have had their induction year extended may also be interviewed to determine whether they should be placed on the supply register.

Quality Assurance

Inverclyde Council is committed to the provision of high-quality teaching and learning for all pupils. Managing the performance of teaching staff is recognised as a key element in this and is a continuous process that should apply to all employees regardless of whether they are permanent or supply teachers. **All** teaching staff are entitled to an annual meeting to discuss their own Career Long Professional Learning.

Teachers working on a day-to-day supply basis do not have the same opportunities for feedback. For this reason, this monitoring and evaluation system for supply teachers has been put in place. As well as being able to assess the overall quality of all supply teachers, this process will also highlight any supply teachers who need support to improve their performance.

Quality Assurance Procedures

It is recognised that the level of monitoring and evaluation will vary depending on the length of supply contract in any individual establishment.

A form (**Appendix B**) will be completed by a member of the SMT or line manager immediately concerns have been identified. There is no requirement to complete a form for a supply contract if no issues are raised.

Concerns must be discussed with the supply teacher before this form is submitted. In cases where the supply teacher's contract with the establishment has ended then a meeting should be arranged.

All monitoring forms will be submitted to HR for collation and then to the appropriate Education Officer for review.

Forms will be monitored and if there are concerns that the teacher is not meeting the GTCS Standard for Registration then the GTCS Framework on Teacher Competence will be implemented. Feedback from this monitoring will be provided to the teacher and to the relevant establishment/s.

Removal from the supply register

Concerns about a supply teacher's competence must be dealt with in line with the GTCS Framework on Teacher Competence. Concerns about a supply teacher's conduct should be dealt with through Inverclyde Council's Discipline Procedures for Teaching Staff.

It is recognised that there may be circumstances where, because of conduct or competence issues, it is necessary to remove teachers from Inverclyde Council's supply register.

Competence

Where an unsatisfactory report is received then the following procedures will be adopted:

- Regular meetings and communication between HR and the Education Management Team will provide ongoing monitoring of forms and feedback will be provided to the teacher and to the relevant establishment/s.
- When required, the EMT and HR will arrange to meet with the supply teacher. The teacher has the right to be accompanied at this meeting by their Trade Union representative and the staged process of the [GTCS Framework on Teacher Competence](#) should be followed.

- The outcome of this meeting will be communicated in writing to the supply teacher and a copy held by HR.
- If the decision is taken to remove the supply teacher from the register the Head of Service will confirm their decision in writing to the supply teacher within 14 days of the meeting.
- The supply teacher shall have the right of appeal to the Executive Director of Education, Communities and Organisational Development within 14 days of receiving written confirmation of the decision.
- The Executive Director will arrange, as soon as possible, a meeting to hear the appeal and will be accompanied by an HR advisor. The supply teacher has the right to be accompanied at the meeting by their Trade Union representative.
- The decision of the Executive Director will be final.

Conduct

Any alleged conduct issues will be dealt with by invoking Inverclyde Council's Discipline Procedures for Teaching Staff. However, where the teacher is on short term supply and this is not practicable, the concerns should be brought to HR's attention using the form attached as **Appendix B**.

The employee will be invited to a meeting with HR and senior Education management to address the concerns raised. The teacher has the right to be accompanied to this meeting by their Trade Union representative. Outcomes may include support measures, an achievable agreed action plan, an improvement note issued (removing the immediate need for disciplinary action), a recommendation that a disciplinary procedure is initiated or removal from the supply register.

If a supply teacher is removed from the supply register because of conduct issues, they will have the right of appeal to the Executive Director of Education, Communities and Organisational Development (or nominated senior manager).

Appendix B
Supply Teacher Monitoring Form

This form should be completed immediately when there has been an issue raised with a supply teacher about their performance.

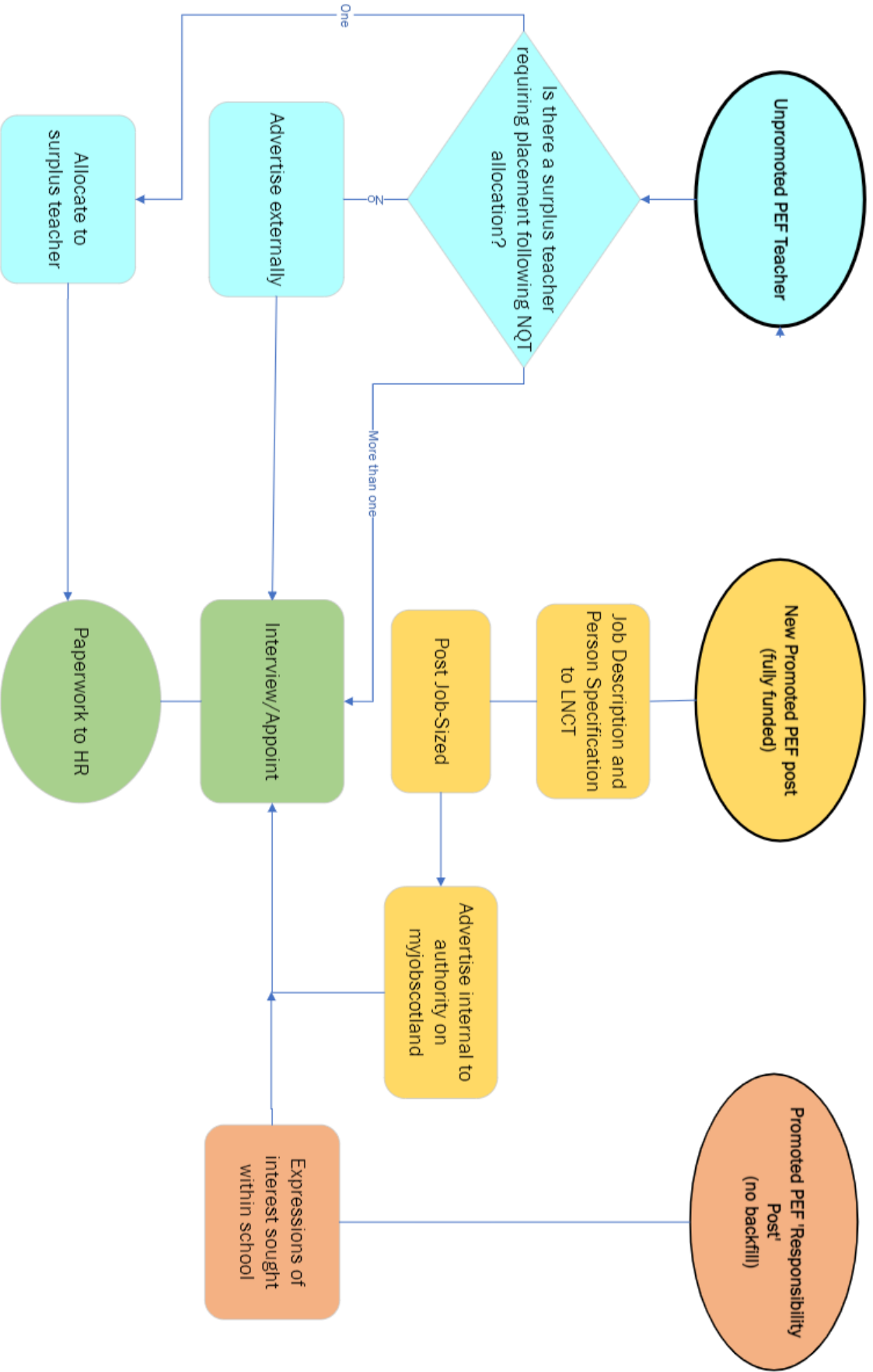
Name of Supply Teacher	
School	
Stage/Subjects covered	
Dates of Supply Cover	

Please outline below any issues with performance that have been discussed with the supply teacher.

Supply Teacher's comments (if any):

Action to be taken, e.g. None required, continue to monitor, support or development opportunities offered.

SMT or line manager's signature	Date discussed with supply teacher.
Position:	Supply teacher's signature:
Date	Date



	<p>Transfer requests Family Friendly/Work Life Balance applications Retirement applications (Jan to March) Process requests/applications Identify vacant permanent posts including pending promotions, resignations, secondments. Consult with Secondary HTs re permanent availability. Advertise Secondary posts subject to NQT allocation</p>	<p>Open to all permanent staff members</p>	<p><i>These applications can be submitted throughout the year but will be included as part of the staffing process at this time.</i></p>
<p>JAN - MAY</p>	<p>HR Advertise Secondary posts subject to NQT allocation</p>	<p>NQTs Temp to perm list (length of service) Transfer requests Redeployment - equality/medical etc</p>	<p><i>NQTs will always be placed ahead of other staff. Permanent supply staff will be offered permanent vacant posts and then the temporary to permanent list will apply. To move into a permanent post there must be a permanent post available.</i></p>
<p>JUNE - AUG</p>	<p>HR Advertise/interview remaining temporary posts through normal recruitment procedures. Advertise supply register posts. Interview relevant Secondary posts</p>	<p>Open to all teachers</p>	<p><i>Temporary posts are advertised to ensure that teachers who have no desire to be permanent or who have not yet attained two years' continuous service are able to gain employment.</i></p>
<p>AUG ONWARDS</p>	<p>HR Primary and Secondary permanent posts advertised through normal recruitment procedures</p>	<p>Open to all teachers</p>	

Transfer to Permanent Staff (Primary)

- When a teacher has worked for Inverclyde Council continuously for two years post-probation, their two-year service date is 'banked'. For the purposes of this agreement, 'continuous' means without a break of ten working days or more.
- Banked service is used for transfer to permanent staff during the annual staffing exercise only. It does not apply for contractual/continuous service purposes.
- Banked service applies where the teacher remains in teaching employment within Inverclyde Council either on a temporary contract or supply basis. The teacher must have worked within a current school session for service to remain banked.
- Where a teacher resigns or leaves employment with Inverclyde Council then banked service is reset.
- Temporary to Permanent status is reviewed during the annual staffing exercise, beginning in January each year, to determine staffing cohorts for August.
- Allocation to a permanent, core post is dependent on such a post being available.
- Permanent posts available during the staffing exercise will be offered to Permanent Supply Pool teachers (**see Appendix E**) based on the date of their banked service.
- Subsequent vacant Permanent Supply Pool posts will be offered to qualifying teachers based on the date of their banked service.
- For posts where qualifying teachers have the same banked service date, those teachers will be notified, and a fair process used to decide on post allocation – this would normally be decided by interview.
- If no permanent post is offered, banked service is held and reviewed during the following year's staffing exercise.
- All teachers with banked service will be contacted during the staffing exercise to advise if a permanent post is available.

- Through the Transfer to Permanent Staff process, a teacher can decline up to two post offers. Following decline of a third and final offer a teacher's banked service will be reset.
- Outwith the staffing exercise, from August each session, permanent teaching posts will be advertised in line with normal recruitment and selection procedures.

Transfer to Permanent Staff (Secondary)

- When a teacher has worked for Inverclyde Council continuously for two years post-probation, their two-year service date is 'banked.' For the purposes of this agreement, 'continuous' means without a break of ten working days or more.
- Banked service is used for transfer to permanent staff during the annual staffing exercise only. It does not apply for contractual/continuous service purposes.
- Banked service applies where the teacher remains in teaching employment within Inverclyde Council either on a temporary contract or supply basis. The teacher must have worked within a current school session for service to remain banked.
- Where a teacher resigns or leaves employment with Inverclyde Council then banked service is reset.
- Temporary to Permanent status is reviewed during the annual staffing exercise, beginning in January each year, to determine staffing cohorts for August.
- Allocation to a permanent, core post is dependent on such a post being available within a qualifying teacher's subject.
- For posts where qualifying teachers have the same banked service date, those teachers will be notified, and a fair process used to decide on post allocation – this would normally be decided by interview.
- If no permanent post is offered, banked service is held and reviewed during the following year's staffing exercise.

- All teachers with banked service will be contacted during the staffing exercise to advise if a permanent post is available.
- Through the Transfer to Permanent Staff process, a teacher can decline up to two post offers. Following decline of a third and final offer a teacher's banked service will be reset.
- Outwith the staffing exercise, from August each session, permanent teaching posts will be advertised in line with normal recruitment and selection procedures.

Transfer within Permanent Staff

- When a teacher works for Inverclyde Council on a permanent unpromoted basis, they are able to request a transfer to another establishment.
- Transfer requests can be made at any time during a school session but will normally be considered as part of the staffing exercise (**Appendix D**) for an August start.
- Prior to submitting a transfer request, teachers should discuss the matter with their current headteacher.
- Transfer requests can be made in writing or by email to HR giving details of the teacher's current establishment and post, working pattern, reasons for the request and any criteria regarding the receiving school eg 'only Port Glasgow', or 'closer to home'.
- Transfer requests to denominational schools require the transferring teacher to hold a Catholic Teacher Qualification and they should seek RC Approval prior to taking up a new post.
- Transfer requests are considered for the teacher's current contracted hours. A request to change hours should be made in writing or by email to HR.
- Where there is more than one transfer request for the same location, area or sector, the requests will be reviewed for offer based on the date the request was submitted to HR. Where appropriate, the reasons for the transfer request will be reviewed at this time for any exceptional circumstances.
- If a suitable vacancy is available through the staffing exercise, an offer will be made.

- Transfer requests that cannot be facilitated will be considered through the following year's staffing exercise and the request will be reviewed until an offer can be made or the teacher withdraws the application.
- Teachers will be notified of an outcome whether their request is successful or not.
- Where an exact match to a transfer request is offered and declined, the teacher will be removed from the transfer process.
- Where a partial match to a transfer request is offered and declined, the teacher will remain in the transfer process.
- Outwith the staffing exercise, permanent vacancies are advertised as normal.

Permanent Primary Supply Pool

- Permanent supply pool teachers will be allocated a base school. This is the school they should return to at the end of a period of supply cover in a school until a new period of supply cover is assigned.
- Base schools will be allocated based on the additionality Primary Schools already have. i.e., those schools with the least additionality will be allocated as a base for the permanent supply teachers.
- Permanent supply teachers at their base schools should be non-class committed and used as additional staffing. The permanent supply teacher should be available to be moved to supply requests as required.
- Where a permanent supply teacher is at their base school awaiting allocation of a new period of cover to be assigned and there is a supply vacancy at the base school, the permanent supply teacher should be allocated to that cover period before any other short or long-term supply teacher is requested, due to the school having additionality already in place.
- Permanent supply teachers will be used for long term supply cover including:
 - Family Leave (Maternity, Adoption, Parental etc.)
 - Secondment
 - Backfill for temporary acting appointments
 - Career breaks
 - Long term absence covers e.g., sickness absence
 - Self-funded Sabbaticals
 - Any other supply request deemed to be longer term (over 9 days)
- Long Term Supply will be classed as an absence or vacancy available for 9 days or more (in line with funding for cover)
- When a short-term supply request becomes long term, this will be reviewed dependant on the circumstances within supply and the availability of permanent supply pool teachers.

- If all permanent supply pool teachers are covering periods of absence or vacancies the short-term supply teacher will continue in the booking to provide cover until a supply pool teacher is available. This will be dependent on the availability of permanent supply pool teachers.
- Permanent Supply Teachers will normally revert to their base school when a cover period ends however where there are no long-term supply requirements there may be short term supply requests available. The permanent supply teacher will be moved to cover short term supply requests only if short term supply is unavailable.
- Where only part time cover is required by a permanent supply pool teacher e.g., maternity leave for 0.6fte and the supply pool teacher is 1.0fte, the supply pool teacher will cover 0.6fte of the booking and remain at their base school for the remainder of their hours (0.4fte).
- Permanent supply pool teachers will be included in the annual staffing exercise, see Transfer to Permanent staff above, and allocated a post as required through this. Depending on requirements this post could be for the full school year or could be shorter.
- If no post is allocated during the annual staffing exercise the permanent supply teacher will be allocated a base school to report to for the start of term in August each year. Base schools will be reviewed as part of the annual staffing exercise and may change where there are changes in schools additional funding.
- Where a permanent fixed location vacancy arises within a primary school this will be offered as part of the annual staffing exercise based on length of service.
- For posts where qualifying teachers have the same banked service date, those teachers will be notified, and a fair process used to decide on post allocation – this would normally be decided by interview.
- Permanent fixed-term posts for offer to the permanent supply pool will be reviewed and offered, where available as part of the annual staffing exercise in line with the temporary to permanent process (**Appendix D**).
- If a temporary to permanent teacher does not accept the offer of a permanent supply post but is still requesting to be considered for a permanent fixed post within a school. They would remain as part of the temporary to permanent process to be reviewed as part of the annual staffing

exercise, together with those in the permanent supply pool, and allocated a fixed post dependant on length of service and availability of permanent fixed school posts under LNCT 04.

- Where a permanent vacancy exists within the primary supply pool this will be backfilled from the eligible temporary to permanent teachers based on length of service and as part of the annual staffing exercise. Out with the annual staffing exercise if the vacancy requires to be filled this would be filled on a temporary basis.
- Temporary backfill requirements for the permanent supply pool teachers (e.g., if a teacher gains a temporary promoted post or goes on maternity leave themselves). Backfill for the permanent supply pool on a temporary basis will be through advert and recruitment process where there is a budget available and authorisation to fill the post.
- If required, the transfer of a permanent fixed teacher into the permanent supply pool may be considered as part of the annual staffing exercise and with approval from Head of Education.
- There will be a mix of Denominational and non-Denominational teachers in the permanent supply pool. Teachers will be asked to seek approval if they are being placed in a long-term post in a denominational school.
- The SLT of the school the permanent supply teacher is working in, whether as a base school or on a long-term temporary contract, will be responsible for managing employee relation issues, absence management, performance, etc.