

## ANGUS JOINT NEGOTIATING COMMITTEE FOR TEACHERS

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SCH/SF

Dear Colleague

### **AJNCT/19 (AMENDED) NATIONAL CODE OF PRACTICE ON THE USE OF TEMPORARY CONTRACTS**

The Scottish Negotiating Committee for Teachers issued Circular SNCT/31 on 29 March 2004, which established a National Code of Practice on the Use of Temporary Contracts. Local Negotiating Committees were invited to reach a local agreement, based on the National Code of Practice, to replace the current arrangements under paragraph 8.5 of the Scheme of Conditions of Service.

Following discussions, agreement has been reached on the local arrangements which will apply in Angus and these are attached as an **Appendix** to this Circular.

The Appendix has been amended to ensure that the terms comply with SNCT Conditions of Service and Angus Council's Recruitment and Selection Procedures.

Amendments to the Circular were discussed at the Angus Joint Negotiating Committee for Teachers at its meeting on 6 February and subsequently ratified by the Staffing Sub-Committee on 7 March 2013.

Yours sincerely

**SHEONA C HUNTER  
DAVID DRYSDALE**

Joint Secretaries

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cc Chief Executive  
Strategic Director – People  
Head of Finance  
Senior Service Manager (Human Resources)

## Appendix to Circular AJNCT/19 (Amended)

### ANGUS COUNCIL – JOINT NEGOTIATING COMMITTEE FOR TEACHERS TEMPORARY CONTRACTS – TEACHERS

#### 1. Introduction

The Education Department aims to respond to service needs whilst providing teachers with appropriate employment opportunities.

This agreement sets out a framework for the effective management and deployment of temporary teachers in schools and meets the requirements of, and should be read in the context of:

- SNCT Conditions of Service Handbook, Part 2, Appendix 2.8 and 2.8A
- Teacher Staffing Exercise – Recruitment Arrangements.

Given that statutory and employment rights can accrue from the first day of employment, it is important that offers of temporary employment and the management of temporary contracts are undertaken in a structured and co-ordinated way.

Angus Council's Recruitment and Selection Policy, and Education Department recruitment guidelines will be adhered to for all appointments. More detailed operational Guidance on Managing Employment Contracts for Head Teachers/Managers will be used and updated as appropriate. A copy of this document (including any updated version) will be made available to AJNCT.

#### 2. Purpose

The aim of this agreement is to:

- establish good and consistent practice in the use of temporary contracts for teachers in Angus,
- assist the council in managing teacher staffing in a co-ordinated and structured way, allowing for a flexible response to changing service needs,
- ensure that the teacher recruitment process is fair and transparent,
- establish a mechanism for transfer of teachers from temporary to permanent employment,
- ensure that the treatment, and conditions of service, of teachers on temporary contracts are no less favourable than those on permanent contracts,
- ensure that the council has a means of identifying, addressing and recording the professional development needs of teachers employed on temporary contracts.

#### 3. Definitions

Full details on the different types of temporary work are contained in "Guidance on Managing Employment Contracts for Head Teachers/Managers".

There are two different types of temporary work for teachers; short term supply and temporary contracts.

### 3.1 Short Term Supply –

The length of an engagement will be for a maximum period of 5 days. Payment is made on Point 1 of the teachers scale, the working hours are limited to 25 hours per week and the range of duties is specified in SNCT conditions of service as:

- Teaching assigned classes
- Correction of work
- Maintaining record of work
- Promoting and safeguarding health, welfare and safety of pupils
- Working in partnership with support staff and other professionals in class,
- Contributing towards good order in the school.

With supply work there is no obligation on the Council to provide work, or for a teacher to accept an offer of work, and hence there is no employment relationship or contract in existence.

### 3.2 Temporary Contracts

These contracts are required where:

- (i) a teacher has been engaged on a daily basis (on short term supply) and it becomes known that the period of engagement is likely to extend beyond 5 consecutive working days. A temporary contract is issued from day 6 onwards, via the Staffing Section,
- (ii) at the outset it is known there is a requirement for more than 5 consecutive working days.

Full teaching duties are undertaken, payment and other conditions are in accordance with SNCT conditions of service. It should be noted service in a temporary contract counts towards continuous service.

## 4. **Temporary Teachers Contracts**

Temporary appointments are necessary for a variety of reasons. Throughout all stages of the recruitment process, particularly at advertising and interview stages, the nature of the contract to be offered is made clear. The maximum duration and reason for the temporary appointment is clearly stated in letters of offer and Statement of Employment Particulars (SEP). SEPs must be issued within 8 weeks from the date of commencement of the contract.

It is important that the contract clearly outlines the period of engagement. Where appropriate, it should also indicate the *number of weeks/months* or indicate the contract will terminate *when the teacher returns to duty or earlier, subject to a minimum of one weeks notice* (the notice period required for temporary contracts).

These important measures ensure the temporary teacher is clear about the nature of employment, and that there is some flexibility built into the arrangement. This also protects a permanent teacher returning to his/her substantive post.

Temporary teachers will be treated no less favourably than permanent teachers, including access to training, employment opportunities, Continuous Professional Development, and Professional Review and Development.

Under the Fixed Terms Employees Regulations 2002, any temporary contract extended beyond four years will be made permanent, unless the Council can objectively justify not doing so.

## **5. Management and Administration**

The effective management of temporary contracts is the responsibility of Head Teachers, with support from Support Services Managers (secondary schools) and, where appropriate, from the Staffing Section. It will be necessary to ensure that necessary records are kept in relation to the duration of employment and that these arrangements are reviewed regularly.

During the Autumn and Spring terms, ANJCT will be issued with list of teachers on temporary contracts and analysis of current employment status for those on the Primary Recruitment Register.

## **6. Arrangements for Continuing Professional Development and Professional Review and Development**

Head Teachers will ensure that teachers on temporary contracts are given relevant and appropriate opportunities in respect of induction, employment opportunities, Continuing Professional Development (CPD) and Professional Review and Development (PRD).

At least once per annum, a teacher employed on a temporary contract will have the opportunity to meet with a Head Teacher to discuss and agree ways in which his/her CPD and PRD needs will be met.

The meeting will be recorded and the Head Teacher will:

- retain a school copy,
- provide a copy to the teacher,
- forward a copy to EDS/Staffing, to be passed to the Head Teacher of the school that the teacher is next working in,
- encourage the teacher to utilise CPD online and appropriate CPD opportunities.

## **7. Recruiting to Vacancies**

Appointment to vacant permanent or temporary jobs is based on merit.

### **7.1 Secondary Schools and Central Teams**

The majority of recruitment takes place as part of the annual teacher Staffing Exercise. These vacancies will be advertised in appropriate media. Arrangements to recruit teachers on a permanent basis take place throughout the school session, with adverts for specific vacant jobs appearing.

### **7.2 Primary Schools**

Appointment to permanent vacancies is by application through the general recruitment process. Teacher recruitment takes place as part of the annual teacher staffing exercise and successful teachers are then placed on a 'Register'. The Staffing Section may place an advertisement for Temporary/Supply teachers. At other times of the year this will be necessary where the number of teachers on the Register and/or on the supply list is insufficient to meet projected requirement.

The 'Register' will be maintained to enable primary school vacancies to be filled as they occur throughout the school session. Candidates are categorised on the register as follows:

- |              |                       |
|--------------|-----------------------|
| 1. Excellent | 2. Very Good          |
| 3. Good      | 4. Minor Reservations |

Appointment will be based on the candidates categorisation on the Register, and the nature/number of jobs available. Within each category, priority will be given to those temporary teachers with more than two years continuous service with Angus Council.

Appropriate positive feedback will be provided to all unsuccessful candidates to help them identify CPD requirements to improve practice with a view to obtaining permanent employment, should this be their aim.

As part of the annual exercise, every effort will be made to make temporary/supply teachers aware of vacancies which are to be advertised.

January 2013