

# **Education, Culture & Sport Service**

## **Highland Local Negotiating Committee for Teachers**

### **LNCT Agreement no. 24**

#### **Code of Practice Use of Temporary Contracts for Teaching Staff**

**THE HIGHLAND COUNCIL  
EDUCATION, CULTURE & SPORT SERVICE**

**Code of Practice  
Use of Temporary Contracts for Teaching Staff**

**1. Introduction**

- 1.1 The National Agreement “A Teaching Profession for the 21<sup>st</sup> Century” made a commitment to temporary teachers to establish a national Code of Practice on the use of temporary contracts. The Code of Practice has now been agreed and local negotiating committees are now in a position to replace Paragraph 8.5 of the Teachers Conditions of Service with a local agreement based on the national Code of Practice.
- 1.2 SNCT/31 - Code of Practice on the use of Temporary Contracts, provides the basis for local agreements on the replacement of Paragraph 8.5.
- 1.3 The Code 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.
- 1.4 The Code sets out good practice guidance on the use of temporary contracts to which Councils are expected to adhere. Specifically, Councils are encouraged to use temporary contracts only where there is an objective business need to do so. This Agreement identifies for Highland Council the circumstances in which it is considered reasonable to use temporary contracts.

**2. Purpose**

The aim of this local agreement is:

- To establish good practice and consistency in the use of temporary contracts for teachers within the Highland Council area.
- To assist the Council in managing teacher staffing in a co-ordinated and structured way, allowing 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 employment.
- To ensure that the conditions of service for teachers on temporary contracts are no less favourable than those for teachers on permanent contracts.
- To ensure that the Council has a means of identifying, addressing and recording the professional and developmental needs of staff employed on temporary contracts.

**3. Conditions of Service for Temporary Teachers**

The terms and conditions of employment of Highland teaching staff apply equally to permanent and temporary staff and to part time and full time staff.

#### **4. Definition and Use of Supply and Fixed Term Contracts**

4.1 There are various purposes and benefits in issuing contracts of employment to employees. These are:

To provide clarity of contractual status.

To provide clarity on conditions of service.

To provide a statement on employment details.

4.2 The Council will use two forms of contract for the temporary employment of teachers.

##### **4.3 Supply Contract**

4.3.1 A Supply Contract is a general “zero hours” contract which will be issued to all teaching staff recruited to the supply list. Under such a contract there is no requirement upon the Council to guarantee availability of employment, nor is there any requirement upon a teacher to guarantee availability for work.

4.3.2 A supply contract will be used in circumstances where cover is required for occasional single days or for short continuous periods, not exceeding a maximum of 8 weeks. Where a teacher is called firstly on a short term period, which subsequently extends beyond 8 weeks, a fixed term contract will normally be issued. The entire period of continuous employment will be counted for the purposes of transfer to permanent employment status.

##### **4.4 Fixed Term Contract**

4.4.1 A Fixed Term Contract is a contract issued in respect of a specific post which requires to be filled on a temporary basis for any of the reasons set out below.

- Maternity, parental and adoption leave
- Long term sickness absence (defined as longer than 8 weeks)
- Secondment
- Projects and initiatives resourced from time limited funding
- Short term vacancy pending recruitment on a permanent basis
- Roll related vacancy only required for part of or all of one school session
- Provision of cover for the agreed long term absence of a member of staff

4.4.2 In addition to the above, there may be other circumstances which necessitate a fixed term contract. These would be subject to agreement by the Joint Secretaries.

#### **5. Transfer Procedure from Temporary to Permanent Status**

##### **5.1 Competitive Interview**

It is open to all members of staff, regardless of contractual status, to apply for permanent posts advertised either nationally or locally. Such posts will normally be filled following competitive interview in accordance with agreed appointments procedures.

## 5.2 Teachers on Fixed Term Contracts

Where a teacher has held a fixed term contract or contracts continuously for a period of two full calendar years or two complete school sessions, and has provided satisfactory service (see Section 6), an offer of permanent appointment with the Council will be made. It is open to the teacher to decline any offer without detriment to the future. Continuous service for these purposes is deemed to be service which has not been broken by a period of more than two calendar weeks other than for periods of sick leave or school vacation periods.

Where a teacher has held a series of fixed term contracts that have not been on a continuous basis and has provided satisfactory service (see Section 6), an offer of a permanent appointment with the Council will be made if service amounting to two calendar years (24 months) is worked within a period of not more than four years.

Any permanent appointment made in respect of the above categories will normally be no less than the averaged temporary FTE pointage undertaken by the teacher during the course of the qualifying period of employment.

In such circumstances the Council will seek to identify a post within reasonable travelling distance of the teacher's home. This, however, may not always be possible and no guarantees can be given. In addition the placement of compulsory transferees will always take precedence.

In circumstances where a permanent post is not available a permanent contract will, however, still be issued.

## 6. Continuing Professional Development

In the case of fully registered teachers satisfactory service is measured against the GTCS Code of Practice on Teacher Competence.

The Council is committed to ensuring that all teaching staff are treated equally and given the same opportunities in respect of induction, employment opportunities, CPD and general support

Highland Council CPD is designed to support teachers in meeting the standards required by the Code of Practice.

During each period of employment covered by a fixed term contract, the Head Teacher will meet with the teacher to discuss his/her CPD needs. An agreed record of each meeting will be produced. The teacher will keep one copy for production to the Head Teacher at the commencement of their next fixed term contract. A copy will also be held within the teacher's personal file held within the Service.

The Area Education, Culture & Sport Manager will, on an annual basis, also receive copies of the records of these meetings. . The Area Education, Culture & Sport Manager will take the final decision on the offer of permanent employment. If the teacher is dissatisfied with this decision, he/she has recourse through the Council's Grievance Procedures.

7. This agreement will be effective from 13 August 2007 for all temporary contracts issued from that date. Paragraph 8.5 will no longer apply other than for temporary contracts entered into prior to 13 August 2007 when the provisions of the paragraph will apply for a period of one year from the commencement of employment.

Signed on behalf of the Council

Signed on behalf of the Teachers' Side

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Name            Hugh Fraser

Name            Andrew Stewart

Designation    Joint Secretary LNCT

Designation    Joint Secretary LNCT

Date            26 June 2007

Date            26 June 2007