

Education Procedure Manual 2/32

USE OF TEMPORARY CONTRACTS FOR TEACHERS

For

**Teachers and Employees on Scottish Negotiating Committee
for Teachers (SNCT) Conditions of Service**

Effective from: December 2023

Education, People & Business



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本文件可按要求翻譯成中文，如有此需要，請電 0300 123 4510。

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ਇਸ ਦਸਤਾਵੇਜ਼ ਦਾ ਮੰਗ ਕਰਨ ਤੇ ਪੰਜਾਬੀ ਵਿੱਚ ਅਨੁਵਾਦ ਕੀਤਾ ਜਾ ਸਕਦਾ ਹੈ। ਕਿਰਪਾ ਕਰਕੇ 0300 123 4510 ਫੋਨ ਕਰੋ।

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अनुरोध करने पर यह दस्तावेज़ हिन्दी में भाषांतरित किया जा सकता है। कृपया 0300 123 4510 पर फ़ोन कीजिए।

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Version Control History

Version No.	Effective Date	Details of change from previous version	Date Approved	New version no.
N/A	Mar 2018	Transfer to new template; update terminology; removal of appendices to stand-alone forms.	08/12/2023	1.0

GDPR Statement

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Policy Review Statement

This policy will be reviewed in line with:

- Legislative Change
- Changes to SNCT National Conditions of Service
- Other external factors
- Feedback on the effectiveness of the policy
- Requests for review by Elected Members, Trade Unions and/or Management

1.0 Purpose

- 1.1 East Dunbartonshire Council is committed to the delivery of high quality learning and teaching through the appointment of suitably qualified and skilled teaching staff.
- 1.2 The aim of this Procedure Manual is to
- Clarify the appropriate use of different types of temporary supply work, as defined by the Scottish Negotiating Committee for Teachers (SNCT);
 - Establish good practice on the use of temporary contracts for teachers within East Dunbartonshire Council;
 - Ensure that the conditions of service of teachers on temporary contracts are no less favourable than those for teachers on permanent contracts;
 - Establish a mechanism for transfer from temporary to permanent employment status.

2.0 Scope

- 2.1 This procedure applies to all Teachers within East Dunbartonshire Council whose employment status is 'temporary' or 'supply'.

3.0 References & Related Documentation

- 3.1 The following documents should be referenced when considering this procedure:
- Code of Practice on The Engagement of Short-Term Supply Teachers ([SNCT Handbook Part 2 Appendix 2.8A](#))
 - NCT Code of Practice on the Use of Fixed Term Temporary Contracts ([SNCT Handbook Part 2 Appendix 2.8](#))
 - Equalities Act 2010
 - The Employment Rights Act 1996 as amended by the Employment Relations Act 1999 and the Employment Act 2002
 - Part Time Workers (Prevention of Less Favourable Treatment) Regulations 2000
 - Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002
- 3.2 The following forms and templates should be used as part of this procedure:
- PM 2/32/F01: Standard Letter: Engagement for Short Term Supply
 - PM 2/32/F02: Standard Letter: Engagement for Fixed Term Temporary Supply
 - PM 2/32/F03: Transfer from Temporary to Permanent Supply Pool form
 - PM 2/32/F04: Transfer from Permanent Supply to Permanent Substantive form

4.0 Register of Temporary Supply Teachers

- 4.1 East Dunbartonshire Council holds a register of temporary teachers who are available for supply work.
- 4.2 Vacancies for temporary supply teachers are advertised on the myjobscotland national

recruitment portal.

- 4.3 Teachers apply to be included on the temporary supply register through myjobscotland and submit a Head Teacher report to support their application. This takes the form of an authority template which is attached to the advert together with the Role Profile and Roman Catholic Approval forms. All documentation, including the Head Teacher report must be submitted before the application will be progressed.
- 4.4 Once all checks, including Right to Work, GTCS registration and PVG, have been completed, the teacher is placed on the supply register.
- 4.5 Schools can access details of supply teachers and make bookings directly on the system. All bookings should be made through this system.
- 4.6 Timesheets for each supply teacher are completed manually and uploaded by the school on to SEEMIS financials. These are submitted to payroll.
- 4.7 An annual check is made of all teachers who are on the supply register to ensure that contact details have been updated and to confirm that the teachers wish to remain on the supply list.

5.0 Short Term Temporary Supply

- 5.1 The Scottish Negotiating Committee for Teachers-Code of Practice on The Engagement of Short Term Supply Teachers ([SNCT Handbook Part 2 Appendix 2.8A](#)) sets out the basis of engagement of short term supply teachers in terms of pay, duties and the working year/week.
- 5.2 Short term supply teaching is defined as a period of cover teaching for 2 days or fewer. Teachers may be offered work on a short term temporary basis, generally with little notice.
- 5.3 Where it is known from the outset that the requirement for cover is likely to extend beyond 2 days, a fixed term temporary contract and/or letter of engagement should be issued. Further details on fixed term contracts are given in section 6.0 of this procedure.
- 5.4 The deployment of a short term supply teacher may occur in a number of circumstances when cover is required for absences including, for example, in service training, short term special leave or short term sickness. The reason for each engagement should be made explicit.
- 5.5 The Head Teacher should 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.
- 5.6 In every short term supply engagement there is no mutuality of obligation: there is no duty to offer work and no requirement to accept work. Engagement is on a daily basis.

- 5.7 The Head Teacher shall state the specific arrangement orally at the outset of any engagement and ensure that details, including the hours to be worked, are confirmed in writing, through a letter of engagement (PM 2/32/F01: Standard Letter-Engagement For Short Term Supply). A copy of this letter of engagement should be forwarded by the Head Teacher to the School Planning and Improvement Team.
- 5.8 The duties of short term supply teachers are to:
- teach assigned classes
 - correct work, as part of ongoing classwork
 - maintain a record of work
 - contribute towards good order in the school.
- 5.9 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.
- 5.10 Short term supply teachers are engaged on periods of work for 2 days or fewer. During a short term supply engagement, a teacher will be engaged for either a half or a full pupil day. The teacher may be required to teach for the full/half pupil day, *i.e.* full class contact hours.
- 5.11 Short term supply teachers are paid at the individual teacher's appropriate point on the main grade scale for each period of supply work. Pay is calculated at the hourly rate and applied to the hours as stated in the letter of engagement, with a 10% pay uplift.
- 5.12 Where a part time teacher provides absence cover for a class or classes they normally teach, as stated in paragraph 5.9, they will 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 set out in paragraph 5.10.
- 5.13 When a short term engagement extends to a fixed term contract non class contact time must be managed appropriately. The reduction of non-class contact operates on a weekly basis. Where a fixed 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.
- 6.0 Fixed Term Temporary Supply**
- 6.1 The SNCT Code of Practice on the Use of Fixed Term Temporary Contracts ([SNCT Handbook Part 2 Appendix 2.8](#)) takes into account the legal framework relating to temporary employees and aims to ensure that teachers on fixed term temporary contracts are not treated less favourably than permanent employees.
- 6.2 Where it is known from the outset that the requirement for cover is likely to extend beyond 2 days, or where it becomes clear that the need for a temporary replacement is likely to be ongoing or lengthy, a fixed term temporary contract and/or letter of engagement (PM 2/32/F02: Standard Letter: Engagement for Fixed Term Temporary

Supply) should be issued. This will specify the terms of the employment, entitlement to pay and conditions of service and detail the expected duration and reason for the appointment. A copy of this should be forwarded by the Head Teacher to the School Planning & Improvement Team.

- 6.3 A fixed term temporary contract, or letter of engagement, 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.
- 6.4 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.
- 6.5 Teachers on fixed term temporary contracts will fulfill 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.
- 6.6 Teachers on fixed term temporary contracts will be paid at the appropriate point on the salary scale.
- 6.7 A minimum of one week's notice of intention to terminate the fixed term temporary contract is required. In line with mutuality of obligation, this applies to both the employee and the authority. The period of notice may be varied where both parties are in agreement to a revised period.

7.0 Temporary to Permanent Employment Status

7.1 Introduction

- 7.1.1 A teacher on a short term supply or fixed term contract may apply for a permanent post through the normal recruitment and selection process.
- 7.1.2 Under the Fixed Term Employees Regulations 2002 any temporary contract extended beyond 4 years will be made permanent, unless the authority can objectively justify not doing so.
- 7.1.3 The Local Negotiating Committee for Teachers (LNCT) in East Dunbartonshire Council

has agreed to enhance the provision stated in 7.1.2, whereby a teacher who accrues more than 24 months continuous teaching service within East Dunbartonshire Council may apply for a transfer to permanent supply pool status within the authority and, subject to satisfying the criteria, as outlined in sections 7.2 and 7.3, will be issued with a permanent supply pool contract.

7.2 Continuity of Service

- 7.2.1 A teacher must have been employed on a temporary basis (in one or more posts) for a continuous period of twenty four months.
- 7.2.2 Continuity of service is broken where there is more than 10 consecutive working days without a contract of employment, even if the teacher remained on the supply list.
- 7.2.3 The break in service is calculated on the 190 school days and does not include holiday periods.
- 7.2.4 The employment may have been full time or part time and may have been on a fixed term temporary contract, short term supply work or any combination of the two.
- 7.2.5 A teacher who has been employed on a permanent part time contract but has also worked additional hours on a temporary contract will require to work for 24 months before gaining permanency for the additional hours
- 7.2.6 A week of teaching service is any week in which a teacher is employed by the Council as a teacher, regardless of the number of hours worked in that week.

7.3 Eligibility Criteria

- 7.3.1 A teacher may only be contracted on a permanent capacity where he/she has maintained the GTCS Standard for Full Registration through Professional Update.
- 7.3.2 A teacher applying to transfer from temporary to permanent employment status must have accrued 24 months of continuous service within East Dunbartonshire Council.

Table 1 below should be used where a teacher has worked the same number of days each week over 24 months e.g., 3 days every week for 24 months without a break in service.

Number of days worked over 24 months	Qualifying FTE
343 - 380 days	1.0 FTE
305 - 342 days	0.9 FTE
267 - 304 days	0.8 FTE
229 - 266 days	0.7 FTE
191 - 228 days	0.6 FTE

Number of days worked over 24 months	Qualifying FTE
153 - 190 days	0.5 FTE
115 - 152 days	0.4 FTE
77 - 114 days	0.3 FTE
39 - 76 days	0.2 FTE
Up to 38 days	0.1 FTE

Table 1: Qualifying Service over 24 months

- 7.3.3 Teaching during any probationary period, either via the Flexible Route or the Induction Scheme, does not count towards continuous service.
- 7.3.4 A teacher who is in receipt of a pension from the Scottish Public Pensions Agency (SPPA) may apply to transfer from temporary to permanent employment status, subject to the eligibility criteria. Due to potential impact on pension and lump sum, it is strongly recommended that a teacher, in this situation, seeks advice from the SPPA prior to application for permanent status.
- 7.4 Application Process
- 7.4.1 Applications for transfer from temporary to permanent supply pool status should be made in writing to the School Planning and Improvement Team, using the Transfer from Temporary to Permanent Supply Pool form (PM 2/32/F03).
- 7.4.2 Applications can be made as soon as the eligibility criteria, as stated in section 7.3, have been satisfied.
- 7.5 Granting Permanent Supply Pool Status
- 7.5.1 Once received, an application will be verified in terms of the eligibility criteria.
- 7.5.2 Transfer to a permanent supply pool post will not normally be refused, where the criteria in sections 7.2 and 7.3 have been fulfilled. Where an application is not approved, the teacher will be advised of the reasons for this.
- 7.5.3 Where a teacher has worked on temporary contracts of varying lengths, permanent status will be granted for the average number of days worked over the previous 24-month period, as detailed in Table 2 below.

Qualifying Average	Range	Appointed to:
Average 5 days	0.96 – 1.0 FTE	1.0 FTE
Average 4.5 days	0.86 – 0.95 FTE	0.9 FTE
Average 4 days	0.76 – 0.85 FTE	0.8 FTE

Qualifying Average	Range	Appointed to:
Average 3.5 days	0.66 – 0.75 FTE	0.7 FTE
Average 3 days	0.56 – 0.65 FTE	0.6 FTE
Average 2.5 days	0.46 – 0.55 FTE	0.5 FTE
Average 2 days	0.36 – 0.45 FTE	0.4 FTE
Average 1.5 days	0.26 – 0.35 FTE	0.3 FTE
Average 1 days	0.16 – 0.25 FTE	0.2 FTE
Average 0.5 days	0.01* – 0.15 FTE	0.1 FTE

*For Illustrative purposes only

Table 2: Qualifying Service over 24 months

- 7.5.4 Permanent status will be effective from the date of application for transfer from temporary to permanent status.
- 7.6 Granting Permanent Substantive Status
 - 7.6.1 After 3 years in one school on a permanent supply pool contract, the teacher can apply for transfer from a permanent supply pool contract to a permanent substantive contract.
 - 7.6.2 Applications should be made in writing to the School Planning & Improvement Team, using the Transfer from Permanent Supply to Permanent Substantive form (PM 2/32/F04).