

CODE OF PRACTICE ON USE OF TEMPORARY CONTRACTS (Teachers and Music Instructors)**1. INTRODUCTION**

- 1.1 The aim of this Code is to establish good practice on the use of fixed-term temporary contracts for Teachers and Music Instructors. Throughout this Code, a clear distinction will be drawn between both designations to avoid cross over of duties.
- 1.2 This Agreement on the Use of Temporary Contracts incorporates the Code of Practice in Appendix 2.8 of the SNCT Handbook of Conditions of Service.
- 1.3 Short term supply teaching (excluding Music Instructors) is defined as a period of cover teaching for 2 days or fewer. 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 2.9).
- 1.4 Fixed-Term Temporary Teaching contracts will be issued for engagements which extend beyond 2 days. Teachers on fixed-term contracts will fulfil the full range of duties of Teachers duties set out in the SNCT Handbook (Part 2, Section 2, paragraph 2.8), and will be engaged for 35 hours per week or on a pro-rata basis, according to the contract.
- 1.5 Fixed-term temporary contracts will be issued to music instructors for engagements where it becomes clear that the need for a temporary replacement is likely to exceed 2 weeks, and will be required to undertake the duties set out in the SNCT Handbook (Part 2, Section 2, paragraph 2.14).
- 1.6 North Lanarkshire Council recognises the important contribution made by teachers and music instructors on fixed-term contracts, many of whom go on to hold permanent contracts. It is essential that teachers and music instructors on fixed-term temporary contracts are treated in the same way as their permanent counterparts and that they are given access to appropriate induction, training and support.
- 1.7 This 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 the Part-Time Workers (Prevention of Less Favourable Treatment) 2002 and the Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002.

2. PURPOSE

- 2.1 The purpose of this Code is to enhance the principles of a professional service and enable North Lanarkshire Council to manage its staffing requirements in a co-ordinated and structured way. This must be responsive to service needs whilst, at the same time, providing teachers and music instructors with access to secure employment pathways, wherever possible.

3. Temporary Recruitment

- 3.1 Every teacher and music instructor recruited to undertake work of a temporary nature, short term supply or fixed term, will be appointed in accordance with North Lanarkshire Council's Recruitment Policy and procedures which will be further updated and agreed by the JNCT.
- 3.2 Temporary posts will be advertised on the following basis:
 - school specific posts
 - full or part time sector general or specific supply posts

- 3.3 Contracts of employment will be issued in all circumstances, irrespective of the engagement duration, and will specify entitlement to pay and conditions of service, the reason for the appointment, the expected duration and/or the event that will bring the contract to an end, and any mandatory training.
- 3.4 The minimum period of notice on termination of employment given by a teacher or a music instructor will be 4 working weeks, as set out in the SNCT Handbook (Part 2, Section 9, paragraph 9.23).
- 3.5 The minimum period of notice on termination of employment given by the Council for teachers and music instructors shall be as set out in the SNCT Handbook (Part 2, Section 9, paragraph 9.24):
- 4 working weeks, where service is less than 4 years,
 - 1 week for each year of continuous service, where total service is at least 4 but less than 12 years, and
 - 12 weeks, where service is 12 years or more.
- 3.6 The use of a fixed-term temporary appointment for teachers and music instructors may be made in a range of circumstances which may include:
- family leave
 - career break
 - long-term sickness absence
 - secondment
 - sabbaticals
 - staffing from time limited funding
 - a pattern of recurrent work (e.g. a day a week over a period of 4 weeks or more)
- 3.7 The use of a short term supply appointments for teachers may be made in a range of circumstances which may include:
- 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
- 3.8 Movement towards a permanent post will be available to all temporary teachers and music instructors, of any length of service, as set out in North Lanarkshire Council's Recruitment Policy and procedures which will be updated further and agreed by the JNCT.

4. TRANSFER TO PERMANENT STATUS

- 4.1 Temporary teachers who have 2 year's continuous satisfactory service with full GTCS registration and music instructors who have 2 year's continuous satisfactory service shall be offered a contract within North Lanarkshire Council's permanent supply pool which will be reviewed on an annual basis. The Council shall offer permanent hours based on the average working pattern over the preceding 2 years (rounded up to the nearest pointage).
- 4.2 Following an annual review of the workforce demand across all sector areas, the service will determine the desirable number of permanent pool in primary (taking cognisance of

denominational status), secondary (subject specific areas) and music instruction (appropriate instrumental disciplines), following consultation with trade unions.

- 4.3 Should a reduction be required in any specific area of the permanent pool, the Service shall ring-fence all secure vacancies which may be either full time or part time for application only by appropriate permanent pool post holders. Standard recruitment procedures will apply, as set out in North Lanarkshire Council's Recruitment Policy and procedures.

5. TEACHERS PERMANENT CORE SUPPLY SERVICE

- 5.1 The Council is committed to maintaining a permanent core supply service for teachers in all sectors to meet the needs of schools. Teachers will be recruited annually to this service.
- 5.2 Recruitment to the teachers' Permanent Core Supply Service will be open to all existing NLC teachers, including newly qualified teachers (NQTs), in the first instance in accordance with North Lanarkshire Council's Recruitment Policy and procedures which will be further updated and agreed by the JNCT.
- 5.3 Successful candidates to the Permanent Core Supply Service will normally be placed in a 1 FTE post in an establishment for a full academic session.
- 5.4 At the end of that session, a Permanent Core Supply Teacher will remain in that establishment on a permanent basis provided a secure vacancy has been declared, to ensure continuity of learning and teaching.
- 5.5 If there is no secure vacancy available in that establishment then the Permanent Core Supply Teacher, at the end of that session, following the annual compulsory transfer exercise and the appointment of selected permanent pool staff to secure vacancies will be placed into remaining permanent, school specific posts based on existing length of service and eligibility criteria, in line with the agreed Compulsory Transfer mechanism.
- 5.6 To ensure that substantive school based posts are available for surplus teachers, core supply teachers and permanent pool teachers, the authority will normally suspend the requirement to advertise school based substantive posts in November until the staffing exercise is complete. The authority will notify schools each year of the suspension date. It is recognised that school based substantive posts may be advertised beyond this date should there be no subject teacher in secondary, primary or ASN requiring placement in the staffing exercise.

6. FIXED TERM EMPLOYEES (PREVENTION OF LESS FAVOURABLE TREATMENT) REGULATIONS 2002

- 6.1 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.

7. ENACTMENT OF THIS AGREEMENT

- 7.1 This agreement will be enacted the day after the JNCT on 30th September 2020 and will be applied as follows: -
- 1) This agreement will apply to the recruitment process and those appointed to the Core Supply Service and Permanent Supply Pool for the start of the new session 2021/22 onwards.
 - 2) This agreement will apply retrospectively to appointed teachers and music instructors on a permanent variable hours' contract in determining permanent hours based on the average working pattern over the preceding 2 years. A variation of contract will be issued to reflect this change.

7.2 Should any issues arise from this agreement then this should be referred to the JNCT Joint Secretaries.

Joint Secretary to the Teachers' Side _____

Joint Secretary to the Management Side _____