

Education Services  
Policy

# TRANSFER OF TEACHING STAFF ON TEMPORARY CONTRACTS TO PERMANENCY

2019

## 1 INTRODUCTION

1.1 This policy applies from 1 January 2020. The aim of this Agreement is to establish a fair and transparent approach to managing teachers' rights and expectations of their employment status whilst assisting Education Services with effective workforce planning, ensuring the necessary degree of flexibility and adaptability to changing circumstances.

1.2 Education Services aims to be responsive to service needs whilst at the same time providing teachers with access to more secure employment opportunities wherever practical and possible. There are a variety of circumstances where it is necessary for contracts of employment to be offered on a long-term temporary basis, such as to cover long term sickness leave or maternity leave of a post holder. Consequently, teachers accrue rights under the Fixed Term Employees Regulations (2002) which states that on renewal of a fixed term temporary contract or series of continuous contracts that extend beyond 4 years have the right to apply for permanency unless the authority can objectively justify not doing so.

1.3 Education Services recognises the important contribution made by temporary teachers to schools. It is important that temporary teachers and school managers are aware of temporary teachers' contractual rights. This will also assist the Schools' Resources Team, in managing these expectations in allocating teaching staff as part of the annual Staffing Exercise (which takes place annually between January and August).

## 2 PURPOSE

2.1 The purpose of this Agreement is to enhance the principles of a professional service by assisting the Council to manage its teaching staffing requirements in a coordinated and structured way. This must be responsive to service needs whilst also providing teachers with access to secure employment opportunities wherever possible.

2.2 This Agreement aims to ensure that teachers on temporary contracts are not treated less favourably than permanent teachers.

2.3 This Agreement recognises the commitment and value of temporary teachers and sets out the framework for the effective management and deployment of temporary teachers.

2.4 This Agreement recognises that there will always be a requirement for temporary teaching staff and it is designed to provide clarity of employment status and fair treatment.

## 3 APPLICATION AND SCOPE OF AGREEMENT

This Agreement applies with effect from 1 January 2020 to all teachers employed on temporary contracts in line with the provisions set out in the [SNCT Handbook, Part 2, Appendix 2.8 Section 5](#), which details the circumstances when a teacher may apply to transfer to permanent employment status. 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.

## 4 TEMPORARY APPOINTMENTS

4.1 Where it becomes clear that the need for a temporary appointment is likely to be ongoing or lengthy, then the individual should be issued with a fixed-term temporary contract as set out below.

4.2 Where it is known from the outset the reasons for the temporary appointment and its likely duration or in circumstances set out in 4.1 above, a fixed term temporary contract of employment will be issued as soon as possible, specifying entitlement to pay and conditions of service and detailing the expected duration and reason for the appointment.

4.3 A fixed term temporary contract 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.

4.4 A fixed term temporary contract may be issued in a number of circumstances including the following: maternity leave; parental leave; adoption leave; career break; long term sickness absence; secondment; sabbaticals; and pattern of recurrent work.

## 5 PRINCIPLES

Under local agreement teachers who have accrued 3 years continuous \* service by the deadline for application are entitled to apply for permanency.

(\*continuous service = trainee induction year plus two years teaching service, or three years of **teaching** service all of which must be within **Dumfries and Galloway Council**. Fixed term temporary contract will be issued for engagements which extend beyond 2 days ([SNCT Handbook Part 2 Appendix 2.8 Section 1.1](#)).

Criteria for application:

- Achieved the GTCS Standard for Full Registration in the appropriate sector/subject;
- Full Time employment (i.e. full time continuous temporary contracts or combination of part time contracts equating to 1.0fte);
- Part Time employment (i.e. part time continuous temporary contracts or combination of part time contracts. This includes Permanent employees who also have a temporary position (e.g. a 0.6 permanent teacher who is also working for a further 0.4 on a temporary basis)).

Schools' Resources Team will assess applications based on monthly salary and contractual information (January – December excluding July).

## 6 OFFERS OF EMPLOYMENT

6.1 As stated in 1.2 above, teachers have the right to apply for permanency unless the authority can objectively justify not doing so. Transfer to a permanent post will not normally be refused however where it is not approved, the Schools' Manager will advise the applicant of the reasons. There is no right of appeal.

Permanent employment status will be awarded to those who fulfil the criteria above and will be to a suitable\* and available position and be based on the average of the FTE (rounded to the nearest 0.1) worked by the individual over the year ending 31 December.

6.2 Contracts awarded can be split between schools.

6.3 Contracts awarded can be to (permanent) absence cover positions.

6.4 Contracts awarded can be to positions within Clusters.

6.5 Whilst attempts will be made to offer contracts within a reasonable travel distance from the teacher's home address, this cannot be guaranteed and an offer may be made anywhere within Dumfries and Galloway.

6.6 Should no suitable permanent position be available within the time frame of the annual Staffing Exercise (January – August) the teacher will automatically be retained on the supply list and are encouraged to apply for any posts which interest them.

(\* suitable position means a position that the teacher is Registered in, has accrued their permanency claim in and is within 0.2 FTE of their entitlement).

6.7 Where no suitable post has been offered prior to the next annual Staffing Exercise the teacher is required to re-apply and their entitlement will be re-calculated based on the average of the FTE (rounded up to the nearest 0.1) worked by the individual over the year ending 31 December.

6.8 If a teacher rejects the offer of a suitable position their rights under the Fixed Term Regulations will apply. The teacher will automatically be retained on the supply list.

## 7 APPLICATION FOR PERMANENT EMPLOYMENT STATUS

7.1 Teachers on fixed term temporary contracts are required to keep, an accurate record of engagements worked each term and submit this on Section B of the Application Form.

7.2 Teachers on fixed term temporary contracts who fulfil the criteria outlined under section 5 are entitled to apply for permanent employee status using **Form App P** and submit to the Schools' Resources Team, 122 – 124 Irish Street, Dumfries, DG1 2PB, (Email : SchoolsResourcesTeam@dumgal.gov.uk) by the last working day of January each year to be considered for permanent employment status as part of the annual Staffing Exercise.

7.3 This policy will be circulated annually in December via Engage.

7.4 Where a teacher submits an application outwith the agreed timescale, therefore missing the annual Staffing Exercise, the teacher should reapply for permanent employment status the following year.

7.6 Teachers who meet the criteria will be offered a position on the agreed priority basis as follows:-

### Primary:

1. Allocation of Probationers – all local authorities are required to take an agreed allocation of probationers each year. Positions require to be found for them first.
2. Transfer of Extra-Numerary teachers – occasionally numbers reduce leaving a surplus of staff. In accordance with our Policy for Transfer of Extra-Numerary Teaching Staff, these staff will receive offers of available positions.
3. Normally, where a suitable vacancy occurs in a school in which an applicant for permanency is currently working, the applicant will be offered that position. Where there is more than one such applicant, there will be a ring-fenced interview for the position.
4. Open Recruitment – available positions are advertised as part of the annual Staffing Exercise.
5. **Permanency claims** – remaining positions will be offered to those who have applied and fulfil the criteria above.

### Secondary:

1. Allocation of Probationers - all local authorities are required to take an agreed allocation of probationers each year. Positions require to be found for them first.
2. Transfer of Extra-Numerary Teachers - occasionally numbers reduce/curriculum content changes thus leaving a surplus of teaching staff. In accordance with our Policy for Transfer of Extra-Numerary Teaching Staff, these staff will receive offers of available positions.
3. Normally, where a suitable vacancy occurs in a school in which an applicant for permanency is currently working, the applicant will be offered that position. Where there is more than one such applicant, there will be a ring-fenced interview for the position.

4. **Permanency claims** - positions will be offered to those who have applied and fulfil the criteria.
5. Open Recruitment – remaining positions will be advertised as part of the annual Staffing Exercise.

Footnote:

The arrangements between the management of primary and secondary teachers are different because of the generic GTCS Registration of primary teachers as opposed to the subject specific Registration of secondary teachers.

**At all stages above, staff who fall into any category are strongly advised to apply for any positions which interest them.**

## 8. POLICY REVIEW

- 8.1 This Policy will be reviewed annually by members of the LNCT Sub-group.
- 8.2 This policy has been jointly developed and consulted on with the Trade Unions. The Policy has been subject to an Equality Impact Assessment and any findings incorporated into the policy.

*The SNCT Code of Practice on the Use of Fixed Term Temporary Contracts states at:*

*5.1 Movement to a permanent post will be open to temporary teachers through normal application. Temporary teachers should be provided with the same access to information on vacancies for permanent posts as is provided to existing permanent post holders.*

*5.2 Transfer to a Council's permanent staff will also be through arrangements agreed by the LNCT.*

*5.3 Under the Fixed Term Employees Regulations 2002, any temporary contract extended beyond four years entitles the employee to apply for permanency unless the authority can objectively justify not doing so.*

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UPDATED by LNCT sub group 10 September 2019  
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