

PART 2

APPENDIX 2.8

CODE OF PRACTICE ON THE USE OF FIXED TERM TEMPORARY CONTRACTS

1. INTRODUCTION

- 1.1 The aim of this Code of Practice is to establish good practice on the use of fixed term temporary contracts. Fixed term temporary contracts will be issued for engagements which extend beyond 5 days. Teachers on fixed term temporary contracts will fulfil 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.
- 1.2 The SNCT recognises the important contribution made by teachers on fixed term temporary contracts, many of whom go on to hold permanent contracts. The SNCT believes that it is essential that teachers on fixed term temporary contracts are treated in the same way as permanent staff and given access to appropriate induction, training and support.
- 1.3 The Code of Practice 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.

2. PURPOSE

- 2.1 The purpose of the Code of Practice is to enhance the principles of a professional service by helping councils to manage their staffing requirements in a co-ordinated and structured way. This must be responsive to service needs whilst, at the same time, providing teachers with access to secure employment opportunities, wherever possible.
- 2.2 The Code of Practice aims to ensure that employees on fixed term temporary contracts are not treated less favourably than permanent employees.
- 2.3 It is recognised that there will be teachers who may be employed on fixed term temporary contracts for significant periods of time. In such cases the letter of appointment must clarify the expected length of appointment or the event that will bring a contract to an end.

3. Fixed-Term Requirement

The SNCT recognises that a council may need a teacher to work other than on a permanent basis.

3.1 Where it becomes clear that the need for a temporary replacement is likely to be ongoing or lengthy, then the individual should be issued with a fixed-term temporary contract as set out in 3.2 below.

3.2 Where it is known from the outset the reasons for the temporary requirement and its likely duration or in circumstances set out in 3.1 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.

3.3 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;

3.4 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

4. RECRUITMENT

- 4.1 Every teacher recruited to undertake work on a fixed term temporary basis will be appointed in accordance with that council's recruitment procedures.
- 4.2 Following this process, such teachers will be placed on a register of approved teachers maintained for these purposes.

5. TRANSFER TO PERMANENT STATUS

- 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 will be made permanent, unless the authority can objectively justify not doing so.
- 5.4 Fixed term temporary employees should not be selected for redundancy on the grounds of their employment status. Any selection for redundancy must be objectively justified.

6. SNCT HANDBOOK

- 6.1 The pay, duties and hours of work of teachers on fixed term temporary contracts shall be set as for teachers (other than short term supply teachers) as set out in the SNCT Handbook.