

TEMPORARY VARIATION OF CONTRACT

1. INTRODUCTION

- 1.1 The Employing Authority () operates a number of flexible working arrangements for teachers: the Job Share Scheme; the Career Break Scheme; and the Flexible Working Scheme. However, circumstances may arise where a teacher may seek a short term, temporary change in working hours, which is not facilitated within the other Schemes.
- 1.2 In such cases a permanent teacher may request a temporary reduction in working hours, or, if available within the school, additional hours for a permanent part time teacher. The temporary variation would normally be short term, but may be for a period of up to one year, with possible extension in extenuating circumstances.

2. PROCEDURE

- 2.1 The teacher should write to the Principal detailing the reason for the request and the period of time of the temporary variation of contracted hours sought.
- 2.2 The Principal will submit the request and his/her recommendation to the Board of Governors for consideration. Where the need for change is more urgent, and the change can be facilitated, the Principal may agree a temporary variation pending consideration of the request by the Governors.
- 2.3 The advice of the Employing Authority should be sought, especially where the Board of Governors are considering rejecting the request and before a final decision is reached.
- 2.4 It is important that the decision in relation to the viability of a temporary variation of contract is based on clear and justifiable business reasons, for example:
- the additional costs;
 - the effect on the school's ability to meet pupils' needs;
 - the effect on the quality of education to be provided;
 - an insufficiency of work during the time when the teacher proposes to work.
- 2.5 The teacher will be advised in writing of the decision of the Board of Governors. Where it has been decided to reject the application, the reasons for that rejection shall be stated. A copy of this letter should be sent to the Employing Authority.
- 2.6 **Appeals**
A teacher who believes the request has not been properly considered may lodge an appeal, setting out the grounds of the appeal, in writing, to the Chair

of the Board of Governors, within 14 working days of receipt of the notification of the decision. A copy of the appeal should be sent to the Employing Authority.

Appeals shall be heard by the appeals sub-committee of the Board of Governors, which must arrange a meeting to hear the appeal within 14 days of receipt of the appeal.

The teacher has the right to be accompanied at the meeting by a teaching colleague or a recognised trade union representative. Legal representation is not permitted.

The appeals sub-committee must inform the teacher of the outcome of the appeal, in writing, within 14 days of the date of the meeting.

If the appeal is upheld the notification must:

- include a description of the new working pattern;
- state the date from which the new working pattern is to take effect; and
- be dated.

If the appeal is dismissed the notification must:

- state the grounds for the decision;
- provide an explanation as to why the grounds for refusal apply in the circumstances; and
- be dated.

There is no further right of appeal under this Scheme.

2.7 The Principal and teacher will normally review the arrangements before the expected end date.

2.8 At the end of the temporary variation of contract the teacher will revert to his/her substantive contract.

APPLICATION FOR TEMPORARY VARIATION OF CONTRACT

PART A – FOR COMPLETION BY THE TEACHER

It will help your Principal to consider your request if you provide as much information as you can about your desired working pattern. Consider what effect your proposed change in working pattern will have both on the work that you do and on your colleagues, and how this change might be accommodated.

Name: _____ Teacher Reference Number: _____

School: _____

Date of any previous request to vary working hours: _____

Reason for request:

Describe your current working pattern (days/hours/times worked):

Describe the working pattern you would like to work in future (days/hours/times worked):

I would like this working pattern to commence from: _____

What effect do you think the proposed change would have on the school/service/colleagues and how do you feel any such effect might be dealt with?

Signature: _____ Date: _____

Send completed application to your Principal and retain a copy for your own records.

APPLICATION FOR TEMPORARY VARIATION OF CONTRACT

PART B - FOR COMPLETION BY PRINCIPAL AND BOARD OF GOVERNORS

Application acknowledged in writing on: _____

Further information required. Principal met with teacher on: _____

The Board of Governors (excluding the appeal sub-committee) met to consider the application on:

Names of Governors present:

The decision of the Board of Governors is as follows:

Application Granted/Not Granted (Delete as appropriate)

APPLICATION GRANTED

If application granted, has a letter been sent to the teacher defining the new work pattern and start date:

YES/NO (Delete as appropriate)

APPLICATION AMENDED AND GRANTED – PLEASE SUPPLY DETAILS

APPLICATION NOT GRANTED

If application not granted please indicate the clear and justifiable business reason(s). Refer to Paragraph 2.4 of the Policy:

If application not granted was the Employing Authority consulted before the meeting of the Board of Governors? **YES/NO** (Delete as appropriate)

Has a letter detailing the reasons and an explanation of the reasons been issued to the teacher concerned? **YES/NO** (Delete as appropriate)

Has the teacher exercised the right of appeal? **YES/NO** (Delete as appropriate)

Appeals sub-committee met to hear the appeal on: _____

Names of Governors Present: _____

Was the teacher accompanied at the meeting? **YES/NO** (Delete as appropriate)

Accompanied by: **Trade Union Representative/Teaching Colleague** (Delete as appropriate)

The decision of the Appeals sub-Committee was as follows:

APPEAL UPHELD/APPEAL DISMISSED (Delete as appropriate)

If the appeal was upheld, has notification of the new arrangements been given to the teacher?

YES/NO (Delete as appropriate)

Please attach details.

If the appeal was dismissed, has notification of the grounds for refusal and explanation of those grounds been given to the teacher?

YES/NO (Delete as appropriate)

Please attach details.

Signed: _____ Signed: _____ Date: _____
Principal Chairman of BOG

Please forward the completed Form TVC, PART A AND PART B, Board of Governors Minutes and, where applicable, copies of letters to the teacher to: