



Fixed-term Working Policy and Procedure

Human Resources Department

Lead Director: Director of Human Resources and Student Support
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Procedure to be reviewed every 2 years or earlier if there is a change in relevant legislation. Date of next review: 2016/ 2017

1. Principles & Scope

- 1.1. The University is committed to ensuring the continuity and security of employment for its staff, so far as it is possible.
- 1.2. Fixed-term contracts will only be used for transparent and objective reasons where there is a genuine fixed-term need and in line with the criteria in section 4 of this policy.
- 1.3. The University will avoid the successive use of fixed-term contracts, unless there are compelling reasons which satisfy the criteria in section 4 of this policy, and provides for the transfer of fixed-term staff to indefinite¹ contracts where appropriate.
- 1.4. The University will make all reasonable efforts to secure redeployment for staff coming to the end of fixed-term contracts under the Staff Redeployment Procedure.
- 1.5. Staff on fixed-term contracts will be treated no less favourably than staff on indefinite contracts and will be informed of indefinite vacancies.
- 1.6. The University is committed to ensuring that the effect and application of this procedure accords to the commitments set out in its Equality and Diversity Strategy and will monitor this as appropriate.
- 1.7. The policy and procedure set out in this document applies to all groups of staff. For those staff whose employment is governed by the University Statute 31, the provisions of that statute, as may be amended from time to time, will also apply and take precedence where appropriate.
- 1.8. The University will not take any action that is contrary to the Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002 and will take account of the JNCHES guidance on Fixed-term and Casual Employment 2002.
- 1.9. For the avoidance of doubt, this policy and procedure does not constitute a collective agreement within the meaning of Regulation 8 (5) of the Fixed-Term Employees (Prevention of Less Favourable Treatment) Regulations 2002.

2. Purpose

- 2.1. The aim of this policy and procedure is to:
 - a) Ensure that fixed-term contracts are only issued where there is a genuine fixed-term need which can be objectively justified
 - b) Detail circumstances in which fixed-term contracts may be used and provide for the transfer of fixed-term staff to indefinite contracts where appropriate;
 - c) Specify how fixed-term contracts will be managed;
 - d) Detail the procedure for ending a fixed-term contract and the consideration of redeployment.

¹ An indefinite contract of employment has no fixed end date; i.e. is 'open-ended'.

- 2.2. To ensure the successful application of this policy and procedure the University will carry out annual audits on the use of fixed-term contracts across the University, this will include equality data. These audits will be shared with the relevant trades unions.
- 2.3. Should an audit identify any concerns regarding the use of fixed-term contracts, or should there be any equality implications, the University will take appropriate action to address the situation.

3. Use of fixed-term contracts

- 3.1. Fixed-term contracts will only be used where there is a genuine fixed-term need which can be objectively justified. This test for whether there is a genuine fixed-term need should be applied in each and every case.
- 3.2. Decisions on the use of fixed-term contracts are delegated to Faculty/Directorate level with reference to Human Resources to ensure that they are in line with this policy and procedure.

4. Circumstances in which Fixed-Term Contracts may be used

- 4.1. The use of a fixed-term contract may be justified, under the following circumstances:
 - a) The post requires specialist expertise or recent experience not already available within the institution in the short term;
 - b) To cover, on a fixed-term basis, staff absences as appropriate (e.g. maternity, parental and adoptive leave, long-term sickness, sabbatical leave or secondment);
 - c) The contract is to provide a secondment or career development opportunity;
 - d) Where student, business or service demands can be clearly demonstrated as particularly uncertain;
 - e) Where there is no reasonable prospect of short-term funding being renewed or other external/internal funding being/becoming available.
- 4.2. The temporary nature of external funding will not automatically be reason for the use of a fixed-term contract. Where the work is on-going over a number of years an indefinite contract may be appropriate and decisions will be on a case by case basis.
- 4.3. Please note that the above are examples only and each case would need to be determined on its own merits.

5. Transfer of staff to indefinite contracts

- 5.1. Staff on fixed-term contracts with at least 4 years continuous service and within which time their contract has been renewed, will be transferred to an indefinite contract unless there are compelling reasons which satisfy the criteria outlined in section 4 of this policy.
- 5.2. Where a renewal or extension of a fixed-term contract would result in total service of more than 4 years, the member of staff will be transferred to an indefinite contract unless there are compelling reasons which satisfy the criteria in section 4 of this policy.
- 5.3. In pursuing this policy, the University gives its commitment that the acquisition of 4 years' service will not, in itself, be regarded as a legitimate reason for termination of employment. All dismissals of fixed-term staff will be related to a genuine business reason.

6. Management of fixed-term contracts

- 6.1. Staff who are employed on fixed-term contracts will be treated no less favourably than comparable staff on indefinite contracts.
- 6.2. In particular, fixed-term staff will:
 - a) Have equivalent terms and conditions of employment to colleagues on comparable indefinite contracts including pay, absence provisions, pensions;
 - b) Be provided with a suitable working environment;
 - c) Participate in SPRE² (Staff Performance Review and Enhancement Scheme, Keele University's appraisal framework)
 - d) Have the same opportunity as other staff to access services to develop their career such as staff development, training and careers advice;
 - e) Be able to access University facilities such as libraries and intranet services;
 - f) Have the right to participate in University governance and committees;
 - g) On request, be provided with a written statement within 21 days explaining any differences in their employment arrangements from those of comparable permanent employees on a 'term by term' basis;
 - h) Where the provisions of section 5 apply, members of staff will be transferred to indefinite contracts;
 - i) On request, at any time, be provided with the objective justification for the post to be on a fixed-term basis.
- 6.3. The procedure for handling the expiry of a fixed-term contract is detailed in Annex A.

² Following the successful completion of a probationary period

7. Additional Information

- 7.1. This Policy and Procedure has been implemented following consultation with recognised Trades Unions.
- 7.2. As a general principle, the Policy and Procedure will be reviewed by the HR Department, in consultation with recognised Trades Unions after two years or where operational and/or legislative requirements change.
- 7.3. This Policy and Procedure is not contractual and is not intended to be incorporated into individual terms and conditions of employment. It may be subject to review, amendment or withdrawal.
- 7.4. Further guidance on the application of this Policy and Procedure is available from Human Resources.
- 7.5. Further information on supporting the careers of Research Staff is available from Human Resources³.

³ A guidance document is under development

Annex A

Procedure for ending a fixed-term contract

A1 Preamble

- A1.1 The University recognises that the ending of a fixed-term contract is a dismissal in law. In most cases, the dismissal will constitute a redundancy. Legislative changes effective from 6th April 2013 remove the obligation to include these contracts in collective consultation exercises. The University will continue to consult on an individual basis. The University will take all necessary and appropriate steps to avoid compulsory redundancies of both indefinite and fixed-term staff.
- A1.2 This Procedure is designed to support University Managers in handling the expiry of fixed-term contracts and to inform staff of the process.
- A1.3 The key stages of this Procedure are represented diagrammatically in Appendix 1 and Appendix 2 outlines the key actions with associated timescales of this Procedure.
- A1.4 It is expected that the timescales detailed in the following sections will be adhered to, however, there may be a small number of exceptions where the timescales will have to be revised (e.g. where the individual for whom a fixed-term member of staff provides cover gives notice to return early from Maternity leave).

A2 Initial Notification

- A2.1 The line manager will receive a Keele People notification 6 months before the expiry of a fixed-term contract inviting them to begin to consider whether, in each individual case, the contract should be transferred to indefinite status, renewed on a fixed-term basis or terminated.
- A2.2 At the same time HR will also write to the member of staff to advise them of the recorded end date for their existing employment contract and that they should expect to hear from their manager with a view to discussing any matters related to this forthcoming end date, including how further work may be explored.
- A2.3 Between four and six months prior to the contract end date, and where necessary, the manager (or their designate) will write to the member of staff, explaining the reasons for the proposed or possible termination of contract and invite them to a consultation meeting. A template letter can be found at http://www.keele.ac.uk/media/keeleuniversity/hr/fixedtermcontracts/FTC_consultation_invite.doc but this may be adapted to fit the circumstances.
- A2.4 The letter must include:
- A2.4.1 The date and time of the meeting;
- A2.4.2 Who will be present at the meeting (the member of staff's direct line manager and a HR representative may also be present);

A2.4.3 The purpose of the consultation meeting (to consider any alternatives to terminating the contract and to allow the member of staff to comment on the circumstances of any proposed termination of employment);

A2.4.4 That the member of staff may be accompanied at the meeting by an accredited trade union representative or University employed colleague of his or her choice.

A3 The Consultation Meeting

A3.1 The consultation meeting must be held regardless of whether informal or ad hoc discussions have already taken place.

A3.2 If the member of staff actively elects not to attend the meeting, the manager should record the member of staff's choice on the Fixed-term Contract Meeting Outcome Form
http://www.keele.ac.uk/media/keeleuniversity/hr/fixedtermcontracts/FTC_Meeting_Outcome.doc and HR will write to the member of staff to acknowledge this choice.

A3.3 The form: *Individual Consultation; Approaching the end of Fixed-term Contract* http://www.keele.ac.uk/media/keeleuniversity/hr/fixedtermcontracts/FTC_Individual_Consultation_Meeting.doc should be completed by the manager in the consultation meeting as a record of discussions.

A3.4 In the consultation meeting the following matters will be covered:

A3.4.1 the reason for the proposed termination at the end of the fixed-term contract;

A3.4.2 possible alternative sources of funding or any other ways in which the work and hence the contract might be continued;

A3.4.3 the member of staff will be given the opportunity to state his/her views;

A3.4.4 consideration of suitable alternative work, particularly within the host School/Department/Research Institute, which might be (or become) available;

A3.4.5 the Staff Redeployment Procedure. If the member of staff is interested in seeking redeployment the manager will provide support through the process;

A3.4.6 the member of staff will be informed that the contract may need to be terminated if no suitable alternatives arise.

A3.5 It may be appropriate in some cases to arrange a further consultation meeting should it not be possible to cover all the above points in the first meeting.

A3.6 After the meeting the manager should sign the completed Individual Consultation form and a copy will be provided to the employee and to HR.

A4 The Consultation Period

A4.1 The consultation period commences from the date of the first consultation meeting.

A4.2 During the consultation period:

A4.2.1 The University will be exploring redeployment for the member of staff (unless they declined this option) under the Staff Redeployment Procedure;

A4.2.2 The manager will explore possible means of extension (e.g. confirmation of further funding); and

A4.2.3 If there were any particular points that the member of staff raised during the consultation meeting these will be explored and addressed where appropriate.

A4.3 Where funding for an extension of contract is identified prior to the planned end date, the manager will complete a Contract Variation Form
http://www.keele.ac.uk/media/keeleuniversity/hr/CVF_form_Feb10.doc

A4.4 If the extension is for a period of 6 months or longer, the consultation process will cease and recommence 6 months prior to the new end date.

A4.5 If the extension is for a period of less than 6 months, the member of staff will remain within the consultation period regarding the end of their fixed-term contract

A5 Decision Meeting

A5.1 Where a contract extension and/or redeployment has not been possible, one month before the contract is due to expire, the manager will invite the member of staff to a decision meeting using the letter template at
http://www.keele.ac.uk/media/keeleuniversity/hr/fixedtermcontracts/FTC_final_meeting_invite.doc

A5.2 The member of staff may be accompanied by a colleague who is a member of staff of the University or by a trade union representative. A representative from HR may also be present.

A5.3 At the meeting the following points will be covered:

A5.3.1 Recap discussions to date;

A5.3.2 Confirm the efforts made to seek extension/redeployment and that continuing efforts will be made until the end of their contract;

A5.3.3 Check that there is nothing further to be explored;

A5.3.4 If there is nothing further to be explored, or pending further explorations the member of staff will be informed that their contract will be terminated at the designated date;

A5.3.5 Explain that a statutory redundancy payment will be paid (if the member of staff has more than 2 years continuous service);

A5.3.6 Advise the member of staff that they have the right to appeal against this decision.

A5.4 In the meeting, the manager will complete the Fixed-term Contract Meeting Outcome Form

http://www.keele.ac.uk/media/keeleuniversity/hr/fixedtermcontracts/FTC_Meeting_Outcome.doc This form is then sent to HR.

A5.5 The manager will write out and confirm to the member of staff the decision to terminate their contract and will outline their right to appeal against this decision. HR will construct this letter on behalf of the manager. The manager will also process the member of staff as a leaver on Keele People.

A5.6 All parties should continue to seek alternative funding and/or suitable alternative employment up to the member of staff's termination date.

A6 Appeals

A6.1 All staff, whose fixed-term contract is terminated under this Procedure, will have the right to appeal.

A6.2 Appeals should be lodged, in writing, within ten working days of the date on which the letter confirming the termination of their contract is sent.

A6.3 When the University acknowledges receipt of the appeal letter, if the grounds of appeal have not been detailed, the member of staff will be asked to provide them.

A6.4 The member of staff will be notified of the date of the appeal meeting within ten working days of the receipt of the appeal (the meeting itself will not normally take place within this timescale although every effort will be made to hold the meeting as soon as possible). This timescale may be extended by mutual agreement.

A6.5 A member of staff will be given at least five working days written notice of the date of an appeal meeting.

A6.6 In advance of an appeal meeting, the member of staff must provide, in good time, copies of any documents on which he or she intends to rely on and/or his or her statement of case. The member of staff will also receive, in good time, copies of any documentation on which the University intends to rely.

Appendix 1 - Flowchart for Fixed Term Contract Dismissals

Month 6⁴

Notification to Manager and member of staff



Begin to explore contractual situation



Month 4

Consultation Meeting



Consultation period.
Explore redeployment and extension possibilities

Month 1

Decision Meeting



Confirmed in writing with right of appeal

Month 0

Employment terminates

⁴ Month 6 means 6 months prior to the fixed term end date

Appendix 2 – Summary of Key Actions for Fixed Term Contract Dismissals

Month	Action	Main Driver
6	<ul style="list-style-type: none"> Member of staff and Manager receive notification advising them that the contract expiry date is approaching 	HR
5	<ul style="list-style-type: none"> Begin to explore arrangements for renewal of funding, submitting grant applications or similar actions to extend employment in current/similar role within the School/Department/Research Institute Manager writes to member of staff to invite them to a consultation meeting 	Manager Manager
4	<ul style="list-style-type: none"> Consultation meeting is held Complete consultation form If member of staff wishes to seek redeployment, complete Job Skills Analysis form and return to HR 	Manager & Individual
3 – 2	<ul style="list-style-type: none"> If requested, the details of the member of staff are entered onto redeployment register and they will receive details of any suitable vacancies before it is advertised If applicable, member of staff is required to register their interest in any suitable vacancies Manager continues to seek funding etc and supports any applications for redeployment HR liaise with member of staff, manager and recruiting unit Manager writes to member of staff to invite them to a decision meeting 	HR Individual Manager HR Manager
1	<ul style="list-style-type: none"> Decision Meeting is held Complete Fixed Term Contract Expiry form & enter as a leaver on Keele People HR send letter confirming expiry Right of appeal <p>Redeployment continues to be explored up to member of staff's termination date</p>	Manager Manager HR Individual