

## **FIXED-TERM WORKING POLICY & PROCEDURE**

### **1. INTRODUCTION**

The University is committed to ensuring the continuity and security of employment for its staff, so far as it is possible. 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 set out in this policy.

The University will avoid the successive use of fixed-term contracts, unless there are compelling reasons which satisfy the criteria set out in this policy.

The University will enable the transfer of fixed-term staff to indefinite contracts where appropriate, as set out in this policy.

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.

#### **1.1. Purpose**

**1.1.1** The purpose of this policy, and supporting 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.

#### **1.2 Scope**

**1.2.1** This policy, and supporting procedure, 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.

## **2. POLICY**

### **2.1 Use of fixed-term contracts**

**2.1.1** Fixed-term contracts will only be used where there is a genuine fixed-term need which can be objectively justified.

**2.1.2** 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. family 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 and /or activity can be clearly demonstrated to be of limited duration only;
- e) Where there is no reasonable prospect of short-term funding being renewed or other external/internal funding being/becoming available.

**2.1.3** The temporary nature of external funding will not automatically be a 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.

**2.1.4** There may be circumstances where an existing member of staff who has more than 4 years' service is appointed to a new fixed term position, and the nature of the terms / role justifies a fixed term contract.

### **2.2. Transfer of staff to indefinite contracts**

**2.2.1** Where a member of staff on fixed-term contracts has at least 4 years continuous service (and within which time their contract has been renewed), or where a renewal or extension of a fixed-term contract would result in total service of more than 4 years, the Staffing Review Group will consider whether a transfer to an indefinite contract is appropriate. Where a case is approved, a new indefinite contract will be issued to the member of staff.

Where a member of staff has more than 4 years continuous service and the nature of the funding for their position is temporary, it may be appropriate for use of an indefinite contract that clearly states the planned expiration date of the funding arrangement (known as indefinite – subject to temporary funding).

**2.2.2** 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.

## **2.3. Management of fixed-term contracts**

**2.3.1** Staff who are employed on fixed-term contracts will be treated no less favourably than comparable staff on indefinite contracts.

**2.3.2** 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 PPRE (Professorial Performance Review and Enhancement) or SPRE<sup>1</sup> (Staff Performance Review and Enhancement)
- 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 2.2 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.

## **3. RELATED POLICIES AND PROCEDURES**

Not applicable

## **4. REVIEW, APPROVAL & PUBLICATION**

**4.1** As a general principle, the Policy will be reviewed by the People and Organisational Development Department, in consultation with recognised Trade Unions after three years or where operational and/or legislative requirements change. Any revisions will be approved in accordance with UEC and Council procedures, where applicable.

**4.2** This Policy 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.

**4.3** 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 Trade Unions.

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<sup>1</sup> Following the successful completion of a probationary period

**4.4** 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.

**4.5** This policy will be published on the University policy zone web page and will also be accessible via the People and Organisational Development web pages.

**4.6** Equality issues have been taken into account during the development of this policy and all protected characteristics have been considered as part of the Equality Analysis undertaken.

## 5. ANNEXES

**Annex A** – Fixed Term Working Procedure

**Annex B** – Flowchart for the management of Fixed-Term Contracts

**Annex C** – Summary of Key Actions for the management of Fixed Term Contracts

## 6. DOCUMENT CONTROL INFORMATION

<b>Document Name</b>	Fixed Term Working Policy & Procedure
<b>Owner</b>	Chief People officer, People and Organisational Development
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<b>Date for Next Review</b>	05 May 2029
<b>Related University Policy Documents</b>	Not applicable
<i>For Office Use – Keywords for search function</i>	

## **Annex A – Fixed Term Working Procedure**

The purpose of this document is to detail the procedure for handling the expiry of fixed-term contracts and the consideration of redeployment.

### **Staff Approaching Their Four-Year Anniversary**

Where members of staff on fixed-term contracts approach four years' continuous service and the need for the role remains, the line manager should consider the transfer of staff to either an indefinite or indefinite subject to temporary funding contract.

There may be an objective justification for the fixed term status to continue. i.e. end of the project, cessation of funding, or secondment arrangement coming to an end within the next 12 months. A short term extension to the fixed term contract may be more appropriate than moving to an indefinite or indefinite subject to temporary funding contract.

For any extension, or where the staff member is to transfer to an indefinite or an indefinite subject to temporary funding contract, approval should also be sought via a contract change request via TopDesk. If applicable, the end date of any funding should be clearly set out for monitoring purposes.

### **A1. Procedure - Fixed Term Working Consultation**

**A1.1** The University recognises that the ending of a fixed-term contract is a dismissal in law (normally due to redundancy). The University will consult with affected individuals and will take all necessary and appropriate steps to avoid compulsory redundancies of both indefinite and fixed-term staff. Responsibility for consultation is managed by line managers through this process.

The key stages of this procedure are represented diagrammatically in Annex B, and Annex C outlines the key actions with associated indicative timescales of this Procedure.

**A1.2** 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. family-related leave, i.e. where the individual for whom a fixed term member of staff provides cover gives notice to return early from Maternity leave). Additional time is also required for those with longer contractual notice.

### **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 the member of staff will also receive a Keele People notification to advise them of the recorded end date for their existing employment contract and that in the coming months their manager will be reviewing matters and so they should hear from them at an appropriate point with a view to discussing any matters related to this forthcoming end date, including how further work may be explored.

**A2.3** Usually four months prior to the contract end date, and where necessary, the manager (or their designate) will invite the member of staff to a consultation meeting (a template letter is available from the People and Organisational Development webpages and will also be emailed via a Keele People notification to the line manager). The letter must include:

- a) The date and time of the meeting;
- b) Who will be present at the meeting (the member of staff's direct line manager and a People and Organisational Development representative may also be present);
- c) 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);
- d) That the member of staff may be accompanied at the meeting by an accredited Trade Union representative or University employed colleague.

### **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 (available on the People and Organisational Development webpages), or advise a member of the People and Organisational Development team, and this will be referenced in the leavers letter sent to the member of staff by the People and Organisational Development Operations team at the end of the process.

**A3.3** The form 'Individual Consultation; Approaching the end of Fixed-term Contract' (available on the People and Organisational Development webpages) 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:

- a) the reason for the proposed termination at the end of the fixed-term contract;

- b) possible alternative sources of funding or any other ways in which the work and hence the contract might be continued. i.e. bridging funding may be an option if it is known that another source of funding will become available in the short term;
- c) the member of staff will be given the opportunity to state their views;
- d) consideration of suitable alternative work, particularly within the host Unit, which might be (or become) available;
- e) the Staff Redeployment Procedure. If the member of staff is interested in seeking redeployment the manager will provide support through the process and share a copy of the redeployment registration form for completion;
- f) (Where applicable) explore further research funding: The Recruiting Manager / Principal Investigator, and other authors of research grant applications in suitably related fields, should explore if existing funding is available to extend the member of staff's appointment
- g) 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(s) the manager should sign the completed Individual Consultation form and send a copy to the employee and to the People and Organisational Development Operations team.

#### **A4 The Consultation Period**

The member of staff will be notified of the consultation period start date and a reminder of the planned end date for the contract.

**A4.1** During the consultation period:

- a) The University will be exploring redeployment for the member of staff (unless they declined this option) under the Staff Redeployment Procedure;
- b) The manager will explore possible means of extension (e.g. confirmation of further funding); and
- c) If there were any particular points that the member of staff raised during the consultation meeting these will be explored and addressed where appropriate.

**A4.2** Where funding for an extension of contract is identified prior to the planned end date, the manager will complete a Contract Change Request via TopDesk. The objective justification for the continuation of the contract type should be clearly noted for consideration during the approval process and for ongoing monitoring.

**A4.3** 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.

**A4.4** 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, during the final month before the contract is due to expire, the manager will invite the member of staff to a decision meeting using the letter template available from the People and Organisational Development webpages and via Keele People notification.

**A5.2** The member of staff may be accompanied by a University employed colleague or a Trade Union representative. A representative from People and Organisational Development Department may also be present.

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

- a) Recap discussions to date;
- b) Confirm the efforts made to seek extension/redeployment and that continuing efforts will be made until the end of their contract (if the member of staff chose to participate in this process);
- c) Check that there is nothing further to be explored;
- d) 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;
- e) Explain that a statutory redundancy payment will be paid (if the member of staff has more than 2 years continuous service N.b. where a member of staff is retaining continuity of service, due to returning to the NHS, redundancy will not be applicable);
- f) 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 and send it to the People and Organisational Development Operations team, to request they process the member of staff as a leaver on Keele People.

**A5.5** The member of staff will receive written confirmation of the decision to terminate their contract and of their right to appeal against this decision. The manager must contact the People and Organisational Development Operations team, by email, and request they 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 and should state the grounds for appeal.

**A6.3** 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.

**A6.4** A member of staff will be given at least five working days written notice of the date of an appeal meeting.

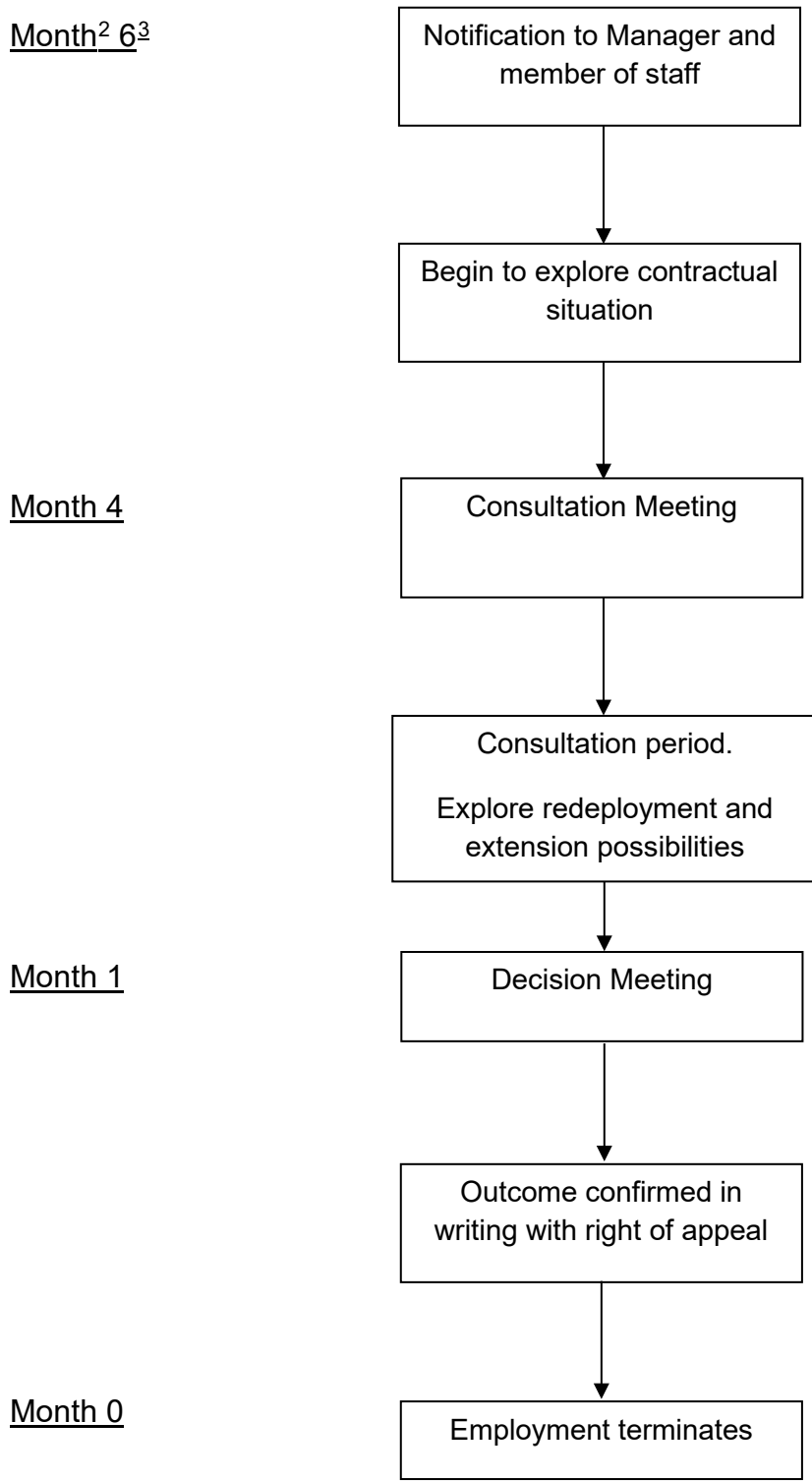
**A6.5** In advance of an appeal meeting, the member of staff must provide, in good time, copies of any documents on which they intend to rely on and/or their statement of case. The member of staff will also receive, in good time, copies of any documentation on which the University intends to rely.

## **A7 Support for staff**

During and after the formal consultation period, we will continue to provide assistance to members of staff in the following areas, as necessary:

- Assist or signpost to resources related to conducting job searches (including potential redeployment opportunities) and providing information on useful resources/contacts.
- Provide or signpost to finance-related information - such as information on redundancy pay and pensions.
- Ensuring they are aware of their right to take reasonable time off (with permission) to seek alternative employment.
- Staff counselling service and Occupational Health.

## Annex B - Flowchart for the management of Fixed Term Contracts



<sup>2</sup> Months stated provide an indicative timeframe

<sup>3</sup> Month 6 means 6 months prior to the fixed term end date

## Annex C – Summary of Key Actions for the management of Fixed Term Contracts

<b>Month (Indicative timeline)</b>	<b>Action</b>	<b>Main Driver</b>
<b>6</b>	<ul style="list-style-type: none"> <li>Member of staff and Manager receive notification advising them that the contract expiry date is approaching</li> </ul>	People and Organisational Development (POD)
<b>5</b>	<ul style="list-style-type: none"> <li>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</li> </ul>	Manager
<b>4</b>	<ul style="list-style-type: none"> <li>Manager writes to member of staff to invite them to a consultation meeting</li> <li>Consultation meeting held</li> <li>Complete consultation form</li> <li>If member of staff wishes to seek redeployment, complete Redeployment Registration Form and return to POD</li> </ul>	Manager & Individual
<b>3 – 2</b>	<ul style="list-style-type: none"> <li>If requested, the details of the member of staff are entered onto redeployment register and where available they will receive details of any suitable vacancies before they are advertised</li> <li>If applicable, member of staff is required to register their interest in any suitable vacancies under redeployment and/or apply directly for vacancies not matched to</li> <li>Manager, and member of staff, in cases of research grants, continues to seek funding, any alternative options, and supports any applications for redeployment</li> <li>POD liaise with member of staff, manager and recruiting unit, if required</li> <li>Manager writes to member of staff to invite them to a decision meeting</li> </ul>	People and Organisational Development Individual  Manager  POD  Manager

<p><b>1</b></p>	<ul style="list-style-type: none"> <li>• Decision Meeting is held</li> <li>• Complete Fixed Term Contract Expiry form, and send to POD Operations team for action</li> <li>• POD send leavers letter confirming the contract termination date</li> <li>• Right of appeal</li> </ul> <p>Redeployment continues to be explored up to member of staff's termination date, if registered.</p>	<p>Manager  Manager    POD    Individual</p>
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