

Fixed Term Contract Supporting Documents

Principles

Appendix A – Regulations

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Principles

- This procedure has been developed in consultation with the recognised trade unions in accordance with the Education Reform Act 1988 and The Articles of Government agreed by the Board of Governors. The aim is to provide an equitable and non-discriminatory approach to issuing fixed-term contracts.
- This procedure is in accordance with the Fixed-Term Employees (Prevention of Less Favourable Treatment) Regulations 2002 and is designed to ensure that fixed-term workers should not be treated less favourably than comparable permanent workers unless this can be objectively justified (see [Appendix A](#)).
- Because we value diversity and equality highly, we have designed our procedures to be fair and inclusive. In putting our procedures into practice, we expect all members of the University community to abide by the spirit and detail of the Equality Act 2010 and One Kingston, our policy and strategy for equality, diversity, and inclusion.
- The termination of a Fixed-Term Contract for a Senior Post Holder will be managed in accordance with The Articles of Government.
- The University aims to appoint staff to permanent contracts wherever possible and to limit the use of fixed term contracts to ensure they are only used where appropriate and where there is a transparent, necessary, and objective reason. Fixed-term contracts will not normally be issued for more than four years in total.
- Staff on fixed-term contracts will be:
 - Provided with the same opportunities for University benefits as comparable to permanent staff e.g., staff development and training.
 - Provided with the same terms and conditions as permanent staff in comparable jobs, unless the difference can be justified in accordance with the legislation for transparent, necessary, and objective reasons.
 - Given equal access to information on, and the opportunity to apply for vacancies within the University to comparable permanent staff.
- New staff on fixed-term contracts will have their performance reviewed in line with the University's procedures.
- Staff with four or more years' continuous service on successive fixed term contracts will be considered for transfer onto a permanent contract. It may still be possible for a fixed term contract to be extended beyond four years but the reason for doing so must be objectively justifiable.

Appendix A - The Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002

Further important points about the above Regulations:

1. A fixed-term contract is defined in the Regulations as a contract of employment that, under the normal course of its provisions will terminate:
 - On the expiry of a specific term,
 - On the completion of a particular task
 - When a specified event does or does not occur.
2. The Regulations state that:
 - a) The University is required to provide on request, a written statement, within 21 days, setting out the reasons for less favourable treatment if a member of staff believes that this may have occurred (see Section 10) for more information.
 - b) All fixed-term contracts renewed or extended with more than 4 years' continuous service need to be justified, or alternatively, automatically transfer to an open-ended (permanent) contract.
 - c) Less favourable treatment will be objectively justified if it can be shown that it is:
 - To achieve a legitimate objective, for example a genuine business objective
 - Necessary to achieve that objective
 - An appropriate way to achieve that objective.
3. The Regulations **do not** apply to apprentices or students on work experience placements of one year or less undertaken as part of a higher education course. A higher education course is defined in the Education Reform Act 1988 and includes undergraduate, postgraduate and teacher training courses. The Regulations do apply to work experience placements (as described above) which last more than one year.