

Fixed-Term Contract Procedure

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Issued by: Human Resources (HR)

Issue Date: 1 December 2019

Version 1.0

Review Date: January 2025

Introduction

This procedure provides guidance around issuing fixed-term contracts.

1. The use of fixed term contracts

Before advertising for a fixed-term contract the recruiting manager must be able to evidence why the post is a fixed-term contract. Examples include:

- The post requires specialist expertise within the University for a short period of time e.g., project manager or project resource.
- Covering staff absence as appropriate e.g., maternity leave, adoption leave, additional paternity leave, parental leave, sickness absence, sabbatical leave, secondment or covering absence due to public service
- Where the business demand can be clearly demonstrated as uncertain in the context of managing organisational change e.g., an impending restructure.
- Where there is no reasonably foreseeable prospect of short-term funding being renewed or other external or internal funding becoming available e.g., externally funded research project
- To provide a development opportunity e.g., graduate placement. Please also refer to [appendix A](#) for more information.

A suitable recruitment process should be carried out. The reason for the fixed-term contract, together with the end date will be stated in the offer letter. Should the manager consider an internal secondment opportunity, i.e., where an internal application is received from a staff member (currently on a permanent contract), they should seek advice from HR.

2. Reviewing a fixed-term contract

Managers will be notified via Unified ahead of the end of the Fixed Term Contract end date. If the manager does not take any action, they will get a further reminder just before the end date approaches. If the manager still does not take any action at this stage the contract will terminate on the fixed end date. The line manager should notify via Unified on of the following decisions:

- An extension is required to a fixed-term contract,
- The staff member is to be confirmed as permanent in the role
- The contract is due to end on the specified date, and it is unlikely that this can be extended

3. Extending a fixed-term contract of less than 4 years

If an extension is required, the manager may discuss this with the staff member before submitting the request via Unified. An extension should only be granted when there are no significant differences between the job and the original contract. There must also be a transparent, necessary, and objective reason for extending the fixed-term contract. (If the job or the reason for the fixed-term contract has changed, advice should be sought from HR). Once HR receives the completed review form, they will write to the staff member to confirm the extension arrangements.

4. Making a fixed-term post permanent

When a fixed-term position, of less than 4 years, has been identified as continuing on a permanent basis, and a review of the job description/role has been carried out, the staff member will normally be appointed to the permanent post, without the post being advertised, unless there is a clear rationale and justification for open competition.

The permanent post will need to be advertised if any of the following apply:

- The staff member is subject to any stage of Kingston's Capability or Disciplinary Procedure or subject to a *Probationary period (this includes extensions to probationary periods) Note: Probationary periods do not recommence each time a fixed-term contract is renewed
- The requirements for the duties of the role have significantly changed

- The current staff member has not carried out the full spectrum of duties as specified in the Job Description for the permanent post
- The current fixed term staff member was not originally recruited via a compliant recruitment process within Kingston University, including a sufficiently broad advertising campaign.

The manager should have a discussion with the fixed term staff member about the process for filling the permanent position

5. Renewal of a fixed-term contract beyond 4 years' continuous service

Staff members who acquire 4 or more years' continuous service on successive fixed-term contracts will be considered for transfer onto a permanent contract (for the job they were originally employed on the fixed-term contract). If the fixed term contracts have been for different roles, advice should be sought from HR.

HR will notify the manager of staff members with 4 or more years' continuous service, together with the action that is required. Where a staff member is to be made permanent HR will confirm this in writing to the staff member

It may be possible for a fixed-term contract to be extended beyond 4 years, where one or more of the following criteria are met:

- The post is wholly or mainly concerned with a specific business or academic activity which will cease in the foreseeable future.
- A permanent staff member will be returning to the role in the foreseeable future.
- Where the work being done will cease at a date which is known, or the work is dependent on external funds which are due to end and will not be extended or replaced from other sources.
- The post is part of a training programme that has been extended for a limited period.

If the line manager wishes to extend a staff member's fixed-term contract beyond four years, they should contact HR in the first instance

6. Expiry of a fixed-term contract

The expiry of a fixed-term contract is normally deemed a redundancy dismissal in law. Staff members on fixed-term contracts have the right to a fair dismissal process. If they have been continuously employed for two years or more, they are entitled to a redundancy payment in accordance with the Managing Organisational Change Procedure.

Staff members whose fixed-term contracts are likely to terminate at the end of the fixed-term contract, may be invited to a consultation meeting to discuss the end of the fixed-term contract with an appropriate manager. The staff member has the right to be accompanied by a trade union representative or workplace colleague. Where possible, the meeting should normally be held 4 months before the end date of the contract. An HR representative may also attend the meeting.

The purpose of the meeting is to:

- Discuss the reason the fixed-term contract is ending and the next steps
- Provide the opportunity for questions
- Discuss possible redeployment within the University.

If no alternative employment is found, the fixed-term staff member will normally receive a letter formally to confirm the termination of the fixed-term contract approximately 6 weeks before the end date of the contract

7. Right of Appeal

Appeals against the ending/non-renewal of a fixed term contract must be made in writing and submitted to the HR Director within 10 clear working days of receipt of the letter informing the staff member of the end of

their fixed-term contract. HR will arrange an appropriate person to hear the Appeal. If a staff member feels that 'objective justification' has been applied unfairly or inappropriately, they should pursue this using the [Grievance Procedure](#).

8. Requests for a written statement

A staff member can request a written statement from the University (see [Appendix A](#)) as set out in the Regulations in the following circumstances:

- Where the staff member suspects less favourable treatment and would like justification of the reasons
- Where the staff member has accrued 4 years' service and would like permanent employment confirmed, or
- Where the staff member would like confirmation as to why the fixed-term contract has been extended beyond 4 years and has not been made permanent.

A staff member should make their request in writing and send it to their line manager, copying in HR. In turn, the manager (in conjunction with HR) should provide the written request within 21 days of receipt