

Guidance on Fixed Term Contracts (FTCs)

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This guide should be read in conjunction with other relevant policies as appropriate:

- Regulation Governing the Non-Renewal of Limited - Term Contracts Pursuant to Statute XIII Part II (for staff Grades 6/Ac1 and above)
- Regulations Governing Redundancy pursuant to Statute XIII Part II
- Redundancy Procedure – Non-Statute Staff (for staff Grades 1-5)
- Managing Redeployment Process

Using Fixed Term Contracts

Staff are employed under fixed term contracts when the nature of their position or work is for a recognised finite period or where a specific amount of funding or a grant has been made available for the purpose of employment for a defined period. The University uses FTC's extensively for contract research positions, to cover staff absences and for other positions connected to specific projects.

Renewal of Fixed Term Contracts

Any renewal or extension of fixed term contracts will be subject to available funding.

In many instances funding has been secured to allow for a contract extension where there is a need for the work to continue for a further defined period. In this instance the contract for the individual is extended and a new fixed end date is specified.

In some circumstances there may be a continuing need for the work essentially on a permanent basis and where there is funding available to make the contract permanent to the University.

Non-renewal of Fixed Term Contracts

In most cases fixed term contracts will come to an end when one or more of the following occurs:

- the terms of the initial contract have been fulfilled;
- where a contract has been extended on one or more occasions but there is no longer a requirement for the work to be performed;
- where a project has been completed;
- where funding for the post is no longer available.

The ending of a fixed term contract is regarded as a dismissal under law. The Fixed Term Work (Prevention of Less Favourable Treatment) Regulations 2002, which implement the 1999 EU Directive on Fixed Term Work, came into force on 1 October 2002. The

Regulations make it unlawful to treat an employee on a fixed term contract less favourably than an employee on a permanent contract, unless this can be 'justified on objective grounds' (Regulation 3(3) (b)).

In most cases the University would justify the ending of a fixed term contract on the basis of the work having been completed and/or no further funding being available.

Regulation 8 specifies that a fixed term contract automatically becomes permanent when it is renewed beyond four years unless the employer can argue that the further employment of the employee under a fixed-term contract is 'justified on objective grounds'.

Justification on objective grounds normally relates to the work being required for a defined period or funding being available for a defined period. Any claims made by employees should be referred immediately to the relevant HR Business Partner in People and Culture.

By following the University's Regulation Governing the Non-Renewal of Limited-Term Contracts Pursuant to Statute XIII Part II and considering alternative employment (see section on Redeployment in this guidance), managers will be able to ensure that any such dismissal is 'fair' and minimise the risk to the University of an employee claiming unfair dismissal.

Roles and Responsibilities

The management of fixed term contracts can be difficult and complex. It is therefore important that HR Business Partners and Managers in Schools and Directorates are diligent in the application of the relevant University procedure and vigilant in relation to possible problems arising. It is particularly important to ensure that the various timelines are followed to meet the requirements of the University's procedure and the law. (see Appendix 1 for FTC Time Frame).

The relevant Head of School or Director makes the decision that a contract should not be renewed or extended, or that a contract of indefinite duration should be offered. The Head of School or Director should consult with the HR Business Partner for any advice or guidance. The HR Business Partner will provide advice at all stages to ensure that decisions relating to the procedure are fair, reasonable and consistent.

FTC System

The renewal and extension of existing FTCs are processed through our on-line system on Queen's On-Line (QOL). People and Culture will remind the relevant Head of School or Director, in a timely fashion, of the necessary requirements associated with the renewal or otherwise of a FTC.

Seven months before the end of the contract the HR Hub initiates the form via QOL and an email is auto generated and sent to the School Manager/Administrator. He/she completes the form and forwards to Head of School/Director or (if appropriate) redirects to the Principal Investigator (research posts only). If the form is redirected, the Principal Investigator completes the form and forwards to the Head of School. The Head of School/Director approves the form and forwards to the HR Hub within one month of the request. (See Appendix 1 for FTC Time Frame).

Conducting a Meeting

Where a contract is not being renewed a member of staff is entitled to a consultation meeting with the relevant Head of School or Director and to be accompanied by a representative of a recognised trade union or University colleague. N HR Business Partner, or nominee, also attends this meeting. The purpose of the meeting is to discuss the status

of the current contract, whether it will be renewed or whether the University needs to seek to redeploy the member of staff. If appropriate the member of staff shall be placed on the redeployment register. The member of staff will be advised that in the event that the contract is not renewed and alternative suitable employment is not possible then it will be necessary to terminate the employment contract. A record of the consultation meetings should be taken by the People and Culture representative.

Appeals

An employee has the right to appeal against a decision to terminate their employment. The right of appeal must normally be exercised within 20 working days of receipt of notification of the termination. The appeal, stating the grounds on which it is made, must be in writing addressed to the Head of HR Business Partnering. Appeal panels shall be convened by People and Culture and shall consist of three persons none of whom shall previously have had any involvement with the case and each of whom has consented to act.

The appeal will generally be a review of the original decision to consider whether the reasons advanced in support of the decision are reasonable. The appellant shall be entitled to meet and make representations to the panel and be assisted by a representative of a recognised Trade Union or a University colleague. The panel will consider written evidence from the Head of School or Director and the person whose decision it was not to renew or extend the contract and may at its discretion request oral evidence.

The appeal panel shall give a reasoned decision in writing, normally within 10 working days of the appeal hearing and the decision is final.

Redeployment

Members of staff employed on fixed term contracts will be eligible for consideration for redeployment under the University's Redeployment Process. If the contract is not being extended and, in accordance with the redundancy procedures for all categories of staff, the University will make every attempt to redeploy staff.

Redundancy Payments

Compensation for loss of employment due to redundancy will be in accordance with the scheme as set out in the Regulations Governing Redundancy pursuant to Statute XIII Part II (relating to staff Grade 6/Ac1 and above) and Redundancy Procedure – Non-Statute Staff (relating to staff Grades 1-5).

Process in relation to expiry of Fixed Term Funding for Permanent Staff

The Regulation Governing Redundancy Pursuant to Statute XIII Part II sets out the procedure which pertains in relation to a situation where a member of staff (Grade 6/Ac1 and above) is being made redundant because temporary funding has come to an end and no further funding is available. The corresponding procedure for Non-Statute staff is the Redundancy Procedure – Non Statute Staff.



FIXED TERM CONTRACTS TIME FRAME

7 MONTHS BEFORE EMPLOYEE'S CONTRACT END DATE

- People and Culture request School/Directorate to complete a form within the online FTC system to advise whether the contract is to be renewed, made permanent or to terminate.
- School/Directorate has one month to complete the form and return to People and Culture.

6 MONTHS BEFORE EMPLOYEE'S CONTRACT END DATE

- People and Culture issue correspondence to the employee, the contents of which will depend on the information provided from the School/Directorate, eg no further funding.
- People and Culture advise the employee he/she is entitled to have a consultation meeting, with the Head of School/Director, and may be accompanied by a representative of a recognised trade union or University colleague.
- People and Culture advise the employee, if appropriate, that he/she will be placed on the Redeployment Register.

4 MONTH BEFORE EMPLOYEE'S CONTRACT END DATE

- People and Culture issue a memo to the employee, the contents of which will depend on the information provided from the School/Directorate, eg no further funding. A renewal letter will be issued if appropriate.

2 WEEKS BEFORE EMPLOYEE'S CONTRACT END DATE

- People and Culture issue a termination letter to the employee where the School/Directorate has confirmed that no further funding is available.

APPEAL

- An employee has a right to appeal against a decision to terminate their employment; normally to be exercised within 20 working days of receipt of notification from People and Culture.