

MANAGEMENT OF FIXED-TERM CONTRACTS

1 Context

This policy complies with:

- (A) Minimum legal standards for handling dismissal
- (B) Requirements of the UH Joint Agreement on Employment Policy

2 Use of fixed-term contracts

- 2.1 The University of Hertfordshire is committed to achieving continuity of employment for as many of its staff as reasonably practicable. It will therefore appoint staff on indefinite contracts whenever possible.
- 2.2 Appointments on fixed-term contracts may apply in the following circumstances:
- a) Where there is neither reasonable foreseeable prospect of short term funding being renewed nor other external or internal funding being available or becoming available
 - b) To cover staff absence
 - c) Where demand is particularly uncertain
 - d) Where the role is designed to complete a time-limited task or project
 - e) To fill a short-term need for special skills or experience for a specific period
 - f) To provide a short-term career development opportunity or secondment
 - g) Issues of performance or quality will not be used to establish whether or not a fixed term contract should be used. Performance and quality issues will be dealt with in accordance with the University's procedures on such issues.
- 2.3 Where staff are appointed to fixed-term contracts, they will be given equivalent terms and conditions of employment to those in comparable jobs working on indefinite contracts. They will enjoy equivalent opportunities for career progression and development, as far as this is practicable.
- 2.4 All employees on fixed-term contracts will have the opportunity to apply for any other appropriate vacancies in the University.
- 2.5 Employees who are currently on fixed-term contracts will be transferred onto indefinite contracts after a period of four years' service unless an objective justification can be shown
- ### 3 Termination
- 3.1 By their nature fixed-term contracts come to an end more frequently than indefinite contracts. The following arrangements apply in respect of termination of fixed-term contracts.
- 3.2 The termination of a fixed-term contract at its date of expiry is dismissal in law – and is assumed to be for reason of redundancy unless there are indications to the contrary.

- 3.3 We will therefore ensure that employees are consulted about possible termination of their employment in good time before their contract is due to expire. Normally this would take place approximately two months before any period of notice is due to commence that would take effect at the end of the fixed-term contract. So, for example, where a one year contract has a one month's notice of termination, consultation would begin three months before the expected date of termination of the contract.

The following five stage procedure would meet legal requirements. The individual employee is:

- i. Invited to a meeting in writing to discuss the possible termination of their contract and given the reason(s) in writing why termination may take place and given the opportunity to be accompanied by a friend employed by the University/Union representative.
- ii. Advised again at the meeting why termination is being considered and what opportunities there might be for redeployment and what assistance/support the University will provide to facilitate this.
- iii. Given the opportunity to comment on possible termination at the meeting or soon thereafter, if they prefer.
- iv. Advised of a final decision regarding possible termination/redeployment after the meeting and after their comments have been received and considered, if later. Where redeployment is an option the employee will be provided details of the possible redeployment including rate of pay and conditions applicable.
- v. Advised in writing of their right of appeal if the contract is to be terminated.

- 3.4 This practice will be followed irrespective of whether the employee is entitled to a statutory redundancy payment and irrespective of age.

- 3.5 Notice of termination of fixed-term contracts will be as stated in the individual contract. Employees on fixed-term contracts will benefit from notice periods equal to those on indefinite contracts with equal length of service.

4 Liaison with Trade Unions

- 4.1 We shall advise the relevant TU when a fixed-term contract is entered into.
- 4.2 We shall normally consult with the relevant TU three months before the date of expiry of the contract.
- 4.3 Obligations under 4.1 and 4.2 will be considered as met with the publication of such information on the COGNOS system accessible to all Trade Unions. The data will be presented in date order,

Agreed with the Recognised Trade Unions
(June 2007)