University of St Andrews

Policy on the use of fixed term and standard contracts

Document type	**Policy**
Scope (applies to)	All staff
Applicability date	07/12/2022
Review / Expiry date	28/02/2025
Approved date	17/12/2024
Approver	Deputy Director of Human Resources
Document owner	Human Resources Officer
School / unit	Human Resources
Document status	Published
Information classification	Public
Equality impact assessment	None
Key terms	Staff/Employee relations/Contract management
Purpose	Outlines the appropriate use of fixed term contracts and expectations of employees employed on these contracts.

Version number	Purpose / changes	Document status	Author of changes, role and school / unit	Date
1.8	Amending the expiry date only to coincide with policy review consultation dates.	Published.	Lisa Stewart HR	17/12/2024

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1. Policy Statement

1.1 The University recognises and values the contribution made by all employees of the University regardless of fixed term/standard contract status. It is committed to ensuring that all employees on fixed term contracts are treated as favourably as those on standard contracts in relation to pay, benefits, training, promotion and career development. The University seeks to provide continuity of employment for its employees and is committed to reducing, as far as possible, the use of fixed term contracts within the overall context of continuing to improve on its position as a world leading research and teaching University and remaining true to its commitment of respect and fair treatment for all.

1.2 Fixed term contracts should only be used for transparent and objective reasons where there is a genuine finite need. By minimising the use of fixed term contracts, it is acknowledged that there will be potential redundancy situations which arise particularly for those on standard contracts with fixed term external grant funding.

2. Purpose

2.1 The purpose of this policy is to:

- minimise the use of fixed term contracts in the University by ensuring that they are only used where objective justification exists;
- provide for the transfer of fixed term employees to standard contracts where appropriate;
- specify how fixed term contracts and standard contracts related to fixed term externally funded grants and initiatives/projects will be managed;
- specify the circumstances in which fixed term contracts may be used;
- specify action required in relation to the termination of a fixed term contract or standard contract related to fixed term externally funded grants or other appropriate reason e.g. end of specific project;
- ensure compliance with legislative duties as set out in the Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002.

3. Scope

3.1 This policy covers all employees of the University but is specifically designed for the following two groups: (it does not cover apprentices, agency workers or student work placements)

- Employees who are employed on fixed term contracts with a specified end date;
- Those employees on a standard contract directly linked to grants, initiatives and projects which are fixed term in nature.

4. Definitions

4.1 A **fixed term contract** is a contract of employment which:

- is for a specific term and is fixed in advance but can be terminated early by appropriate notice being given by either side within the fixed period;
- terminates automatically on the completion of a particular task;
- terminates automatically upon the occurrence or non-occurrence of an event which the postholder is aware e.g. substantive postholder returns from maternity or research leave or a course does not run due to lack of numbers.

4.2 A **standard contract** is defined in law as 'a contract of employment that is not fixed term'. Such contracts may also be referred to as open ended or indefinite. Standard contracts may be lawfully terminated as long as the correct process has been adhered to.

5. Appropriate use of fixed term contracts

5.1 The use of fixed term contracts will continue to remain appropriate in certain circumstances where there is a clear need and will only be used where there is a transparent and objective justification at the time the contract is first established or upon renewal, for example:

- Where funding is limited to a specified period and there is no reasonable or foreseeable prospect from the outset of it being extended;
- Where there is no reasonable or foreseeable prospect of short-term funding being renewed or other external or internal funding being available or becoming available;
- Where a post has been established to deliver specific project/task-based work which is finite in nature, without any anticipated requirement for such work to continue beyond that task/project;
- The post requires specialist skills for a finite period;
- To provide backfill cover for activities in the absence of another member of staff who is expected to return to their post e.g. for research, maternity, sick leave, secondment;
- Where the funding/project can be clearly demonstrated as uncertain;
- Where a post has been created to satisfy short term/seasonal demand;
- The post is to a temporary, personal fellowship e.g. Royal Society.

5.2 Employees on fixed term contracts

5.2.1 It is intended that fixed term employees should:

- have contracts which contain the same core contractual terms and conditions of employment as comparable staff on continuing appointments;
- have comparable workloads to comparable staff on continuing appointments;
- be able to access the same facilities as comparable staff on continuing appointments e.g. library, Sports Centre, office space, photocopying;
- have equal access to development opportunities that meet their identified needs, including those opportunities that advance their career paths e.g. by having an annual review with their line manager and research and impact paid leave;
- have a clear understanding of the current and planned future status of their post;
- be provided with information on, and the opportunity to apply for, other positions within the University;
- be eligible to participate in University governance and committees;
- have an expectation that after 3 years' service, they will normally be provided with confirmation that their post is to be made standard unless clear objective justification applies, or their post is not being renewed at this point;
- not have more than three successive renewals or extensions for periods of one year or less other than in exceptional circumstances;
- not be selected for redundancy or be unfairly dismissed if the principal reason for the selection was because of their fixed term status.

5.2.2 Employees on fixed term contracts can request a written statement within 21 days of commencement in their post to explain any differences in their employment arrangements from those of comparable continuing contracts. In addition, employees can request at any

time during their employment to be provided with an objective justification for the fixed term nature of their appointment.

6. Renewal of fixed term contracts

6.1 Normally, employees will be deemed to hold a standard contract if their fixed term contract is being renewed/extended; and the new contract period will result in employment extending beyond 3 years or more unless there is a clear objective justification for the fixed term status remaining (as outlined in 5.1).

6.2 There will be cases where the extension provides for continuous service of 3 years or more but the further funding for the post remains a significant risk e.g. it is only short term for a few months with no guarantee that more substantive funding will become available. In these circumstances, each case will be reviewed individually and where future funding is considered highly uncertain, objective justification for the continued use of a fixed term contract beyond 3 years may apply. In cases where the further use of a fixed term contract extends service beyond 3 years, a written statement of the rationale will be provided (usually as part of the individual's contract extension paperwork).

6.3 Where a standard contract is issued which has finite funding or is related to a finite initiative/project, the employee will normally be advised of this at the point the contract/extension is issued.

7. Ending of fixed term or standard contract

7.1 The end of a fixed term contract is deemed to be a dismissal in law therefore, the University must adhere to a dismissal procedure that is compliant with relevant employment legislation.

7.2 In the majority of cases, the reason for dismissal upon the expiry of a fixed term contract will be redundancy but, in some cases,, it may be for 'some other substantial reason' e.g. on the return of an absent member of staff for whom cover has been provided.

7.3 There will also be cases where it is necessary for the University to consider the termination of a standard contract as a result of redundancy, e.g. where the fixed term funding/project comes to an end without equivalent replacement.

7.4 In the case of individual redundancy situations, the Principal Investigator/Manager/Head of School will be informed at least 5 months prior to the potential expiry of the fixed term/standard contract to enable a speedy response and avoid unnecessary communication being sent to individual members of staff that places them at risk of redundancy when, in fact, further funding/initiative/projects are available.

7.5 If a redundancy process has to be initiated, it will follow the steps outlined in the University's Redundancy Policy**.**

7.6 Employees at risk of termination for 'some other substantial reason', will be given the opportunity to have a meeting to discuss the end of their contract and look at alternative options available.

7.7 The University will make all reasonable efforts to ensure the continuity of individuals where possible and consideration will be given to bridging funding and redeployment opportunities.

8. Review

8.1 This policy will be reviewed periodically with the unions and to reflect changes in relevant legislation. Information on the use of fixed term and standard contracts will be presented at the Research and Teaching Staff Forum each semester.

9. Support and advice

9.1 If you require further information regarding any of the content of this policy, please contact a member of the HRBP team in the first instance.

This policy is not contractual and may be amended by the University from time to time.

Version number	Purpose / changes	Document status	Author of changes, role and school / unit	Date
1.0	Migration of the policy to the Governance Zone.	Published	Louise Milne Human Resources	03/07/2019
1.1	Change to classification from internal to public.	Published	Lisa Stewart HR	12/11/2019
1.2	Change to review date only.	Published	Lisa Stewart HR	31/08/2021
1.3	Change to review date	Published.	Lisa Stewart HR	20/12/2021
1.4	Change to review date only.	Published.	Lisa Stewart HR	07/12/2022
1.5	Change to review date and broken links fixed.	Published.	Lisa Stewart HR	22/08/2023
1.6	Review date extended to allow policy review to conclude.	Published.	Lisa Stewart HR	04/01/2024
1.7	Amending the expiry date only to coincide with policy review consultation dates.	Published.	Lisa Stewart HR	04/07/2024
1.8	Amending the expiry date only to coincide with policy review consultation dates.	Published.	Lisa Stewart HR	17/12/2024