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## **FIXED-TERM AND OPEN-ENDED CONTRACTS POLICY**

### **Background**

1. The Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations came into force on 1 October 2002. These regulations made certain changes to the way fixed-term employees are treated by the law and should be treated by their employers. The underlying principle of the legislation is that fixed-term employees, including those who are hourly-paid, should not be treated less favourably than comparable permanent employees on the grounds that they are fixed-term employees, unless this is objectively justified.
2. Liverpool Hope has committed to implementing these Regulations positively and has:
  - Protected fixed-term contract staff from less favourable treatment. • Reduced the number of fixed-term contracts by ensuring that open-ended contracts (indefinite contracts with no specified contractual end date) are the contractual norm.
  - Carried out a full review of fixed-term and open-ended contracts to bring contracts into line with the Regulations.
  - The university's present position it to monitor such contracts in line with the policy detailed below.

Our objective remains to secure the right balance between flexibility and efficient working practices, whilst delivering fair employment with an improved measure of security for all staff. Where we continue to use fixed-term contracts the reasons will be transparent and objectively justifiable.

### **Principles**

3. The key principles underpinning this policy are:
  - Staff on fixed-term contracts will receive the same terms and conditions of service, and have access to the same career development opportunities, as staff with open ended contracts.
  - Staff on fixed-term contracts who have 4 years continuous service and have had their contract renewed or extended, will be automatically deemed permanent unless there is objective justification for their continued fixed-term status (Appendix 1 refers).
  - The use of fixed-term contracts has diminished steadily, within Liverpool Hope to embrace open-ended contracts as the contractual norm.
  - Where fixed-term contracts are used they must be appropriate, with a view to treating employees fairly in line with the legislation and promoting efficient and effective academic and financial performance.
  - Staff on fixed-term contracts who are made redundant will receive statutory redundancy pay if they satisfy the relevant age and service criteria.

## **Continued Use of Fixed-term Contracts**

4. Although the norm will be to appoint employees on open-ended contracts there will be circumstances where fixed-term contracts can be awarded. A list of reasons where such action is considered valid, justifiable and acceptable is outlined at Appendix 1. If it is felt that a fixed-term contract is appropriate, the reasons must be clearly stated on the 'authority to recruit' form.

## **Ongoing Process**

5. Managers, in conjunction with Personnel, should periodically review whether it is appropriate for a member of staff to convert to an open-ended contract, particularly when the offer of a second or subsequent fixed-term contract would extend the length of service to over four years.

## **Termination of Fixed-term Contracts**

6. For all fixed-term appointments, the following procedures should be used:
  - Normally no later than 5 months in advance of the end date, determine whether the fixed-term post can be extended or made indefinite. If not, consider and document any alternative employment options such as redeployment.
  - Normally no later than 4 months in advance of the end date, invite the employee to a meeting to discuss their intentions. Are they planning to leave at the stated date or do they wish to remain in employment if possible?
  - The individual should be given information about other positions within Hope. Where the expiry of the contract is a redundancy, consultation should take place with the recognised unions in accordance with statutory requirements.

## **Appeals Process**

7. A member of staff whose fixed-term contract is not renewed or extended on termination, or who is not offered an open-ended contract, shall be given the full reasons for the decision in writing. They would have the right to appeal against that decision, their appeal being heard by a suitably convened Review Panel within an agreed appeals process.
8. A suggested process could be:
  - The member of staff has 10 working days from receipt of notification to request a review, setting out full details of the grounds of appeal.
  - The Review Panel will consist of the Director of Personnel or nominee; the relevant Dean/Department Head or nominee; and a Dean/Department Head or nominee from a different area. None of the Panel should have had previous involvement with the original decision.
  - The Review Panel will consider written and, at their discretion, oral representations from the member of staff and the person who made the decision.
  - The Panel will decide whether the reasons advanced in support of the decision are reasonable and supportable, taking into account all the evidence submitted.
  - The decision of the Review Panel will be final.

## **Appendix 1**

### **REASONS FOR USE OF FIXED-TERM CONTRACTS**

- The post requires specialist expertise or recent experience not already available within Hope in the short term.
- Cover for an identified period of specific staff absence, such as maternity/paternity or adoption leave, long-term sickness or secondment.
- Providing an existing post-holder with an identified short-term career opportunity.
- Input from specialist practitioners.
- Where there is no reasonably foreseeable prospect of short-term funding being renewed or other internal/external funding being available or becoming available.
- Where student or business demand can be clearly demonstrated as particularly uncertain.
- Where Hope can demonstrate a specific project that will only last for a limited term and is not an ongoing activity.
- For an interim period (for example, pending the restructuring of a department and/or recruitment to a specific post).