

## Managing and ending fixed-term contracts

### Summary

#### Applies to: all fixed-term appointments<sup>1</sup>

When a fixed-term contract is issued, it is accompanied by a contract cover letter which sets out the reasons that the contract is for a fixed term. The reason(s) should be one, or more, of the following:

1. to cover temporary staff absence, [e.g. sabbatical leave, parental leave, sickness absence, secondment]
2. to provide specialist expertise or experience which is required for a specific time or for a specific project [details of project or reason for time limit to be specified]
3. to develop a product or service for which the outcome and future need is uncertain [details of e.g. the course or service which is under development to be specified]
4. the post is intended specifically to provide a time-limited period of training or development [details to be specified]
5. to work on, or provide specialist expertise or experience to, a research project which is dependent on an external research grant and for which there is no expectation that the work will continue beyond the availability of that external funding [project and grantor to be specified]
6. because the appointment is limited to the fixed period for which a valid visa or work permit has been issued.

As the fixed-term contract end date approaches, unless an extension is already agreed, departments should consider whether the need for the post has ceased or diminished in the context of the original objective justification.

For example:

1. the employee was covering a post during a period of maternity leave/other absence and the substantive postholder is returning to their post;
2. the employee was needed to provide some specialist expertise for a particular project, and the project no longer needs these skills, or the project is now ending;
3. the employee had particular skills and experience which were required to develop and set up a new service but different skills and experience are required to manage and/or deliver the service on an ongoing basis;
4. the employee was employed whilst undertaking a clinical PhD and the PhD is now complete.

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<sup>1</sup> Except apprentices who are covered by separate arrangements. The arrangements here apply equally to part-time or variable hours staff in fixed-term contracts. Where staff work to a very irregular variable hours pattern advice should be sought regarding calculation of redundancy payments.

5. the post was to provide specialist expertise on a research project which was externally-funded for a limited time and either the project has ended or no further funding is available to continue the project, so work on the project will cease or diminish;

6. The period of the individual's visa or work permit is ending.

Whilst not all of these reasons are formally 'redundancy', for the purposes of this guidance the University treats them all in the same manner.

In all cases the reason for dismissal must be fair and transparent.

After due consideration, if it appears that the need for a post which is approaching its expected end date has ceased or diminished the department should consult with the affected individual, at least 3 months before the contract is due to end, to advise them that their post is at risk.

An individual whose post is at risk may be offered a suitable post within their own department, if one is available, without such a post needing to be advertised.

Employees with two or more years' service should also be offered the option of assistance with redeployment to a suitable alternative post within the University more broadly. This may include assistance with job search and being identified as a 'priority candidate' for advertised vacancies within other departments.

In the event that it has not been possible to either extend or renew the appointment, or redeploy the individual, a formal letter should be sent one month before the contract is due to end, confirming the expiry of the contract. If the individual has two or more years' service, and the reason for the contract expiry is redundancy, the letter should set out the details of the redundancy payment due in the event that the contract ends without further employment within the University having been found.

## Detailed process

### Capability or performance

The dismissal of a fixed-term member of staff on the grounds of performance or capability – before, or at the end of, the contract – must be dealt with in the same way as for permanent staff and an appropriate capability or disciplinary process followed.

The process outlined here is not appropriate in such cases, or in cases where the contract is being ended either during a probationary period, or ended prematurely for other reasons (for example due to unexpected withdrawal of funding). The process outlined below should only be followed when a member of staff is approaching an *expected* fixed-term contract expiry date.

On appointment (or whenever a fixed-term contract is renewed or extended):

### Applies to: all fixed-term appointments

#### *Action for departments:*

- The contract cover letter must accurately identify the reasons for the fixed-term contract.
- The induction (or contract renewal) processes for fixed-term staff should include information about the support available to staff at the University with regard to training and career development. The purpose of this is to ensure that, whilst employed, individuals have access to the range of available training and development resources which will assist them with finding alternative employment at the end of the contract.
- Probation periods should be managed carefully in line with the guidance.
- **For research staff:** new research staff should be made aware of:
  - the regular [Welcome event for researchers](#) organised by People and Organisation development which covers key information about support and career development opportunities.
  - The [support for researchers website](#) which brings together key information.

#### *Action for individuals:*

- Individuals should seek out and engage with the development opportunities available to them from the beginning of their period of employment.
- Individuals should participate in induction and actively engage with the probation process: understanding their probation period, and ensuring that they are offered sufficient probation review meeting(s) and support and training to successfully complete the probation period.
- Research staff should attend a Welcome Event for research staff and familiarise themselves with the range of support available, for example by exploring the support for researchers website.

On a rolling basis

**Applies to: all fixed-term appointments**

*Action for departments:*

- Using Report “PERDEP02\_FTC End Dates” departments should regularly review contract end dates (e.g. monthly) together with the rationale for the fixed-term contract, looking at least 12 months ahead. Departmental HR teams should liaise regularly with line managers so that, where appropriate, efforts can be made in a timely manner to secure alternative funding, or take other actions to avoid redundancy.
- Where the post is academic-related and external grant funded, and the post meets the requirements, consideration should be given to whether an open-ended, externally funded contract may be appropriate.
- Through such mechanisms as PDR, mentoring and/or other ongoing management discussions departments should ensure that there is regular discussion with fixed-term staff about their contracts. Such discussions should include reminding staff of their contract end date, and discussion about both the future prospects for continuation of the post and the individual’s wishes and career plans in this regard. [See: the Code of Practice for the Employment and Career Development of research staff, in particular [guidance for Pls](#)]

*Action for individuals:*

- Individuals should ensure they are aware of the contract end date and engage with opportunities to discuss prospects for continuation, or progression, with their supervisors.
- Individuals should consider their own career aspirations beyond the end of the current contract and take advantage of career development/training opportunities which will maximise their future employability, and seek out PDR discussions, mentoring and other development opportunities.
- The online information and guidance provided by the University’s Careers Service, and in particular the ‘[Useful Career Resources](#)’ summary should be consulted and used.
- *Research staff:* consider using services such as workshops and one-to-one advice sessions available to research staff through the [Careers Service](#). Tools such as the [Researcher Skills Toolkit](#) can also help to identify skills and experience gaps that can be addressed during the course of the current contract.

*Action for University HR:*

- University HR will consult the recognised trades unions - UCU, Unison and Unite - about fixed-term contracts which are due to expire, at regular (currently quarterly) meetings. There is normally no requirement for direct departmental involvement. Departments will, however, be requested to provide to University HR such further information about individual contracts or groups of contracts as is needed to ensure effective consultation with the unions.

## As fixed-term contract end date approaches

**Applies to: employees with less than two years' continuous service at the anticipated contract end date**

The process/assistance outlined in this guidance applies only to employees who at the anticipated contract end date will have **less than two years' continuous service** with the University. For staff with two or more years' service follow the guidance at:

Stage 1 – consider alternatives to ending the contract

### *Action for departments*

**No later than four months before the contract is due to end:** departments should consider, by reference to the objective justification for the fixed-term period, whether the post is likely to end. The department and line manager should consider all alternative options to the expiry of the contract.

If the contract can definitely be renewed/extended then the appropriate arrangements for renewal/issuing of a new contract (including any local arrangements regarding approvals for the new or extended post) should be followed.

In all other cases the process below should be followed.

Stage 2 – remind employee of the contract end date

### *Action for departments*

**Three to four months (but no later than three months) before the contract is due to end** (unless it is possible to extend or renew the contract), the employee must be reminded of the contract end date. Pro forma letter X5 provides the key information and departments may arrange to meet with the employee to go through the letter in person, if appropriate, or may simply send the letter to the individual. The letter:

- reminds the individual of their contract end date;
- advises them that all University vacancies are advertised within the University's [Jobs pages](#), and that they are eligible to be considered for 'internal only'\* vacancies;
- reminds them of the careers/job search advice provided by University's Careers Service, including the '[Useful Career Resources](#)' summary document
- advises them that they may take reasonable time off to seek alternative employment (for example, in order to attend interviews, undertake training or other career development events which take place during the working day);
- reminds them that all holiday should normally be taken before their last day of employment;
- provides the name of the person to whom they should address any questions

*\*All current staff, regardless of length of service, may apply for vacancies advertised as 'internal only'. However, only those with at least two years' continuous service with the University are eligible to be considered as [priority candidates](#).*

### *Action for individuals*

- Individuals should engage with job search activities, such as preparing an up-to-date CV, searching job sites (both the University's Jobs pages as well as external resources to maximise the chances of suitable employment being found), applying

for suitable posts, following job search guidance available from resources such as the University's Careers Service.

- The support and guidance available from the [Careers Service](#) about job search skills should be reviewed. Research staff, in particular, have a range of resources available to them, including a careers adviser and targeted information through the Careers Service, and are encouraged to take maximum advantage of the opportunities available.
- Where individuals need time off for activities such as attending interviews, or training courses which can only be undertaken during working hours this should be requested through the normal departmental routes.

Stage 3 – Confirm contract expiry

*Action for departments*

**One month before the contract is due to expire:** if it has not been possible to find suitable alternative employment the employee should be written to (pro forma X6), confirming their contract expiry date and the arrangements for ending their employment. This is likely to include: handover arrangements; a reminder that all holiday should normally be taken before the last day of work; details of arrangements for returning equipment, access cards, handing over data, closure of email accounts, etc.)

**N.B. If the employee is absent from the workplace, for example due to extended sickness leave or on maternity leave, departments should consult their HR business partner.**

## As fixed-term contract end date approaches

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**Applies to: employees who, at the expected contract end date, will have two or more years' continuous service**

The process/assistance outlined in this guidance applies only to employees who, at the expected contract end date, will have accrued **two or more years'** continuous service with the University. There is separate guidance concerning staff with [less than two years' service](#).

It is important to keep a record of discussions and actions and the [End of Fixed-Term Contract: Record of Consultation form](#) provides a means of recording key information.

### Stage 1 - considering alternatives to ending the contract

No later than 4 months before the contract end date:

#### *Action for departments*

- By reference to the original justification for the fixed-term, the department and line manager should consider all alternative options to the expiry of the contract, including (for academic-related externally funded staff) whether an open-ended externally funded contract could be considered.
- If the contract **can** definitely be renewed/extended then the appropriate arrangements for renewal/issuing of a new contract should be followed.
- In all other cases, the [End of Fixed-Term Contract: Record of Consultation form](#) should be used to summarise the discussions between departmental HR staff and the line manager about the current position regarding the post (likelihood of contract being ended, consideration of alternatives to ending the contract).

### Stage 2 - reminding staff of the end date and offering a meeting

No later than 3 months before the contract end date

#### *Action for departments*

Unless it has been possible to offer a contract extension or new contract the department should:

- decide who will be the appropriate key contact for the individual in co-ordinating the end of contract process and providing assistance. This may be the line manager, departmental administrator, or a member of the HR team, as appropriate to the department. It is important that this is someone who can provide support through the redeployment process.
- The individual **must** be invited to a consultation meeting (pro forma letter X1). They must be given five working days' notice of the meeting and advised that they have the right to be accompanied by a trade union representative, or colleague from within the University, if they wish. The purpose of the meeting is to remind staff of the approaching contract expiry date and *consult* on the prospects for alternatives to ending the contract, taking account of the postholder's aspirations.
- If the individual does not wish to engage with this process (for example, because they have already secured future employment, or are moving to another area/country) they should sign the declaration (sent with the letter) to this effect on the pro forma letter and return this to the department's HR contact/team. The letter should be retained on file and the department should move to Stage 5: confirming the contract expiry.

- If the individual **fails to respond** to the initial invitation, one attempt should be made to rearrange and a second meeting date offered, giving five working days' notice (pro forma letter X2).
- If the employee fails to respond to a second invitation, then pro forma letter X3 should be sent confirming arrangements for ending the contract, and setting out the details of any redundancy payment which is due and the arrangements for appeal. The department should move to the guidance set out below at Stage 5: confirming the contract expiry, concerning making the redundancy payment.

### Stage 3 - consulting staff and considering redeployment (where the employee wishes to attend a meeting)

#### *Action for departments*

##### **Before the meeting:**

- the department should prepare a priority candidate cover letter for the employee which explains the employee's grade, job title and contract end date, as well as briefly explaining the reason that the contract will end by reference to the original justifications for the fixed-term contract.

##### **At the meeting** the employee should be:

- advised of the likelihood that the contract will end, and the reasons for this;
- given the opportunity to put forward any suggestions as to how the post might be continued. Any such suggestions must be considered. However, it is recognised that in some cases, for example where the post is to cover the absence of the substantive postholder, or the employee is employed on a limited term visa which may not be renewed, or employed on a project which is ending, there may be little scope for flexibility;
- advised that they are entitled to time off during the working day to attend interviews or relevant training;
- asked about their own career plans and whether they wish to be considered for **suitable alternative employment\*** within the University. This process is referred to as **redeployment**, and the period between the individual being given notice that their contract may end, and the actual contract end date is the **redeployment period**.

*\*Suitable alternative employment is defined as a post where the individual's skills and experience match the selection criteria for the post, or might be able to do so given a short period of training. Suitable redeployment opportunities will normally be posts at the same grade or, in some circumstances, a lower grade than the post currently held. Posts at higher grades (i.e. promotion opportunities) will not be considered as suitable alternative employment for redeployees although the individual may of course apply for such posts in open competition. The type of role the individual currently holds will inform whether suitable alternative employment is likely to arise during the three month redeployment period and this should be discussed openly during the consultation meeting. For example, if the individual is engaged in a generic role such as administration, IT, or in a research role with generic skills then the likelihood of a suitable post arising is higher than for someone with very specialist research skills.*

If the individual expresses interest in seeking redeployment they should be advised that:



- in the event that a potentially suitable vacancy occurs within the currently-employing department during the redeployment period, they will be invited to discuss it before it is advertised more widely. In the event that they are found to be suitable match, and wish to take up the post, they will be offered the post without the need for a formal application process (unless there is more than one priority candidate within the department, in which case an internal, competitive process may be required);
- all University vacancies are advertised through the University's Jobs website so they should regularly consult this if they wish to look for jobs in the University more broadly;
- assistance is available, if necessary, with use of the e-recruitment system;
- where a vacancy which might represent suitable alternative employment arises in another department of the University during the redeployment period they may request to be considered as a 'priority candidate' [see below] for the post. The individual should be given the priority candidate confirmation letter and notes [pro forma letters P1 and P2] and the process should be explained;
- guidance and advice on job search skills are available for all staff from the University Careers Service website. For research staff additional assistance is available, such as one-to-one meetings with careers advisers and workshops.

The department should exercise discretion in the level of assistance a member of staff may wish or require.

The [End of Fixed-Term Contract: Record of Consultation Form](#) should be used to record the meeting and a copy of this form may be given to the individual or, if preferred, the department may write to the individual summarising the discussion after the meeting.

#### *Action for individuals*

The effectiveness of redeployment efforts are dependent upon the full engagement of the staff member concerned. Staff wishing to seek redeployment are expected to exercise flexibility in the types of work they will consider and to actively engage with the process by:

- regularly checking the University's [Jobs pages](#);
- submitting applications for appropriate posts;
- asking for assistance as required;
- seeking training where this may improve employability.

#### Stage 4 - priority candidates

*This stage only applies where employee has expressed the wish to be able to apply for posts in other departments as a priority candidate*

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*N.B. If the employee will require a Certificate of Sponsorship in order to take up a new appointment with the University then it may be that the application process for the Certificate of Sponsorship will require that the individual has been appointed in open competition. Advice should be sought from the Staff Immigration Team in case of doubt.*

#### *Action for departments*

- Once an individual has expressed the wish to be considered as a priority candidate for suitable redeployment opportunities, the department should request an up-to-date copy of the individual's CV so that they can be considered for any vacancies arising within the department.
- Whenever a vacancy arises within the currently employing department, **before the post is advertised**, the HR contact should consider the CVs of any current priority candidates within the department to see whether the post might represent a suitable

redeployment opportunity. The HR contact should consult with the line manager for the vacancy as appropriate to assess the skills and experience of the individual against the requirements of the post.

- In the event that the post looks as though it may be a suitable match the employee should be invited to discuss the post. If more than one priority candidate within the department may meet the selection criteria then they must both/all be invited to discuss the post. In the event that more than one priority candidate is interested in being considered then an internal competitive selection process may be required, for example, interviewing the candidates and assessing them against the selection criteria.
- If, after discussion, it is agreed that a priority candidate is a suitable match for the post then they should be offered the post without the need to advertise.
- In order to allow the individual to apply as a priority candidate for posts in other University departments, the department should ensure that the employee has a priority candidate cover letter [pro forma P1] and understands the instructions below.

#### *Action for individuals*

- Provide an up-to-date CV to the HR contact, in order to be considered for vacancies arising within the currently employing department.
- Whenever a University of Oxford<sup>2</sup> vacancy that the individual considers to be a suitable redeployment opportunity (i.e. where they meet all the essential criteria) is identified the employee should:
  - make an application as stipulated in the advertisement for the vacancy; and
  - attach their priority candidate confirmation letter to the application (by uploading it to the e-recruitment system); and
  - ensure that their covering letter, or supporting statement, explains (i) that they wish to be considered as a priority candidate and (ii) how they are able to demonstrate that they meet each of the selection criteria for the post.

#### *Action for recruiting departments*

Before placing a job advertisement recruiting departments should consider whether the post could be offered as an 'internal only' vacancy. This is most likely to be appropriate where it is likely that there are a number of people currently employed by the University who would have the appropriate skills and experience to do the job, for example in roles such as administration, finance, personnel, etc.

Whether the post is advertised as 'internal only' or advertised more widely, recruiting departments should:

- at the outset of any shortlisting exercise, identify any priority candidates who have applied;
- highlight priority candidates to shortlisting panels and ensure they are aware that priority candidates should be given preferential consideration for the post;
- ensure that where a priority candidate appears to meet the selection criteria for the post they are shortlisted for interview, **wherever possible**;
- review and discuss priority candidates before other applications are considered. If the department considers that the priority candidate may be a good fit for the post,

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<sup>2</sup> i.e. a post where the contract of employment would be offered by the 'Chancellor, Masters and Scholars of University'. This does NOT include vacancies within:

- Colleges and other affiliated organisations;
- The Oxford University NHS Trust, except where the employer is the University of Oxford and the contract would be 'Chancellor, Masters and Scholars';
- Wholly owned subsidiary companies, such as Isis Innovation Ltd.

and wishes to interview them **before considering** other applicants, they may do so, (as long as this does not cause an unacceptable delay for other candidates);

- If the priority candidate is to be shortlisted together with other candidates, they should be offered the opportunity to be interviewed before the other candidates (i.e. as the first candidate of the day) if they wish.

If the priority candidate is not selected the letter of rejection [pro forma letter P2] should be sent to the individual and a copy to the department, explaining on where the application fell short of the required criteria, which is important in assisting redeployees.

**Trial periods:** wherever a priority candidate is selected for a post the post should be offered on whatever type of contract was advertised (i.e. fixed-term, permanent or open-ended externally funded) but the individual may **request to accept** the post on a trial basis for a period of up to one month. The purpose of the trial period is for the individual to assess whether the post represents a suitable redeployment opportunity without losing their entitlement to a redundancy payment in the event that the post is not suitable. By starting the trial period, their previous employment is ended, and all appropriate end of employment actions (returning of keys, equipment, completion of leavers paperwork, etc) should be completed. If, within the agreed trial period, the employee decides that the new post is not suitable for them, they may ask to end the trial period and at this point their employment with the University will end and the redundancy payment they were due from their previously employing department should be made. (The previously employing department is responsible for making this payment).

## Stage 5 - confirm that the contract will expire

### *No later than 1 month before the contract end date*

No later than one month prior to the scheduled expiry of a fixed-term contract, if employment has not been renewed or extended, and no suitable redeployment opportunities have been found, the department must write to the employee confirming that their contract will expire, using pro forma letter X4. This letter should include information on redundancy pay and the right to appeal.

### *Notice Period*

Fixed-term contracts provide notice of the date on which, subject to renewal or extension, the employee's employment will come to an end. As a result, there is no contractual requirement to provide a further notice period if employment is expected to end on the date specified in the employment contract.

### *Redundancy payment*

Employees on fixed-term contracts are entitled to a statutory redundancy payment if they have worked continuously for the University for at least two years and their post is being made redundant. Whenever a redundancy payment is made, the employee must be given a written statement showing how the payment has been calculated.

Employees may, however, not be entitled to a redundancy payment if they:

- have found, or been successfully redeployed, to another post within the University;
- have been offered and refused suitable alternative work without good reason;
- leave employment before the end of the notice period (by resignation) in order to take up alternative work whether within the University or elsewhere; or

- have been employed to cover a maternity/sickness absence leave, or their contract is ending because their limited term visa is ending, but the post they occupy is not being made redundant.

An employee does not have to make a claim to redundancy pay in order to be entitled to it. The employing department must calculate the statutory redundancy payment using the [calculator tool on the Gov.uk website](#) and then process this payment in CoreHR by following the instructions in the QRG:EA1.

Departments that do not use CoreHR directly should notify the HRIS Data Services team via the Data Services Leaver Form, which should be uploaded onto Sharepoint in order for the Data Services team to process this payment in CoreHR.

The redundancy payments will normally be made with the final pay or in the next available pay period after notification as a bank transfer payment.

Employees who, on leaving University employment, receive a redundancy payment should not be re-employed by the University in any capacity for a period of at least four complete calendar weeks (a calendar week being judged to start on a Sunday) after the leaving date. For further information contact your HR Business Partner.

## Stage 6 - Appeal

Fixed-term employees have the right to appeal against notice of dismissal on grounds of redundancy. Details of the appropriate appeal process are included in the notice of dismissal (pro forma letter X4).

Any appeal must follow one of two processes:

### **For academic and academic-related staff**

- appeals are made and considered under [Statute XII, Part H](#)

### **For support staff**

- appeals are made and considered under arrangements for a [Redundancy Panel](#)

In all cases, every effort will be made to hear appeals before the date on which the individual's employment is due to end. Employment will not be extended to hear the appeal. If it has not been possible to hear the appeal before contract expiry date (the "date of the dismissal"), an employee whose appeal is successful will be reinstated with full continuity of service and no loss of pay or other employment benefits. The employee will be required to return any payment made in respect of any termination of employment.

## Short extensions

In the event that a short contract extension (up to six months) is arranged during the course of the procedure outlined here, then the pro-forma contract extension letter should include the relevant additional paragraphs reflecting this.

Any assistance with redeployment which has been agreed may continue if required by the individual, but the individual may **only** be considered as a priority candidate from three months before the new contract end date. A new priority candidate cover letter (proforma letter P1) should be issued at the appropriate time, reflecting the new contract end date.

Where a contract extension of **more** than six months is agreed (or where a contract extension of less than six months is arranged before any of actions outlined in the section headed "As the fixed-term contract end date approaches" have been started) the process outlined in this guidance should be started from the beginning at the appropriate time