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### **Fixed-Term Contract Policy Statement**

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This statement is effective from 1st October 2015.

1. **Purpose**

Edinburgh Napier University is committed to ensuring that employees on a fixed-term contract of employment are treated no less favorably than comparable permanent employees in respect of their terms and conditions of employment for example pay, conditions and procedural fairness, unless differential treatment is appropriate and can be objectively justified. The aim of this policy statement is to ensure that the University adopts a fair, consistent and transparent approach in their use of fixed-term contracts and employment of fixed-term staff, in-line with legislative requirements.

1. **Application of Statement**

This statement applies to all staff employed by the University on a fixed-term contract of employment.

Notably, this policy does not apply to agency staff as it is the agency that employs the individual and, therefore, the policies in place at the agency will apply

1. **Variations to this Statement**

The University reserves the right to terminate, replace, or vary this policy from time to time.

1. **Use of Fixed-Term Contracts**

It is appropriate to use fixed-term contracts when, for example:

* It is known in advance that a particular role will come to an end on a specific date.
* The period of engagement is for the purpose of completing a particular project or task.
* The period of engagement is for the purpose of temporarily replacing an employee who is absent from work for a period of more than four weeks (e.g. maternity leave, long-term sickness, career break, etc) but who retains the right to return to their substantive post.
* The post is dependent on finite external funding, which has been provided for the purpose of completing a specified task or project.

When seeking approval to advertise a fixed-term post, the recruiting manager will be required to clearly state the rationale for a fixed-term appointment.

1. **Length of a Fixed-Term Contract**

Any employee who has been continuously employed on a fixed term contract at the University for four years or more on a series of successive fixed term contracts will automatically be considered to be a permanent employee (that is employed on an open ended basis), unless the University can show that there is an objectively justifiable reason for the continued use of a fixed term contract.

1. **Ending of a Fixed-Term Contract**

Where a fixed-term contract is reaching a natural end, the fixed-term employee’s Line Manager will speak to them ahead of the termination of the contract. The employee will be provided with an opportunity to suggest alternatives to the termination of their employment. The Line Manager will consider any such alternatives to dismissal including those suggested by the employee. The employee will receive written confirmation of the end of their contract from HR&D.

Right to bring a contract to an end early

The University reserves the right to give notice as set out in employees’ contracts of employment to terminate a fixed-term contract early in particular circumstances (e.g. the early return of the substantive post-holder, the early completion of a project, restructuring, etc). In these situations, the Line Manager will consult with the fixed-term employee on the reasons for the decision to terminate the contract and if appropriate, will explore possible alternatives to allow employment to continue. In these circumstances the employee will receive formal written notice, within the appropriate notice period, of the early end of their fixed-term contract.

Redundancy

If a fixed-term position is to become redundant and that employee has more than 2 years continuous service, the fixed-term employee will have the same opportunity to apply for alternative work within the University, as a permanent employee and in particular be entitled to join the redeployment register

1. **Questions**

If a staff member is unsure about any matter covered by this policy, please contact HR&D.

1. **Applicable Legislation**

The Fixed-Term Employees (Prevention of less favourable treatment) regulations 2002.

## **Policy Version and Revision Information**

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| Review Frequency | Two years |
| Scope | All University employees |

## **Change Record**

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| --- | --- | --- | --- |
| Date | Author | Version | Change reference |
| 01/08/2015 | GM | Draft | Initial draft for review/discussion |
| 07/08/2015 | TG | Draft | HR Team Amendments |
| 13/08/2015 | BN | Draft | A&S Amendments (legal) |
| 01/10/2015 | TG | Final | Agreed |