



Changes to the Management of Fixed-Term Contracts: a Briefing Note for Research Staff

From 1st August 2010 Cardiff University will be making some important changes to the way it manages fixed-term contracts. This briefing note summarises some of the key changes that will affect research staff. Full details of the procedure will be available on the Human Resources web-pages from the 1st August 2010.

1 What brought about these changes?

In 2009 a negotiating group was set up to examine the way that the University uses and manages fixed-term contracts; in particular its [use of successive fixed-term contracts](#). This group was chaired by Professor Terry Threadgold and included representatives from all three recognised Trade Unions. The University's new approach to managing fixed-term contracts was formally agreed by the group on the 24th June 2010 and endorsed by Council on 6th July 2010. These changes will come into effect on 1st August 2010.

2 Will the University still use fixed-term contracts and, if so, under which circumstances?

The University will continue to use fixed-term contracts in line with the [Fixed Term Employees \(Prevention of Less Favourable Treatment\) Regulations 2002](#). The use of fixed-term contracts may be appropriate in circumstances where one or more of the following [objective justifications](#) occur:

- (i) to provide cover (e.g. sabbaticals, leave of absence, sickness absence, maternity leave);
- (ii) the post is a clearly defined training or career development position;
- (iii) for short/medium term appointments which are project or task related or require specialised skills for a time limited period normally of 4 years or less;
- (iv) in terms of specific business uncertainty where there may be a need to make adjustments to the workforce.

[Fixed-term contracts will normally only be used for a period of 4 years or less](#). There may be some exceptions to this; for example, Medical Research Council offers programme grant funding for fixed-term periods of 5 years. Staff employed on these grants would normally be employed on a fixed-term contract unless previously employed on a fixed-term contract on a continuous basis.

3 What happens at the end of a fixed-term contract?

You will be invited to a meeting to discuss your contract approximately six months prior to the contract end date. At this meeting your line manager will explain the School's intentions regarding your contract, and the reasons for this. There will generally be **three options** open:

- (i) to confirm the expiry of the fixed-term contract;
- (ii) to convert the fixed-term contract to an open-ended contract;
- (iii) to extend temporarily the duration of the fixed-term contract for a short period where objective justification continues to apply. This will not normally be used where the member of staff has been in post for four years or more.

4 What happens if my fixed-term contract is not renewed?

The non renewal of a fixed-term contract on its expiry is a dismissal in law. In many cases the reason for the dismissal will be redundancy but there can be other reasons e.g. positions which provide cover or a training/career development opportunity where the reason for dismissal is for 'some other substantial reason'. Any dismissals by reason of redundancy will follow the procedure outlined in question 8.

5 What happens after four years on a fixed-term contract?

After **four years' continuous service** the normal expectation would be that should a staff member be re-engaged this will be on an open-ended contract. Where circumstances prevent this a written record will be made of the reasons and the staff member informed. For conversion to an open-ended contract a staff member will need to have both (i) 4 years' continuous service with the University; and (ii) a contract renewal which takes them beyond 4 years' continuous service.

6 At what point do contracts get converted from fixed-term to open-ended?

- (i) When the University introduces its new policy on the 1st August 2010 there will be a **one-off conversion** of all those currently employed on fixed-term contracts and whose completed continuous service already exceeds five years on the 1st August 2010.
- (ii) Thereafter, offer of an open ended contract will be made at the time of the **renewal of a contract** if an individual already has completed four years' continuous service on one or more fixed-term contracts. There is not automatic conversion at four years – the timing of conversion will depend on when a contract is renewed after the 4 year benchmark has been passed. The following diagram provides an illustration of when an individual's contract would be converted in three different scenarios:

	Scenario 1	Scenario 2	Scenario 3
Year 1	Contract 1	Contract 1	Contract 1
Year 2	Contract 2		
Year 3	Contract 3	Contract 2	
Year 4	Contract 4		
Year 5	Renewal=Conversion	Renewal=Conversion	Contract 2
Year 6			Renewal=Conversion

7 How do open-ended contracts work if I'm employed on a time- or funding-bound project?

Where staff are re-engaged on an open-ended contract any relevant factors that impact on their continued employment status will be included in the appointment letter. In the case of staff employed on a time or funding bound project, the letter will make direct reference to the project and associated funding source and will be supported by a relevant job description. This is to ensure clarity at all stages in the employment relationship.

8 What happens if I am identified as being at risk of redundancy?

As outlined above, as far as possible staff will be informed in their appointment letter of any factors that may have an impact on their continued employment status. Members of staff who are identified as being at risk of redundancy – for example at the end of a research project - will be invited to a meeting within their School to discuss their contract. All cases, for staff employed on grades 5 and above, recommended for termination by reason of redundancy will be considered by a [University Redundancy Committee](#) – to which members of staff at risk may also submit written evidence – and this Committee makes a recommendation to the [University Council](#). If Council approves the recommendation to dismiss a member of staff by reason of redundancy, notice of this decision will be sent to the member of staff concerned. Members of staff are entitled to receive contractual or statutory notice, whichever is the greater. Throughout the period of notice the member of staff will be eligible for redeployment in accordance with the relevant University's procedure. Such eligibility will continue until the date of dismissal. As Academic Staff, research staff have the right to appeal against the decision, as outlined in [Statute XVIII](#).

9 How does redeployment work?

Staff with 12 months' service or more whose posts are at risk of redundancy will be eligible for redeployment unless they are subject to particular statutory immigration provisions.

Staff will be eligible for redeployment opportunities for posts of equivalent or lower grades. Those wishing to apply for posts of a higher grade must do so under the normal recruitment processes.

The University will write to all eligible staff six months prior to their potential contract or funding end date to invite them to submit their details to the University's redeployment register. This letter may be sent prior to any meeting within the School and prior to any decision being taken in respect of the post. Offering access to the redeployment scheme at this time provides the member of staff at risk of redundancy with the earliest opportunity to access suitable alternative employment. Eligible members of staff will complete the [Redeployment Skills Profile](#) and be placed on the University's [Redeployment Register](#). For advice on completing the skills profile please contact Josie Grindulis, Career Development Manager for Research Staff (Grindulis@cf.ac.uk). If, following any interview, the relevant member of staff fully satisfies the [essential selection criteria](#) with reasonable training, they will be offered the opportunity to be redeployed to the new position, subject to a mutually agreed trial period comprising the statutory four week period.

The University will offer [transitional pay protection](#) to staff who accept redeployment to a lower graded post. This short term protection is available to provide time for staff to accommodate the financial impact of taking up alternative employment at a lower grade.

10 If I was dismissed by reason of redundancy would I be eligible for a redundancy payment?

Staff with two or more years of continuous service will, on dismissal by reason of redundancy, be eligible for a redundancy payment. Staff will normally be required to work up to the date on which notice expires to receive a redundancy payment. You will receive a letter confirming the dismissal which will outline your entitlement to redundancy pay and provide you with a breakdown on how the redundancy pay has been calculated – this will either be on the basis of statutory or enhanced redundancy pay.

11 How do I find out more?

- (i) Read the full 'Fixed-Term Contracts Procedures', available on the Human Resources web-pages from 1st August;
- (ii) Speak to your [HR Manager](#) – visit the Human Resources web-pages to find out who is the HR Manager for your School;

- (iii) Attend one of the [briefing sessions](#) on Fixed-Term Employment offered through the Research Staff Career Development Skills Programme (see www.cf.ac.uk/researchstaff for details).

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