

# IMPERIAL

## HUMAN RESOURCES

### Standard Operating Procedure

#### Fixed Term Contracts and Open Ended Contracts underpinned by Fixed Funding

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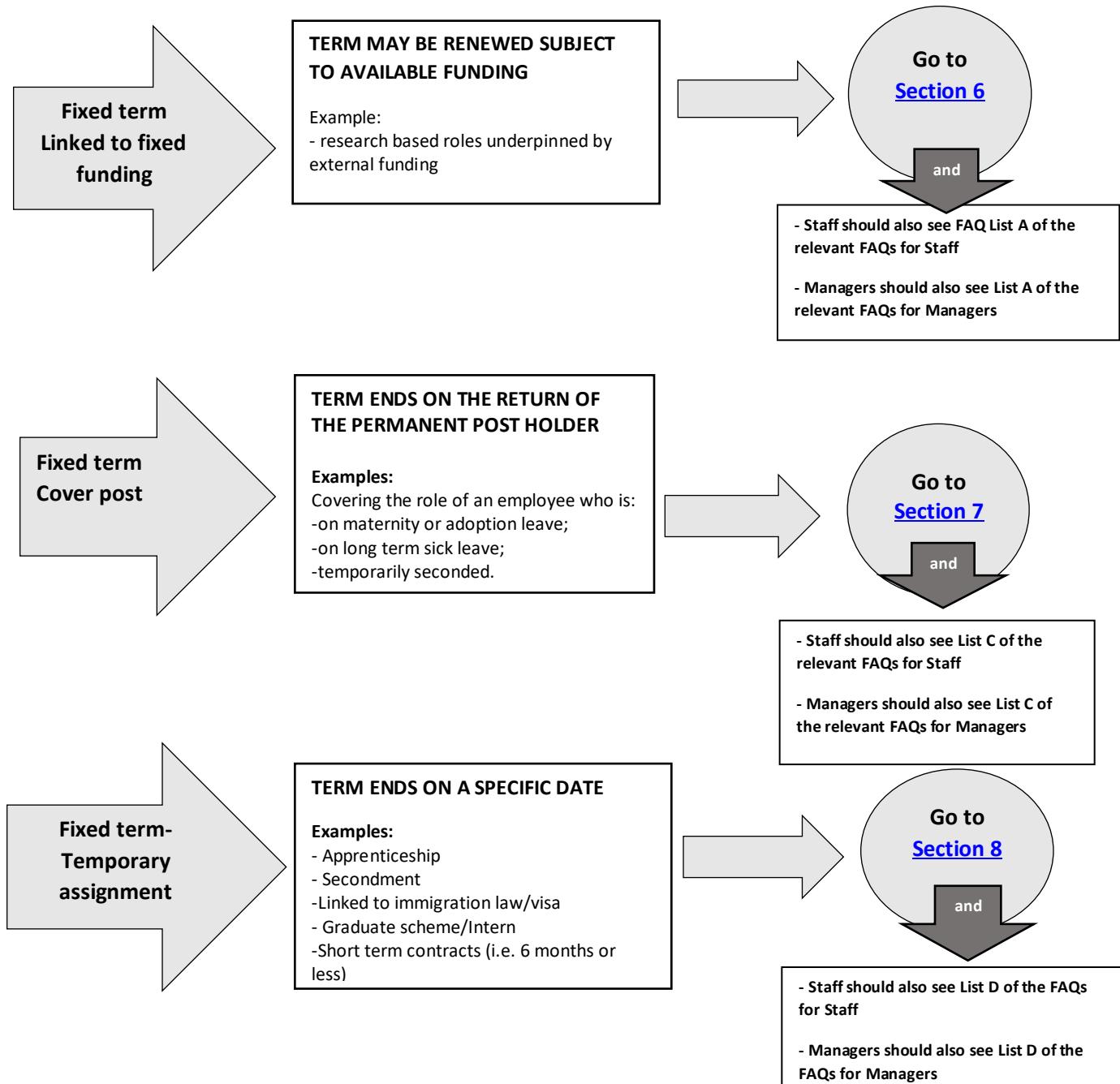
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## Part One (Introduction)

### 1. Types of Fixed Term Contracts

- Identify the type of fixed term arrangement with reference to the illustration below.
- Click on the hyperlinks to navigate to the relevant part of the procedure.



Managers should refer to this procedure in conjunction with the separate Consultation Guidance for Managers – Fixed Term Contracts and Open Ended Contracts underpinned by Fixed Funding.

## **2. Terms of Reference**

**In this procedure the following terms shall have the following meanings:**

- 2.1 FTC – Fixed Term Contract which is a contract that ends on a particular date, or on completion of a specific task.
- 2.2 OEC - Open Ended Contract which is a contract without a defined termination date, sometimes referred to as a permanent contract
- 2.3 Regulations - Fixed Term (Prevention of Less Favourable Treatment) Regulations 2002.

## **3. Purpose:**

- 3.1 To provide practical guidance for managers and fixed term workers in relation to [FTCs](#).
- 3.2 To comply with the [Regulations](#) and the ACAS Code of Practice 2013.
- 3.3 To support Imperial's [Values](#) of Respect, Collaboration, Excellence, Integrity and Innovation.

## **4. Scope**

**This procedure covers:**

- 4.1 All types of [FTCs](#) utilised at Imperial.
- 4.2 Consultation requirements (Managers should also refer to the separate Consultation Guidance for Managers – Fixed Term Contracts).
- 4.3 The process when a [FTC](#) converts to an [OEC](#).
- 4.4 [OECs](#) underpinned by fixed funding.

## **5. Responsibilities:**

- 5.1 Managers will only issue [FTCs](#) where there is a justified reason for doing so, otherwise an [OEC](#) should be issued.
- 5.2 Managers will continually review staffing requirements in the light of current or anticipated changes in service needs.
- 5.3 The HR Staff Hub will provide support in relation to the operation of this procedure.
- 5.4 Departments must ensure (wherever possible) that '*requests to start consultation*' are sent to the HR Staff Hub in good time, allowing for at least 30 days' notice.
- 5.5 For information on roles and responsibilities relating to consultation, managers should refer to Consultation Guidance for Managers – Fixed Term Contracts and Open Ended Contracts underpinned by Fixed Funding.

## **Part Two (Procedure)**

### **6. Fixed Term Contracts linked to fixed funding:**

- 6.1 A [FTC](#) will be issued with assistance from the HR Staff Hub if a role is underpinned by fixed funding (e.g. external project/research funds).
- 6.2 Depending on all the circumstances, the fixed term may be renewed subject to the continuation of fixed funding.
- 6.3 The non-renewal of a [FTC](#) should not come as a surprise and employees should be kept fully aware of the state of funding.
- 6.4 When an employee is at risk of dismissal on redundancy grounds because their [FTC](#) may not be renewed, there is [legal requirement](#) to consult with them in accordance with Imperial's [Change Management Policy and Procedure](#). Managers may also find it helpful to refer to the Consultation Guidance for Managers – Fixed Term Contracts and Open Ended Contracts underpinned by Fixed Funding.
- 6.5 An employee who is on a [FTC](#) with two years continuous employment may be entitled to receive a redundancy payment.
- 6.6 Employees subject to formal redundancy consultation procedure have a right to seek advice and be represented by a trade union official or work colleague. They may also wish to contact Imperial's independent Employee Assistance Provider [Confidential Care](#) for confidential support and advice.
- 6.7 For academic staff consultation should be in line with the appropriate Annex to the Appendix to the Ordinances.

### **7. Fixed term contracts to cover the work of another postholder:**

- 7.1 An employee who is covering someone else's substantive role will be issued with a [FTC](#). This would include for example maternity/adoption/sick leave/secondment cover.
- 7.2 The [FTC](#) will end on the return of the substantive postholder subject to contractual notice which should be reflected in the wording of the [FTC](#).
- 7.3 Note that the [FTC](#) may provide for earlier termination, e.g. where there is a performance or conduct issue, or when the permanent postholder returns earlier.
- 7.4 When this type of [FTC](#) comes to an end, there will not be a redundancy situation and redundancy consultation will not therefore apply.
- 7.5 When this type of [FTC](#) comes to an end, there will be a dismissal in law for 'some other substantial reason (SOSR)'. SOSR is a fair legal reason to terminate the employment relationship in accordance with the Employment Rights Act 1996.
- 7.6 The HR Staff Hub will write to the employee prior to the expiry of their [FTC](#) to confirm that their employment is due to end.

## **8. Fixed term contracts to complete a temporary assignment:**

- 8.1 An employee who is working on a specific assignment or engaged on a specific programme/scheme with a prescribed end date will be placed on a [FTC](#).
- 8.2 This would include for example [apprenticeships](#), secondments, graduate schemes/internships and short term contracts for one year or less where the contract clearly states an end date with no prospect that the [FTC](#) will be renewed<sup>1</sup>.
- 8.3 The [FTC](#) will come to an end on the fixed term expiry date which should be clearly stated in the wording of the [FTC](#).
- 8.4 Note that the [FTC](#) may provide for earlier termination, e.g. where there is a performance or conduct issue.
- 8.5 There is no legal requirement to provide formal notice to end this type of [FTC](#).
- 8.6 When this type of [FTC](#) comes to an end, there will not be a redundancy situation and redundancy consultation will not therefore apply.
- 8.7 When this type of fixed term comes to an end, there will be a dismissal in law for 'some other substantial reason (SOSR)'. SOSR is a fair legal reason to terminate the employment relationship in accordance with the Employment Rights Act 1996.
- 8.8 The HR Staff Hub will write to the employee ( prior to the expiry of their [FTC](#) to confirm that their employment is due to end.

## **9. Consecutive fixed terms of four years or more**

- 9.1 When an employee has been employed on consecutive [FTCs](#) for four complete years, their line manager should communicate with them about being converted onto an [OEC](#).
- 9.2 Departments are responsible for instructing the HR Staff Hub to issue an OEC at the appropriate point in time.
- 9.3 The exception to the above is where there is a good reason for renewing the [FTC](#) despite an employee accumulating four years continuous service.
- 9.4 Where a role is subject to fixed funding which is due to expire in six months or less, this should justify renewing the [FTC](#) due to the foreseeable limitation of fixed funding.

## **10. Open Ended Contracts underpinned by fixed funding:**

- 10.1.1 Unlike [FTCs](#), [OECs](#) do not end on a particular date, or on completion of a specific task.
- 10.1.2 [OECs](#) do not need to be renewed and will continue indefinitely unless terminated on notice or subject to the specific terms of the contract.

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<sup>1</sup> The Regulations expressly exclude the following: Apprentices; agency workers; employees on certain work experience or training schemes; students on work experience schemes as part of a degree course (e.g. 'year in industry'); the armed forces.

10.1.3 Where [OECs](#) are underpinned by fixed funding, there will be an ongoing risk that the role could become redundant due to the cessation of fixed funding.

10.1.4 When an employee is at risk of dismissal on redundancy grounds because the fixed funding underpinning their role is due to cease, there is a [legal requirement](#) to consult with them in accordance with Imperial's [Change Management Policy and Procedure](#).

10.1.5 Employees subject to formal redundancy consultation have a right to seek advice and be represented by a trade union official or work colleague. They may also wish to contact Imperial's independent Employee Assistance Provider [Confidential Care](#) for confidential support and advice.

10.1.6 For academic staff consultation should be in line with the appropriate Annex to the appendix to the Ordinances.

## **11. Other relevant guidance for fixed term workers and managers:**

The chart below identifies other related resources that may be relevant to managers and fixed term workers.

<b>Resources</b>	<b>Aimed at supporting</b>
Fixed Term Working Policy Statement	Managers and fixed term staff
Consultation Guidance for Managers – Fixed Term Contracts and Open Ended Contracts underpinned by Fixed Funding	Managers
Frequently Asked Questions for Managers– Fixed Term Contracts and Open Ended Contracts underpinned by Fixed Funding	Managers
Frequently Asked Questions for Staff– Fixed Term Contracts and Open Ended Contracts underpinned by Fixed Funding	Fixed term staff
Redeployment Policy and Procedure	Managers and fixed term staff
Change Management Policy and Procedure	
Annexes to the Appendix to the Ordinances which are available on the Central Secretariat webpage	Academic staff