FIXED-TERM CONTRACT REDUNDANCY PROCEDURE

for staff approaching the scheduled end of a fixed-term appointment

This procedure applies to all academic-related and support staff on fixed-term contracts which are due to be terminated at the expected end date and who, by that date, will have been in continuous employment at the University for one year or more. Termination during probation and the premature termination of fixed-term contracts are covered by separate procedures.

Essential background

The University’s responsibilities towards fixed-term employees are governed by specific legislation, including the Fixed-Term Employees Regulations, and, in the case of research staff, who form the great majority of fixed-term employees, by the terms of the University’s Code of Practice for the Employment and Career Development of Research Staff.

The non-renewal of a fixed-term contract is a dismissal equivalent in law to redundancy, if the reason for non-renewal is that the work is to cease or diminish. In the case of employees engaged on fixed-term contracts this would normally occur because funding is discontinued or because the reason for the employment, such as a project, has ended.

If the fixed-term contract employee indicates that he or she would like to remain at the University if a suitable position were available, the employing department must explore alternatives to dismissal. These are normally either:

- a new or extended contract. If a further contract is offered, care should be taken to ensure that the correct type of contract is used. It should not simply be assumed that a further fixed-term contract is appropriate. An open-ended or permanent contract should be considered. Departments should consult contract types.
- redeployment to another post at the University. See the redeployment section of the procedures below.

It is recognised, however, that a further contract, contract extension or redeployment may not be possible and that there may be no alternative but to dismiss the employee at the end of the current contract.

In handling the end of fixed-term contracts, departments should abide by the following procedure and keep records of all associated actions, discussions and consultations. Template letters, which may also act as checklists to ensure that the correct steps have been taken, are available for use and are identified in this document as (Pro-forma letter).

Information should be sent to, and consultation undertaken with, all affected employees, including those temporarily absent or on sick or parental leave (including maternity leave). In respect of a post where the post holder is a pregnant woman (who has protected status under legislation) departments must consult HR Business Partners before taking any action.

Important considerations

In situations where a number of employees doing similar work have fixed-term contracts that are due to end at the same or similar times and it is probable that some, but not all, of the employees could be retained, it is essential that the department ensure that there is a fair procedure for selecting who is retained and who is made redundant. In these cases HR Business Partners should be consulted and departments should follow the guidance on identifying the potential redundancy pool and selection from the pool in the Redundancy Procedures.

If the employee wishes, he or she has the right to be accompanied to meetings concerning redundancy by a trade union representative or by a colleague from within the University.
**FIXED-TERM CONTRACT REDUNDANCY PROCEDURE**

The five stages to follow in the termination of fixed-term contracts are:

1. **Reminding staff**
2. **Consulting the unions**
3. **Redeployment**
4. **Dismissal**
5. **Appeal**

You may follow the procedure step by step or look up specific stages using the above links.

**STAGE 1: Reminding staff**

**Six months before contract is due to end**

An employee on a fixed-term contract should be reminded that the contract is due to end six months before the potential end date ¹.

Heads of department should ensure that an appropriate nominated facilitator ² is identified and advised in good time that he or she is responsible for supervising this procedure. The nominated facilitator should arrange a meeting (pro-forma letter X) with the employee at which he or she should:

- remind the employee that the contract is due to end on the given date
- brief the employee on the prospects of the contract being renewed or extended, taking into consideration the funding position and other factors
- warn the employee that if the existing contract cannot be renewed or extended or an alternative position secured, he or she will be dismissed on the given date
- explain the arrangements for redeployment and ask the employee whether or not he or she wished to be redeployed if an appropriate position can be found
- [for research staff] remind the employee of the facilities available to help with career development and with improving the chances of securing alternative employment within or outside the University see [research staff website]

It is understood that at six months from the end of a contract there may be considerable uncertainty over the future of the work concerned and, in particular, over the prospects of further external funding. The nominated facilitator should provide the employee with as much information as possible on the prospects of the contract being renewed or extended and the options being explored.

---

¹ As suggested in the [code of practice for the employment and career development of research staff](#), it may be appropriate in many circumstances for research staff to start discussing their future career options with their facilitators nine months before the scheduled end of their contract.

² The ‘nominated facilitator’ may be either (i) the ‘group leader’ for the member of staff or (ii) an administrator or other member of the department. In either case the person appointed needs to have a good understanding of the operation of these procedures and should possess the skills required to act as an effective mentor, with the necessary expertise or back-up to promote redeployment and to record actions taken.
This meeting should be followed up by a letter from the nominated facilitator summarising the above (pro forma letter X1)

**Three months before contract is due to end**

The nominated facilitator should, wherever practicable, hold a further meeting with the employee no later than three months before the end of the contract at which he or she should formally

- update the employee on the situation regarding the renewal, extension or termination of the contract
- reconfirm the employee's wishes regarding redeployment and make a progress check on efforts to redeploy [for research staff: issue a further reminder of the facilities available to them]
- repeat the reminder, that if the existing contract cannot be renewed or extended or an alternative position secured, the employee will be dismissed on the given date

Again this meeting should be followed up by a letter from the nominated facilitator summarising the above (pro forma letter X2)

**STAGE 2: Consulting the unions**

The University is required to consult staff representatives on collective redundancies. Here that means the recognised trades unions: UCU, Unison and Unite.

In the case of fixed-term contracts coming to their normal end, consultation is carried out by Personnel Services at regular (currently quarterly) meetings with the recognised unions. There is normally no requirement for direct departmental involvement. Departments will, however, be requested to provide to Personnel Services such further information about individual contracts or groups of contracts as is needed to ensure effective consultation with the unions.

Where the total number of employees in any one department at risk of redundancy (including those who have agreed to leave on a voluntary basis), or that are intended to be issued with a new contract on different terms, comes to 20 or more, the University may be under a statutory duty to consult with the unions. In such circumstances HR Business Partners should be consulted without delay.

**STAGE 3: Redeployment**

The University has an obligation to ensure that employees who are at risk of redundancy may look for suitable alternative work. If suitable alternative work is identified and if the employee is suitable to undertake it, it should be offered to the employee before the end of the employee’s current employment.

Within a reasonable time of being given the first (six month) reminder that the end of his or her contract is approaching, the employee at risk should let the department know whether or not he or she wishes to pursue alternative employment at the University.

- If the employee does not wish to pursue redeployment at the University, he or she should inform the nominated facilitator by means of a letter (pro-forma letter X3). No further action to redeploy is required.
- If the employee wishes to pursue alternative employment at the University, he or she should inform the nominated facilitator by means of a letter (pro-forma letter X4). The facilitator should reply to the employee with a letter confirming that they are considered to be a priority candidate and providing details of the process (pro-forma letter X5). Through the nominated facilitator, the department should continue to advise the employee about redeployment.
prospects throughout the potential redeployment period. This should be through meetings and/or by correspondence. Notes should be kept of all such discussions.

- It may be that the employee decides to delay the decision pending developments. This may be appropriate and sensible at the six month stage, but the employee should be encouraged to reach a decision by no later than the three month reminder. In cases where the employee has not let the facilitator know his or her intentions within a reasonable time, the facilitator should clarify their intention with them.

If the employee wishes to be redeployed, the appropriate department should make all reasonable efforts to try to locate suitable alternative employment. The department should provide an employee who wishes to redeploy with:

- the opportunity to submit a priority candidate application if a suitable vacancy is identified
- access to any potentially suitable vacancies within the same department and the opportunity to discuss them, where possible, before they are advertised
- access to information about all university vacancies through the jobs and vacancies website
- access to training relevant to improving their chances of finding alternative employment, and reasonable time away from normal duties to participate in such training and to search for a job
- research staff in particular should be helped to consider realistic career options outside universities as well as within
- access to any departmental or divisional Bridging and Career Support Funds which may be available to provide for continuity of employment across gaps in funding.

Redeployment constitutes a change to an individual's contractual terms of employment and cannot be implemented without his or her consent. But unreasonable failure to accept an offer of suitable alternative employment would put the individual at risk that he or she would not be entitled to a redundancy payment.

Guidance for departments on redeployment in other circumstances, for example when a disability or illness prevents an employee from continuing in his or her post, is available from your HR Business Partner.

STAGE 4: Dismissal

One month prior to the scheduled end of a fixed-term contract if, following any relevant selection from the redundancy pool, employment has not been renewed or extended (including by way of redeployment) the department ³ must issue a dismissal notice (pro-forma letter X6). This 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.

³ This should be the person so authorised under Statute.
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, without having given proper notice.
- **HR Business Partners** should be consulted on specific cases.

Statutory Redundancy Pay (SRP) is payable at a rate that is set by Government and is calculated by reference to weekly pay, age and length of continuous employment.

- The weekly pay rate is capped by Government and adjusted regularly.
- All calculations should therefore be made by using the ready reckoner supplied by the Department for Business, Innovation and Skills.

An employee does not have to make a claim to redundancy pay in order to be entitled to it. The department should arrange payment by notifying the Payroll section. The employing department must therefore complete the following steps to action payment:

- complete a Payroll Leaver Form noting the reason for leaving as “X02 Compulsory redundancy (including expiry of fixed term contracts)”
- send the Leaver Form to the Payroll Manager/Deputy Payroll Manager together with a memo including the amount of redundancy payment due (as calculated by the ready reckoner) and the cost centre from which the payment should be made.
- do not send a separate payment request to Payments, as 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 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 5: Appeal**

Fixed-term employees have the right to appeal against notice of dismissal on grounds of redundancy. Details of the appropriate appeal process must be included in the notice of dismissal (pro-forma letter X6).

Any such appeal must follow one of two arrangements:

**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 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.

----------------------------------------------------------------------------------------------------------------
**Pro-forma letters**

X    Invitation to a preliminary meeting

X1   Nominated facilitator to employee warning that end of FTC is 6 months away

X2   Nominated facilitator to employee warning that end of FTC is 3 months away

X3   Employee to nominated facilitator confirming that he or she does not wish to pursue alternative employment at the University

X4   Employee to nominated facilitator confirming that he or she does not wish to pursue alternative employment at the University

X5   Nominated facilitator to employee confirming priority candidate status and setting out the redeployment process

X6   Dismissal notice