

Policy

Title: MAKING A REQUEST TO CONVERT A FIXED TERM CONTRACT TO PERMANENT

Ref: HR/RT

Last updated: 9 May 2013

1. Introduction

Under the Fixed Term Workers (Prevention of Less Favourable Treatment) Regulations an employee with four years' service and at least one renewal, may request conversion of their appointment to permanent. Conversion is subject to confirmation from the employing Unit/Faculty/Service on whether there is any reason (known as objective justification) for the post remaining fixed term.

The University has 6 objective justification criteria.

2. The Reasons for Appointment and Continuation on a Fixed Term Basis (Objective Justification)

- a) The post requires specialist expertise or recent experience not already available within the institution in the short term.
- b) To cover staff absence where there is likely to be a return to post (e.g. parental and adoptive leave, long-term sickness, sabbatical leave or secondment).
- c) The contract is to provide a secondment or career development opportunity.
- d) Input from specialist practitioners.
- e) Where the student or other business demand can be clearly demonstrated as particularly uncertain.
- f) Where there is no reasonably foreseeable prospect of short-term funding being renewed nor other external or internal funding becoming available or becoming unavailable. Where the short-term funding has already been renewed, continuing use of the fixed-term contract would need to be justified by objective reasons.

It should be noted that employment on a research grant is not in itself automatically sufficient to objectively justify continued employment on a temporary contract. It will need to be shown that there is no reasonable foreseeable prospect of further funding or vacancies being available or becoming available to objectively justify the continuing use of a fixed term contract.

An example where appropriate justification might exist would be a role on a short-term project that depends on its funding from an external client. However if an individual has been employed on a succession of contracts, it would be hard to argue that there was no reasonable foreseeable prospect of further funding becoming available.

If the HR Manager or Head of Unit/Faculty/Service fail to agree with the reasons provided for non-conversion the matter may be escalated to the Dean or where appropriate the next level of management.

3. The Timescales

Employees are required by legislation to receive a response to their request within 21 days of their submission. In order to accommodate this request Heads of Unit/Faculties and Services should ensure that they take the necessary action within 7 days at the latest. Failure to do this could in a legal sanction against the University.

4. The Process

1. An employee identifies that they are eligible to be considered for permanency and puts in a request to be considered to their manager.

2. The manager forwards this to their HR Manager who will check the employee's eligibility and objective justification as provided by the employing service or faculty. If it is identified that an employee is not eligible this will receive a letter immediately informing them accordingly.

The HR Manager will email the Head of Unit/Faculty or Service with a copy to the Line Manager marked as URGENT with the objective reason in the file. The email will ask the Head of Unit/Faculty or Service to confirm that;

- The objective justification remains current,
- To provide new details

or

- To confirm that the post should be converted to permanent

The manager will inform the HR Manager of the decision.

3. If the request for permanency is approved at this stage HR will issue a letter to the employee confirming the conversion to permanency

4. If the request for permanency is not agreed due to the existence of objective justification HR will write to the employee to confirm that conversion has not been approved and providing the objective justification.