



Fixed term appointments policy

Purpose

This policy sets out the circumstances in which Impetus will offer prospective employees a fixed term appointment rather than a permanent contract and the safeguards that apply to such appointments.

Scope

This policy applies to all employees of Impetus.

Context / Background

Impetus aims to offer permanent employment to staff wherever possible. However, it may sometimes be necessary to consider offering fixed term appointments in cases where a pre-determined end date for a contract can be objectively justified.

The legal framework for managing fixed term appointments is set out in the Fixed-Term Employees (Prevention of Less Favourable Treatment) Regulations 2002. Impetus is committed to ensuring that fixed term employees are treated equitably in all areas of employment, including terms and conditions, career and staff development, access to other job opportunities and at the expiry of their contract.

A fixed term appointment is a contract of employment that is due to end when a specified date is reached or a specified event does or does not happen or a specified task has been completed. A permanent appointment is a contract of employment that is not for a fixed term.

Appointment of fixed-term staff

Impetus undertakes only to appoint to fixed-term positions where there is an objective reason for the post to exist for a fixed period of time. Where there is no objective justification for an appointment to be a fixed term, the appointment should be made on a permanent basis.

The following, although by no means exhaustive, may constitute an objective justification for a fixed term appointment:

- The post requires specialist expertise or experience, not available within Impetus, for a limited period;

- Where the post is required for a specific project or activity that is expected to last for a specified duration;
- To cover for staff absence, such as maternity leave or long-term sick absence;
- Externally funded posts where there is uncertainty as to whether funding will be renewed or alternative funding will be found;
- Where the post is wholly or largely supporting a business function or activity that Impetus has decided to stop in the future.

Terms and conditions of employment

Staff employed on fixed term appointments will have terms and conditions no less favourable than those of permanent employees unless there is an objective justification for any difference. Certain terms and conditions, for example, annual leave entitlement, may be pro rata for fixed term staff.

Any employee who is concerned that s/he may be employed on less favourable terms and conditions than a comparable permanent employee should write to the Chair of the Personnel Sub-Committee. The Chair will respond, normally within 14 days of the request, by explaining the objective justification for any difference in treatment or terms and conditions, as appropriate.

Where the objective justification for a fixed term appointment changes or ends (for example, because a new funding stream for the work is found), we will consider making the appointment permanent at that point.

Advertising vacancies

At Impetus, we operate an equal opportunities recruitment policy and paid roles are advertised across Impetus networks as part of an open recruitment approach. We encourage fixed term employees to apply for permanent positions and give them line management support.

Training and career development

At Impetus, we aim to give fixed term employees appropriate opportunities to enhance their skills. They will have the same opportunities as comparable permanent staff to access development activities, such as internal training or external events. We place importance on good performance management and effective probationary procedures.

Successive fixed term appointments

Fixed term employees will have the right to transfer to permanent employment if they have four or more years of continuous employment with Impetus. Where it is not possible to provide an objective justification for a fixed term contract, the position will be deemed to be permanent.

Expiry of fixed term appointments

Failing to renew a fixed-term contract is considered in law to be a dismissal. Therefore the law relating to unfair dismissal applies when a fixed-term contract is not renewed.

A dismissal is fair provided the employers have a valid reason to justify it and can show that they have acted reasonably. Expiry of the fixed term may be a valid reason for dismissal.

Related Documents

Equal Opportunities and Diversity Policy
Impetus Procedures for the Recruitment and Selection of Staff
Policy on the Recruitment of Ex-Offenders
Contract of Employment

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