



Fixed Term Contract Policy and Guidance

Introduction

Within West Oxfordshire District Council (the 'Council'), the Fixed Term Contract Policy and Guidance ('the Policy') provides guidance on the use, management, and conclusion of Fixed-Term Contracts (FTCs) within the Council. It ensures compliance with relevant employment legislation and promotes fair and consistent treatment of employees engaged on a fixed-term basis.

FTCs play an important role in supporting operational flexibility, covering temporary needs such as project work, maternity leave, or specific funding arrangements. However, it is essential that employees on FTCs are treated fairly and that their employment rights are recognised and upheld throughout the duration of their contract.

This Policy sets out:

- The conditions under which FTC's may be used,
- The entitlements of fixed-term employees,
- The process followed at the conclusion of an FTC, and
- The circumstances under which redundancy or redeployment may apply.

The Council is committed to managing FTCs responsibly and in accordance with relevant employment law, including protection against less favourable treatment and provisions relating to redundancy and continuity of service.

Scope

This Policy applies to:

- All employees engaged on FTC's, regardless of service, role, or grade.
- Managers and Human Resources are responsible for initiating, managing, or concluding FTCs.

It covers:

- The appropriate use and management of fixed-term employment,
- Rights and responsibilities of fixed-term employees,
- Conditions for redundancy and redeployment,
- The transition to permanent employment after four years (where applicable under legislation).

This Policy does not apply to contractors, casual workers, or agency staff who are not engaged as employees of the Council.

Definition of a FTC

A FTC is an employment agreement that:

- Has a clearly defined end date, or
- Ends upon completion of a specific task or project, and
- Is not intended to be permanent at the outset.

General Principles

- Employees on FTCs will have access to the same terms and conditions as permanent employees, unless different treatment is objectively justified.
- FTCs will be used only when appropriate and will not be used to avoid obligations associated with permanent employment.

End of Contract – No Redundancy Pay

If the FTC:

- Is clearly marked as fixed-term, and
- Runs its full term, ending on the agreed date, and
- Is not renewed,

Then no redundancy payment will be made. This is because the role was always intended to be temporary and the contract concluded as planned.

Clarification on Notice

Where a fixed-term contract runs to its agreed end date, the end date stated in the contract of employment will be the employee's final day of service. The Council is not required to provide additional notice in these circumstances. Notice would only be required if the contract is brought to an end earlier than the specified date.

Early Termination – Redundancy and Redeployment

If a FTC is:

- Concluded early (i.e., before the agreed end date), and
- The reason for early termination is redundancy (i.e., the role is no longer required), and
- The employee has completed 2 or more years of continuous service,

then the employee will be:

- Eligible for statutory redundancy pay, and
- Considered for redeployment opportunities within the Council, where appropriate.

Please see the Council's Redundancy Policy and Procedure and Redeployment Policy and Procedure.

Redundancy: Right of Appeal

The natural expiry of a fixed-term contract is not a dismissal following a selection process. Therefore, there is no formal right of appeal.

Employees may still raise questions, provide feedback or request further meetings during consultation, and this will be considered before the decision is confirmed.

4-Year Rule – Automatic Permanent Status

In accordance with employment legislation (e.g., the Fixed-Term Employees (Prevention of Less Favourable Treatment) Regulations 2002 in the UK):

- An employee who has been employed on successive FTC for four years or more will be deemed a permanent employee, unless:
 - Continued use of a FTC is objectively justified, and
 - This justification is clearly documented.

Monitoring and Review

- All FTC will be reviewed regularly to ensure they remain appropriate.
- Managers must give at least 4 weeks' notice prior to the end of an FTC to assess:
 - Whether the contract should be extended,
 - Whether redeployment is possible,
 - Or whether the contract will end as planned.

Support and Advice

Please contact Human Resources for any support or advice.

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