FIXED TERM CONTRACTS PROCEDURE FLOWCHART

You require someone for a defined period of time, preferably less than two years but longer than 3 months

All vacancies should be advertised and appointed to by following the Council's Recruitment and Selection procedures

Does the successful applicant already have a permanent contract with the Council?

Yes

No → Issue a fixed term contract

Has the employee's manager given their approval to issue a Secondment Agreement?

Yes

Ask HR Services to issue a secondment agreement and confirm with the employee that they will return to their established job when it comes to an end.

The secondment ends and the employee returns to their established post.

No

Consider the implications of appointing the employee on a fixed term contract particularly their eligibility for redundancy payment when the fixed term contract ends. Ensure the employee understands the implications of accepting a FTC if this is appropriate, and that they will not have a right to return to their previously held established job. This should be confirmed in writing.

Prior to the end date of a fixed term contract make a decision regarding the future of the contract.
Do you want to end the contract?

Yes

What is the reason for the dismissal?

Redundancy with more than 2yrs continuous service

Contact your HR department as soon as possible, (and no later than 20 weeks) before the end of the contract. Refer to the Council's Redundancy, Redeployment and Buy Out of Hours Policy

NB: Unless the contract contains a break clause, it cannot be ended before the date stipulated in the contract unless mutually agreed

SOSR or less than 2yrs continuous service

Inform the employee up to 10 weeks before the contract end date of the reason for the dismissal, including the reason why the fixed term contract is not being renewed or is being ended early.

NB: Unless the contract contains a break clause, it cannot be ended before the date stipulated in the contract unless mutually agreed

No

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REDUNDANCY REASON cont/d...

You need to consult with the individual affected about the proposal to end the contract. A minimum one month consultation period is recommended.

Following consultation if the decision is to proceed with redundancy meet with the employee and confirm their right to appeal. Confirm in writing that the contract will not be renewed and remind them of the end date. Provide the employee at least 12 weeks' notice.

Provide redeployment support. Contact CST.HR.Operations@derbyshire.gov.uk This would not be provided any earlier than the start of the individual consultation period i.e. 16 weeks prior to contract end date.

Provide details of any redundancy payment

SOSR cont/d...

Allow the employee to make representations against the decision to not renew the contract/continue the contract at a meeting

If not renewing the contract remind the employee when they are approaching the contract end date. Provide the employee at least one months' notice

Give the individual the right to appeal against the decision to dismiss

Does the fixed term job now have an indefinite end i.e. has it become established?

Yes, with Director approval. The fixed term contract can be changed to a permanent contract

Option 1: Re-advertise the role as established and follow the council's recruitment and selection procedures.

(NB: if the current postholder applies and is unsuccessful, seek HR advice)

Option 2: You could slot/offer the individual currently filling the role, the now established job as long as:

- you can objectively justify your decision
- the individual went through a recruitment process when they were originally appointed to the fixed term role i.e. as a minimum the job was advertised internally
- the duties of the job have not significantly changed, and the grade is the same
- the individual fulfilling the role is not an agency worker, on a relief contract or on any other contract that classifies them as a worker rather than an employee.
- there are no employees at risk of redundancy that should be considered for the role as a priority.

No

You can extend the contract of the employee already in the role.

(NB: if you extend a contract at least once, taking its term beyond 4 years legislation determines that a fixed term contract may become permanent unless the continued use of a fixed term contract can be objectively justified