

HOW TO END/EXTEND A FIXED TERM CONTRACT

Bringing a fixed term contract to an end at the conclusion of its term is classed as a dismissal so it is vital a fair process is followed. This toolkit sets out what you need to do to make sure the dismissal complies with our legal responsibilities:

RECEIPT OF PROMPT FOR ACTION

Approximately 20 weeks before the contracted end date HR Services will send you an email for your action regarding the upcoming end date of your employee(s) fixed term contract (FTC). This information is also available on the SAP Managers Workplace in the reminder of dates section.

- At this point you will need to decide whether the contract is to be extended or brought to an end.
- If you are extending the contract for a reason which is different to that stated in the original contract, you will need to notify discuss this with the Resourcing Manager for your service area.

Important notes

(1) The employee(s) employment, pay and DCC system access will end on their contract end date unless you action some form of contract extension or amendment. If you propose to end the contract you must allow time to follow the statutory process for ending fixed term contracts. When a fixed term contract ends it is a dismissal in law and a fair process must be followed. HR Services should be provided with evidence that a fair process has been followed and the necessary authorised variations via SAP Managers Workplace.

(2) Prior to receiving the 20 week prompt you should start to consider your future needs and whether the fixed term contract requires extending or if the post is to become a permanent position. If this is the case authorisation via vacancy control would be required. The Resourcing Manager for your service area will be able to advise on this.

(3) When considering an extension you will need to take into account any live or upcoming service reviews for the following reasons:

- *If you extend a contract for an employee to four years and over this is normally classified the same as permanent employees.*
- *If an end date is beyond the implementation date of the review the employee will be included in the review process, pool for redundancy and any 'selection out' or 'appointment in' process.*
- *If an end date is before the implementation date they will not be included within the pool for redundancy and any 'selection out' process as their contract already has an end date. However, if there is an appointment in process as part of the review, employees on fixed term contracts will be considered alongside other colleagues.*

Key Contact(s)

Resourcing Manager – for advice on your resourcing options if there is a continuing need for the post.

HR Services Payroll – for processing an extension to contract

HR Operations Lead – if the contract is to be ended

REASON FOR ENDING THE FIXED TERM CONTRACT

If you are ending the contract, you will need to be clear on the reason for bringing the contract to an end as this determines the process you will need to follow. This is stated in the contract of employment issued to the employee and will either be:

- Redundancy - in the case of work ceasing, or a project or funding coming to an end.
- Some other substantial reason (SOSR) – in cases of a student placement or apprenticeship ending or cover for absence coming to an end e.g. maternity, shared parental or adoption leaver returning to work or an employee returning from long term absence or unpaid leave.

Important note – *In some cases where the FTC has been extended, the reason for the FTC can change. Ensure you reference the most up to date information when bringing the contract to an end to ensure the correct process is applied.*

Key Contact(s)

HR Services (Payroll) – to confirm the current reason for the FTC

DISMISSAL – REDUNDANCY

If the reason for dismissal is redundancy you should contact your HR Operations Lead as soon as possible, but no later than 16 weeks, before the employees FTC is due to end. The process **you** will need to put in place is as follows:

- Consult with those affected on an individual basis, providing a minimum of 30 days consultation period. Write inviting them to attend a consultation meeting. ***Use template letter 1 ‘End of FTC letter – Redundancy reason for dismissal – Commencing consultation’.***
- Signpost to [Redeployment and redundancy - Our Derbyshire](#) where a arrange of information on redeployment is available. Redeployment support should be provided from 16 weeks before the proposed end date.
- You should meet with the employee (giving them the right to representation) at least 12 weeks before the end date. This should be followed up in writing to confirm their FTC will not be renewed and remind them of the contract end date. This letter will also provide an opportunity for the employee to appeal against the decision to dismiss. ***Use template letter 2 ‘End of FTC letter – Redundancy reason for dismissal – Consultation ended – contract ending – right of appeal’.***
- Two weeks prior to the employee’s end date HR Services will write to them confirming arrangements for redundancy pay (if over two years’ service).
- If the employee has over two years continuous service, it is a requirement for HR Operations to enter the employee’s details onto the Retirement and Redundancy system.
- The HR Operations Lead will create a report and generate a schedule of costs to obtain approval from the Workforce Governance Group and Executive Director, as per council process.
- Complete and have authorised the leaver form on SAP Managers Workplace with the reason due to redundancy.

Key Contact(s)

HR Operations – for consultation and guidance on bringing FTC to an end/redeployment enquires /entry onto the Retirement and Redundancy system (if applicable)

HR Services payroll for processing employee as a leaver

DISMISSAL – SOME OTHER SUBSTANTIAL REASON (SOSR)

If the reason for dismissal is SOSR the following should be completed as a minimum:

- The employee must be informed of the reason for the dismissal, including the reason why the fixed term contract is not to be renewed.
- It is good practice to remind the employee that the contract is due to end so they can make representations if they wish to.
- The employee must be given the opportunity to make representations against the failure to renew the contract at a meeting and must be given the opportunity to appeal against the decision to dismiss. **Use template letter 3 ‘End of FTC letter – SOSR for dismissal – Invitation to attend meeting’ and template letter 4 ‘End of FTC letter – SOSR for dismissal – Confirmation & right of appeal’.**
- Whilst the employee does not have priority status, you are responsible for providing reasonable redeployment support for them. See the [Redundancy, redeployment and protection of earnings \(derbyshire.gov.uk\)](http://derbyshire.gov.uk) policy
- Complete and have authorised the leaver form on SAP Managers Workplace with the reason due to SOSR.

Key Contact(s)

HR Services

Payroll

CST and Place
CST.PlacePayroll@derbyshire.gov.uk
Children's Services
CST.ChildrensServicesPayroll@derbyshire.gov.uk
Adult Social Care and Health
CST.AdultCarePayroll@derbyshire.gov.uk

HR Transformation

All departments HR.consultations@derbyshire.gov.uk

Resourcing Managers

Adult Social Care & Health Sandra McCurrach sandra.mccurrach@derbyshire.gov.uk
CST & PLACE Tanya Causebrook tanya.causebrook@derbyshire.gov.uk
Children's Services Rachel Edinboro rachel.edinboro@derbyshire.gov.uk

Useful Links

Further Fixed Term Employee guidance can be found on Our Derbyshire using the following link:

<https://staff.derbyshire.gov.uk/jobs-and-recruitment/recruitment-and-contractual-arrangements/fixed-term-employees/fixed-term-employees.aspx>

<https://www.gov.uk/fixed-term-contracts/renewing-or-ending-a-fixedterm-contract>