



# Manager guidance: managing fixed term contracts

## Fair Employment For All (FEFA) principles

### 1 Who is this guidance for?

- 1.1 This guidance is for all recruiting and line managers.
- 1.2 The purpose of this guidance is to support managers in making decisions on the appropriate use of contracts at recruitment, including permanent and fixed term contracts, and issues to consider when extensions to fixed term contracts are proposed.
- 1.3 Throughout this guidance references are made to our Fair Employment For All (FEFA) principles. The University has agreed a set of [Fair Employment For All \(FEFA\) principles](#) to support our Strategy 2030 goals and it is important that managers understand these to support decision making.
- 1.4 **Please note** overseas appointments sit outside this guide due to different legislative requirements in countries outside the UK. Any related queries should be made to the [Global Employment team](#).

### 2 Introduction

- 2.1 The University has agreed a set of [Fair Employment For All \(FEFA\) principles](#) to support our Strategy 2030 goals. We are committed to significantly increasing our use of permanent contracts, recognising that fixed term contracts will be appropriate in a limited range of circumstances and for transparent, necessary and objective reasons.
- 2.2 This guide considers extensions to fixed term contracts and offers guidance to ensure the appropriate decisions are made.
- 2.3 The University understands that managers need to sufficiently resource their teams to ensure quality services are delivered which is why, where there is a quantifiable need for additional or continuing support, there is a process in place for managers to make a case to recruit or extend temporarily contracted employees that is in line with our FEFA principles.
- 2.4 Throughout the recruitment process the [Recruitment team](#) will be available to advise you. They will also review requests to ensure they comply with this guidance and may ask questions to ensure decisions are compliant.

- 2.5 Where an appointment is made on a fixed term contract, it is essential that the correct reason/justification for a contract is considered and recorded at the commencement of the recruitment exercise, otherwise this may have consequences on how the individual is managed throughout their employment as well as at its conclusion.

### 3 Managers' responsibilities

- 3.1 Recruiting and line managers make an important contribution to the achievement of our FEFA principles. It is important that you familiarise yourself with this guidance so that you can meet the following responsibilities:

- To identify the reasons for the fixed term contract in line with FEFA principles and business rules for fixed term contracts. This should be for both new vacancies and existing vacancies.
- Where applicable, to ensure wording regarding project/funding is appropriately captured on eSR1/Recruitment Hub requests and job descriptions. Please refer to our [template job description bank](#) for further details.
- To regularly review the fixed term contracts in your team and consider whether the justification for a fixed term contract remains or if this has changed (see section 8 below).
- To treat employees on fixed term contracts equally with those on permanent contracts, including support for career development and the opportunity to receive training and/or secure a permanent position.
- Keep employees up to date of circumstances (including funding if relevant) that affect the duration of their contract.
- Where it becomes necessary, support the employee through ending the contract and support them with redeployment (where eligible).

### 4 Considerations for all recruitment

- 4.1 Recruiting managers should work with their [HR Advisor, Partner or Senior Partner](#) to ensure that recruiting decisions form part of an overall workforce plan which is robust, future proofed and in line with the University's FEFA principles.
- 4.2 Before initiating any recruitment process, you should consider your team's current and future needs. Further information can be found on our [recruitment webpages](#).
- 4.3 In addition, to support our FEFA principles you should consider:
- **Current colleagues on fixed term contracts:** Identify any fixed term contracts nearing expiry in your area. Consider the transferable skills and experience these colleagues have developed and whether they can be utilised in other roles.
  - **Redeployees:** The University has a responsibility to support redeployees to find alternative employment in the University before their employment ends. For further information on this, please refer to our [Redeployment Procedure](#).
  - **How long the role will be required for:** the appointment should be for the maximum period expected and Faculties and Divisions should seek to avoid an individual being issued with a succession of fixed term contracts. For example, if funding is available for a 2-year appointment, the appointment should be made for 2 years at the offset. If a Faculty/Division submits successive requests for short, fixed term contracts or extensions, further information and justification may be required.

4.4 If an individual's employment ends on the expiry of their fixed term contract and they have at least 2 years' continuous employment with the University, they will be eligible for a statutory redundancy payment. For further information, including the way in which redundancy payments are charged, see our [guidance on the redundancy process](#).

## 5 Appointing to a permanent contract

5.1 The University's expectation is that permanent contracts should be the normal employment arrangement at the University and that fixed term contracts will only be used in specifically defined circumstances. Therefore, any role meeting the following criteria should be recruited on a permanent basis:

- Where the period of employment will be 4 years or greater and a permitted exception does not apply;
- Where the role is carrying out business as usual activities and a permitted exception does not apply.

**See section 7 below for cases where a permitted exception may apply**

## 6 When to use a fixed term contract: business rules

6.1 The University recognises that fixed term contracts are an appropriate resourcing tool in a limited range of circumstances, when used appropriately and correctly.

6.2 It is essential to demonstrate that there are transparent, necessary and objective reasons for using a fixed term contract which are consistent with our FEFA principles. The reason must be accurately stated on the Recruitment Hub request. Failing to state an accurate and clear reason could have implications for ending the fixed term contract and for any future restructuring and redundancy situations. If you are unsure which reasons applies to your vacancy, please check this with HR.

6.3 The current permitted reasons for the use of fixed term contracts are included below:

*(please note that these reasons will be subject to review in 2025/26)*

Fixed Term Contract business rule
<b>1. Cover</b> for a member of staff who is absent for a limited period <i>(for example, maternity leave, sickness absence, backfill for a secondment or teaching buy out)</i> .
<b>2.</b> Appointment to a clearly defined <b>training or career development position</b> <i>(for example, apprentices, Graduate Business Partnerships, PTAs and KTPs)</i> .
<b>3.</b> Where the appointment requires <b>specialist skills</b> to accomplish a <b>particular task or project</b> for a limited period.
<b>4. Time limited projects</b> (including research projects) where the prospect of continued funding is unlikely – this will normally only be for the employee's first appointment with the University, where there is no evidence of continued funding.
<b>5.</b> Appointments to cope with <b>unexpected or unpredictable period of demand</b> over a time limited period.

- 6.4 It is important to note that funding is **not** solely an objective justification for a fixed term contract.
- 6.5 If a vacancy does not meet the above criteria to be a fixed term contract and cannot otherwise be objectively justified, then the University’s expectation is that the appointment should be on a permanent contract.

## 7 Permitted exceptions

- 7.1 The University understands there may be occasions where it is justifiable to appoint:
- a new fixed term contract for more than 4 years, **or**,
  - extend a fixed term contract over 4 years.
- 7.2 These will be considered as exceptions. Any exceptions should first be discussed with your Faculty/Division HR Partner or Advisor. The exceptions below apply to both an initial fixed term contract and extending a fixed term contract where this takes the total period of employment over 4 years.
- 7.3 For each of the exceptions you will need to provide clear details on the eSR1 or Recruitment Hub request. The current permitted exceptions are as follows:

Reason	Further details	Process for ending the fixed term contract
Training role <i>e.g. apprenticeship, PTAs, medical training</i>	Where there is a training or career development programme that is clear and distinct for the <u>entirety</u> of the contract and the appointment is supernumerary and will not continue beyond the training/development period.	<a href="#">Procedure for the non-renewal of a fixed term contract</a>
Where the funding for the appointment expressly states that the individual recruited must remain on a fixed term contract for the entirety of the project.	Some funding contracts state individuals recruited to remain on a fixed term contract to be eligible for the funding. Clear evidence of the funder’s requirements must be provided within the eSR1 or Recruitment Hub request.	<a href="#">Redundancy Procedure</a>
Fixed term contracts can be extended once and for no more than 6 months where the extension will take the total period of employment over 4	Where there is a clear need to complete a project/task justifying the original fixed term contract within the defined timeframe and there is no ongoing need for the role beyond this period.	<a href="#">Redundancy Procedure</a>

years, to complete a project/task.	If an extension is requested for longer than 6 months, the appointment will likely require converting to a permanent contract.	
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## 8 During a fixed term contract

- 8.1 It is important that the justification for an appointment being on a fixed term contract is kept under review during the life of the contract. If there are any changes to circumstances which impact upon the justification, these should be considered and reviewed in line with this guidance.
- 8.2 In line with FEFA principles, any time a change occurs you should consider whether a fixed term contract remains appropriate given the circumstances or whether the appointment should be converted to permanent. Failure to do this may impact the fairness of any process subsequently carried out in relation to this appointment.
- 8.3 To request a change from a fixed term to permanent appointment, managers will need to submit an [ESR1 change request](#).

## 9 Towards the end of a fixed term contract – including extending and ending

- 9.1 When a fixed term contract is nearing its end date, line managers will receive notification via email (automated email generated through iTrent) prompting them to consider what action to take. The action taken will depend on the needs of the University at the time. It is important to note that a failure to renew a fixed term contract is a dismissal in law, therefore it will never be appropriate to do nothing. You will need to decide what the most appropriate action is, taking advice from your HR Partner/Advisor where required.
- 9.2 Before making a decision, it is important to review if the reason for the fixed term contract remains the same and consider if the work the person is carrying out has changed in any way. If you identify changes then the contract type must be reviewed. If the reason has changed you should discuss this with your HR Partner/Advisor for further support.
- 9.3 In summary, the options at this stage are:
1. A further short-term extension is required to ensure the completion of the project/task justifying the original fixed term contract. Faculties/Divisions should avoid an individual being issued with a succession of fixed term contracts. It is important to note that repeated short-term extensions of fixed term contract will be identified by the HR Operations team and shared with the HR Partner/Advisor for review.
  2. Convert the appointment to a permanent appointment where there is a continued requirement for work, in line with our FEFA principles. If a further contract extension will take the employee's total continuous service with the University to 4 years or more, and/or is likely to last for at least 6 months, then a permanent contract should be considered.
  3. If the role is no longer required or there is a reduction of work, it may be necessary to terminate the employment by applying the appropriate procedure. The procedure to follow will depend on the reason for fixed term contract and length of service, either the

[Redundancy Procedure](#) or the [Procedure for the non-renewal of a fixed term contract](#). You will also need to take in consideration the [Redeployment Procedure](#). Further guidance to support you with following this process can be found via our [Guidance on ending a fixed term contract](#).

## 10 Recruiting for an existing vacancy (not a new post)

- 10.1 It is important to note that role details are automatically populated from iTrent onto the Recruitment Hub request. Therefore, you must review this when recruiting to an existing vacancy to ensure **all** details are correct. For example, if the previous appointee in the role was made permanent due to length of service, iTrent will automatically populate the vacancy as permanent. You must check this by reviewing the needs of the role and discussing with your finance team.
- 10.2 Where a vacancy is created by an employee engaged on a fixed term contract leaving before the end of their contract, a fresh review of the reasons for the appointment should be made. You should consider if there have been any changes within the area and/or the role before deciding what contract type is appropriate. No assumptions should be made based on what contract type applied to the previous role holder. Managers should refer to the above section titled **Considerations for all recruitment** before completing a recruitment request.

## 11 Further guidance and support

- 11.1 Managers are encouraged to seek guidance to ensure the appropriate contract type is chosen and supports commitments under our FEFA principles.
- 11.2 During the recruitment process (which also includes completing a request for recruitment) you can discuss with the recruitment team who will be able to ensure decisions are made in line with these principles. The Recruitment team will also support with identifying existing employees applying for different roles or redeployment opportunities whose length of service or number of successive fixed term roles would require consideration for moving to, or maintaining, a permanent position with the University:
- HR Recruitment team - [recruitmentadmin@exeter.ac.uk](mailto:recruitmentadmin@exeter.ac.uk)
- 11.3 Where decisions relate to workforce planning, or where objective justification means decisions may fall outside our FEFA principles, you can seek guidance from the HR Partner and Advisor team. The HR Partner and Advisor team support with ensuring compliance with procedures within the areas they support:
- HR Advisor team - [hradvisors@exeter.ac.uk](mailto:hradvisors@exeter.ac.uk)
  - [HR Partner or Senior HR Partner](#) supporting your Faculty/Division