

How to...Recruit to a Fixed Term Contract

Key activities for managers to consider and undertake before and whilst recruiting for a fixed term contract. It should be noted that the following factors **must not** form part of the selection decision itself:

Prior to advertising a fixed term post, consider:

- Alternatives to recruitment have been considered in accordance with the [Vacancy Management Provisions](#). These should be detailed on your request on MyPKC Staff Portal.
- What are the potential risks and impact on service delivery if the post is not recruited on a fixed-term basis? For example, continuity, efficiencies etc.
- By law, you must provide legitimate and genuine business reason(s) for a post being temporary. This must be documented on your submission and in the offer of employment to the successful candidate. See [Reasons for Fixed Term Contracts](#) section for further information.
- There may be occasions when consideration should be given to making a business case to recruit to a fixed term vacancy on a permanent basis eg how long the contract is likely to last ie longer than 2 years; role and frequency of vacancy; turnover rates and demographics, organisational risks and impact to service delivery. Refer to [How to Recruit to a Fixed Term Post on a Permanent Basis/Convert a Fixed Term Contract to Permanent](#) for further information. Depending on the duration and reason for the fixed term contract, after 2 years' continuous employment, a search for suitable alternative employment may require to be conducted during the contractual notice period. Any costs associated with a redundancy payment will fall on the employing Service. See [Continuous Service](#) section for further information.

Checklist for recruiting a fixed term post

- Obtain approval of the budget holder and your Finance Team, submit your request on MyPKC Staff Portal and follow [Recruitment and Selection Policy and Procedures](#).
- Ensure advert wording is clear on the duration and reason for the contract as information provided on the submission will be scrutinised by Finance and Human Resources (HR) to ensure a consistent approach to both contract type and alternatives to recruitment.
- At interview, ensure that candidates are aware of the reason(s) for the fixed term contract, what will bring the contract to an end and also what, if appropriate, could bring the contract to an early end.

Appointment

A written Statement of Employment Particulars (SEP) containing the related terms and conditions associated with the employment will be issued by HR for a fixed term contract which is longer than one month.

The SEP will include:

- the event that will bring the contract to an end;
- the expected end date and what, if appropriate, could bring the contract to an early end;
- the business reason(s) for the post being temporary; and
- any special conditions relating to the post.

Terms and Conditions

Subject to meeting *eligibility criteria, an employee with a fixed term contract has the same statutory employment rights as a permanent employee including:

- a statement of employment particulars' (SEP) terms
- sick pay
- minimum notice periods
- not be unfairly dismissed
- maternity, paternity and adoption leave and pay
- request flexible working
- time off for emergencies
- statutory redundancy pay

*Eligibility normally involves meeting a minimum length of continuous service to qualify. In addition, depending on continuous service and other factors, some employees have enhanced occupational entitlements which form part of the employment contract with the Council. Please contact HR@pkc.gov.uk if you require further information.

Induction

You should arrange an [induction](#) (both Corporate and Service) appropriate to the length of the engagement, including mandatory components in the Council's induction checklist. The Council's [Employee Code of Conduct](#) must be explained and the individual advised that it applies to all who work for Perth & Kinross Council, including fixed term employees.

Reasons for Fixed Term Contracts

By law, it is essential that an objective business reason(s) is given for a post being temporary. An objective business reason(s) must set out why it is more appropriate to create a fixed term post than a permanent position. This may include:

- When funding is short term and longer-term funding is **unlikely**, eg a post which is directly or explicitly funded by a specific grant or external funding source and there is no foreseeable prospect of it being renewed, or of other funding becoming available.
- When the post relates to a specific event (eg to cover an existing employee's longer term absence such as sickness, maternity, paternity, secondment).
- Where specialist expertise is a necessary element of the job and will only be required for a specific period.

- To cover peaks in service delivery or seasonal requirements.
- To cover a task or project which has an estimated end date and is **unlikely** to be renewed.
- To cover a permanent vacancy while recruitment is carried out.
- During an organisational restructuring exercise, but only until the [Review](#) has concluded.

Continuous Service

A succession of continuous fixed term contracts either in the same role, moving from one contract to another, or if moving from another local authority or recognised public sector employer will usually lead to an employee gaining continuous service and statutory employment protection rights. This will be the case irrespective of whether the successive contracts are with the same employing organisation, or are on the same or different terms and conditions.

Continuous service affects entitlements to annual leave, sick leave, redundancy pay and the right to claim unfair dismissal. A break in continuous service will arise when an employee has a gap between contracts/service which must, as a minimum, specifically include a seven-day period commencing on a Sunday and including the following Saturday. Further information on continuous service breaks can be found in [the service dates guidance](#).

HR can provide further information and advice on whether previous service will be recognised as being continuous for employment purposes.

It is the responsibility of an existing employee who applies for a fixed term post to seek agreement, in writing, from their current Service Manager if they wish to return to their substantive post at the end of the fixed term contract. There is no obligation on the Service to allow the employee to return.

Length of Contract

In some circumstances, appointment to a single fixed term contract of longer than two years may be possible up to a maximum of four years, including notice period. Employees on a fixed term contract for four or more years may automatically have the right to become permanent unless there is an objective business reason(s).

Fixed term employees with more than two years' continuous service affected by a change in resourcing requirements will require the fixed term employee to be included and treated no less favourably than permanent employees. Refer to the [Framework for Managing Workforce Changes](#) toolkit for further information.

Managers have the responsibility for monitoring the timescales relating to fixed term contracts.

Service Reviews

Where a service review is imminent, it may be more appropriate to recruit using fixed term contracts, even to a permanent post.

Identifying affected posts which are critical to service delivery at the outset of a review will enable Services to better determine which posts should be filled on a permanent basis and which posts would be more appropriately filled on a fixed term basis. Consideration should be given to the potential/likely outcome of the review and whether there is likely to be significant and material changes to duties and responsibilities, the skills required as well as the number and/or level of posts.

Job Families

Generic role profiles, detailing the main skills, knowledge, qualifications and competencies required within each level of a job family provides the organisation with the flexibility to effectively mobilise and deploy staff to fill time-limited roles as well as to meet the longer term business needs as the organisation continues to transform.