

Wiltshire Council Human Resources

Fixed Term Contract Dismissal Policy and Procedure

This policy can be made available in other languages and formats such as large print and audio on [request](#).

What is it?

This policy and procedure details the processes for dismissal of an employee whose fixed term contract of employment is due to end when a specified date is reached or a specified task has been completed.

Go straight to the section:

- [Definition of a fixed term contract](#)
- [Notification of ending a fixed term contract](#)
- [The dismissal meeting](#)
- [Ending a fixed term contract that meets the test of redundancy](#)
- [Roles and responsibilities](#)
- [Frequently asked questions](#)

Who does it apply to?

This policy applies to all Wiltshire Council employees (with the exception of teaching and non-teaching staff employed in locally managed schools).

This is a harmonised policy and applies to both Wiltshire Council and ex-district TUPE employees.

In matters that involve chief / statutory officers and deputy chief officers (corporate directors and service directors) these procedures must be read in conjunction with their terms and conditions of employment and [Wiltshire Council's constitution](#).

This policy also applies to Wiltshire Temporary Bank employees.

When does it apply?

This policy applies where you are employed on a fixed term or temporary contract which is nearing the expiry date.

When does it not apply?

This policy does not apply to agency workers, freelance workers or casuals.

What are the main points?

Definition of a fixed term contract

1. A fixed term employee is defined as a person with a contract of employment which is due to end when a specified date is reached or a specified task has been completed. Examples include (but are not limited to):
 - additional employees who are employed on a contract for 6 months during a peak period or where there is a specific operational need
 - an employee who is employed on a contract for the duration of a specific project (i.e. specific purpose contract)
 - someone employed to cover another employee on temporary leave such as maternity leave, additional paternity leave, sickness absence or a career break
 - someone employed to cover another employee on a secondment

Notification of ending a fixed term contract

2. The ending of a fixed term contract because it has expired constitutes a dismissal.
3. Your manager will inform you in writing using the template letter of the reasons for expiry of your contract and they will invite you to attend a meeting to discuss these reasons.
4. The meeting will be arranged for within 6 weeks of the expiry of your contract and must be no later than 4 weeks before your contract end date. If you are employed on a contract for a short duration or through the Wiltshire Temporary Bank where it is not possible or reasonably practical to adhere to these requirements, the timescales will be in proportion to the length of your contract and will be held a minimum of 1 week before the contract expiry date.

5. If your contract is ending and meets the test of redundancy, the timescales for consultation must be in line with the [redundancy policy and procedure](#).
6. You will be given at least 5 working days' notice of the meeting.
7. If required, you may request to be accompanied by a trade union representative or work colleague.

The dismissal meeting

8. Your manager will discuss the reasons for the expiry of your contract. Examples include (but are not limited to):
 - a particular project or purpose is complete
 - funding for a particular project or purpose and therefore your post, is coming to an end and no more funding is available
 - the permanent employee has returned to their post
9. Your manager will confirm the outcome of the meeting with you in writing within 5 working days using the [template letter](#). This will confirm the reasons for the expiry of your contract and your leaving date in accordance with the terms and conditions of your employment.
10. If you choose not to attend the meeting your manager will confirm the expiry of your fixed term contract and the reasons for this in writing using the [template letter](#).
11. You will be placed in the redeployment pool (unless you meet the test for redundancy and opt to take voluntary redundancy) until your contract expiry date in line with the redeployment procedure within the [appointments policy and procedure](#).
12. You will be provided with a redeployment form at the dismissal meeting to complete and return to the recruitment team so that your details can be added to the redeployment register.
13. If at your contract expiry date, no suitable alternative employment has been found you will be dismissed in accordance with the reasons outlined by your manager at your dismissal meeting.
14. Your manager will complete a leaver form and follow the council's leaver procedure.
15. You have the right of appeal against your dismissal in line with the [appeals policy and procedure](#).

16. If you are employed through the Wiltshire Temporary Bank, you will continue to be selected for suitable short term temporary positions during the redeployment period. At your contract end date you will return to the Wiltshire Temporary Bank.

Ending a fixed term contract that meets the test of redundancy

17. If your contract is ending and it meets the test of redundancy your dismissal will be conducted in line with the [redundancy policy and procedure](#).
18. If you have continuous service of 2 years or more you will be eligible for a redundancy payment. If you have less than 2 years' continuous service you will not be eligible for a redundancy payment or be able to apply for voluntary redundancy.
19. At the dismissal meeting (to be held in accordance with the timeframes stated above) outlining the reasons for your dismissal, your manager will provide you with the opportunity to apply for voluntary redundancy.
20. If you wish to apply for voluntary redundancy you should complete the voluntary redundancy fixed-term employee application form and return this to your manager within 5 working days of the dismissal meeting.
21. If you do not wish to apply for voluntary redundancy you will be provided with a redeployment form at the dismissal meeting to complete and return to the recruitment team so that your details can be added to the redeployment register.
22. You will be placed in the redeployment pool until your contract expiry date in line with the redeployment procedure within the [appointments policy and procedure](#).
23. Whilst you are in the redeployment pool you will be provided with a further opportunity to apply for voluntary redundancy 1 week before your contract expiry date.
24. If at your contract expiry date, no suitable alternative employment has been found and you have not applied for voluntary redundancy, you will be dismissed on the grounds of compulsory redundancy.
25. Your manager will complete a redundancy leaver form and follow the council's leaver procedure.

Roles and responsibilities

Employee responsibilities

26. You have a responsibility to co-operate with the stages within this procedure and to engage with the procedure at all times.

Line manager responsibilities

27. To inform employees on a fixed-term or temporary contract that their contract is due to expire within the required notice periods. A fixed term or temporary contract that is about to expire constitutes a potential dismissal due to redundancy and therefore no reliance should be placed on the contract specifying a termination date being suitable notification.
28. To maintain a record of any letters sent and minutes of meetings held in relation to the employee and forward any copies to HR to be kept on the individual's employee file.
29. To understand and apply this procedure in a fair and consistent way.
30. To ensure that this procedure is clearly communicated to the employee.

HR responsibilities

31. To provide advice and guidance on this procedure to managers as required.

Frequently asked questions

32. What do I do if I do not agree with the dismissal?

You have the right of appeal against your dismissal in line with the council's [appeal policy and procedure](#).

33. I fully understand the reasons for my contract expiry. Do I need to attend a meeting with my manager to discuss these?

If you accept the reasons for your contract expiry and do not feel it is necessary to meet with your manager then you do not have to do so. You will be asked to confirm that you do not wish to attend the meeting and your manager will then confirm the reasons for your contract expiry in writing.

34. My fixed term contract is ending for reasons that do not meet the test of redundancy. Will I still be placed in the redeployment pool?

Yes. You will be placed in the redeployment pool at the point at which your manager informs you of the reasons for ending your contract until your contract end date. However, you will not be entitled to a redundancy payment.

35. I am on a fixed term contract and I am facing dismissal for a reason other than the expiry of my fixed term contract. Does this policy and procedure apply to me?

No. Your case will be dealt with in line with another Wiltshire Council policy and procedure such as improving work performance or sickness absence management.

36. I am employed through the Wiltshire Temporary Bank. Does the same procedure for the expiry of my contract still apply to me?

The same procedure will still apply if you are employed through the Wiltshire Temporary Bank. Your manager must explain at the outset of your employment that your contract is for a specific period or purpose and will therefore have an expiry date. Your manager will agree to meet with you at a later date before the end of your contract to discuss your dismissal. The timescales for the dismissal meeting should be in proportion with the length of your contract and should be no less than 1 week before your contract expiry date.

37. My fixed term contract is ending for reasons that meet the test of redundancy. Does the consultation period as stated in the redundancy policy and procedure still apply to me?

If you are employed under a fixed term contract the consultation period may be pro-rated to a lesser period depending upon the duration of the fixed term contract. For employees whose fixed term contract of 3 month's duration or more the consultation period will not be less than six weeks. For employees employed under a fixed term contract of less than three months the consultation period will be for whatever period is reasonable with regard to the duration of the fixed term period but will be not less than one week.

Equal Opportunities

This policy has been [Equality Impact Assessed](#) to identify opportunities to promote equality and mitigate any negative or adverse impacts on particular groups.

Managers will make any necessary adjustments to ensure that all employees are treated fairly.

Legislation

Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002
Fixed-term Work Directive 1999

This policy has been reviewed by an internal legal representative to ensure compliance with (the above legislation and) our statutory duties.

Advice and guidance

If you require help in accessing or understanding this policy you should contact your line manager or trade union representative if you are a member.

If, due to the nature of your query, it is not appropriate to contact your line manager you should contact your head of service who will nominate an appropriate manager or colleague to help you.

See [guidance for managers – giving advice on policies](#).

Further information

There are a number of related policies and procedures that you should be aware of including:

[Redundancy policy and procedure](#)

[Some other substantial reason termination procedure \(SOSR\)](#)

[Appointments policy and procedure](#)

[Wiltshire Temporary Bank](#)

[Equality and diversity policy and guidance](#)

[Dignity at work policy and procedure](#)

[Guidance for managers on arranging meetings](#)

There is also a toolkit including template letters to use when following this policy and procedure.

For further information please speak to your supervisor, manager, service director or contact your [HR advisor](#).

Policy author	HR Policy and Reward Team – (LB)
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