

**NON RENEWAL OF FIXED TERM CONTRACTS AND REDUNDANCY BY WAY  
OF TERMINATION OF SPECIFIC, FIXED TERM, FUNDING STREAMS**

**Revision 2014**

**Part I - Application and Scope**

1. This ordinance applies to all staff employed by Swansea University who will have completed one year's service, except those engaged for a further period of 3 months or less, on or before their effective date of termination where the reason for the proposed dismissal is the expiry without renewal of a fixed term contract or redundancy by reason of the termination of a specific, fixed term, funding stream.
2. The purpose of this ordinance is to ensure that decisions made are taken consistently and fairly in every case, taking account of relevant employment law and good employment practice.
3. The University will consider redeployment for staff who are identified as being "at risk" through the application of this ordinance, in accordance with the University's redeployment procedure, until their employment with the University ends.
4. This ordinance does not apply where the grounds for the proposed dismissal are conduct or other substantial reasons for dismissal, capability/performance, ill health/incapacity, retirement or non-confirmation in post following probation.
5. This ordinance does not apply to the removal from appointment as Head of College/Department or such other posts that have being designated by the Council to which an employee has been elected or appointed and which is distinct from that individual's substantive post, where dismissal from the substantive post is not contemplated.
6. For the purposes of this ordinance:
  - 6.1 a "fixed term contract" is a contract which is not of indefinite duration and which contains provision for the contract to terminate on a specified date or by virtue of expiry of a fixed term, or on the performance of a specific task on the occurrence of an event or the failure of a specified event to occur.
  - 6.2 a "redundancy by reason of the termination of a specific, fixed term, funding stream" is a redundancy which may arise irrespective of whether the employee is engaged on a fixed term or a open ended contract of employment.
  - 6.3 a "nominated manager" is any manager within a College or Department who is authorised by the HR Director to take action in accordance with this ordinance.

7. UK employment law defines the ending, ie non renewal, of a fixed term appointment on its expiry as a dismissal; consequently, this ordinance uses the term “dismissal” in all cases.
8. The University will normally convert fixed term appointments to open ended appointments after 4 years service unless there is an objective reason for not so doing.

## **Part II - Procedure**

### **Stage 1**

9. At least three months before the proposed termination date, a representative of the HR department will notify the employee explaining the circumstances which may result in their dismissal and asking whether they wish to have a meeting to discuss the issue with the nominated manager in the College/Department. If the employee responds positively to this invitation the nominated manager will meet with the employee giving reasonable notice of the meeting. The nominated manager may be accompanied by a representative from HR. The employee has the right to be accompanied by a work colleague or trade union representative.
10. The purpose of the meeting is to review the circumstances which may result in the employee’s dismissal and for the employee to make any representations before a decision is made.
11. Following the meeting, the nominated manager may provisionally determine that the employment should terminate in accordance with the employee’s current contract or take any other action other than dismissal which is justified by the circumstances, subject to the approval of the Head of College and the Director of HR or her/his nominee. The nominated manager shall inform the employee in writing of this provisional determination within one week of the meeting and send a copy of that determination to Human Resources.

### **Stage 2**

12. At least one month before the proposed termination date, the Director of HR or her/his nominee shall consider the provisional determination referred to in paragraph 11 above and the Director of HR or her/his nominee may decide to approve the provisional determination, ask the nominated manager for further information, or require further consultation with the employee to be carried out. If the Director of HR or her/his nominee approves the decision it will be on the basis that funding for the appointment is to expire and that reasonable steps have been taken to secure further funding, where appropriate, but these have not proved successful.
13. Following approval, the Director of HR or her/his nominee, shall confirm the decision in writing to the employee . The letter will specify the decision and (where the decision is that the employment shall be terminated) that the employee has a right of appeal and how to exercise that right.

### **Stage 3**

14. If the member of staff wishes to appeal against the decision made pursuant to paragraph 7 above, he or she may do so by writing to the Registrar's office setting out in full the grounds for appeal. Appeals shall be lodged and conducted in accordance with the University's ordinance for appeals.

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