

## Purpose

In order to provide efficient public services, there are occasions when it is appropriate to employ people on temporary contracts.

There are five possible reasons for using a temporary contract. These are:

1. Additional Workload (if the long-term need for the work is uncertain)
2. Specific Task
3. Temporary Funding
4. To Cover Secondment
5. Cover for Permanent Employees e.g. Sickness, Maternity Leave.

The temporary employment should end when the temporary funding ceases or the contract has reached its agreed end date.

Apart from the contract having a fixed term, a person employed on a temporary contract will enjoy equivalent terms and conditions of employment to a comparable permanent employee.

Legally “fixed term contracts” are the same as “temporary contracts”. The term “temporary” has been used throughout this document.

Implementation and application of this policy is the responsibility of the Head of Service.

## Guiding Principles

- Temporary appointments must be made using the recognised recruitment process.
- Temporary appointments can only be made with the appropriate authorisation.
- Efforts should be made to cover identified gaps by methods other than recruitment, such as temporary redistribution of work, additional hours, or reassessing work priorities. But this must not overload existing employees.
- Consecutive periods of temporary employment will be counted for the purposes of calculating continuous service.
- Temporary employees must be informed in writing of the reason for the work being temporary. They must also be informed either of the likely duration of the contract or that it will end when a known event occurs.
- To meet legal requirements employees who are employed for more than one month must be issued with a written statement of particulars.

**Commented [PU1]:** Change to “To meet legal requirements all employees must be issued with a written statement of particulars before or on the first day of their employment regardless of the length of their contract”.

### Guiding Principles (continued)

- A contract that is temporary because of “additional workload” will automatically be treated as a permanent contract after two years. A contract that is temporary for any of the other reasons may be for longer than this.
- If a temporary contract has to be extended the employee must be informed in writing of the reason for extension, and the new likely end date. The extension must be because work is still needed on a temporary basis for one of the five reasons above.
- Before a temporary contract is extended beyond four years a formal contract review meeting must be held. The employee must be told, in writing, why the contract is being extended and is still temporary. Additional workload is not an acceptable reason for the extension. Any one of the other four reasons from the “purpose” section of this statement is acceptable. If this does not happen the contract may be legally regarded as permanent.
- It is good practice to conduct a face to face contract review meeting annually.
- For periods of temporary employment lasting more than three months employees shall have a right to time off to access “job seeking” development activities by agreement with Service management. This will consist of up to three hours paid time to access suitable learning materials or support.

### Cross References

This policy should be used with policies and guidance on managing change, recruitment and selection, secondment, and redeployment. *TE11 Managing Temporary Employees Procedure* gives further guidance for managers to help them to implement this policy.

### Scope

This Policy applies to all Chief Officials, Single Status and Craft employees. Teaching staff are covered by separate arrangements.

### Relevant Legislation

The Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002, Employment Rights Act 1996, Employment Act 2002, and Employment Relations Act 2004

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