

Contract Guidance for Managers

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1. Introduction

This guidance note sets out the various types of contractual arrangements that individuals may be appointed to within the College.

Consideration should be given to the most appropriate contractual arrangement. The factors to be taken into account when deciding on the type of contract to be used include:

- the hours, working pattern and duration of employment
- the source of funding - external or internal;
- the length of the funding and the likelihood of renewal;

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To be reviewed by no later than October 2022

- the nature of the work - specific and time-limited project or an open-ended task which is part of the core function and therefore likely to continue;
- the contracts of employment issued to other staff engaged in similar work or from the same funding source.

Please contact the HR Staff Hub if you require assistance with identifying the most appropriate type of contract.

2. Contractual Options

The table below sets out the range of contracts that individuals may be appointed to within College. Contracts may be offered on a temporary, fixed term or open ended basis. Guidance on which basis might be appropriate in particular instances is given below:

Type of contract	Suitability for use and length of engagement
Open-ended	<ul style="list-style-type: none"> • Where there is an ongoing need for the work to be carried out • Indefinite period
Fixed term	<ul style="list-style-type: none"> • Where the individual is needed for a fixed period of time for a specific purpose e.g. to work on a research project • Normally less than 4 years
Senior Research Investigator (SRI)	<ul style="list-style-type: none"> • Where the individual is fully retired; <u>and</u> • College wishes to retain research collaboration with individual
Annualised hours	<ul style="list-style-type: none"> • Set pattern i.e. term time only; <u>or</u> • Specific number of hours • Open-ended, fixed term or temporary
Zero hours	<ul style="list-style-type: none"> • No set hours <i>(N.B. do <u>not</u> use where average hours are likely to exceed fte of 152 hours per month <u>or</u> for roles to be returned in REF 2013)</i> • More than 13 weeks • Open-ended, fixed term or temporary
Temporary	<ul style="list-style-type: none"> • To cover a specific staff absence, such as maternity/sick/sabbatical leave, or whilst recruiting to a vacancy • Normally for approx. 1 year <i>(N.B. maternity cover contracts may exceed 1 year)</i>
Casual letter of understanding	<input type="checkbox"/> Less than 13 weeks <i>(N.B. student demonstrators may continue to work on a casual basis for the duration of their student demonstrating period.)</i>
Agency agreement	<input type="checkbox"/> Less than 12 weeks

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Updated October 2021

To be reviewed by no later than October 2022

Please note that, with the exception of casual and agency workers, individuals appointed to the above contracts are College employees and are therefore subject to the College's core terms and conditions, policies and procedures.

3. Open-ended contracts

Open-ended contracts should be used where:

- the post is funded from general College funds, and
- the work is essential to the future plans of the department and therefore such that the department will wish to continue to support it. **or**
- where the post is externally funded and there is a reasonable prospect that external funding will continue from whatever source for the foreseeable future, and
- the work is central to the future plans of the department and therefore such that the department will wish to continue to support it for at least as long as external funding is available.

4. Fixed term contracts

Fixed term contracts should only be used when an open-ended appointment is not appropriate and where there are transparent and objective reasons for doing so, for example:

- The appointment is to develop research on a time-limited externally funded project for which there is no expectation that the work will continue beyond the availability of that external funding
- The appointment is to provide specialist expertise not available within the College's existing resources which is required for a specific time or for a specific project
- The appointment is to develop a course or service for which the outcome and future need is uncertain
- The appointment is specifically intended to provide a time-limited period of training or development

Fixed term contracts should not be used in lieu of probation, a training period or to monitor performance when the position would otherwise be open-ended.

There is no limit to the number of fixed term contracts that may be offered to a member of staff (within the above mentioned four year period) but, in order to provide security to staff for as long as possible, fixed term contracts should be issued for the maximum length of time possible based on the funding available and the duties required.

The ending of fixed term contracts will be subject to consultation and review of opportunities for redeployment.

Further information can be obtained from the [Fixed Term Workers](#) guidance.

5. Senior Research Investigator (SRI) contracts

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To be reviewed by no later than October 2022

Senior Research Investigator (SRI) contracts may be used for senior academic staff who:

- have taken full retirement from the College or another Higher Education Institution
- the College wishes to retain a collaborative relationship with
- are research active and whose research is of sufficient quality and quantity to be returned in the Research Excellence Framework (REF).

SRI contracts should ideally be issued on an annual basis, as 0.2 FTE, one year fixed term appointments but may be offered for longer in exceptional circumstances.

Further information can be obtained from the [Senior Research Investigator](#) guidance.

6. Annualised Hours Contracts

An annualised hours contract provides a flexible alternative for part-time working. The basic principle is that, instead of defining a regular working pattern in relation to the College's standard working week, the total number of hours for which work is required is contractually defined, and payment is averaged over the year (or some other defined period). Thus annualised hours contracts are appropriate for use where either the set working pattern or specified number of hours to be worked for the duration of the contract is known from the outset.

Annualised hours contracts are likely to be particularly suitable for roles that can be delivered flexibly such as research, teaching, library, training and other similar roles.

Annualised hours contracts should not be used where the work requirement is fundamentally uncertain. A zero hours contract should be used instead.

Annualised Hours Contracts where specific work pattern is determined:

Where there is a regular working pattern and the hours of work have been set, the contract will state an annual salary, which will be spread evenly across a twelve month period, or the period of the contract where this is less than twelve months.

Annualised Hours Contracts where hours and fte identified but not pattern:

Where the total hours of work and the fte have been established but the working pattern has not been set or is irregular (e.g. for part-time retired staff), the contract will state the total hours, fte and an annual salary, which will be spread evenly across a twelve month period, or the period of the contract where this is less than twelve months.

Whichever form of annualised hours contract is chosen, individuals appointed to these contracts will receive a regular monthly payment, spread evenly and paid over a twelve month period (or the period of the contract, if this is less than twelve months).

Staff on annualised hours contracts may be offered additional overtime hours but are under no obligation to accept any additional hours offered. Payment for any additional hours worked in excess of their contractual hours will be paid at normal unenhanced rates, unless they exceed the full time contractual hours for that job family, in which case the appropriate overtime rate (if applicable) for their job family level will be applied.

Payment of additional hours worked will be made at the end of the contract period (or on its anniversary, if the contract is open-ended). Departments should agree locally with employees

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To be reviewed by no later than October 2022

how they wish this information to be recorded. Where the total hours worked over the year (or contract period) exceeds those contracted, the departmental manager should submit a claim to HR, who will arrange a supplementary payment in the next available payroll period.

7. Zero Hours Contracts

Under a zero hours contract employees are obliged to make themselves available for work but the College does not have to provide work. A zero hours contract with no specified hours of work is appropriate in situations in which the pattern of work is irregular and can vary from week to week or month to month. It is, however, important to consider and give individuals an indication of when they are likely to be required for work, e.g. during known busy periods. Employment on these contracts is similar to engaging casual workers, but zero hours contracts should be used where the length of engagement is in excess of thirteen weeks.

Individuals appointed to these contracts will receive a monthly payment upon the submission of IC Pay 8C forms to Payroll by the [published deadlines](#) on a regular monthly basis during the working periods.

If, at any stage, a member of staff cannot fulfil their contractual obligations because of an unforeseen change of circumstances, they should contact their departmental manager in the first instance.

Please note that where a member of staff's average hours are likely to exceed the full time equivalent of 152 hours per month they should not be appointed to a zero hours contracts and must be placed on a standard temporary, fixed term or open ended contract, as applicable. Payroll will produce regular reports in order to highlight staff on zero hours contracts who may be working in excess of 48 hours per week on a regular basis.

Student Demonstrators

Please note that Student Demonstrators, exceptionally, should continue to be engaged via the Casual Worker process irrespective of the length of their engagement.

REF 2013 and onwards

It should be noted that where a member of staff is undertaking a role that will be returned as part of REF 2013 (and onwards), they should not be appointed to a zero hours contract, and must be placed on an annualised or SRI contract, as applicable.

8. Annualised and Zero Hours Contracts – Specific Contractual Arrangements

8.1 Remuneration and Annual Leave Arrangements

Appointments on annualised hours contracts will be made to [the job family grading structure](#) and either a [salary scale](#) spine point or fixed salary. Appointments on zero hours contracts will normally be made to Levels 1 – 5 and A – C of [the job family grading structure](#) and a [salary scale](#) spine point; appointment to other job family levels and fixed salaries should only be made in exceptional circumstances following discussion with the HR Staff Hub. Contracts will quote either an annual salary or hourly rate as appropriate.

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Individuals appointed to these contracts are able to request and take any accrued holiday and mandatory leave during the period of their contract, subject to prior agreement by their line manager and in line with standard College procedures. They should be appointed on the standard annual rate which does not include an occupational annual leave payment. No additional payment for annual leave will be made except for at the end of their contract where operational circumstances have prevented leave from being taken.

For staff on zero hours contracts, the annual leave pay calculator be used to calculate their accrued entitlement to paid leave at a rate equivalent to 17.59% of hours actually worked. When the employee requests that annual leave is taken, the relevant number of hours should be entered in the “annual leave taken” section on the Pay8C form which is submitted to Payroll. Departments will need to keep a record of both the accumulated total and the amount of annual leave taken which should be deducted from the accumulated total as leave is taken. The total leave accrued in any leave year (1 February to 31 January) must not exceed the College's annual leave and mandatory leave entitlement (pro rata for part time staff), as set out within the [Holiday and Mandatory Leave Entitlements by Terms and Conditions](#).

The College's [salary scales](#) should be consulted to ascertain the correct annual / hourly rate payable.

Queries in relation to pay rates, including fixed salaries, should be forwarded to the HR Staff Hub.

8.2 Salary Progression and Increments

Salary progression will be in accordance with procedures governing the member of staff's job family. Annual cost of living increases will be determined by Imperial College through its local collective bargaining machinery.

For staff on an incremental scale, the normal increment date is 1 October each year. First increments will only be paid if staff have satisfactorily completed their probation. Non Clinical Lecturers and Clinical Senior Lecturers are appointed to the College with extended probation periods. Provided that performance is satisfactory, first increments for these staff will be paid according to their start date.

Annualised Hours Contracts

Staff appointed between 1 October and 1 April inclusive will receive their first increment on 1 October following appointment. Staff appointed between 2 April and 30 September inclusive will receive their first increment effective from the first day of the month following satisfactory completion of probation or, for Non Clinical Lecturers and Clinical Senior Lecturers, six months' service.

Zero Hours Contracts

Staff appointed between 1 October and 1 April inclusive will receive their first increment on 1 October following appointment subject to satisfactory completion of probation or performance and the completion of a minimum of 455 hours' work. Where staff have not completed the minimum number of hours required by this date then they will receive their first increment on the first of the month following completion of these hours.

Staff appointed between 2 April and 30 September inclusive will receive their first increment from the first of the month following successful completion of probation or after six months in

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post and the completion of a minimum of 455 hours' work. Where staff have not completed the minimum number of hours required by this date then they will receive their first increment on the first of the month following completion of these hours.

Departments will need to keep a record of the accumulated total of hours worked and advise HR when the minimum number of hours has been completed in order for the first increment to be paid.

Further increments will then be paid on 1 October each year up to the normal maximum of the scale. Progression to discretionary points or to the next grade is not automatic.

8.3 Pension Scheme

On appointment members of staff will be automatically enrolled into the College's occupational pension scheme, as determined by their job family terms and conditions of service. Normal procedures for opting out will be available.

8.4 Probationary Periods

On initial appointment, contracts will be offered with a probationary period (with the exception of Non Clinical Lecturers and Senior Lecturers who have a training and development review period). Probationary periods should be managed as set out within the College's [procedure for managing the probation period](#) or [procedure for managing Lecturers probation period](#) including the requirement for staff to undertake mandatory training, as set out within the aforementioned procedures.

Staff on zero hours contracts will be subject to either the standard probation period or the completion of a minimum of 455 hours' work, whichever is the greater. Departments will need to keep a record of the accumulated total of hours worked and advise HR when the minimum number of hours has been completed in order for probation to be confirmed.

For retired staff who are re-employed following a break in service, the probation period may be waived.

8.5 Sickness Absence Payment

Staff on annualised or zero hours contracts, who are engaged to work at a specific time and are absent due to sickness, will be entitled to receive occupational sick leave and pay, in line with their terms and conditions of service and the College's [Sickness Absence policy and procedure](#).

For staff on zero hours contracts, payment requests for sick pay should be submitted on a monthly basis to Payroll along with the IC Pay 8C forms, indicating clearly that the payment is for sickness absence.

8.6 Contract requests

A New Contract Request form should be completed in line with normal College procedures.

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It should be noted that up until the end of December 2012 existing consultants or casual workers will be permitted to convert onto annualised or zero hours contracts, with one reference from an external referee and written authorisation from the relevant Faculty/Support Services Finance Officer. The Finance Division can provide a list of existing casual workers and consultants for information - please contact Malcolm Aldridge if you require this. After the aforementioned date, no further conversions will be allowed unless there is a good business reason, as agreed by HR and Finance.

With immediate effect, advertised vacancies may state, where applicable, the appropriate flexible contract managers wish to appoint a member of staff to, for example 'Annualised Hours Admin Assistant' or 'Zero Hours Catering Assistant'.

8.7 Extensions and Termination of Contracts

Temporary and fixed term contracts should be reviewed towards the end of their duration to ascertain whether appointments should expire or be extended. Details of appointments that are approaching expiry will appear on the same report as the "contract expiries" listing each month which is circulated by the HR Systems team.

On receipt of this report, the HR team should contact the line manager by email to find out whether or not the appointment should be extended or will cease on its expected expiry date.

Temporary contracts of less than 2 years' duration

Staff on temporary contracts of less than 2 years' duration should be given notice, in writing, that their contract is due to end on its expected expiry date and given the opportunity to make representation or request a review of the decision if they have any concerns.

Temporary contracts of more than 2 years' duration

Staff on temporary contracts of more than 2 years' duration should be invited to meet with their line manager, and may be accompanied by a Trade Union representative or work colleague, if they wish. At the meeting the line manager should inform the member of staff that their temporary contract will end and explain the reason behind this, for example, that the substantive post holder has returned to the position they were covering or the vacancy being recruited to has been filled. The manager has the option to have a HR representative present at the meeting. HR will write to the member of staff to confirm that their contract will end on the specified date and to inform them of their right of appeal against the dismissal.

Fixed term contracts

Staff on fixed term zero/annualised hours contracts should be consulted with in line with the [Fixed Term Workers' guidance](#).

Open ended contracts

Open ended contracts should be reviewed on a regular basis to ensure that there is a continuing need for the work to be carried out. This is particularly important where zero hours contracts are concerned, to ensure that this type of contract is not simply left open, when there is no further requirement for it to be so. Staff employed on open ended contracts should be consulted with in line with the [Change Management Policy and Procedure](#).

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To be reviewed by no later than October 2022

Where staff have been employed continuously by the College for at least two years, they will be entitled to receive statutory redundancy pay, calculated on a pro rata basis, based on their average pay over the period of employment.

9. Casual & Agency Worker Engagements

There are occasions when departments need to respond quickly to temporary changes to service demands and, to do so, they may engage casual or agency workers.

9.1 Casual Workers

Casual workers are normally used to meet these demands where the work can be performed on an “as and when” basis, for a maximum period of up to 13 weeks. Their engagement with the College is distinct from employees as they are not required to be available for work, and are free to turn down work if offered. Casual workers should be issued with a letter of understanding at the start of their employment.

Where a casual worker’s temporary engagement exceeds a continuous period of 13 weeks (whether this be their initial engagement, upon extension or following previous casual work carried out within another department/division) they should be engaged on the most appropriate contract of employment, based on hours, working pattern and duration of employment.

Further information can be obtained from the [Casual Workers](#) guidance.

9.2 Agency Workers

When it has not been possible to engage a casual worker, an agency worker may be considered. Agency workers are often used to meet these demands where the work can be performed on an “as and when” basis. Their relationship with the College is distinct from employees as they are not required to be available for work, and are free to turn down work if offered by their agency.

Although not employees, under the Agency Workers Regulations, agency workers are entitled to access to facilities and information on internal College vacancies from day 1 of their assignment and the same basic employment and working conditions as College employees after 12 weeks continuous service in the “same or broadly similar” job.

Further information can be obtained from the [Engaging Agency Workers](#) guidance.

10. Student working hours

Specific rules apply to student working hours. The College recommends that students work no more than 10-15 hours per week during term time. In addition, some sponsors do not permit students to take up work outside their studies whilst others specify a limit.

Under the terms of their visa, Tier 4 students studying in a Higher Education Institution (HEI), at degree level or above are permitted to work up to a maximum of 20 hours per week during

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term time and full time (35 hours per week) during vacation periods and the time between the end of their course and the end of their student visa. Students studying below degree level in a Higher Education Institutions are permitted to work up to a maximum of 10 hours per week. Students studying at publicly-funded Further Education Colleges and private providers are not permitted to work.

A working week is defined as a seven day period beginning on a Monday and ending on a Sunday.

College term dates differ for undergraduate, postgraduate taught and postgraduate research students and so recruiting departments must be aware of the specific term dates and visa requirements for each student worker.

Undergraduate students on a degree course with standard College term and vacation dates - the 20 hour per week work limit applies during the [standard College term dates](#). Full time work (35 hours per week) is permitted during vacation periods and from the end of their last term at the College until the time their student visa expires.

Undergraduate students on a degree course with non-standard College term and vacation dates (i.e. MBBS) and Postgraduate taught (masters) students - the 20 hour per week work limit applies. Full time work (35 hours per week) is permitted during the [official College Christmas and Easter closure times](#) and after the official course end date (normally the last four/six months of their student visa).

Research (PhD) students - the 20 hour work limit applies as they are considered to be term-time throughout their programme. PhD students are permitted to work full time (35 hours per week) after they have submitted their final thesis and completed all the academic requirements of their course (i.e. including final corrections).

It is the department's responsibility to ensure that students are not allocated more hours than they are permitted to work. Departments should keep an up-to-date record of all allocated hours. It is also good practice to check with the student that they have not undertaken any additional work elsewhere during the relevant period to ensure the maximum hours are not exceeded. This includes work at the College or for other employers.

Student working hours will be monitored and any breach reported to the UKVI. This is considered a serious immigration offence and failure to comply may result in curtailment of the Tier 4 student's visa and the College's Tier 4, 2 and 5 sponsorship ratings being downgraded or licences withdrawn, fines and, potentially, criminal prosecution.

For queries regarding Tier 4 student working please contact the [International Student Support](#) team or phone +44 (0) 20 7594 8040.

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Updated October 2021

To be reviewed by no later than October 2022