



# Royal College of Art

Postgraduate Art & Design

## RCA Fixed-term contract policy

This policy has been agreed between the Royal College of Art and RCA UCU and will commence on 29 April 2022.

### 1. Introduction

The parties to this agreement recognise that variations in student numbers from year to year mean that flexible employment practices are important in helping to better balance workforce changes with student requirements. The College is committed to ensuring continuity of employment for its staff and to use fixed-term contracts only for transparent and objective reasons where there is a genuine fixed-term need. The College will, as far as possible, avoid the successive long-term use of fixed-term contracts and will transfer staff to permanent contracts once they have completed four years' continuous service without a break of a term or more, unless there are objectively justifiable reasons for the continued use of a fixed term contract. Where fixed-term contracts are used the College will ensure that staff are treated no less favourably than permanent staff and are informed of permanent vacancies. The College will not take any action that is contrary to the Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002. This policy will apply to the use and management of fixed-term contracts for academic staff (including AEF research staff and Associate Lecturers) across all departments. This policy will be effective from (insert date) and will be jointly reviewed every two years from the date of agreement or whenever there is a significant change in relevant legislation.

### 2. Purpose

The aim of this policy is to:

- recognise the need for balance between security and flexibility in employment - to achieve reductions in the use of casualised contracts from current levels (2021) - provide clear arrangements around the use of fixed-term contracts within the College - provide for the transfer of fixed-term



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staff to permanent contracts, subject to the appropriate qualifying conditions being met

- specify how fixed-term contracts will be managed whilst recognising the need for further detailed guidance to be developed;
- recognise that the College's Fixed Term guidance and processes need to address specific issues in relation to contract research staff and hourly-paid staff, including the action required at the termination of a fixed-term contract.

As part of this policy, up to September 2024, the College will carry out an annual audit of the use of fixed-term contracts across the College which will include equality data and will share the results with the recognised trade unions. If the use of fixed-term contracts does not significantly reduce or there are equality implications the College will discuss with UCU, what actions are appropriate to address the situation.

### 3. Planning to reduce the proportion of fixed-term contracts

The College is committed to reducing the current (2021) proportion in the existing use of casual and fixed-term contracts. The College will offer permanent employment opportunities as its default position but UCU recognises the need for on-going flexibility in employment in order to avoid significant change processes impacting on the workforce. Fixed-term contracts may continue to be used when there are transparent and objective reasons and where there is a genuine fixed-term need. This test for whether there is a genuine fixed-term need should be applied in each and every case. The College is the employer and therefore has overall responsibility for the management and use of fixed-term contracts.

The College recognises that this agreement will represent a significant shift from current practices and will ensure that this policy is brought to the attention of all managers and staff and is well publicised. The College will also take steps to monitor the implementation of the policy centrally and will take appropriate action



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where it appears that the policy is not being followed within departments.

#### 4. The circumstances in which fixed-term contracts may be considered (objective justification).

Fixed-term contracts should only be used on those occasions where the employer can demonstrate a real business need, i.e. that the employer can identify facts evidencing a business objective which can only best be met by the use of a fixed term. Where a business objective is identified but can be achieved by alternative means which do not involve the use of a fixed term, the employer will not have established a real business need. It follows that on every occasion the employer must adopt an individual approach to the issue rather than apply a blanket rule. Whilst it may be appropriate to offer fixed-term contracts for short periods of time with an aggregate period of less than 4 years, fixed-term contracts should not be used for a period beyond 4 years of continuous employment unless there is an objectively justified reason for doing so as provided for by the Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002.. Examples of where a fixed term contract may be justified include:

- short term cover for sickness or maternity leave or other special leave / exceptional circumstances where a member of staff will be temporarily absent but with an intention to return to their substantive role at a later date;
- to meet unexpected or unforeseen short / medium-term demands, which might include a vacant post;
- for undertaking specific time limited projects or to achieve a specific outcome - such as implementation of a new IT system;
- where the funding attached to the role is provided by a third party for a limited period only (e.g. research income);
- in respect of an apprenticeship role where a substantive appointment cannot be guaranteed at the end of the apprenticeship.



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### 5. Management of fixed-term contracts

Where staff are placed on a fixed-term contract in accordance with paragraph 4 they shall be treated no less favourably than comparable staff on permanent contracts. In particular, fixed-term staff will:

- Have equivalent terms and conditions of employment to colleagues on comparable permanent contracts including pay, absence provisions, pensions;
- Be provided with a suitable working environment;
- Have the same opportunity as other staff to access services to develop their career such as staff development, training, appraisal and careers advice (subject to this being appropriate, reasonable and proportionate);
- Be provided with information on, and the opportunity to apply for, permanent positions in the College;
- Be able to access College facilities such as libraries and intranet services;
- Have the right to participate in College governance and committees (subject to this being appropriate, reasonable and proportionate);
- Have their contracts regularly reviewed to consider whether the continued use of their fixed-term contract remains justifiable on objective grounds as set out in paragraph 4;
- On request, be provided with a written statement within 21 days explaining any differences in their employment arrangements from those of comparable permanent employees on a 'term by term' basis;
- After 4 years' service be provided with confirmation that the post is now permanent (unless there is an objectively justifiable reason for the continued use of a fixed term contract in accordance with the Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002. ;
- On request, (prior to 4 years continuous service being obtained) be provided with the objective and reason for the post to be on a fixed-term basis. Such a request can be made no more than once per year.



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UCU recognises that this agreement will require changes in the way the RCA manages and organises its staffing. It is to be expected that such changes may take time.

### 6. Staff with four or more years continuous service on Successive Fixed Term Contracts.

All staff on fixed-term contracts will be offered the opportunity to be transferred to permanent contracts immediately if they have at least four years' continuous service without a break of a term of more or when they have completed 4 years' service, unless there is an objectively justifiable reason for the continued use of a fixed term contract in accordance with the Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002. In pursuing this policy, the College gives its commitment that the acquiring of 4 years' service will not be regarded as a legitimate reason for the expiry of a fixed-term contract.

### 7. Particular Groups of Staff

7.1 Associate Lecturer Staff ("ALs"). The College recognises that the use of fixed-term contracts for the employment of ALs may be widespread currently (2021). This policy applies to ALs as it applies to other staff groups and the commitment to the use of permanent contracts as the normal form of employment extends to ALs. AL staff will only be placed on a fixed-term contract if the use of such a contract is in accordance with paragraph 4. The College acknowledges that this represents a change in the way in which staff are employed.

#### 7.2 Ending of a fixed-term contract

In line with its obligations under the Redundancy Policy, the College will take all necessary and appropriate steps to avoid compulsory redundancies of both permanent and fixed-term staff.

Both parties recognise the need to discuss new guidance and processes for



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managing the processes around the end of fixed term contracts at term (which sit outside the normal statutory collective consultation requirements). Both parties note that under current law (2022) the ending of a fixed term contract *at term* does not count in terms of numbers for triggering statutory redundancy collective consultation requirements (see TULRCA s. 282 (2)).

The UCU reserves the right to oppose any compulsory redundancies.

Human Resources

Agreed with UCU 29 April 2022