

Quick Guide

Using and managing variable hours contracts

Why it matters...

Variable hours contracts are permanent contracts that contain a clause which states that hours will vary on an annual basis and may reduce to nil. Hours are confirmed six weeks before the start of the academic year.

They may be used where there is a fluctuation of hours on an annual basis, usually because of student demand. Where hours stabilise, there should be a move to a fixed hours contract.

Using variable hours contracts unnecessarily where hours are offered consistently year on year can have a negative impact on the individual and the wider team, potentially undermining trust and commitment.

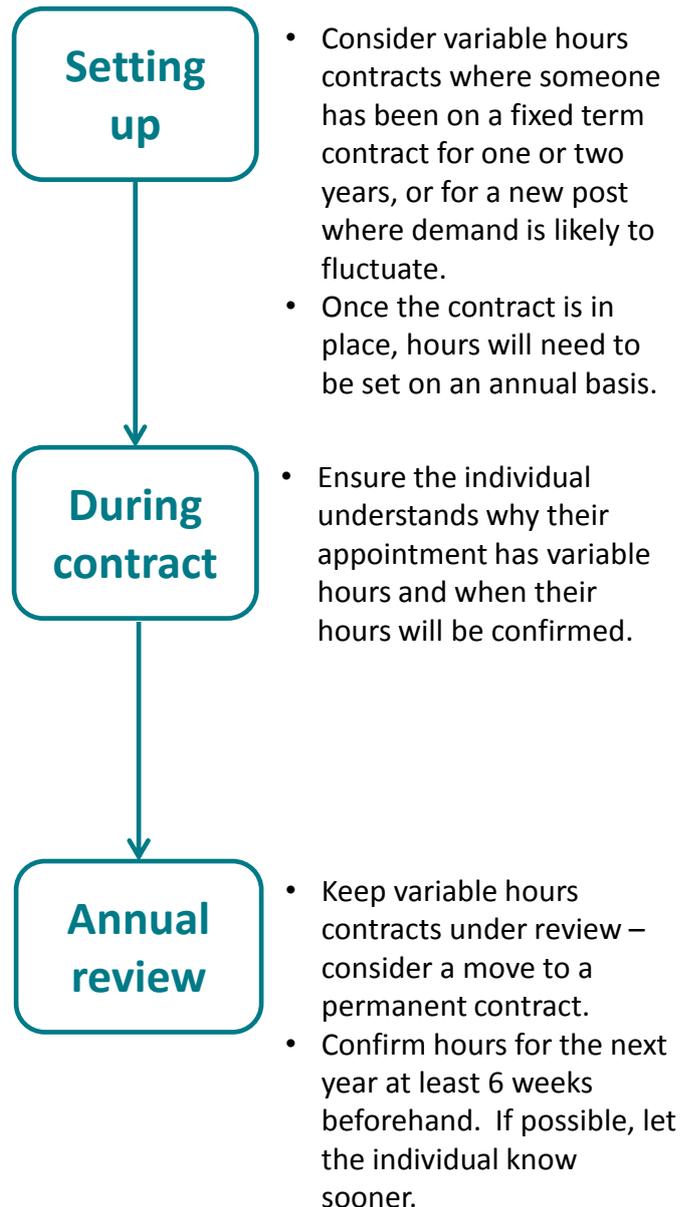
What do I need to do?

Use variable hours contracts only where the hours remain genuinely variable. Do not assume that a position must remain on the same terms – the aim should be to move to fixed hours if possible.

Keep variable hours contracts under review – have similar hours been offered over the last couple of contracts, do you expect demand to be more stable? During the annual planning round, consider with your Senior Employee Relations Adviser whether the posts may be converted to fixed hours.

Communicate with the individual concerned, in particular as hours are due to be confirmed for the new year.

How it works



Annual confirmation of hours

Hours should be confirmed at least 6 weeks before the start of the new year. If possible, hours should be confirmed earlier than this.

If someone is not offered any hours in one year, they retain their permanent contract and will be offered any hours that become available the following year. If they are not offered any hours, they may request redundancy (providing they have accrued at least 2 years continuous service) if they prefer to end their employment at that point.

If someone is not happy with the number of hours they have been offered, they can choose not to accept to work for that year – if they consider it would be better for them to work elsewhere. If they choose not to accept work for two consecutive years, the School/Department will terminate the contract.

Where variable hours contracts should not be used

- To test someone in the post and reduce their hours if there is some concern about their performance.
- Some fluctuation in the work available, although work has been subject only to minor variation in a number of previous years.
- Not wanting to commit to a permanent appointment even though there is limited or no fluctuation in hours.

In these cases, the individual should have a permanent fixed hours contract. Performance should be tested through recruitment and probation with any problems dealt with through our capability procedure.

Common questions

- **Is this a zero hours contract?**

It is not a zero hours contract as they are commonly understood. Hours are set annually rather than fluctuating on a weekly or monthly basis. Employees are not prevented from holding contracts with other employers and do not need permission from the University to work elsewhere. If the post holder is not content with the hours offered before the start of the year, they are able to turn them down without breaking the contract.

- **How are variable hours contracts an improvement on a fixed term contract?**

This contractual arrangement is intended to be a step up from a fixed term contract, giving individuals some certainty that if the work is available, they will receive it. They also have their continuity of service recognized.

“Keep variable hours contracts under review – consider a move to a permanent contract if possible”