

University of Aberdeen

Guidance – Temporary Services and Guaranteed Minimum Hours contracts

For use during 2022/23 Academic Year

This guidance note has been produced and should be followed from 1st August 2022 and pending anticipated longer term policy changes.

The HR Team will work with Schools and Directorates to ensure that the key principles contained within this guidance are adopted locally.

Background

As part of the remit of the Reward Consultation & Negotiation Group, a review of the University's use of Temporary Services and Guaranteed Minimum Hours contracts is ongoing.

It is acknowledged that members of the HR Team have recently held meetings with Schools and Directorates to discuss such contracts, including consideration on an individual staff level basis (and whether alternative contractual arrangements may be appropriate for some) as well as planning for future use of Temporary Services and Guaranteed Minimum Hours contracts.

This guidance sets out key principles agreed by the Reward Consultation & Negotiation Group and further guidance to assist Schools and Directorates in the effective use and ongoing management of such contract types. The intention is to pilot the key principles contained in this document during the 2022/23 academic year, with a review undertaken to establish any further changes that are required.

It is acknowledged that there are occasions where either a Temporary Services or Guaranteed Minimum Hours contract is appropriate in that they provide flexibility to both the member of staff undertaking work and to the University in ensuring appropriate resource. However, it is also acknowledged that there is a need to ensure that such contracts are only used where it is clear that it is appropriate to do so and that practices may have developed falling somewhat out of line with this.

Key principles and requirements

- **Use of Temporary Services and GMH contracts**
- As a reminder, Temporary Services and Guaranteed Minimum Hours contracts should only be used as follows:
 - Temporary Services where work **cannot be guaranteed but is likely** and is predicted to be less than 0.1 fte in total per annum (189 hours for posts graded 1-4 and 207 hours for posts graded 5-9);
 - Guaranteed Minimum Hours where work to be offered is **guaranteed in a defined period of time but is not evenly spread**, e.g. there are weeks or months where no work is available/can be offered, where the total hours to be offered cannot be reasonably predicted and the number of hours is likely to vary in any Guaranteed Minimum Hours period.
 - **NB where hours are guaranteed and can be predicted in a defined period of time or on an ongoing basis then an alternative contract type should be used (e.g. fractional contract on an open ended, open ended/time limited or fixed term basis in line with existing University policy and practice).**

- **Management of GMH contracts**

- The minimum number of hours specified in the contract must be based on a reasonable estimate of the hours the manager expects to be able to offer the member of staff – a default number of hours should only be used in exceptional circumstances where there is a genuine lack of information on which to base a decision regarding the number of hours.
- It is possible to have multiple GMH contracts, e.g. where staff are undertaking different roles within a School/Directorate or across different Schools/Directorates. However, the use of multiple GMH contracts for the same role within a School/Directorate should be avoided.
- Managers should consider historic information on the number of hours worked by individuals or by role type in deciding what hours are to be guaranteed – this information is available from your HR Partner/Senior HR Partner. Specifically, for teaching posts (e.g. Teaching Assistant, Teaching Fellow, Tutor), historic data highlights that staff in GMH contracts have worked higher hours. It is important, therefore, to ensure that the guaranteed minimum hours offered for such posts takes this historic information into account to determine what hours should be offered in a guaranteed minimum hours contract or, if an alternative contract type (i.e. fractional contract) is appropriate.
- The following minimum threshold hours have been agreed by the Reward Consultation & Negotiation Group, to be piloted during the 2022/23 academic year:
 - (i) Academic Roles – 30 hours for the academic year;
 - (ii) Professional Services Roles – 20 hours for the academic year.

The default minimum of 5 hours should no longer be used. Where hours are below the new default minimum hours, Schools/Directorates are required to request and justify this in writing to the Senior Vice-Principal/University Secretary & Chief Operating Officer who will determine whether or not the request is justified.

- Staff on GMH contracts (and Temporary Services worker agreements) have the same employment rights and are covered by the same University policies, terms and conditions and benefits as other staff members. Annual leave is paid as an extra % allowance on top of the staff member's hourly rate as typically there will be weeks where no work is offered.
- The actual hours offered can exceed the minimum offered in each GMH period – care must be taken to ensure the hours offered do not breach other policies, for example, the number of hours that can be worked by a Tier 4 visa holder.
- If the GMH hours are not offered in a GMH period the staff member will be contractually entitled to be paid for the hours that were not offered. However, there is no entitlement to payment where the staff member declines work offered – it is important to ensure that there is a record of hours offered/worked/declined for this purpose.
- GMH contracts should be managed in one of two ways:
 - (1) There is a review just prior to the end of each GMH period and the staff member is notified in writing about the minimum number of hours to be guaranteed for the following GMH period or,
 - (2) The GMH period is the same as the duration of the staff member's fixed-term contract, therefore no review is applicable if the contract ends without further extension. A GMH period is typically an academic year or a calendar year or matches

the length of a fixed-term contract. The dates of the Guaranteed Hours Period and minimum number of hours will be stated in the contract of employment.

Should it become apparent that the need for the hours to be worked is ongoing and can be predicted then the staff member should be offered an alternative contract type e.g. a fractional hours contract.

GMH staff must be offered a fractional contract if they have worked more than 0.1 fte on average (in the same role) in the preceding 2 years and it is reasonable to assume the same number of hours will be required on an ongoing basis.