
Shiftbase Template

Fixed Term Contract Checklist



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1. What to include in every fixed term contract

Mandatory under current UK law (ERA 1996 + ERA 2025)

- End date, task, or specified event
State clearly which applies. Ambiguity defaults to permanent employment.
- Written statement of employment particulars
Must be provided on or before the employee's first day.
- Notice period
Must meet the statutory minimum at minimum. State it explicitly.
- Early termination clause
Without one, ending the contract before the end date is a breach of contract.
- Pay, hours, and holiday entitlement
Employee; not worker or self-employed contractor.
- Whether the role may become permanent
Required if you are to notify the employee of vacancies.
- Pension auto-enrolment (if qualifying)
Fixed term employees are not exempt from auto-enrolment obligations.

2. Equal treatment obligations

Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002

- Same pay as a comparable permanent employee
Pro rata principle applies to time-limited benefits such as an annual bonus.
- Permanent vacancy notifications
Must tell fixed term employees about available permanent roles at the same establishment.
- Access to training and development
Cannot exclude fixed term staff from training without objective justification.
- Pension, sick pay, and contractual benefits
SSP payable from day one of sickness absence (from 6 April 2026, no waiting days).
- No detriment for asserting fixed term rights
Subjecting an employee to a detriment for raising an equal treatment claim is unlawful.

Objective justification -- document it in writing

Different treatment is only lawful if it pursues a legitimate aim by proportionate means. A company car for a 3-month contract is likely justified; excluding a fixed term employee from a pension without reason is not. Record your rationale before the contract is issued.

3. End-of-contract notice checklist

Non-renewal counts as dismissal in law – follow the correct process

- **Confirm the contract's end date in writing**
Give written notice that the contract will not be renewed, before the end date.
- **Calculate and observe statutory minimum notice**
See the notice table below. Notice may run concurrently with the contract period.
- **Identify a potentially fair reason for non-renewal**
Most commonly: some other substantial reason (the temporary nature of the role).
- **Follow a fair procedure**
Hold a meeting, allow the employee to respond, consider alternatives before confirming.
- **Consider alternative employment**
Check for suitable permanent or fixed term vacancies before confirming non-renewal.
- **Check for automatically unfair dismissal triggers**
Pregnancy, maternity leave, trade union activity, or assertion of a statutory right.
- **Issue written reasons for dismissal on request**
Required if the employee has 2+ years' continuous service and asks for them.
- **Calculate redundancy pay if applicable**
2+ years' continuous service and non-renewal may trigger statutory redundancy pay.

Statutory minimum notice (ERA 1996, s.86)

Continuous service	Minimum notice
1 month to 2 years	1 week
2 to 12 years	1 week per complete year
12 years or more	12 weeks

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4. The 4-year rule: renewal tracking

Reg. 8, Fixed-term Employees Regulations 2002

- Record the start date of the very first contract
Continuous service runs from this date. It does not reset on each renewal.
- Track every renewal against the original start date
Each renewal adds to continuous service. Breaks of more than one week reset the clock.
- Set a calendar alert at 3 years 9 months
Review whether the role genuinely remains temporary before the 4-year threshold.
- Document objective justification before year 4 if continuing
A written rationale is required. A verbal reason will not hold up at tribunal.
- Issue updated written statement if the contract converts to permanent
The employee can request this in writing; you have 21 days to respond.
- Ask: is this role genuinely temporary?
If the same work continues year after year with no end in sight, it should be a permanent contract.

This checklist is a practical reference only and does not constitute legal advice. Always verify requirements at [gov.uk/fixed-term-contracts](https://www.gov.uk/fixed-term-contracts) or consult a qualified employment solicitor.

Shiftbase HR Pro: generate fixed term contracts from templates, collect employee details, manage renewals, and store signed copies, all inside Shiftbase.

shiftbase.com/hrm

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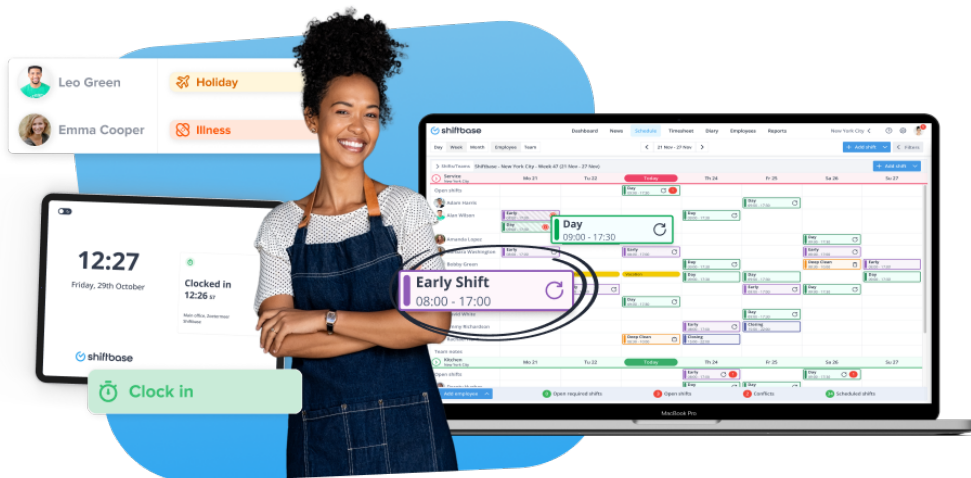


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