

### *Probation*

#### **Introduction**

1. All staff newly appointed to the University shall be subject to satisfactory completion of probation. During this period, new staff shall be expected to demonstrate their suitability for the post to which they are recruited. The University shall ensure that staff are made aware of the standards expected of them and are provided with the support, training and feedback to achieve these standards.

2. In addition, all newly appointed staff shall be assigned a mentor in accordance with the University's policy on mentoring.

#### **Scope of the Policy**

3. This probation policy shall normally apply to all new members of staff during their probation period. The University's normal disciplinary procedure will not apply during the probation period. Staff on a temporary or fixed-term contract of six months or more and staff on variable hours contract (either fixed-term of six-months or more or open-ended) who are contracted to work at least 2 hours per week for at least one semester per annum are included.

4. The policy shall not normally apply to existing staff who are promoted, re-graded or transfer to another similar post within the University. Where the post is substantially different, probation shall not normally apply unless agreed otherwise on appointment.

5. In a redeployment situation, a trial period may apply, but this is not probation for the purposes of this policy.

#### **Purposes of Probation**

6. Probation provides a fair opportunity for a probationer to understand the organisation, the standards of performance required and be given the guidance and support to be effective in his or her new post. Probation allows time for the manager of newly appointed staff to make a realistic assessment of their overall performance and ensure their competence in the new post.

7. It allows for any problems to be identified and normally resolved at an early stage and provides staff who do not meet the standard required with an opportunity to improve.

8. It provides an opportunity for the probationer to assess how he or she fits into the organisation.

#### **General Principles**

9. Probation shall be the period during which the probationer demonstrates his or her suitability for the post and the University assesses whether or not his or her performance in the post meets the standards set by it.

10. Overall performance shall be reviewed by the University by a fair assessment and the probationer shall be made aware of the assessment.
11. Where problems with meeting the standard(s) are highlighted, every opportunity shall be provided to improve performance and where appropriate any training needs identified shall be met.
12. Managers should seek advice from Human Resources whenever a probationer's performance gives cause for concern and an appropriate member of Human Resources shall be present at formal review hearings.
13. The probationer has the right to be accompanied, if he or she wishes, at any formal review hearing(s) by another person as detailed in Note 2 on page 7 of this policy.
14. Probationers shall receive at least 5 working days' notice of any formal review hearing. All days on which the University is normally open shall be counted as 'working days' for the purposes of this procedure.
15. Where a probationer does not demonstrate suitability for the post, this shall result in the appointment being terminated with one month's notice or, where appropriate, pay in lieu of one month's notice.
16. The right of appeal against the decision to dismiss shall be to the Board of Governors of the University.

### **Delegation of Authority**

17. The Vice-Chancellor shall normally delegate responsibility for probationary matters to the appropriate member of the Vice-Chancellor's Executive Team with line management responsibility for the probationer, who may choose to delegate responsibility to an appropriate Senior Manager in accordance with the scheme of delegation as shown in para 49.

### **Responsibilities**

18. Newly appointed staff are responsible for:
- demonstrating their suitability for the post to which they have been appointed;
  - drawing to the attention of their manager or mentor any other induction, guidance, support or training they feel is necessary for the effective performance of their responsibilities.
  - **newly appointed academic staff only** - where this is a contractual requirement, enrolling on the PGCHE programme within the agreed timescale.
19. The immediate manager is responsible for:
- setting realistic (and measurable) objectives and standards of performance, explaining how these will be measured and for ensuring these are understood by the probationer;
  - ensuring information on performance is provided at regular intervals;
  - providing appropriate guidance and support in the responsibilities of the post;
  - ensuring completion of the induction checklist and local induction programme;
  - arranging for a mentor to be assigned to the probationer;
  - ensuring attendance on an equal opportunities training course during probation;
  - completing and returning the probation report within the required timescale;

- facilitating the attendance on the programme of newly appointed academic staff who need to complete the PGCHE.

20. The University is responsible for providing :

- a general staff introduction programme to which newly appointed staff shall be invited as appropriate;
- an academic staff induction programme for newly appointed lecturers to which newly appointed staff shall be invited as appropriate;
- equal opportunities training programme;
- the PGCHE programme for academic staff.

21. Human Resources is responsible for:

- ensuring consistency and fairness in the application of the Probation Policy and that no arbitrary local variations exist which may lead to unfair treatment of any individual; and
- ensuring that Staff Development are informed of newly appointed staff who are contractually required to undertake the PGCHE and details of the PGCHE are issued with the contract of employment.

### **Length of Probation**

22. The length of the probation shall be:

- Academic staff (i.e. staff subject to the terms and conditions of the Academic staff handbook) - 8 months;
- Senior Managers and Professors; Researchers; Administrative, Professional, Technical and Clerical and Manual Staff - 6 months.

23. An express term shall be incorporated into the Contract of Employment of probationers that ‘an employee remains on probation until confirmed in post.’

24. Appointment on probation does not imply a guarantee of employment for the full probationary period.

## **PROCEDURE**

### **Review Process**

25. Throughout the probation, the manager shall pay particular regard to the performance of the probationer and shall keep him or her informed of individual progress. One review meeting shall take place in or near the 12th week of appointment. Any difficulties shall be reported to an appropriate member of Human Resources without necessarily waiting until the probation report is received.

### **Probation Reports**

26. Human Resources shall send out the probation reports for completion at:

- **18 weeks** for Senior Managers and Professors; Researchers; Administrative, Professional, Technical and Clerical and Manual staff (and referred to in this procedure as ‘non-academic and research’ staff);

- **6 months** for Academic staff (i.e. those covered by the Academic Staff Handbook).

27. The manager **must** complete the probation report by the due date. The report shall include the areas below which shall be discussed with the probationer:

- skill/competence;
- working relationships;
- working environment;
- training needs;
- attendance (sickness, punctuality); and
- any matters causing concern to the individual

**If progress is satisfactory:**

28. If progress is satisfactory throughout the probation,

**For non-academic and Research staff:**

- the Head of Service/Dean of Students/Dean of School (or properly delegated person) shall complete the probation report confirming suitability and, following discussion with the probationer, send it to Human Resources and a copy to the probationer;
- following receipt of the report confirming suitability, the probationer shall be advised in writing by Human Resources of the successful completion of his or her probation.

**For academic staff**

- the Dean of School (or properly delegated person) shall provide a detailed report confirming suitability, including two teaching observations (which the Dean may delegate to staff trained as teaching observers, but not a mentor) and each of which shall provide a detailed analysis of the teaching observed. These and the report shall have been discussed with the probationer concerned;
- the Dean of School (or properly delegated person) shall send the completed report confirming suitability to Human Resources and a copy to the probationer;
- following receipt of the report confirming suitability, the probationer shall be advised in writing by Human Resources of the successful completion of his or her probation.

**If progress is unsatisfactory,**

29. As early as possible in the review process, where the manager considers progress to be unsatisfactory, he or she shall meet with the probationer to:

- explain to him or her which aspects of his or her work are not considered to be satisfactory;
- explain clearly which objectives are not being met and/or the shortfall between the probationer's performance and the required standard and timescales;
- obtain the probationer's commitment to meeting the objectives and/or reaching that standard;
- determine (with the probationer) what, if any, remedial action such as training, retraining, support, advice and guidance is necessary and agree a course of action and timescales;
- explain to the probationer what will happen if objectives and/or the performance standard(s) are not met;

- record the outcome of the meeting in writing, in consultation with an appropriate member of Human Resources, and give a copy to the member of staff.

### **If progress continues to be unsatisfactory**

30. If, when the probation report is due for completion, progress continues to be considered unsatisfactory, the manager shall, in consultation with the appropriate member of Human Resources:

- explain to the probationer that he or she has failed to progress satisfactorily and that the probation report will not recommend confirmation of the post;
- explain to the probationer that as a consequence of the above recommendation, a formal review hearing will be arranged which may result in either an extension of the probation or termination of employment or confirmation in post.

### **Formal review hearing**

31. Where confirmation of the post is not recommended, Human Resources shall convene a formal review hearing and the probationer shall receive at least 5 working days' notice of the hearing. The hearing shall normally be arranged before the end of the probation.

32. The hearing shall be chaired by the Deputy Vice-Chancellor or an Assistant Vice-Chancellor, with the appropriate member of Human Resources in attendance to advise on procedure. A report shall be provided which will comprise:

#### **For non-academic staff**

- an explanation from the manager showing that realistic objectives were set, that performance standards have been clarified and problems with performance have been identified and discussed with the probationer;
- supporting information showing that the probationer has been given the opportunity to improve and any joint courses of action required have been completed and reasonable support to facilitate agreed actions has been provided.

#### **For academic staff**

- a detailed report from the Dean of School (or properly delegated person) indicating clearly that realistic objectives were set, that performance standards have been clarified and problems in performance have been identified and discussed with the probationer;
- report of two teaching observations (which the Dean may delegate to staff trained as teaching observers, but not a mentor) and each of which shall provide a detailed analysis of the teaching observed. These shall have been discussed with the probationer concerned;
- supporting information showing that the probationer has been given the opportunity to improve and any joint courses of action required have been completed and reasonable support to facilitate agreed actions has been provided.

33. At this hearing, the probationer shall have the right to be accompanied (as detailed in para. 13) and have the opportunity to make representations to the Chair.

## **Decision**

34. The Deputy Vice-Chancellor or an Assistant Vice-Chancellor shall then consider the facts and may decide:

- to confirm in post;
- to extend the period of probation for a further period up to a maximum of three months providing there is a reasonable prospect of the required improvement(s) in performance;
- to terminate the appointment with one month's notice or with pay in lieu of one month's notice.

35. The decision shall be confirmed in writing within five working days of the hearing by Human Resources and the probationer advised of the right of appeal.

## **Extension of Probation**

36. Where probation has been extended, the probationer shall be advised in writing by the relevant Dean of School/Dean of Students/Head of Service (or properly delegated person) of the problem areas that have been identified and the performance standards required, together with an outline of joint actions agreed and the timescale. Progress shall be monitored by the Dean of School/Dean of Students/Head of Service (or properly delegated person).

37. If performance and progress are satisfactory at the end of the extension, the Dean of School/Dean of Students/Head of Service (or properly delegated person) shall meet with the probationer and send the completed report confirming suitability to Human Resources and a copy to the probationer. Human Resources shall advise the probationer in writing of the successful completion of his or her probation.

38. Where the extension was for less than three months, and the Dean of School/Dean of Students/Head of Service (or properly delegated person) considers that there has been further improvement in performance, the probation may be extended to the full three months.

39. At the end of the extension, if progress is still considered unsatisfactory, Human Resources shall convene a formal review hearing and follow the process outlined in paras 31-35 (except that a further extension of probation is not an outcome).

## **Termination of Appointment during Probation**

40. In a case of gross misconduct, the Deputy Vice-Chancellor or Assistant Vice-Chancellor may terminate employment during probation.

41. A report shall be provided by the Dean of School/Dean of Students/Head of Service (or properly delegated person) detailing the gross misconduct.

42. Human Resources shall convene a formal hearing and provide the probationer with 5 working days' notice. The hearing shall be chaired by the Deputy Vice-Chancellor or an Assistant Vice-Chancellor and an appropriate member of Human Resources shall attend to advise on procedure.

43. The probationer shall have the right to be accompanied (as detailed in para. 13) and to make representations to the Chair.

44. The Deputy Vice-Chancellor or Assistant Vice-Chancellor shall consider the facts and may decide on:

- no further action - continue probation;
- a severe reprimand;
- withholding of a salary increment where provided for in the conditions of service;
- a transfer to another post;
- demotion from one scale to another;
- summarily terminating employment without prior notice or pay in lieu of notice.

45. The decision shall be confirmed in writing within five working days of the hearing by Human Resources and the probationer advised of the right of appeal (where this applies).

### **Existing staff**

46. The policy shall not normally apply to existing staff who are promoted, re-graded or transfer to another similar post within the University. Where the new post is substantially different, probation shall not normally apply unless agreed otherwise on appointment. If agreed, an express term shall be included in the letter of appointment which permits transfer, demotion or redeployment to a suitable alternative post in the event of performance being unsatisfactory, before termination of contract is considered.

### **Re-appointment after a break in employment**

47. The following shall apply to staff on re-appointment to a post of the same grade or to a substantially similar post after a break in service:

- less than 12 weeks' service, start probation again;
- more than 12 weeks' service and less than 6/8 months' service (and progress satisfactory), only need to complete the required total of 6 or 8 months as appropriate;
- more than 6/8 months' and less than 24 months' service (and probation passed), may return within a 12 month break with no requirement for a further period of probation;
- more than 24 months' service (and probation passed), may return within a 24 month break with no requirement for a further period of probation.

### **Appeals**

48. A probationer whose employment is terminated may appeal to the Board of Governors against dismissal. The appeal should be in writing to the Clerk of the Board of Governors within 10 working days of the decision to dismiss, stating the reason for the appeal. A properly constituted appeals sub-committee of the Board of Governors shall be convened by the Secretary. The appeal shall comprise a thorough review of the papers relating to the probationer by the appeals sub-committee. The decision of the Board of Governors shall be final.

### **Delegation of Authority**

49. Probation Report	Dean of School/Dean of Students/Head of Service (or properly delegated person)
Extension of Probation	Deputy Vice-Chancellor or an Assistant Vice-Chancellor}
Termination of Employment	Deputy Vice-Chancellor or an Assistant Vice-Chancellor} <sup>1</sup>

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<sup>1</sup> Normally the Deputy Vice-Chancellor is responsible for Academic probations and will only exceptionally delegate responsibility to an Assistant Vice-Chancellor. Similarly, Assistant Vice-Chancellors are responsible for Service staff and will only exceptionally delegate responsibility to the Deputy Vice-Chancellor.

## Notes

1. This scheme of delegation can only be varied with the express written authority of the Vice-Chancellor (or person acting in his or her absence)
2. A probationer may be accompanied at any formal review hearing by another person who is either:
  - a. another employee of the University;
  - b. a full-time official employed by a trade union; or
  - c. an elected trade union official from one of the recognised Trade Unions (either NATFHE or UNISON); or
  - d. another elected TU official from a Union which is not recognised by the University, so long as s/he has been reasonably certified in writing by his or her union as having experience of, or, as having received training in, this role at formal hearings.

*This Policy was reviewed in 2000. It was developed through consultation with Management Team and the recognised Trade Unions. It was approved by the Human Resources Committee of the Board of Governors at its meeting on 13 February 2001 and is due for review in February 2006.*

February 2001