Probation Policy and Procedure

Effective from 3rd January 2017

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Human Resources
1.0 Purpose

1.1 The University recognises that a supportive and developmental probation process is vital in providing the appropriate level of support and training for new colleagues on commencement of their employment. The use of probationary periods is intended as a constructive process to allow new colleagues to:

- Understand the University, their department, their role and how these fit together;
- Understand the standards required for their role and to fulfil those standards in full.

1.2 This policy and procedure sets out the University’s approach to probation for new colleagues, with the aim of ensuring that the University meets its commitment to the fair, equal and consistent treatment of colleagues with regard to the probationary period. The University believes that the use of probationary periods increases the likelihood that new colleagues will perform effectively in their role, therefore supporting the wider University.

2.0 Scope

2.1 This policy relates to all newly appointed colleagues, whose terms and conditions of employment state that their appointment is subject to a probationary period. This includes academic, support, and research colleagues.

2.2 Employees who have passed their probation period and have since changed roles, will not be subject to an additional probation period. If performance concerns arise, they will be considered in line with the Performance Improvement Policy.

3.0 Policy Statements

3.1 The policy aims:

3.1.1 To ensure that the probation process is undertaken for all new colleagues and is applied in a fair and consistent manner, within a supportive framework and in line with employment legislation requirements.

3.1.2 To ensure that the University is provided with an opportunity to assess the skills, capability, conduct and attendance of new colleagues before deciding whether or not to confirm their employment.

3.1.3 To identify the link between effective recruitment and selection, induction, probation and training and development and to emphasise the need for all in order to underpin the support and development of a new colleague.

3.2 The University aims to secure equality of opportunity in all its activities and in this respect, the Probation Policy & Procedure must be objective, clear, transparent and free from discrimination.
3.3 The Probation Policy & Procedure should work alongside induction to help to create a positive and supportive working environment, allowing new colleagues to settle into the organisation and learn the key elements of the job within a reasonable and realistic timescale. Therefore induction is a mandatory element of probation and must be completed within the probationary period.

3.4 Documentation relating to colleagues will be treated with the utmost confidentiality and related documentation will be subject to the provisions of the Data Protection Act 1998 (DPA) as appropriate.

4.0 Roles and Responsibilities

4.1 The University expects all colleagues to:

4.1.1 Carry out their job to the standard that is expected and required for the role and grade;
4.1.2 Understand the impact of their work performance, conduct and attendance on colleagues, customers and the wider University;
4.1.3 Clarify expectations, standards, tasks, objectives and behaviours with their line manager if they are unclear about them;
4.1.4 Engage fully in their induction, the setting of their objectives and the monitoring of their performance, conduct and attendance through this policy;
4.1.5 Develop their skills and knowledge to carry out their role to the highest possible standard;
4.1.6 Bring all relevant issues which may affect their work performance, conduct and attendance to the attention of their line manager;
4.1.7 Attend meetings to discuss any aspects of their performance, conduct or attendance which are considered unsatisfactory as requested to do so and respond constructively to any feedback given;
4.1.8 Co-operate with their line manager, undertake any agreed development activity and strive to help improve any aspects of their work, performance, conduct or attendance which are considered to be unsatisfactory.

4.2 Colleagues can expect the University to:

4.2.1 Treat performance, conduct and attendance issues occurring during their probationary period promptly, fairly and consistently across the University in line with this policy and procedure;
4.2.2 Encourage an open dialogue throughout the process, placing the emphasis on supporting the probationer to achieve the standards;
4.2.3 Provide them with clear and constructive feedback on their performance, conduct and attendance, clarifying any aspect which is considered unsatisfactory and give them an opportunity, where appropriate, to rectify this;
4.2.4 Be clear about the required improvement and the relevant timescales;
4.2.5 Give appropriate support, help and where necessary any appropriate training, to improve their performance, conduct or attendance.
4.3 Line managers are expected to:

4.3.1 Create an appropriate induction and orientation programme and ensure the new colleague completes the required elements;

4.3.2 Set objectives/ standards of performance at the earliest possible opportunity and monitor these through the probation process. This includes conducting mid-point and end of probation reviews, and more regular one-to-one meetings;

4.3.3 Liaise with and gain pro-active feedback from appropriate colleagues in respect of the probationer (particularly for probationers who perform duties in other areas);

4.3.4 Encourage an open dialogue with the probationer throughout the process, placing the emphasis on supporting the probationer to achieve the standards;

4.3.5 Provide clear, specific and constructive feedback on performance, conduct and attendance, praising good standards and identifying where instances fall below required standards;

4.3.6 Identify issues in relation to performance, conduct and/or attendance and meet with the probationer at the earliest opportunity to discuss this. The line manager must be clear about the required improvement, the relevant timescales and discuss and agree appropriate support or intervention to assist improvement;

4.3.7 Take advice from HR Central Services where appropriate;

4.3.8 Manage all new colleagues in line with this policy and procedure.

5.0 Representation

5.1 Colleagues have the right to be accompanied by a colleague or trade union representative at formal meetings where dismissal is a possible outcome and at appeal hearings, following a decision to dismiss.

6.0 Terms of employment during the probationary period

6.1 During the probationary period, colleagues will be subject to all the terms and conditions of their contracts of employment.

6.2 Where a colleague decides to resign during their probationary period, their contractual notice period will apply.

6.3 Any colleague within a probationary period who is experiencing difficulties with their performance will be dealt with under the Probation Policy & Procedure and not under the University’s Performance Improvement Policy & Procedure.

6.4 In cases of misconduct, any colleague within a probationary period will be dealt with under the Probation Policy & Procedure and not under the University’s Disciplinary
Policy. The University reserves the right to invoke the statutory dismissal process in cases of gross misconduct.

6.5 Colleagues are entitled to raise a grievance under the University’s Grievance Policy. However, if the complaint is related to the Probation Policy & Procedure or its application, then this will be dealt with under the Probation Policy & Procedure.

6.6 Where there are sickness absence issues during the probationary period, this will be dealt with under the Probation Policy & Procedure and not under the University’s Sickness Absence Policy.

7.0 Procedure

7.1 Management of the Probationary Period

7.1.1 Management of the probationary period will normally be undertaken by the line manager. However, there may be circumstances where it is appropriate for an alternative manager to be nominated. Therefore any reference within the policy and procedure to ‘line manager’ would also apply to the nominated manager.

7.1.2 The length of the probationary period will be stated in the terms and conditions of employment and will normally be as follows:

- Colleagues on Grades 7 and above (including Academic colleagues) – normally 1 year
- All Research colleagues (all grades) – normally 1 year
- Colleagues on Grades 6 and below (excluding Research colleagues) – normally 6 months

7.1.3 Appointments to fixed term contracts will be subject to a probationary period. If the duration of the fixed term contract is less than the duration of the probationary period, the whole period of the fixed term appointment counts towards the overall probationary period. This is particularly important as fixed term contracts are often extended; in such instances the length of the probation will extend in line with the appropriate probationary period. Continuous service counts towards the completion of the probationary period.

7.1.4 Normally, there will be three probationary meetings during a probationary period:

- **Initial meeting**: this should be held as soon as possible after the commencement of employment to clarify the duties (in line with the Job Description) and responsibility of the new colleague and to discuss the expectations regarding standards of work performance, conduct and attendance. Colleagues within a probationary period
are subject to the PDR process and the PDR objectives set and agreed must be recorded on the EPDR system/ Academic Performance & Development Review Form. These objectives will monitored during the probationary period. Training, support and development needs should also be addressed, as should induction requirements.

- **Mid-point probation review:** this should operate as a constructive and positive process to discuss the probationer's progress. A review of the Job Description should take place to ensure that the probationer is delivering against the role recruited to and the PDR objectives should be reviewed. The line manager should determine whether the mandatory elements of induction have been completed and also provide feedback in terms of whether standards of work performance, conduct and attendance are being met or not. Support, guidance and development needs should be discussed and agreed as necessary.

- **End of probation review:** this should operate as a constructive and positive process to further discuss the probationer's progress. A review of the Job Description should take place to ensure that the probationer is delivering against the role recruited to and the PDR objectives should be reviewed. The line manager should determine whether the mandatory elements of induction have been completed and also provide feedback in terms of whether standards of work performance, conduct and attendance are being met or not. Support, guidance and development needs should be discussed and agreed as necessary. A decision will be made as to whether the appointment is to be confirmed or not. It is important that this review is held in advance of the end of the probationary period in order to ensure that a decision regarding confirmation of appointment, extension or non-confirmation of appointment can be made within the probationary period.

7.1.5 A probationer’s performance, conduct and attendance should be subject to assessment by the line manager within a supportive and developmental context. Therefore in addition to the three probationary meetings listed above, regular one-to-one meetings should be held to review progress, offer praise and discuss any concerns as they arise.

7.1.6 Clear and accurate records of probation review meetings must be completed and maintained by the line manager. Responses/ comments from the probationer should also be recorded. Pro-forma are available from HR Central Services for this purpose.
7.2 Confirmation of Appointment

7.2.1 If at the end of the probationary period, a probationer’s progress has been satisfactory and has met the requirements of their post, the line manager should notify HR Central Services, using the appropriate pro-forma to indicate that the probationer’s appointment should be confirmed. This should be approved by the Dean of School/ Director of Support Division or nominated person.

7.3 Difficulties during Probation

7.3.1 The University expects the majority of its new colleagues to progress effectively and in a timely manner through its probation procedures to the full achievement of their roles. However it recognises that there will be situations where probationers are not able to achieve the standards expected and required. In these circumstances, it may be appropriate to give the probationer an opportunity to make the necessary improvement within a defined time period.

7.3.2 Where appropriate, the line manager should meet with the probationer with a view to establishing the cause of the difficulties and how it can be resolved. This meeting should take place promptly after the concerns have been identified and the line manager is not required to wait for the mid-point or end of probation review meetings, although they may use these meetings if it is timely.

7.3.3 Any discussions in relation to probation concerns will typically cover the following:

- clarify what the difficulties are in detail – specifying where and how the probationer’s performance, conduct and/ or attendance are falling below what is acceptable (provide evidence, where available)
- allow the probationer the opportunity to raise and respond to any concerns
- discuss the action required to address the problem - set objectives specifying in detail what standards of performance, conduct and/ or attendance are required to reach an acceptable level
- set dates of when the objectives should be met
- identify any training needs which may need to be met in order for the probationer to achieve the objectives
- explain what the consequences may be if the standards are not met – that it may be necessary extend the probationary period or not confirm their appointment
- discuss any actions required by the line manager and agree timescales for completing these, where necessary
7.3.4 The line manager should keep a record of the details referred to in the meeting.

7.3.5 It is hoped that the probationer will react positively in overcoming any difficulties, however if the performance/ conduct/ attendance does not improve following the initial discussions, within a reasonable and realistic timescale, it may be necessary to consider extending the probationary period or non-confirmation of appointment. Where either of these actions is being considered, advice should be sought from HR Central Services.

7.4 **Extending the Probationary Period**

7.4.1 In circumstances where it is felt that a probationer has not yet met the required standards, but are likely to do so within a reasonable amount of time, the probationary period may be extended. This is to allow the probationer further time to demonstrate the required standards of performance/ conduct/ attendance.

7.4.2 It is acknowledged that there may be some circumstances that may require an extension to the probationary period for reasons other than not meeting the required standards. For example, due to the timing of the appointment for academic colleagues, there may not be enough teaching time available to undertake a full assessment. In these situations, an extension to the probationary period can be implemented.

7.4.3 Extensions should normally be for no longer than 3 months (for those on a 6 month probation) and 6 months (for those on a 1 year probation) and in any event not longer than the original probationary period.

7.4.4 Where the probationary period is to be extended, the probationer should be invited to attend a meeting to discuss this.

7.4.5 In addition to the general discussions relating to the concerns (see above), the following will also typically be discussed:

- reasons for the proposed extension (provide evidence, where available)
- length of the extension period
- any support/ guidance/ training to be given during the extension
- areas of improvement that are required and how these will be monitored (if appropriate)
- explain the consequences should the probationer not reach the required standards - that they may not be confirmed in post and have their employment with the University terminated
- due consideration should be given to issues of inclusion and any other issues pertinent to the individual case

7.4.6 The line manager should ensure notes are taken of the meeting and the appropriate pro-forma should be completed and returned to HR Central Services. The extension to probation will be confirmed in writing to the probationer.

7.4.7 In the event that the probationer fails to take reasonable steps to attend the scheduled meeting, the probationer will be notified in writing of any decision to extend the probationary period.

7.4.8 Monitoring should continue through the extended probationary period, and the probationer and their line manager should meet regularly to review progress.

7.4.9 If sufficient improvements are made and the required standards met, the appropriate pro-forma should be completed. This should be approved by the Dean of School/ Director of Support Division or nominated person and sent to HR Central Services who will write to the probationer to confirm that they have successfully completed their extended probationary period.

7.4.10 Where a probationer has not reached the required standards of performance/ conduct/ attendance during their extended probation, despite efforts to address this, then the procedure described in the section on Non-confirmation of Appointment should be followed.

7.5 Non-confirmation of Appointment

7.5.1 Where a probationer has failed to achieve the required standards of performance, conduct or attendance required for their position, they should be invited to a formal meeting to discuss this.

7.5.2 The probationer should be invited in writing to attend the meeting. The letter should detail the concerns and should advise them that a possible outcome of the meeting could be the decision not to confirm them in post.

7.5.3 The probationer must take all reasonable steps to attend the meeting. Where the probationer or their representative are unable to attend the meeting, they will be given the opportunity to reschedule the meeting within 5 working days. If there is a failure to attend the 2nd meeting, a decision will be taken as to whether to hold the meeting in the absence of the
probationer. The probationer will be notified immediately in writing of any decision to hold the meeting in their absence.

7.5.4 Where a probationer is absent due to sickness and unable to attend the meeting, they may be asked to have a consultation with the University’s Occupational Health Providers to assess whether they are fit to attend the meeting.

7.5.5 In addition to the general discussions relating to the concerns (see above), the line manager will typically;

- give the reasons for considering non confirmation in post - these should be explained clearly (provide evidence, where available)
- allow the probationer and/ or their representative to respond to the concerns and to ask any questions
- ensure that due consideration has been given to issues of inclusion and any other issues pertinent to the individual case.

7.5.6 Once all the information has been gathered, the meeting should be adjourned for consideration to be given to all the evidence and for a decision to be taken. The line manager should then reconvene the meeting stating clearly the decision that has been taken and reasons for that decision. Confirmation of the decision will be made in writing; this will be the only method of communicating the outcome if it has not been possible to reconvene in a timely manner.

7.5.7 The line manager should ensure notes are taken of the meeting and complete the appropriate pro-forma. This should be approved by the Dean of School/ Director of Support Division or nominated person and sent to HR Central Services.

7.5.8 Termination of employment during the probationary period (original or extended) will be subject to a one month notice period.

7.6 Right to Appeal

7.6.1 Where a probationer’s employment has been terminated during their probationary period they have a right to appeal against the decision.

7.6.2 In order to appeal, the probationer should complete the appropriate pro-forma and submit this to the Executive Director of HR within 10 days of written confirmation of the decision.

7.6.3 Where possible, appeals will be considered by a senior manager who has not previously been involved in the case.
7.6.4 At the appeal hearing, the probationer will present the grounds for appeal and the manager who made the decision to dismiss will have the opportunity to respond.

7.6.5 The decision taken at the appeal hearing will be communicated in writing and will be final.

8.0 Related Documentation

1.1 Related documents can be found on the Human Resources webpages http://www.salford.ac.uk/hr
Policy Management and Responsibilities:

Owner: Policy, Projects and Employee Relations Specialist

This Policy is issued by the Policy, Projects and Employee Relations Specialist who has the authority to issue and communicate policy on Human Resources and has delegated day to day management and communication of the policy to staff.

Others with responsibilities (please specify):

All staff

Author to complete formal assessment with the following advisory teams:

Equality Analysis (E&D, HR)

Equality Assessment form

1. This is mandatory. Specify date completed and brief outcome. Completed EA to be attached to document as Appendix.

Legal implications (LPG)

2. Please specify date completed and brief outcome, or N/A

Information Governance (LPG)

3. Please specify date completed and brief outcome, or N/A

Student facing procedures (QEO)

4. Please specify date completed and brief outcome, or N/A

UKVI Compliance (Student Admin)

5. Please specify date completed and brief outcome, or N/A

Consultation:

Staff Trades Unions via HR
Students via USSU
Relevant external bodies (specify)

1. Specify date/outcomes of any relevant consultations or N/A

Review:

Review due:

E.g. 2 years by August 2018 (Note: LPG send a reminder to review is due)

Document location:

University Policy & Procedure Pages

http://www.salford.ac.uk/policies

The owner and author are responsible for publicising this policy document.