

7. Probation

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Aim of the Code of Practice

The aim is to:

- 1 provide support for new staff, and identify any training needs, development opportunities or other management action that is required;
- 2 enable managers¹ to:
 - be clear and consistent about the standards and level of performance the College requires of new entrants;
 - review performance with staff openly and systematically;
 - provide for independent scrutiny of decisions;
 - handle any necessary dismissals fairly, effectively and lawfully;
- 3 set out in practical terms, the processes required for the College to implement its Statutes and Ordinances covering staff on probation².

Key points

Managers will:

- 1 manage probation issues fairly and reasonably;
- 2 record in the contract of employment if the new entrant is required to complete a probation period and give the employee information about arrangements for probation;
- 3 have due regard for the requirements specific to:
 - academic roles;
 - other jobs and roles;
- 4 appoint a mentor for the new entrant³;

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1. *The meaning of the word “Manager” is discussed in the glossary in the Introduction, page 12.*
 2. *Statute 21, paragraph 16 covers dismissal arising from probationary appointments. Ordinance C2 section F sets out the College’s arrangements for dealing with probation. In any dispute about interpretation, the Statutes and Ordinances take priority over this Code of Practice.*
 3. *The role of mentor is discussed on page 7:13. The assumption in this Code of Practice is that the manager and the mentor are different people. Sometimes, however, it is helpful and sensible for the role of mentor to be taken by the manager. If this is the arrangement, it must be made clear at the start of the probation process.*

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Managers will:

- 1 encourage a co-ordinated development programme throughout the probationary period. This will include reasonable, relevant training or instruction;
- 2 make regular and timely reports and if need be take remedial action;
- 3 recommend an early end to the probation period only if it is reasonable and appropriate¹ to make a decision either to:
 - confirm the employee in post; or
 - dismiss them;
- 4 for new entrants in their first year of service, use the Code of Practice on Probation to deal with any matters of:
 - attendance;
 - capability;
 - conduct;rather than the provisions of the relevant Code of Practice on "Discipline", "Managing Poor Performance" or "Managing Sickness";
- 5 for new entrants, discuss and agree how the probation process will run alongside any other appraisal scheme that they may be subject to;
- 6 if there is an adverse report and the proposal is to dismiss, ensure that the employee is given reasonable notice of any formal hearing (normally at least 5 working days) and is told:
 - what the issues are;
 - that they have the opportunity to be represented.
- 7 if the adverse reports results in a decision to dismiss, ensure that the employee is notified of the right of appeal.



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1. *The manager must be able to show that their recommendation is based on:*
 - *good evidence of the employee's capability shown in substantial aspects of their role;*
 - *a reasonable and fair view of their capacity to achieve and maintain the standards required.*

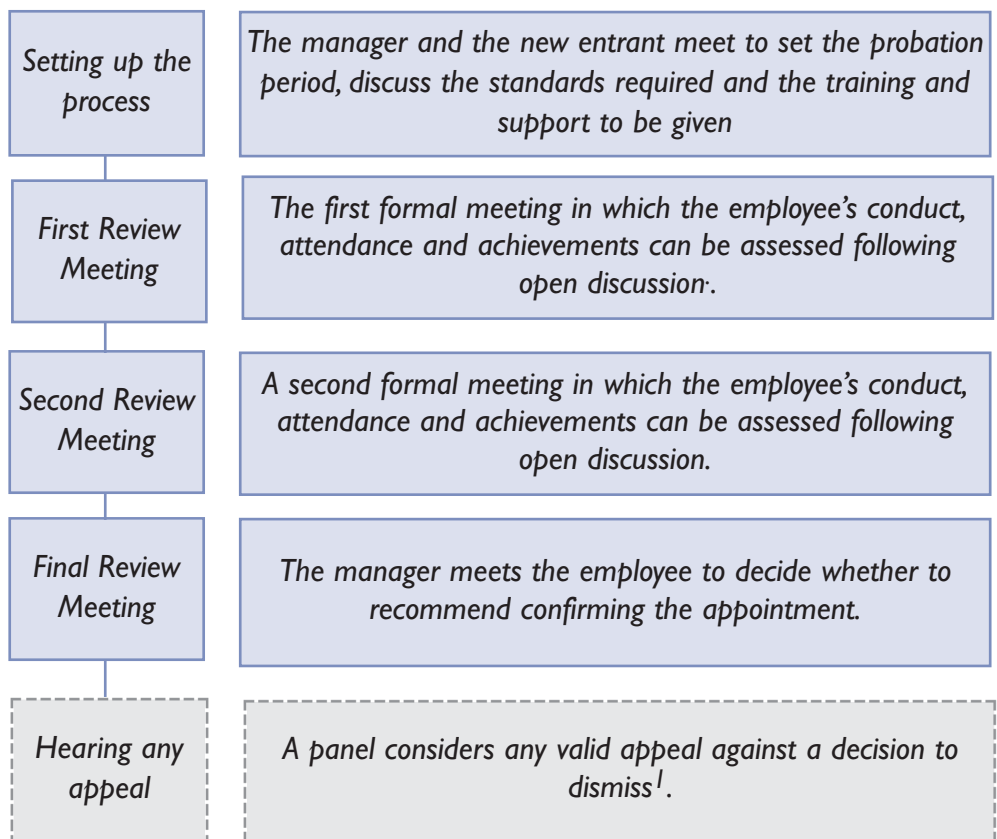
The employee may be dismissed before the end of the probation period only if their capability, attendance or conduct, as assessed under this Code of Practice warrants it.



Outline of the procedure

The procedure describes a series of up to 5 formal meetings in which the new entrant's line manager can:

- 1 discuss and establish the criteria to be used in assessing progress;
- 2 provide feedback in regular review meetings;
- 3 consider whether the employee should be confirmed in their appointment;
- 4 permit a right of appeal if the line manager decides to dismiss¹.



1. In law, a decision not to confirm a new entrant's appointment amounts to a dismissal.

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Timescales



The probation period is normally¹:

- ❖ **3 years** for Academic Staff who are:
 - in the College's Academic Career Progress Scheme; and
 - new to higher education;
- ❖ **1 year** for staff not subject to the Academic Career Progress Scheme, including:
 - Research and Analogous staff;
 - Academic-related staff, including Teaching Fellows and Associates;
 - Support Staff

However, for a chair or a reader, there is usually no probation period.

Typical ¹ Time-scales		
Probation Meeting ²	Staff in the Academic Career Progress Scheme who are new to higher education	All other staff
Setting up the probation process with the employee	1 month	1 month
1st assessment	1 year	3 months
2nd assessment	2 years	6 months
3rd assessment	2 years and 9 months	9 months

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1. These periods may, exceptionally, be shortened if:
 - the new entrant can show relevant experience in another organisation or role; and
 - the Director of HR agrees the reduction in probation period.
 2. Probation meetings may be brought forward if it is necessary to end the probation period early as a result of poor employee performance, attendance, or conduct.



Authority to make decisions

Appointment Panel	Setting the probation period ¹ .
Line Manager ²	<p>Setting up the probation process, naming any , setting the criteria by which the new entrant will be assessed, setting the work programme, etc.</p> <p>Assessing the employee and making any adverse reports, if need be.</p> <p>Recommending confirmation in the job, or extension, or confirmation of dismissal.</p>
Academic Staff Review Group (Probation)	<p>For academic staff in the Academic Career Progress Scheme:</p> <ul style="list-style-type: none"> - receiving any probation reports; - deciding to confirm in the job, or extend probation, or to dismiss.
Head of department (or another person they nominate) ³	<p>For other academic, academic-related and non-academic staff:</p> <ul style="list-style-type: none"> - receiving any probation reports; - deciding to confirm in the job, or extend probation, or to dismiss.
Appeal Panel	Decisions on appeals against dismissal

1. The typical periods set out on page 7:4 may, exceptionally, be shortened if:
 - the new entrant can show relevant experience in another organisation or role; and
 - the Director of HR agrees the reduction in probation period.
2. For academic staff, the line manager responsible for probation is the head of school/institute or his or her nominee. Even if the head of school/institute delegates the role of line manager they must sign off the objectives and subsequent probation reports.
3. For very senior posts that already report to the head of department (or above) the line manager's line manager will fulfill the role.

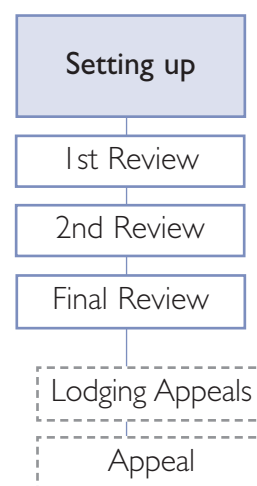
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Setting up the probation process



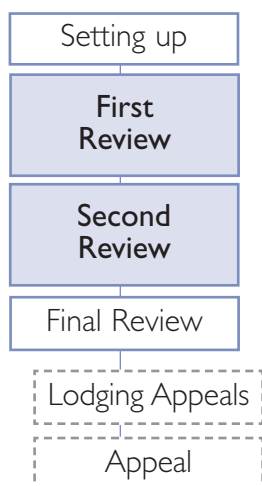
Managers¹ will:	The new entrant is entitled to:
<ol style="list-style-type: none"> 1 set an appropriate probation period for new entrants²; 2 nominate a senior colleague as mentor; 3 meet with the employee and the advisor to: <ul style="list-style-type: none"> - discuss the standards and level of performance required in the role; - discuss and set out the College's criteria³ for: <ol style="list-style-type: none"> (a) evaluating progress during probation; and (b) deciding confirmation in post; 4 agree a set of reasonable targets or milestones for the probationer; 5 agree a development programme for the employee to include reasonable, relevant training or instruction; 6 record these as a written statement⁴ (signed by both parties). 	<ol style="list-style-type: none"> 1 be assigned a and be accompanied by them to the meeting to discuss the details of the probation process; 2 be told the purpose of any meetings and have reasonable time to prepare for them (at least 5 working days); 3 ask questions about and comment on the standards required by the college; 4 continuing advice and support in their development; 5 a written record of the meeting; 6 be told in writing if they fail to meet the standards required and be offered support in achieving them.



1. For academic staff, the line manager responsible for probation is the head of school/institute or his or her nominee. Even if the head of school/institute delegates the role of line manager they must sign off the objectives and subsequent probation reports.
2. See pages 7:4, and 7:5. Appointment panels normally set the probation period.
3. The criteria for use with staff in the Academic Career Progress Scheme are set out on page 7:13.
4. For staff in the Academic Career Progress Scheme, forward these to HR who will copy the papers to the appropriate Vice-principal, and the probation panel for comment. For other academic, academic-related and non-academic staff, forward a copy to the head of department for comment.



First and second review¹ meetings



Managers will:

- 1 consider progress against the criteria agreed for the new entrant in good time²;
- 2 seek the new entrant's views on their performance, progress and targets achieved³;
- 3 meet the employee to discuss their progress;
- 4 feed-back their own assessment of the employee's performance;
- 5 if need be, review the agreed targets or milestones;
- 6 submit a report to the relevant person or panel⁴, along with any recommendation to them, setting out:
 - the targets specified
 - the feedback given to the probationer;
 - the training and support offered;
 - any agreed action points.

The new entrant:

- ❖ **is entitled to:**
 - 1 be told the purpose of the meeting and have reasonable time to prepare for it;
 - 2 be accompanied by their mentor;
 - 3 give their own view of the progress they have made towards targets;
 - 4 question and comment on the department's assessment;
 - 5 continuing advice and support in their development;
 - 6 a written record of the meeting;
 - 7 be told in good time if they fail to meet the standards or criteria required and be offered support in achieving them.
- ❖ **is responsible for:**
 - 1 attending meetings, and co-operating with any training and support offered;
 - 2 keeping the manager informed of relevant facts and issues.

1. *These two meetings should happen at the agreed intervals. The procedure is the same for both the first and second meeting, unless the employee's job is at risk, in which case, the processes set out for the final review stage (page 7:8) should be adopted.*
2. *For staff in the Academic Career Progress Scheme, this will be at least two months before the relevant Academic Staff Review Group (Probation) meets.*
3. *Staff in the Academic Career Progress Scheme will submit a written report. Other staff may be asked to report in writing or orally at the meeting.*
4. *For staff in the Academic Career Progress Scheme, forward these to HR who will copy the papers to the appropriate Vice-principal, and the probation panel for comment. For other academic, academic-related and non-academic staff, forward a copy to the head of department for comment.*

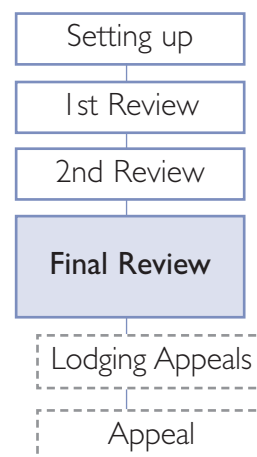
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Final review meeting



Managers will:	The new entrant is entitled to:
<ol style="list-style-type: none"> 1 if the employee's job is at risk, inform them in writing before the meeting, giving reasons; 2 in all cases, consider, in good time¹, whether the new entrant has achieved the criteria for confirmation in post; 3 seek the new entrant's views on their performance, progress and targets achieved²; 4 meet with the employee to consider evidence of their performance, progress, and targets achieved; 5 discuss these matters openly, and give their own assessment of the employee's performance; 6 submit a report to the relevant person or panel³, setting out their assessment with reasons, and their recommendation to: <ul style="list-style-type: none"> - confirm the appointment; - extend (or continue) the probation period; - confirm dismissal. 	<ol style="list-style-type: none"> 1 be told the purpose of the meeting and have reasonable time to prepare for it; 2 be accompanied by their mentor; 3 report on their view of the progress they have made towards targets; 4 question and comment on the department's assessment; 5 a written record of the meeting within 5 working days 6 if the recommendation is that a panel or manager³ should extend probation or confirm dismissal, a right to put their case to the relevant panel or manager before the decision is made. See the box on page 7:9.



1. For staff in the Academic Career Progress Scheme, this will be at least two months before the annual meetings of the Academic Staff Review Group (Probation).
2. Staff in the Academic Career Progress Scheme will submit a written report. Other staff may be asked to report in writing or orally at the meeting.
3. For staff in the Academic Career Progress Scheme, the appropriate probation panel decides if the recommendation is to be implemented. For other academic, academic-related and non-academic staff the head of department (or their nominee) does this. If the panel or manager confirms a recommendation to dismiss, the employee then has a right of appeal to a panel constituted as set out on page 7:12.



Considering an adverse report

Any recommendation to (a) extend probation or (b) confirm dismissal constitutes *an adverse report* and the employee has the right to attend the meeting and put their case as described below:

For staff in the Academic Career Progress Scheme

The appropriate Probation Panel considers the case. The panel will consist of:

- 1 the Vice-principal for the sector
- 2 the two academic deans.

For other academic, academic-related and non-academic staff

The head of department (or another person they nominate) hears the case.

The employee is entitled to:

- 1 reasonable written notice (normally at least 5 working days, but less by mutual agreement) of the date of the meeting;
- 2 the opportunity to be represented by another person;
- 3 the right to postpone the meeting to another reasonable time within 5 working days of the original date - if their representative will not be available at the time proposed;
- 4 put their side of the matter; bring evidence, ask questions and hear the manager's response;
- 5 written notification of the decision;
- 6 if dismissed, the right of appeal and notice or pay in lieu of notice.

The person or panel hearing the case will:

- 1 consider the adverse report, and any response to it that the employee puts forward¹;
- 2 review any evidence that:
 - the manager has set reasonable standards;
 - the employee is falling below the standard required;
 - the employee has been offered reasonable training, support and guidance;
 - the employee has had reasonable time to achieve and maintain the standard of work;
- 3 assess the recommendation of the manager, and decide if it is reasonable and supportable;
- 4 give the decision, in writing, with reasons within 5 working days.

1. *Staff in the Academic Career Progress Scheme will submit a written report. Other staff may be asked to report in writing or orally at the meeting.*

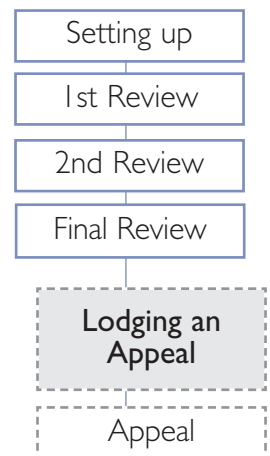
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Lodging an appeal



<i>The employee:</i>	<i>The Director of HR will:</i>
<p>❖ is entitled to:</p> <ol style="list-style-type: none"> 1 lodge an appeal against a decision to dismiss¹ following an adverse report. For example, the employee may appeal on one or more of the following grounds²: <ol style="list-style-type: none"> 1 the procedure was applied incorrectly; 2 the decision is not supported by the facts; 3 the action recommended is too severe. <p>❖ is responsible for:</p> <ol style="list-style-type: none"> 1 setting out the grounds of appeal in full and in writing; 2 lodging the appeal with the Director of HR within 10 working days of the date they receive the written decision and the reasons for it. 	<ol style="list-style-type: none"> 1 reject any appeal that is out of time; 2 appoint a panel to hear the case within 20 working days. 3 if need be, appoint an appropriate Secretary to the panel.

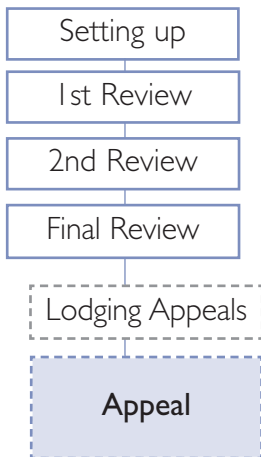


1. There is no right of appeal against a decision to extend the probationary period, or indeed any decision other than a decision to dismiss.

2. The employee may support their grounds of appeal with any new evidence that comes to light after the original meeting.



Appeal hearing



The panel¹ will:

- 1 review the evidence or reports provided by the manager and the employee;
- 2 review any evidence that:
 - the manager has set reasonable standards;
 - the employee is falling below the standard required;
 - the employee has been offered reasonable training, support and guidance;
 - the employee has had reasonable time to achieve and maintain the standard of work;
- 3 assess the decision to dismiss and determine if it is reasonable and supportable;
- 4 give the decision, in writing, with reasons within 5 working days.

The employee is entitled to:

- 1 reasonable written notice (normally at least 5 working days, but less by mutual agreement) of the date of the meeting;
- 2 the opportunity to be represented by another person;
- 3 the right to postpone the meeting to another reasonable time within 5 working days of the original date - if their representative will not be available at the time proposed;
- 4 put their side of the matter; bring evidence, ask questions and hear the manager's response;
- 5 written notification of the panel's decision.

1. The constitution of the panel is different for staff in the Academic Career Progress Scheme and for other academic, academic-related and non-academic staff. The make-up of the panel is set out on page 7:12.

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Constitution of appeal panels

A panel may be required to hear *appeals* against, either:

- 1 a decision to dismiss; or
- 2 a decision to extend the probation period.



The make up of the panel depends on whether the employee is in the Academic Career Progress Scheme.

<i>For staff in the Academic Career Progress Scheme:</i>	<i>For other academic, academic-related and non-academic staff</i>
<p>The Chair of Council will:</p> <ul style="list-style-type: none">- select a panel of at least three¹ people to hear the matter;- ensure that all those chosen have had no direct management involvement in the case.	<p>The Director of HR will:</p> <ul style="list-style-type: none">- select a panel of three people to hear the matter;- ensure that all those chosen have had no direct management involvement in the case.
<p>The panel will comprise:</p> <ul style="list-style-type: none">- 1 external member of Council agreed by both sides as Chairman- 2 members of the Academic staff drawn from a list for this purpose agreed by the Academic Board	<p>The panel will comprise 3 people drawn from a list for this purpose agreed by the Director of HR.</p>

1. In some cases it may be appropriate for the National Health Service or another relevant body to be represented.



Probation criteria for staff in the Academic Career Progress Scheme

To be confirmed in post, staff on probation will need to demonstrate:

- 1 promise and enterprise in their work;
- 2 continuing professional development as a university teacher and scholar;
- 3 appropriate professional attitudes.

The new entrant must satisfy the College that they have satisfactorily engaged in or completed:

- 1 research towards the advancement of the lecturer's subject (unless this not apt, for example in a teaching-only post);
- 2 teaching, assessment and the support of student learning;
- 3 a reasonable level of administrative duties. The College recognises that an unduly burdensome administrative responsibility may interfere with teaching and research activity;
- 4 any programme of suitable training courses as prescribed by the Academic Staff Review Group (Probation) and the Head of Department.

The role of mentor

The mentor will:

- 1 support the new entrant in:
 - their induction into the work of the department or discipline;
 - the carrying out of their duties during the period of probation;
- 2 advise as necessary on:
 - the assessment of priorities;
 - development and training for the new entrant;
 - staff and student support services within the College;
- 3 be available to offer guidance on the successful completion of probation and future career development. This latter aspect will be of particular importance to academic or research staff on fixed-term contracts.

The role of mentor may sometimes be fulfilled by the new entrant's line manager. In such cases, probation meetings will be attended by the employee and their manager only. The mentor is named in the new entrant's contract. A further description of the role of mentor is available on the HR web-site:
<http://www.hr.qmul.ac.uk/workqm/develop/index.html>

