

Staff Development & Training Framework

Probation Policy

1. Introduction

This Policy is part of the Staff Development & Training Framework which is made up of a number of elements which together encompass all formal policy, procedure and statement documents, including associated forms, relating to the learning and development processes for staff of Abertay University (the "University").

If you would like this document in a different format (e.g. large print, braille) or need any assistance to access or understand the policy/procedure please contact your School/Service designated HR Partner.

2. Probation

The University is committed to fostering a supportive working environment in which employees are provided with the opportunity to develop within their chosen profession. The University recognises that newly appointed employees, and employees who have been promoted into different posts, in particular face many challenges. The University has probationary arrangements in place to compliment the local induction procedures in ensuring that a framework of support, guidance and assistance is established to allow employees to progress towards a level of performance appropriate to the roles and responsibilities of their designated post.

3. Purpose and Scope

This policy forms part of the Staff Development & Training Framework and should be read in conjunction with the Probation Review forms and other policies and procedures. It is intended to allow both the employee and their line manager to assess objectively whether or not the employee is suitable for the role. The University believes that the use of probationary periods increases the likelihood that new employees will perform effectively in their employment.

Probation periods apply to all new employees who are employed by the University on a permanent or fixed-term contract. It does not apply to agency or casual workers. However, in circumstances where agency or casual workers are given permanent or fixed-term contracts with the University, then the probation period will apply from the start date of their new contract(not their date of continuous employment, if different). If further clarification is required, then the designated HR Partner should be contacted.

Probation periods also apply to support and academic employees who apply for and are subsequently appointed to a promoted post, for a period of 6 months.

Existing employees, who transfer to a new post within the University which shares the same grade and generic duties with their previous role, will not be subject to a new probation period. Any objective setting and developmental needs will be addressed through the University's appraisal system.

4 Length of Probation

The University's standard period of probation is 6 months for support staff and existing staff appointed to a promoted post, and 2 years for academic staff. Please note that for senior management and roles deemed to have complex responsibilities, the University may wish to impose a longer probationary period.

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

5 Line Manager's Responsibilities

The line manager has responsibility for monitoring an employee's performance and progress during the probationary period. They should meet with the employee when the employee first starts in their role, to discuss the nature of the job and terms and conditions of employment. The line manager must ensure that the employee is properly informed about what is expected of them during probation, for example the required job outputs and standards of performance.

The probation period may also be supported by the use of a mentor for the employee.

6 Employee's Responsibilities

The employee has responsibility for the following during their probation period:

- advising their line manager of any concerns or issues as they arise
- participating fully and contributing to the formal review discussions
- seeking help and guidance to resolve concerns or issues as they arise
- completing their PG Cert (academic employees)

7 Appraisal System (Pathways)

All employees are required to participate in the University's appraisal system, Pathways, which aims to maximise the contribution of every employee to organisational goals, whilst also facilitating the employee's own professional and personal development.

The appraisal system is distinct from the probation period. However, it is envisaged that any developmental needs identified during the probation period will be assimilated into the employee's Pathways objectives and career development plan.

8 Reviews during Probation

8.1 Support Employees

A formal probationary review will take place on or around 3 months into the employee's employment. A final review will be carried out on or around 4 weeks prior to the 6 month probation period concluding.

8.2 Academic Employees

Formal probationary reviews will be carried out after on or around 3, 6, 12 and 18 months' service, with a final review carried out on or around 4 weeks prior to the 2 year probation period concluding.

Further review meetings may be held with an employee where it is deemed necessary to do so.

8.3 Probation Reviews Process

During the probation period, the line manager should provide regular feedback to the employee and the following should be discussed during the formal reviews:

- review of performance and progress
- identification of training and development needs
- review of and setting of objectives for the next stage of the probation period
- identification of any issues arising and requiring to be addressed, including any absence issues
- completion of Interim Review Form.

The completed Interim Review Form should be sent to Human Resources after each formal review. If, at any point during Probation, the line manager considers that the employee's performance may not meet the required standards for completion of probation, they should discuss the matter with their designated HR Partner. This should happen when the concern arises, and in any event prior to the final review meeting.

8.3.1 Unsatisfactory Performance

If performance issues are identified **at any stage** of the probation period a programme of support should be devised in discussion with the employee. The programme of support may include:

- A discussion regarding the nature of any performance issues with the employee to gain understanding and acceptance
- Further training
- Guidance or mentoring from more experienced colleagues, support from other university colleagues or an appropriate advisor.

The outcome of the discussion should include the following:

- Agreeing with the employee the manner in which the employee's future performance will be evaluated in terms of outcomes and standards of performance
- Defining a realistic time-scale within which the required standard of performance is to be achieved. This will depend on the actual improvement required and may need regular monitoring as well as a set review date
- If it becomes apparent that the performance problems may be due to ill health, the University may require the employee to be assessed by a relevant service, e.g. Occupational Health. The outcomes of these assessments will be used as a basis for assisting the employee to improve their performance. The manager should liaise with their HR Partner where necessary to arrange for a referral. Support from the Counselling Service is also available to employees
- Ensuring a confidential note of the meeting is taken and ensuring that the employee receives a copy, and has the opportunity to agree/comment on the content
- Ensuring the relevant HR Partner is kept fully informed.

8.3.2 Taking Formal Action during Probation

If there has been no improvement in performance or behaviour at the formal review stage(s) or where an issue of sufficient importance or seriousness has occurred, the following procedure may be undertaken in conjunction with advice from Human Resources. Please note that this formal action may be instigated at any time in the probation period:

HR will invite the employee to a formal meeting by letter giving at least 5 working days' notice (this timeframe can be shortened by mutual agreement) and confirming the reason for the meeting, the date, time and location of the meeting and the right to be accompanied by a representative or a colleague. The letter will give a summary of the reasons why the line manager believes the employee has not met expectations and why their probation should be terminated. The letter will also explain that the meeting is the employee's opportunity to present their case in full and to address questions before a decision can be taken. The line manager will also be present at this meeting.

Where the employee is unable to attend a meeting and provides a good reason for failing to attend, the meeting will be rescheduled for an alternative time. If the employee is persistently unable to attend any meetings or fails to attend without good reason, the University may make a decision based on the available evidence.

The following decisions may be taken in this circumstance:

- Decide to review the position more regularly in the probationary period in addition to the standard formal reviews
- Terminate the employee's contract.

Human Resources will confirm the decision in writing.

If a decision to terminate employment during probation is taken, the letter will specify the reasons for termination, the period of notice and the right of appeal.

9 Completion of Probation

At the end of the probationary period, the line manager should complete part A of the Final Probationary Review Form and conduct a final review with the employee. The discussion should include the following:

- A review of performance and progress against objectives.
- Outcome of their probation

Following the review meeting the Manager should complete Part B of the Final Review Form, and return to Human Resources.

9.1 Probationary Period Successfully Completed

If the probationary period has been completed satisfactorily (6 months for support staff and 2 years for academic staff) the employee can be confirmed in post at this stage.

Human Resources will issue a letter confirming successful completion of probation to the employee.

9.1.1 Academic Employees

Successful completion of the PG CertHE is a standard requirement before completing probation for **all** academic employees, unless individuals already hold an equivalent

qualification or HEA fellowship. Please note that this may also apply to senior lecturers if they do not have equivalent experience or qualifications.

9.2 Probationary Period Extended

If the probationary period has been extended, HR will send a letter to the employee. The letter will include a statement that if the employee does not fully meet the required standards by the end of the extended period of probation, their employment may be terminated. The line manager will be responsible for monitoring the extended probationary period, in the same manner as the original probationary period.

9.3 Probationary Period Unsatisfactory

Following receipt of Part B of the Final Probationary Review Form the HR Partner will arrange a further meeting with the Line Manager and Employee. The invite letter will detail the reasons for consideration of termination of employment.

10 Right of Appeal

An employee, who wishes to appeal against a decision to terminate their employment, should appeal in writing to the Director of HR & OD within 5 working days of receipt of the written notification of their termination. The employee's appeal will be heard by the next level of management from their line manager and a HR Partner. The employee is entitled to be accompanied to an Appeal.

An appeal will be held as soon as is practical to do so. The appeal decision will be provided in writing, the decision made on appeal shall be final.

An employee who is unhappy with a decision to extend their probation period or has any other issue relating to their probation period may have recourse to the University's grievance procedure.

11 Right To Be Accompanied

An employee has the right to be accompanied by a recognised trade's union representative, Abertay staff representative or current work colleague employed by the University at any meeting held under sections 8.3.2 or 9 of this probation policy. For the avoidance of doubt, legal representation or representation by anyone outside of this group is not permitted. The University may permit the employee to bring a companion who is not a work colleague or recognised trades union representative (for example a family member or interpreter) if this will help overcome the effect of any disability or if the employee has difficulty in understanding English, but this does not extend to a legal representative.

Any meetings with the employee will be rescheduled if the chosen companion cannot attend, providing the employee proposes an alternative date and time within 5 working days of the original date.

The companion is permitted to confer with the employee and address the meeting by making representations or asking questions, but not to answer questions that are directly put to the employee. They must also not interfere with, or prevent people from contributing to, the meeting.

If the employee's choice of companion is considered unreasonable by the University, they may be asked to choose someone else, for example if in the opinion of the management representative and HR Partner the companion may have a conflict of interest, or may

prejudice the meeting, or be unavailable at the time the meeting is scheduled and will not be available for more than five working days after the date set down for the meeting.

12 Confidentiality, Documentation & Data Protection

The University aims to deal with probationary matters sensitively and with due respect for all individuals involved. All documentation relating to the probationary procedure will be retained within Human Resources and will be held and processed in accordance with the Data Protection Act 1998. Employees (including witnesses) must not make electronic recordings of any meetings or hearings conducted under this procedure.

All employees must treat as confidential any information communicated to them in connection with the probationary procedure. Any breach of confidentiality may result in disciplinary action.

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