

PROCEDURE FOR CONTRACTUAL PROBATION

1. Purpose of the procedure

- 1.1 The procedure for Contractual Probation sets out the way in which the probation process works for newly appointed staff at the University. The procedure sets out what support is available to staff to enable them to successfully complete their probation period.
- 1.2 This procedure applies to all newly appointed staff (both academic and non-academic) to the University, apart from those appointed as Lecturer and subject to an academic probationary period. For this group of staff, reference must be made to the [Academic Probation Procedure](#) and this procedure does not apply.
- 1.3 The University expects those with supervisory and management responsibilities to take the necessary steps to ensure that newly appointed staff are supported effectively and are performing satisfactorily in their roles. Furthermore it is expected that if any member of staff is experiencing difficulties with their work they should bring it to the attention of their line manager as soon as possible and seek appropriate help and support. If a new member of staff feels they cannot raise a concern directly with their line manager, they can seek advice and support on how to resolve the issue via speaking to a member of the [HR Advisory Services team](#).
- 1.4 The probationary review process will provide an opportunity for newly-appointed employees subject to a probation period to discuss their role with their Head of School / Line Manager and to highlight any support, advice or development they may require. At the start of their probation, newly-appointed employees will be expected to agree objectives and priorities, and during their probation they will be provided with feedback using a Contractual Probation Review Form (which can be found at: <http://www.reading.ac.uk/internal/humanresources/policiesandprocedures/humres-inductionandprobation.aspx> and will be expected to agree objectives and priorities. If an employee has concerns about the level of support that they need or are receiving, this should be raised with their line manager as soon as possible.
- 1.5 If a problem is experienced of the kind outlined above, the University may take various courses of action, as appropriate, including but not limited to:
 - a. Informal support
 - b. Greater supervisory assistance
 - c. Reviewing workload and targets
 - d. Additional training
 - e. Periodic performance reviews
- 1.6 During their probationary period all newly appointed staff will be subject to the Contractual probationary review process detailed in this procedure until such time as their probation period is successfully completed. From that point onwards they will be required to participate in the University's annual Performance Development Review process (PDR).

- 1.7 In the event this procedure is not followed by the Line Manager in order to formally review the probationer's progress, the probation shall be deemed as passed. Following this, any issues with performance and capability will be dealt with under the Performance Management procedure.
- 1.8 This procedure has been implemented following consultation with the University and College Union (UCU) and Staff Forum.
- 1.9 Whilst the probation period is contractual this procedure does not form part of any employee's contract of employment and it may be amended at any time. Amendments will be subject to consultation with the University and College Union and Staff Forum. Minor amendments or those necessitated by a change in the law will not be subject to this process. This procedure, including any time limits, may be varied as appropriate and reasonable in any case.

2. Disabilities

- 2.1 The University is committed to complying with its obligations under the Equality Act 2010. If you are disabled within the meaning of the Equality Act 2010, reasonable adjustments will be considered and made as appropriate.
- 2.2 In applying this procedure, consideration will be given that conduct and/or capability concerns may be related to a disability and, if so, whether there are reasonable adjustments that could be made to your working arrangements, including changing your duties or providing additional equipment or training.
- 2.3 In appropriate cases, we may consider making further adjustments to this procedure to accommodate disability and ill-health. Such adjustments may include extending time limits, permitting you additional support in meetings or arranging meetings away from the campus.
- 2.4 You are encouraged to contact your line manager or a member of the [HR Advisory Services Team](#) to discuss or inform us of any medical condition you consider relevant. Such information will be treated sensitively and confidentially by those who need to know it.

3. Confidentiality

- 3.1 It is the University's aim to deal with concerns in relation to performance and development sensitively and with due respect for the privacy of any individuals involved. All parties must treat as confidential any information communicated to them in connection with a matter which is subject to this procedure, subject to the need to seek appropriate advice and guidance.
- 3.2 It is not the University's normal procedure for any meetings to be tape recorded by either party unless there are exceptional reasons why this should be considered. However, from time to time there may be a request to tape record a hearing. The decision to do so will be taken by the person chairing the meeting in consultation with HR and in advance of the meeting. A recording may be made only where all parties agree to the use of tape recording. Minutes will be prepared of formal meetings and a copy of those minutes will be provided to the employee attending the meeting.

4. Procedure and Guidelines

- 4.1 The standard probationary period is six months with a possible extension of a further three months. For contracts of less than six months, the probationary periods are set as follows:

Contract length	Probationary Period
4 – 6 months	3 months
1-3 months	1 month
Less than 1 month	No probationary period

Beginning of probation

- 4.2 Upon commencement of employment with the University, and by no later than 2 weeks of the start date, the Line Manager and the new employee (or probationer) should arrange to meet to discuss and agree contractual probationary objectives which are normally to be achieved over the duration of the first six months of employment.
- It is recommended the objectives set cover both the tasks and skills related to the role as well as the Values and Behaviours expected from the probationer in carrying out their role at the University. Reference can be made to the [Values for Working Together and Professional Behaviours](#) document to formulate appropriate objectives.
 - The Heads of School and Function have a responsibility to ensure that objectives for probationers in their teams are set at an appropriate level. The level of involvement they have in the writing and agreeing the objectives for individual employees will be reasonable and at their discretion, and can be delegated as appropriate.
- 4.3 The initial meeting between the Line Manager and probationer should cover the following points:
- The duration of probation;
 - What standards of performance the probationer is expected to attain over this period;
 - How their performance will be assessed;
 - The consequences of not meeting the standards required;
 - The training requirements and any additional support required.
- 4.4 The Line Manager can also discuss the option of sourcing and assigning a mentor to the probationer. This is an optional part to the contractual probation.
- 4.5 The main points of this discussion will be recorded by the Line Manager on the Contractual Probation Review Form and shared with the probationer.
- 4.6 The Line Manager will expect the probationer to demonstrate their ability to fulfil the core requirements of their new position. This does not necessarily mean that the probationer has to fulfil the requirements during the six month period, but rather demonstrate the ability to do so.
- 4.7 Line Managers have a duty to ensure that all employees are supported to achieve the objectives that have been set for them and that any with protected characteristics under the Equality Act 2010 are not put at a disadvantage in this regard.

During the probation period

- 4.8 All new employees during their contractual probation should be given regular feedback on how they are performing against the probation objectives set by their Line Manager who should be monitoring their progress. At the half-way point of their contractual probationary period, the probationer and Line Manager should have a meeting to review and discuss progress against the probationary objectives. A record should be kept of this meeting by the Line Manager by updating the Contractual Probation Review Form and this should be shared with the probationer.
- 4.9 During the probation period, it is crucial that the Line Manager contacts the HR Advisor or Partner for their allocated area if there are any concerns about the ability of the new employee to successfully complete their probation period.
- 4.10 After consultation with the HR Advisor or Partner, the Line Manager must have a meeting with the new employee to inform them of what the concerns are, what improvement is necessary, and what can be done to assist them in meeting the performance level required. The new employee must receive a confirmation of the discussions in this meeting by way of an updated Contractual Probation Review Form. If the new employees' performance does not improve, then it may be necessary to repeat this meeting.
- 4.11 It is possible that a probationer's employment may be terminated before the expiry of the probationary period provided the Line Manager can clearly demonstrate that performance concerns have been identified, communicated to the probationer and a period of time given to allow performance to improve. A Contractual Probation Review meeting will be convened to terminate the employment.
- 4.12 A probationer may have met the criteria set out for them and therefore can complete their probation early. Line Managers need to seek advice from the relevant HR Advisor or Partner allocated to their area in this instance. It is expected this will happen after three months, but it can happen at any time during the probation period.
- 4.13 If a new employee is transferred to a different role during an incomplete contractual probationary period, then the Line Manager needs to work with their HR Advisor or Partner to set up a dialogue with the new Line Manager to agree how the probationary period will be assessed and any changes made as deemed necessary, for example extension to the probationary period. Once this is agreed, a meeting must take place between the new Line Manager and the probationer to ensure they are clear on the revised probationary targets. Once this meeting has taken place, the HR department needs to be advised of any revised end date to the probation. It is expected that the probationary period will not be extended beyond nine months after the employee first commenced work at the University.

End of the probationary period decision

- 4.14 There are three potential outcomes at this point of the procedure:
- a. Probation is confirmed: A meeting will only be required if the Line Manager or the employee makes a specific request. Notification is sent to the HR Department by sending the completed Contractual Probation Review Form stating that probation has been successfully completed. On receipt of this form, a confirmation letter will be sent to the employee by HR.

- b. Probation period is extended: A reason for extending the probationary period is identified by the Line Manager. A formal Contractual Probation Review meeting will need to be held (as set out in the procedure at 4.19 – 4.25 below) between the Line Manager and probationer. This meeting is compulsory. The employee must receive written confirmation of the discussions from the Line Manager after the meeting by way of an updated Contractual Probation Review Form – Section 4 & 5). The Line Manager must send the completed Contractual Probation Review Form to the HR Department (hr@reading.ac.uk) to confirm that the probationary period has been extended and to indicate for how long so that the new employees' probation record can be amended accordingly. The HR Department will then send the employee a confirmation letter once an HR Advisor or Partner has confirmed that the correct procedure has been followed.
 - c. Probation is not satisfied and employment is terminated: A formal Contractual Probation Review Meeting will be held to terminate the employment (as set out in the procedure under 'Formal Performance Concerns'. The probationer may bring a companion to the Contractual Probation Review Meeting as set out at Section 5.
- 4.15 Attendance at formal review meetings will be the Line Manager and employee. It may be deemed appropriate for an HR Advisor or Partner to attend a meeting when probation is proposed to be extended, but this will be by exception only. It will be a requirement for an HR Advisor or Partner to attend a meeting when probation is likely to not be satisfied and it is proposed that the employment is terminated.

Formal Performance Concerns

- 4.16 If at any time during the probationary procedure, the Line Manager identifies performance concerns against the probation objectives the probationer will be invited to attend a Contractual Probation Review Meeting. The Line Manager must work with their HR Advisor or Partner to set this formal meeting up. Reasonable written notice will be given, which will usually be no less than 10 working days, of the date, time and place of any formal meeting and who will be attending it. The invite will also outline the concerns about the probationer's performance and the potential outcomes of the hearing. The probationer will additionally receive a copy of any relevant documents which will be used at the Contractual Probation Review meeting.
- 4.17 The Contractual Probation Review meeting will be held as soon as reasonably practicable.
- 4.18 The probationer must make every effort to attend any formal meeting, If they fail to attend without good reason, or are persistently unable to do so (for example for health reasons), the University may hold the meeting in the employee's absence and take a decision based on the available evidence. The probationer will be informed of this in writing if this is the course of action to be followed and will be advised of the outcome of the meeting in writing.
- 4.19 The Contractual Probation Review meeting will usually involve:
- a. Setting out the required standards that it is suggested there has been a failure to meet, and considering any relevant evidence that has been gathered. The probationer will have the opportunity to ask questions of clarification concerning the process and findings.
 - b. Allowing the probationer to ask questions, present evidence, respond to evidence and make representations.
 - c. Establishing the likely causes of unsatisfactory performance including any reasons why any measures taken so far have not led to the required improvement.
 - d. Identifying whether there are further measures, such as additional training or supervision, which may improve performance.

- e. Where appropriate, discussing targets for improvement and a time-scale for review.
- 4.20 The outcomes that are usually considered at a Contractual Probation Review Meeting are either:
- a. Extension to the probation period (taking the total probation period up to a maximum of nine months continuous probationary period), or;
 - b. Termination of employment
- 4.21 The probationer will be informed in writing of the decision and the reasons for it, usually within 10 working days of the Contractual Probation Review Meeting; the letter will include reference to the outcome and where appropriate, any actions, support, and timescales for improvement, the sanction, the right of appeal and to whom any appeal should be made.
- 4.22 If the decision is termination of employment, dismissal will normally be with full notice or payment in lieu of notice, unless the performance has been so negligent as to amount to gross misconduct, in which case the employee may be dismissed without notice or any pay in lieu of notice.

5. Right to be accompanied at hearings

- 5.1 The employee may bring a companion to a Contractual Probation Review Meeting or appeal hearing under this procedure. The companion may be either a Trade Union or Staff Forum representative or a workplace colleague. The probationer must tell the Line Manager conducting the hearing who his/her chosen companion is, in good time before the hearing, which will normally be five working days before the hearing.
- 5.2 A companion is allowed reasonable time off from duties without loss of pay but no-one is obliged to act as a companion if they do not wish to do so.
- 5.3 If the chosen companion is unavailable at the time a meeting is scheduled and will not be available for more than five working days afterwards, the University may ask the probationer to choose someone else to accompany them to the meeting.
- 5.4 During a hearing the companion may make representations and ask questions but he or she cannot answer questions on behalf of the probationer. The probationer and companion may talk privately at any time during the review meeting.

6. Right of Appeal

- 6.1 If the employee feels the decision of dismissal is unfair or unjust an appeal must be made in writing, stating the full grounds of appeal, to the Director of Human Resources within 10 working days of the date on which the employee was informed in writing of the reasons for the decision.
- 6.2 If appealing, the date on which dismissal takes effect will not be delayed pending the outcome of the appeal. However, if the appeal is successful, the contract will be reinstated with no loss of continuity or pay and, subject to any lesser sanction imposed, the overturned decision will not prejudice current employment or future career prospects.

- 6.3 Written notice of the date, time and place of the appeal hearing will be provided. This will normally be at least 10 working days after the written notice is received.
- 6.4 The appeal hearing will be a review of the fairness of the original decision in light of the procedure that was followed and any new information that may have come to light.
- 6.5 The appeal hearing will be chaired by an appropriate manager who is more senior than the manager who chaired the Contractual Probation Review Meeting, in accordance with the following table, and someone who has not been previously involved in the case:

APPEAL AGAINST DISMISSAL	
Staff in grades 1-5	Line Manager of the person who took the decision to dismiss <u>and</u> an HR representative
Professional and managerial staff in grades 6-9	Head of Service or Pro-Vice-Chancellor <u>and</u> another appropriate manager <u>plus</u> support from an HR representative
Academic Staff in grades 6-9	A lay member of the University's Council <u>and</u> the Vice-Chancellor, Deputy Vice-Chancellor or a Pro-Vice-Chancellor <u>plus</u> support from an HR representative

- 6.6 The employee may bring a companion to the appeal hearing as set out at Section 5.
- 6.7 The University may adjourn the appeal hearing if the Chair of the appeal hearing or Panel considers it needs to carry out any further investigations in light of any new information. The probationer will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.
- 6.8 The outcome of the appeal hearing may be to:
- a. confirm the original decision;
 - b. revoke the original decision; and/or
 - c. substitute a different sanction which shall not be more serious than the one imposed following the Contractual Probation Review meeting.
- 6.9 The employee will be informed in writing of the final appeal decision as soon as possible, usually within 10 working days of the appeal hearing. There will be no further right of appeal.