

ACADEMIC PROBATION PROCEDURE

1. Purpose of the procedure

- 1.1 The Academic Probation Procedure sets out the way in which the academic probation process works for newly appointed Academic staff at the University. The Procedure sets out what support is available to academic staff to enable them to successfully complete their probation period.
- 1.2 The Procedure also sets out the Academic Probation Framework within which managers can work with Academic Staff to maintain satisfactory performance standards during the probation period and to encourage improvement where necessary.
- 1.3 The University expects those with supervisory and management responsibilities to take the necessary steps to ensure that academic staff are supported effectively and are performing satisfactorily in their roles. Furthermore it is expected that if any member of academic staff is experiencing difficulties with his/her work he/she should bring it to the attention of his/her line manager as soon as possible and seek appropriate help and support. If a new member of academic 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 their [mentor](#) or by speaking to a member of the [HR Advisory Services team](#).
- 1.4 All steps taken under this policy by the University will be carried out in accordance with the University's principles relating to equality and academic freedom, as enshrined in the Charter of Incorporation and the principles of fairness, reasonableness and natural justice
- 1.5 Whilst on probation academic staff will be subject to the 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).
- 1.6 The probationary review process will provide an opportunity for academic staff to discuss their role with their Head of School / line manager and to highlight any support, advice or development they may require. They will be provided with feedback during their probation using a [Probationary Lecturer Review Form](#) and will be expected to agree objectives and priorities. If academic staff have concerns about the level of support that they need or are receiving, this should be raised with their line manager/nominee or mentor as soon as possible.
- 1.7 This Procedure and the associated Academic Probation Framework will help both academic staff and Heads of School /line managers identify any additional support which may be reasonably required to help academic staff successfully complete their probationary period.

If academic staff experience a problem 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
- 1.8 This procedure has been implemented following consultation with the University and College Union (UCU).
- 1.9 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 and negotiation with the University and College Union and the review and approval of the University Executive Board (UEB). 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 is 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 Upon commencement of employment with the University, and by no later than 6 weeks of your start date, your line manager should arrange to meet with you to discuss and agree your probationary objectives which are normally to be achieved over the duration of the three year probationary period. These objectives should be aligned to the Academic Probation Framework and your Department / School requirements.
- 4.2 Objectives should be aligned to the contract classification as outlined in the table below. You are required to demonstrate your success against all of the Academic Probation Framework references for your contract classification.

Contract classification	Academic Probation Framework reference
T&R	C1, C2, C3, T1, T2, R1, R2, R3
T1	C1, C2, C3, T1, T2, T3, T4, T5
RI	C1, C2, C3, R1, R2, R3, R4, R5, R6

- 4.3 At the probation commencement meeting you will also be assigned a [mentor](#) whose role will be to provide additional support and advice to you throughout your probationary period.
- 4.4 Your mentor will signpost you to the training and development opportunities you can access at the University and which you can review by looking at the [People Development](#) and [Centre for Quality Support & Development \(CQSD\)](#) webpages. They will also meet with you on a regular basis. The frequency/length/location of meetings should be agreed between you and your mentor with the expectation that these would be at a minimum bi-monthly, so that you can discuss any potential queries with them and seek their advice/views as required. Please refer to [Academic Staff Mentoring guidelines](#) for further details of the role of the mentor and how they can support you in your probationary period.
- 4.5 You and your line manager should meet on a regular basis throughout your probation period, a minimum of once every 6 months. The purpose of the probationary review meetings are to review your progress against your objectives, review and revise objectives as necessary and discuss any other probation matters. You and your line manager have joint responsibility to schedule and attend these meetings. A note of any such informal discussions may be kept.
- 4.6 From time to time you may have concerns or questions about your probationary period. In such instances you should arrange to meet with your line manager as soon as practicable as opposed to waiting for the next probation review meeting. Line managers should also address concerns in a reasonable timeframe to enable relevant support to be put in place in a timely manner.

- 4.7 If your line manager identifies any concerns in relation to your work performance during your probationary period he/she will offer support and advice over a reasonable timeframe to try to help you to improve and address these concerns. Please see section 5.
- 4.8 You and your line manager are required to complete and keep up to date the [Probationary Lecturer Review Form](#) to outline the objectives set at the start of your employment and to note on-going progress against these.
- 4.9 The Probationary Lecturer Review Form will be submitted for review to the Academic Probation Review Sub-Committee at a mid-probation (18 months' service) and at the end of your probation period (3 years' service). Your Probationary Lecturer Review Form will be submitted to the relevant Committee that falls in advance of these anniversary dates.
- 4.10 Employees who are absent for prolonged period(s) of time e.g. maternity / shared parental / adoption leave etc. will normally have their probationary period extended for the period of time of the absence.
- 4.11 The [Probationary Lecturer Review Form](#) should include details of any substantial informal or formal concerns which have been raised during your probationary period and details of what interventions have been put in place to address these concerns (i.e. support, advice provided) and an update as to progress made.
- 4.12 The Academic Probation Review Sub-Committee will review all Probationary Lecturer Review Forms at mid-probation and at the end of the probationary period.
- 4.13 At the mid-probation point, the Committee will review the information provided in the Probationary Lecturer Review Form to assess the individuals' progress against their probationary objectives. Normally the Committee will provide feedback, as appropriate, and the probation period will continue to the full 3 years. In exceptional circumstances, for experienced Lecturers, the Committee have the discretion to confirm successful completion of probation at this stage if the evidence provided merits it.
- 4.14 At the mid-probation point, should the Academic Probation Review Sub-Committee have performance concerns about a probationary Lecturer and there is evidence that informal interventions have taken place but have not enabled the required improvement, they will recommend the Head of School considers instigation of the formal process as outlined in section 6.
- 4.15 At the end of the probationary period the Academic Probation Review Sub-Committee will review all Probationary Lecturer Review Forms for a final time to assess completion of probationary objectives. It is expected that you will have met all of your objectives at this time. Where all objectives have been satisfactorily met the Committee will normally recommend to confirm successful completion of your probation. In exceptional circumstances, where it is evident through informal or formal interventions (as outlined in sections 5 and 6 of this procedure), your performance continues to fail to meet the required standard, and / or if objectives have not been met, the Academic Probation Review Sub-Committee may recommend commencement of the formal review process, or if already exhausted, termination of employment. Please refer to section 6.

- 4.16 Where a Head of School/line manager or the Academic Probation Review Sub-Committee have concerns which relate to your conduct or capability due to ill health then the process outlined in the [Disciplinary Procedure](#) and [Ill Health Procedure](#).

5. Performance Concerns

- 5.1 Where any performance concerns are identified during the probationary period the University is committed to try address these informally in the first instance so that the appropriate support, training and guidance is offered to you.
- 5.2 If, however, it becomes apparent within the first 6 months of your employment that there are concerns in relation to your ability to perform your role effectively, the University reserves the right to terminate your contract in accordance with the statutory dismissal procedures in accordance with your terms and conditions of employment.
- 5.3 If 5.2 does not apply but later in the probationary period it becomes apparent that you are not on track to meet your probationary objectives in the timeframes agreed, your line manager may instigate closer informal monitoring and support and more regular review meetings.
- 5.4 The aim of the discussions will be to help:
- (a) establish the likely causes of why you may not be on track to meet your probationary objectives and identify any support required and/or training or development needs
 - (b) identify areas of concern you may have with achieving your probationary objectives and/or how you are finding working life at the University;
 - (c) clarify the required performance improvements; with reference to the Academic Probation Framework and your individual probationary objectives
 - (d) identify a time-scale for review and how your progress may be monitored going forward to enable you to be provided with feedback in a timely manner

If, after a reasonable period of time (this is normally expected to be not earlier than mid-probation review), improvements are not achieved then your line manager may instigate a formal review process. For clarity, the formal procedure should be used for more serious cases, or in any case where an earlier informal discussion and support has not resulted in a satisfactory improvement.

6. Formal Performance Concerns

- 6.1 If, after an unsuccessful informal review period, or where there are cases of more serious concern a formal review process will be instigated, this would not normally be until mid-probationary review, after 18 months. Your line manager will seek advice from an HR Partner / HR Advisor.

Stage 1 – Formal hearing

- 6.2 You will be invited to attend a performance management hearing, in writing. You will be given reasonable written notice, which will usually be no less than 10 working days, of the date, time and place of any formal hearing and who will be attending it. The invite will also outline the concerns about your performance and the potential outcomes of the hearing. You will additionally receive a copy of any relevant documents which will be used at the performance management hearing.
- 6.3 The hearing will be held as soon as reasonably practicable.

- 6.4 You must make every effort to attend any formal hearing. If you fail to attend without good reason, or are persistently unable to do so (for example for health reasons), the University may have to take a decision based on the available evidence. You will be informed of this in writing.
- 6.5 The performance hearing will usually involve:
- (a) Setting out the required standards that it is suggested you may have failed to meet, and going through any relevant evidence that has been gathered. You will have the opportunity to ask questions of clarification concerning the process and findings of the investigation.
 - (b) Allowing you to ask questions, present evidence, respond to evidence and make representations.
 - (c) Establishing the likely causes of poor 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.
- 6.6 The Manager/Panel may adjourn the performance management hearing if it is determined that any further investigation is required. You will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.
- 6.7 You will be informed in writing of the decision and the reasons for it, usually within 10 working days of the performance hearing; 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.
- 6.8 An outcome of a stage 1 performance management hearing could include a **stage 1 final written warning**. Written warnings will set out:
- (a) the areas in which you have not met the required performance standards;
 - (b) targets for improvement;
 - (c) any measures, such as additional training or supervision, which will be taken with a view to improving performance;
 - (d) a period for review; and
 - (e) the consequences of failing to improve within the review period, or of further unsatisfactory performance.
- 6.9 At the end of the review period you will be advised by your line manager / performance reviewer whether:
- (a) your performance has improved to a satisfactory standard and no further action will be taken;
 - (b) your performance has not improved to a satisfactory standard and, that the matter may be progressed to a Stage 2 performance management hearing; or there has been a substantial but insufficient improvement in your performance, resulting in an extended review period.
- 6.10 Following the formal review period, if you have not reached the required standards of performance during your probation, despite efforts to address this, the procedure will escalate to Stage 2.

- 6.11 In exceptional circumstances, if there is a clear decline in your performance, your line manager / reviewer may decide to move to the next stage (stage 2) before the expiry of the review period.

Stage 2 – formal performance management hearing

- 6.12 Paragraphs 6.2 – 6.7 above will be followed as per Stage 1 formal performance management hearing.
- 6.13 A Stage 2 hearing would not normally occur until the end of your 3 year probationary period. However, the University reserves the right to hold such a meeting at an earlier stage in your probationary period if your performance is falling well beneath the standard expected. It is envisaged that this would be invoked only in exceptional circumstances.
- 6.14 Following the **Stage 2 hearing**, if it is determined that your performance is unsatisfactory your probation will not be confirmed and as a consequence you will be dismissed.
- 6.15 Dismissal will normally be with full notice or payment in lieu of notice, unless your performance has been so negligent as to amount to gross misconduct, in which case we may dismiss you without notice or any pay in lieu of notice.

	STAGE 1 PERFORMANCE MANAGEMENT MEETING WHERE THE SANCTION MAY BE A FINAL WRITTEN WARNING	STAGE 2 PERFORMANCE MANAGEMENT MEETING WHERE THE SANCTION MAY BE DISMISSAL
Academic Staff	Head of School <u>plus</u> support from an HR representative	Head of School <u>and</u> another appropriate manager <u>plus</u> support from an HR representative

7. Right to be accompanied at hearings

- 7.1 You may bring a companion to any performance management hearing or appeal hearing under this procedure. Your companion may be either a trade union representative or a colleague. You must tell the Manager conducting the hearing who your chosen companion is, in good time before the hearing, which will normally be five working days before the hearing.
- 7.2 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.
- 7.3 If your 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 you to choose someone else.
- 7.4 During a hearing your companion may make representations and ask questions but he or she cannot answer questions on your behalf. You may talk privately with your companion at any time during the meeting.

8. Appeals against action for unsatisfactory performance in probation

- 8.1 If you feel that a decision about unsatisfactory performance under this procedure is wrong or unjust you should appeal in writing, stating your full grounds of appeal, to the Director of Human Resources within 10 working days of the date on which you were informed in writing of the reasons for the decision.
- 8.2 If you are appealing against dismissal, the date on which dismissal takes effect will not be delayed pending the outcome of the appeal. However, if your appeal is successful you will be reinstated with no loss of continuity or pay and, subject to any lesser sanction imposed, the overturned decision will not prejudice your current employment or future career prospects.
- 8.3 You will be given written notice of the date, time and place of the appeal hearing. This will normally be at least 10 working days after you receive the written notice.
- 8.4 The appeal hearing will be a review of the fairness of the original decision in the light of the procedure that was followed and any new information that may have come to light.
- 8.5 The appeal hearing will be chaired by an appropriate manager who is more senior than the manager who chaired the performance management hearing, in accordance with the following table, who has not been previously involved in the case:

	APPEAL AGAINST WRITTEN WARNING	FINAL APPEAL AGAINST DISMISSAL
Academic Staff	A Pro-Vice Chancellor <u>plus</u> support from an HR representative	A lay member of the University's Council and the Vice Chancellor, Deputy Vice Chancellor or a Pro Vice Chancellor (PVC) <u>plus</u> support from an HR representative

- 8.6 You may bring a companion with you to the appeal hearing as set out at paragraph 7.1.
- 8.7 The University may adjourn the appeal hearing if Chair of the appeal hearing/Panel considers it needs to carry out any further investigations in the light of any new information. You will be given a reasonable opportunity to consider any new information obtained before the hearing is reconvened.
- 8.8 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 performance management hearing.
- 8.9 You 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.