1. Introduction

1.1 This document is not part of the formal probation policy. This guidance sets out the University’s probation arrangements in support of its probation policy. It is expected that users of this guidance will have read and applied the University’s Probation Policy.

1.2 Wherever possible, every section of the Probation Policy document has a correspondingly referenced section in this guidance document (although individual paragraphs within sections may be referenced differently). Some sections will refer to, or replicate, text from the policy. These are highlighted in text boxes at the start of the relevant section.

1.3 Whilst certain aspects of these probation arrangements differ by staff group, the specific arrangements applied to particular staff groups are detailed in Section 4 of the policy and this guidance. For employees at Level 4 and above, the policy and this guidance should be read in conjunction with Ordinance 3.9: Probation Procedure.

1.4 The probation policy, and this guidance, is supplemented by template documents, which are available on the Human Resources website.

1.5 You are reminded that probation is the time when problems should be addressed and processes can be put in place to assist the individual to meet their objectives. Failure to manage and complete the probation process may compromise the University’s position if it is intended to not confirm the employee’s appointment at the end of probation. Once an appointment has been confirmed, it is a potentially difficult and time consuming process to address both capability and conduct issues.

2. Relationship with other policies

**KEY POLICY POINT**

The probation policy and related procedures replace appraisal, capability and disciplinary policy and procedures for employees during their probationary period. Under statute law, employees will have accrued certain employment rights and protection that supercede the authority of this policy after two years of employment.

2.1 Probationary periods will be suspended during periods of maternity, adoption and shared parental leave, and in some cases of long term sickness absence. In such circumstances the relevant policy and procedures will be applied and advice be sought from Human Resources (AskHR). This is because, under statute law, employees who are pregnant or adopting have a statutory entitlement to protection from unfair treatment related to the pregnancy or adoption, as well as an entitlement to certain statutory payments. Suspending the probationary period during the maternity, adoption or shared parental leave protects those entitlements from potential detrimental impact by the probationary period objectives and timeframe.
2.2 Equally, some cases of long term sickness absence may qualify the individual for statutory protection from unfair treatment (e.g. temporary disablement). Such cases may only be approved for suspension, subject to approval by the Dean of Faculty/Head of School or Head of Professional Service or their delegate.

2.3 Refer to Section 6 of the policy and this guidance, as well as Human Resources (AskHR), for more information on the suspension of probationary periods.

3. General principles of probation applicable to all probationers

3.1 The following general principles of probation apply to all staff groups, irrespective of Job Family, Career Pathway, Pay Level or terms and conditions:

- Probationers must be made fully aware of the University's expectations of them. To this end, probationers must be provided with:
  - A clear written description of:
    - their duties,
    - their responsibilities,
    - any other pertinent features of their role, including working relationships with others.
  - Access to advice, support, and feedback on progress during the probationary period from a designated senior colleague, mentor or manager. This will usually be provided by their line manager or designated supervisor, but alternative arrangements can be agreed where appropriate.
  - Access to training and development opportunities as agreed with the designated senior colleague, mentor or manager.
  - Any training and staff development requirements must be built into this structure, along with information about how these requirements will be met.

- Probationers must be provided with clear, written objectives for their probationary period, as well as a description of how their performance will be assessed. To this end, probationers must be provided with:
  - defined targets/objectives and personal development plans, including (where appropriate) research, teaching and administrative duties during the probationary period and, a description of how progress against these will be monitored and reviewed
  - If the process of assuming the full responsibilities of a role is structured and/or contained in a timetable, this must be stated.
  - In most cases, these details will be included within a job description or role profile which will be available from the recruitment process
  - In some circumstances more bespoke documents may be required from the appropriate line manager on an ad hoc basis.
  - Line managers must review these documents with the probationer to explain how these documents link to the role requirements in ‘real terms’

- Probationers must receive regular feedback on their progress. Formal assessments of progress must take place throughout the probationary period. To this end, probationers must be provided with:
  - regular feedback on their progress.
  - written reports on the progress in relation to his or her defined targets/objectives; to be produced at intervals appropriate to their career pathway (see Section 4);
Formal assessments of progress must take place throughout the probationary period and must be recorded using the applicable template which are available on the Human Resources website.

Confirmation of appointment at the end of a period of probation, subject to satisfactory conduct and satisfactory performance in relation to duties and responsibilities and defined targets/objectives.

3.2 The differing needs of Schools/Professional Services are likely to produce a wide variety of probation programme, but the following general recommendations may be helpful:

- The programme should be explained (and documented in writing) to the probationer so that they are clear on its purpose, what they can expect from their line manager and the University, as well as their own personal accountabilities
- The programme should indicate who is responsible for delivering each element of training
- There should be a clear and effective means of discussing and monitoring the individual’s progress against objectives throughout the probationary period
- Discussions should be regular and a written record of them should be kept, and shared with the probationer. The appropriate probationary report form should be used as the basis for these discussions
- Discussions with the probationer should encourage open, honest and two-way feedback on progress against targets in the programme, including achievements and challenges. Any concerns about their capability or capacity to fulfil the role should be raised with them at the earliest opportunity to given them, and the line manager, the chance to apply corrective measures and support. If concerns persist after all reasonable measures have been implemented, advice should be sought from Human Resources (Employee Relations).

3.3 Reporting procedure:

- Report forms will be completed at appropriate, regular, intervals as detailed in Section 4
- The regular reports must be initiated by the appropriate line manager.
- Each countersigned report must then be forwarded by the line manager to Human Resources (HR Transactions Team) (either in hard copy via internal mail, or scanned and sent via Service Now) to be saved to the employee’s Resource Link record (DocStore). Note – Although not subject to the appraisal process, every new joiner will automatically have an on-line appraisal form generated in MyHR Dashboard. This form can be used by line managers to self-serve the recording of probationary documents.
- The line manager will also provide a copy of the completed report to the probationer for their own records.
- Human Resources (HR Transactions Team) maintain a schedule of probationary staff and will issue reminders, via email, to line management as necessary for the completion and return of probationary reports. Human Resources (HR Transactions Team) will issue a first reminder within one month of the employee’s start date and a second (and final) reminder approximately two months before the planned probation period end date.
- The final probationary report must be completed and returned to Human Resources (HR Transactions Team) in time for appropriate action to be taken prior to the expiry of the probationary period.
- Once completed, the final probationary report must be passed to the appropriate Line Manager, or where required, Dean of Faculty/Head of School or Head of Professional Service for countersigning and confirmation of any action to be taken.
- On receipt of the final report Human Resources (HR Transactions Team) will flag the employee’s record in ResourceLink as having completed their probation and issue the appropriate formal notification to the employee (see Sections 5-9, below)
- NB – Unless informed to the contrary, Human Resources will assume that all probations are concluded satisfactorily and will issue employment confirmation and any relevant contractual documentation.
4. Specific arrangements applying to particular staff groups

4.1 Probation arrangements for new employees at Levels 1 to 3 on all career pathways:

- The duration of the probationary period will normally be 26 weeks.
- This can be extended to a total of 52 weeks if deemed necessary (see Section 9 below)
- During the probationary period the employee’s work should be organised to provide a training programme which must be monitored at appropriate monthly intervals. It should be anticipated that this will require a significant commitment of dedicated time and resource from an appropriate line manager.

4.2 Probation arrangements for new employees at Levels 4 to 6 on the ERE Balanced and ERE Education pathways:

The standard probationary period for ERE staff on a balanced or education-focused portfolio is two years.

- This may be extended by the Dean of Faculty/Head of School or Head of Professional Services if the individual has not met the required standards in order to confirm their appointment. In these cases, it may be appropriate to extend the probationary period for up to a further (third) year
- Experienced ERE staff who have served probation in another research-led higher education institution may, with agreement from the Chair of the appointing panel and the Dean of Faculty have their probationary period shortened to one year and the assessment criteria adapted as appropriate. This may still be extended by up to a year if the individual has not met the required standards in order to confirm their appointment due to reasons other than capability.
- In exceptional circumstances, the Dean of Faculty may agree to waive the probationary period if the new employee can demonstrate they have a sustained and exceptional track record.
- Any decision to shorten or waive the probationary period must be logged on the e-Recruitment Tool as part of the recruitment process. There is no facility to shorten or waive the probation period for employees eligible for a probation period of one year or less, once the recruitment process has been completed. For those staff eligible for a two year probationary period (i.e. Levels 4 to 6 on the ERE Balanced and ERE Education pathways) can have their probation period shortened if they can, to the satisfaction of their Line Manager and Dean of Faculty/Head of School or Head of Professional Service, demonstrate their early and successful achievement of their probationary period objectives.
- Following initial discussions regarding probationary period objectives, and within the first three months of appointment, probationers should receive a written statement setting out the broad objectives for the whole of their probationary period.
- Where relevant, the appropriate line manager will assist with identifying and assigning a suitable mentor to help the probationer with completing the relevant modules of the University’s Postgraduate Certificate of Academic Practice (PGCAP). The mentor will discuss the programme framework and requirements, and help the probationer establish how they will meet the required learning outcomes of the programme. If the probationer already has teaching experience, but no qualification equivalent to PGCAP, they should consider the University’s Professional Recognition of Educator Practice (PREP), which is a portfolio-based route allowing recognition of existing knowledge and skills.

- Criteria for confirmation of appointment: The final probationary report requires that the Dean of Faculty/Head of School or Head of Professional Service makes a recommendation about whether or not the appointment should be confirmed. The decision on confirmation will normally be made by the Faculty Promotion Review Panel with reference to that final report and a standard University curriculum vitae or portfolio of evidence. Depending on the timing of the expiry of the probationary period, a decision on confirmation of appointment may be made by the Faculty Operating Board (or equivalent body) outside of the normal cycle, but ensuring that equity of
treatment is maintained. In certain circumstances the Promotion Review Panel may recommend an extension of the probationary period (see below).

- The criteria to be used by the Promotion Review Panel in assessing whether the probationary period has been completed satisfactorily will be a combination of those set out below. The combination and the weighting given to each element will be determined by the Promotion Review Panel in the light of the requirements set by the Faculty, but the Promotion Review Panel will need to be satisfied that the probationer has:

  o demonstrated satisfactory conduct and performance in relation to their duties and responsibilities,
  o adequately met or exceeded the defined targets or objectives set for completion during the probationary period, and
  o achieved the required academic standards relevant to the role, pathway and discipline
  o and that, therefore, it is appropriate for the University to confirm their employment.

- The Promotion Review Panel will, therefore, look for evidence that the probationer has:

  o satisfactorily contributed to the teaching of prescribed courses and to supervision and tutorial work
  o developed a programme of research
  o carried out satisfactorily examining and administrative duties allocated to them
  o demonstrated potential to develop as a University teacher and scholar and to make effective contributions to the development of their Faculty
  o successfully completed the relevant module(s) of the University’s Postgraduate Certificate in Academic Practice, or provided evidence of full or partial exemption for example, by holding the appropriate level of membership of the Higher Education Academy.

4.3 Probation arrangements for new employees at **Levels 4 to 6 on the MSA, TAE, CAO, ERE Research and ERE Enterprise pathways**:

The standard probationary period is one year

- This may be extended by the Dean of Faculty/Head of School or Head of Professional Services if the individual has not met the required standards in order to confirm their appointment. In these cases, it may be appropriate to extend the probationary period for up to a further (second) year

- In exceptional circumstances, the Chair of the Appointing Panel and the Dean of Faculty or Head of Professional Service may agree to shorten or waive the probationary period for experienced staff who have served a period of probation in a similar role at another institution.

- Any decision to shorten or waive the probationary period must be logged on the e-Recruitment Tool as part of the recruitment process. There is no facility to shorten or waive the probation period once the recruitment process has been completed.

4.4 Probation arrangements for new employees at **Level 7 on all career pathways**:

- All staff at Level 7 are normally subject to a probation period, as set out in Section 4.3 above.

- In exceptional circumstances one may be waived on a case by case basis by the Chair of the appointing panel or the Dean of Faculty/Head of School or Head of Professional Service. including the waiving of a probation period. In the case of Level 7 employees in University executive posts, this discretion sits with the President and Vice-Chancellor and the Chief Operating Officer subject to line management relationship.

- Advice should be sought from Human Resources before implementing any bespoke arrangements,
4.5 Probation arrangements for new employees on the Clinical pathway:

- All academic aspects of a role must be subject to the appropriate Level’s probationary review protocols described in Section 4.3 above.
- All clinical aspects of a role will be subject to the appropriate probationary review protocols defined by the NHS Trust and the Clinical Lead in the Trust.

4.6 Probation arrangements for new employees on fixed-term contracts:

- The probation arrangements detailed in sections 4.1 to 4.5, above, apply equally to employees appointed on fixed-term contracts, except where the fixed-term contract is shorter than the applicable standard probationary period. In such cases a correspondingly shorter probationary period will apply at the discretion of the Chair of the appointing panel or the Dean of Faculty/Head of School or Head of Professional Service. Unless the contract of employment specifies otherwise, employees on fixed term contracts are entitled the following minimum notice periods:
  - 1 week if they’ve worked continuously for at least 1 month
  - 1 week for each year they’ve worked, if they’ve worked continuously for 2 years or more

Care must be taken to ensure that all fixed-term contracts are ended by giving proper notice. Please refer to Human Resources (AskHR) for guidance on the cessation of fixed-term contracts.

4.7 Probation arrangements for existing employees transferring between posts within the University:

- If an employee transfers between posts within the University prior to satisfactorily completing their original probationary period (including any extension, if applicable) the outstanding balance of the probationary period will usually transfer to the new appointment. However, consideration may be given to the length of outstanding balance and the employee’s performance against probationary objectives. At the discretion of the Chair of the appointing panel or the Dean of Faculty/Head of School or Head of Professional Service this may be waived if the balance is small enough to be negligible and/or there are no concerns regarding the employee’s performance. Where an outstanding balance is waived the line manager must notify Ask HR so that the employee’s record can be updated and probation formally confirmed.
  - In such cases, consideration should be given to the duration and induction activities of the previous probation period and their relevance to the newer role.
  - Advice should be sought from Human Resources (AskHR) in such cases.
  - An employee transferring within the University should not be expected to repeat earlier probation activities without good reason.
  - In all such cases an appropriate induction and training programme must still be provided by the appropriate line manager and should follow the same principles as those outlined above.

4.8 Probation arrangements for apprentices:

- Subject to the probation arrangements applicable to the career pathway and level, as described above, from the date of appointment in role as an apprentice.
- As with their induction programme, the apprentice’ probation should be tailored to address the specific needs of the apprentice, with particular attention being paid to supporting those entering employment for the first time. Please refer to the University’s separate guidance material on employing apprentices.

5. Assessing progress during probation

5.1 This section details the default probationary period reporting intervals. However, in cases where
5.2 Probation arrangements for new employees at Levels 1 to 3 on all career pathways.

Reporting procedure:

- Report forms will be completed at the end of each month, or at appropriate intervals (e.g. the second, fourth and fifth month).
- Recording of progress: Using the template ‘Probation Report: Level 1 to 3’ which is available on the Human Resources website.
- This template provides a rating system A-E (A = Exceptionally good, B = Better than average, C = Up to required standard, D = Below average, E = Unacceptable).
- Whilst it may be expected to see some D and E ratings in early reviews, these areas should be targeted as areas for development in subsequent reviews.
- It should be expected that, in the majority of cases, a successful probationary period should be reflected in the probationer being assessed as A-C in all areas. However, some D ratings may be acceptable at final review (subject to case by case assessment) if the probationer has demonstrated continued and sustained improvement throughout the probationary period and any outstanding areas for improvement are transferred to their appraisal objectives.
- It is recommended that nobody still rated as E be confirmed in appointment at the end of the probationary period.

5.3 Probation arrangements for new employees at Levels 4 to 6 on the ERE Balanced and ERE Education pathways and ALL Level 7 colleagues:

Reporting procedure:

- Report forms will be completed every three months in year one, then six-monthly thereafter, as set out in the Probationer’s Appraisal Book.
- Recording of progress: Using the ‘Probationer’s Appraisal Book’ which is available on the Human Resources website.

5.4 Probation arrangements for new employees at Levels 4 to 6 on the MSA, TAE, CAO, ERE Research and ERE Enterprise pathways and University Executive posts:

Reporting procedure:

- Report forms will be completed every three months.
- Recording of progress: Using the template ‘Probation Report: Level 4 to 6’ which is available on the Human Resources website.

6. Suspension of probationary period

**KEY POLICY POINT**

Where the probationer is required to take an extended period of absence during the probation period due to maternity, adoption or shared parental leave, the probation period will be suspended.

In some circumstances, extended periods of absence due to ill-health (subject to management discretion), may result in the probation period being suspended.

6.1 For the purposes of clarity, suspension of the probationary period is a separate and distinct management action from a suspension of duty.

6.2 If the probationary period is to be paused in this way, Human Resources (AskHR) must be informed, and will provide appropriate advice.
6.3 During the period the probationary period is paused, the probationer is subject to the appropriate maternity, adoption, shared parental leave or absence management policy.

6.4 Pausing the probationary period during the maternity, adoption, shared parental leave or ill-health absence protects the employee, and their statutory entitlements, from potential detrimental impact by the probationary period’s objectives and timeframe. In cases of ill-health, a referral to Occupational Health may be required.

6.5 On returning to work from the absence, the probationer returns to being subject to the probationary period.

6.6 Where the line manager and employee agree that the probation period is extended to provide the probationer time to meet their probation objectives, it may be extended by either;

- The corresponding period of the absence, or;
- The remaining period of probation, whichever is the longer

The original probationary period objectives should be reviewed with the probationer to confirm their continued validity to the probation process, the individual and University. It may be necessary to revise, update or replace one or more of those original objectives. The probationer must not be treated less favourably as a result of their absence.

7. Concluding probation

**KEY POLICY POINT**

Before the end of the probationary period, the appropriate line manager (see the Responsibilities section at the end of this document) will decide, based on the reports completed during the probationary period, whether the probationer should:

- Have their appointment confirmed (confirmation of appointment – see Section 8),
- Have their probationary period extended to provide additional support (extension of probationary period - see Section 9), or
- Have their appointment terminated (non-confirmation of appointment – see Section 10).

8. Confirmation of appointment

8.1 If the appointment is to be confirmed, Line Managers should raise the probation confirmation via Service Now who will arrange for a confirmation letter to be issued.

8.2 Depending on when the probationary period is signed off and the employee enters the appraisal cycle the appraisal process and targets will be adjusted accordingly to reflect the proportion of the appraisal cycle remaining. For example, if they complete the probationary period one month before the end of the appraisal cycle, it is probably not appropriate to set them any new formal objectives under the appraisal process. However, if they complete the probationary period with more than six months of the appraisal cycle outstanding, it may be appropriate to set a pro-rata set of appraisal objectives. Equally, completing the probationary period with less than 6 months of the appraisal cycle remaining may result in adding those remaining months to the next full appraisal cycle (e.g. making it a total 15 months). Please refer to the guidance on appraisal for more information.
9. Extension of probationary period

**KEY POLICY POINT**
If there are concerns about the performance, conduct (including attendance), or capability (including health and fitness) of the probationer at any time during the probationary period, the employing department may believe it is necessary to extend the probationary period. In such cases the appropriate line manager must seek advice from Human Resources.

9.2 It is the University’s duty to the employee to act fairly and to take every reasonable action to ensure they have received all appropriate training and support to enable them to achieve an acceptable standard of work. The University has a duty to only proceed with an extension of probationary period where there is 'good cause'. Therefore, in cases of extension of probationary period, the records kept during probation must:

- clearly demonstrate what the probationer’s shortcomings were/or what external factors detrimentally influenced their performance
- what efforts were made to correct these
- why the intervention failed, and
- why and how the extension will enable the individual to demonstrate their achievement of their objectives.

9.2 Human Resources (Employee Relations) will advise the employing department on what steps to apply and, in the cases of ill-health, a referral to Occupational Health may be required.

9.3 Any extension to the probationary period, and the reasons for the extension, must be discussed with the probationer before the original probation period’s end date.

9.4 The probationer must be advised that they may be accompanied by a workplace colleague or Trade Union representative at any formal meeting to discuss the extension.

10. Non-confirmation of appointment

**KEY POLICY POINT**
Where the employing department believe the appointment is unsustainable, either during or at the end of the probationary period, the appropriate line manager must seek advice from Human Resources.

10.2 It is the University’s duty to the employee to act fairly and to take every reasonable action to ensure they have received all appropriate training and support to enable them to achieve an acceptable standard of work. The University has a duty to only to proceed with non-confirmation of appointment where there is ‘good cause’. Therefore, in cases of non-confirmation of appointment, the records kept during probation must:

- clearly demonstrate what the probationer’s shortcomings were,
- what efforts were made to correct these, and
- why the intervention failed.

If such records have not been maintained, the University’s position to dismiss may be compromised.

10.3 Any intention to not confirm the appointment, and the reasons for non-confirmation, must be discussed with the probationer before the original probation period’s end date.
The probationer must be advised that they may be accompanied by a workplace colleague or Trade Union representative at any formal meeting to discuss the non-confirmation of the appointment.

Human Resources (Employee Relations) will advise the employing department on what steps to apply.

The meeting to consider the case for non-confirmation will usually be chaired by the Line Manager+1 who has the final decision-making responsibility. They may decide, with advice from HR, to uphold the case for non-confirmation, extend the probation period or confirm the probationer in their appointment.

Regarding non-confirmation of University Executive Level 7 employees, the decision-making responsibility for non-confirmation sits solely with the President and Vice-Chancellor.

Human Resources (HR Transaction Team) will terminate the probationer’s employment in Resource Link.

The probationer has the right to appeal against any decision not to confirm appointment.

Any appeal must be made following the appropriate appeals process. Human Resources (Employee Relations) will advise on the appropriate appeal panel composition and processes to be followed. Appeals regarding the non-confirmation of University Executive employees should be directed to University Council.

Responsibilities

Line Manager

- It is recognised and accepted that the ‘role of the line manager’ is a broad and generic term and that the exact definition (i.e. who would deliver the role of the line manager in each process may vary across different faculties and services, as well as across different processes.)
- Equally, the role of the Dean of Faculty, Head of School or Head of Professional Service may be interchangeable or vary across different faculties and services.
- The Line Manager will usually be the Chair of the Appointing Panel and is responsible, in consultation with the Dean of Faculty/Head of School or the Head of Professional Service for the initial determination of probation requirements if they wish to differ from the standard provisions defined in the policy (e.g. duration or being waived etc.)
- Practical day to day management responsibility for providing advice, assistance and guidance, in as helpful and comprehensive way as possible, is likely to rest with a designated ‘Senior Colleague’. This role will most likely be the employee’s immediate line manager, supervisor or other nominee. For the purpose of this policy and guidance, references to ‘line manager’ should be read as the designated person within these parameters.
- The ‘line manager’ is responsible for notifying Human Resources of the outcome of all probation reviews, including confirmation, non-confirmation, extension or suspension of the probationary period.

Employee (Probationer)

- The individual employee has an equal responsibility for their own probation as their line manager. If the probationer has any concerns about their own learning or development experiences, or their ability within the role, they are responsible for raising this with their line manager for consideration within the probation period.

Human Resources - Transactions

- Will issue extension and confirmation of probation documentation on receipt of notification from line managers.
- Will terminate unsuccessful probationers’ employment on receipt of confirmation from line managers.

Human Resources – Reward or Employee Relations team
- Will review this policy biennially or in response to revised legislation and applicable standards and guidelines, whichever is sooner.

**VERSION CONTROL**

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