Probation Policy

From: Human Resources /Employee Relations  Date: 8 December 2020

LEGISLATION

Probation:

There are no statutory provisions relating specifically to probation.

Employment rights:

• Nothing in this policy will supercede an individual’s rights, as set out in UK employment legislation.

Notice Periods: The Employment Rights Act 1996, Part IX Section 86

• As a minimum, statutory notice periods apply once an employee has completed one month’s service irrespective of whether or not they are on probation.

UNIVERSITY POLICY

1. Introduction

1.1 The contents of this policy apply to all permanent and fixed-term/temporary employees with a contract of employment with the University of Southampton, irrespective of Job Family, Career Pathway or Pay Level, including apprentices. Certain aspects of these probation arrangements differ by staff group; the specific arrangements applying to particular staff groups are detailed in Section 4 of this policy.

1.2 For employees at Level 4 and above, this policy should be read in conjunction with Ordinance 3.9: Probation Procedure.

1.3 The University of Southampton’s probationary period is designed to:
   i. Support new members of staff while they are settling into the University;
   ii. Give the University time to assess the suitability of new members of staff for continued employment; and
   iii. Provide a framework within which areas of concern can be identified, addressed and resolved.

1.4 This policy sets out the University’s probation arrangements.

1.5 This policy is supplemented by guidance and template documents, which are available on the Human Resources website.
2. Relationship with other policies

2.1 This policy and related procedures replace appraisal, capability and disciplinary policy and procedures for employees during their probationary period. However, in those circumstances where a probationary period exceeds two years, advice should be sought from Human Resources.

2.2 Probationary periods will be suspended during periods of maternity, adoption and shared parental leave, and in some cases of long term sickness absence (the latter subject to the discretion of the Dean of Faculty/Head of School or Head of Professional Service or other nominated representative, with advice from Human Resources). In such circumstances the relevant policy and procedures will be applied (see also Section 6).

2.3 All new employees, irrespective of Job Family, Career Pathway or Pay Level, must be provided with an effective programme of induction in their first weeks of employment. This includes local induction activities as well as University induction days and welcome events. Please refer to the HR guidance on induction.

3. General principles of probation applicable to all probationers

3.1 Each probationer will have a designated line manager with responsibility for providing advice, support and feedback to the probationer on their progress during their probationary period.

3.2 Line Managers must ensure the following general principles of probation are applied to all staff groups:

▪ Probationers must be made fully aware of the University’s expectations of them.
▪ Probationers must be provided with clear, written objectives for their probationary period, as well as a description of how their performance will be assessed.
▪ Probationers must receive regular feedback on their progress. Formal assessments of progress must take place throughout the probationary period.

4. Specific arrangements applying to particular staff groups

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

▪ Standard probationary period: 26 weeks, which may be extended by up to a further 26 weeks if necessary.
▪ Frequency of formal assessments of progress: Monthly, in the Probation Report for Levels 1-3.
▪ Notice period during probation: One week (for both employer and employee).

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

▪ Standard probationary period: Two years, which may be extended to a third year if necessary (refer to Section 9).
▪ Probationary period for experienced staff:
  o The standard probationary period may be shortened to one year for experienced ERE staff who are appointed having served probation in another research-led higher education institution. The ability to extend probation by up to one year still applies.
  o In exceptional circumstances, probation may be waived for experienced ERE staff who can demonstrate that they have a sustained and exceptional track record such that probation is not required.
  o These provisions are at the discretion of the Dean of Faculty or Head of School..
- **Frequency of formal assessments of progress**: A minimum of every three months in year one, then six-monthly thereafter, as set out in the Probationer’s Appraisal Book for Levels 4-7 on the ERE Balanced and ERE Education Pathways.
- **Notice period during probation**: four weeks in year one, then three months for the remainder of the probationary period (for both employer and employee).

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

- **Standard probationary period**: One year, which may be extended by up to one year if necessary.
- **Probationary period for experienced staff**:
  - The standard probationary period may be shortened for experienced ERE staff who are appointed having served probation in another research-led higher education institution. The ability to extend probation by up to one year still applies.
  - In exceptional circumstances, probation may be waived for any experienced staff who can demonstrate that they have a sustained and exceptional track record such that probation is not required.
  - These provisions are at the discretion of the Dean of Faculty, Head of School or Head of Professional Service.
- **Frequency of formal assessments of progress**: Every three months. Recorded in the Probation Report for Levels 4-7 on the MSA, TAE, CAO, ERE Research and ERE Enterprise Pathways.
- **Notice period during probation**: four weeks (for both employer and employee).

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

- All staff in this group are normally subject to a one-year probation period as set out in Section 4.3 above.
- In exceptional circumstances (determined on a case by case basis) and at the discretion of the Dean of Faculty/Executive Director or as represented by the Appointing Panel a formal probationary period may be waived. In the case of Level 7 employees in University executive posts, discretion sits with the President and Vice-Chancellor and the Chief Operating Officer, subject to line management relationships.
- Advice should be sought from Human Resources before implementing any bespoke arrangements.

4.5 Probation arrangements for new employees on the **Clinical pathway**:

- **Standard probationary period**: One year, which may be extended by up to one year if necessary.
- **Frequency of formal assessments of progress**: Every three months.
- **Notice period during probation**: four weeks (for both employer and employee).
- **Must** follow the same principles described for other Level 4 to 6 staff for assessment of the academic aspects of their role.
- **Must** follow appropriate NHS Trust probationary review protocols, as defined by the Clinical Lead in the Trust, for assessment of the clinical aspects of their role.

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

- The probation arrangements detailed in clauses 4.1 to 4.5, above, apply equally to employees appointed on fixed-term contracts, except where the fixed-term contract is equal to or shorter than the applicable standard probationary period, in which case a correspondingly shorter probationary period will apply. The recommended ratio is not more than 50% of the duration of the fixed term contract.
- Additionally, it may be deemed appropriate to extend probation periods accordingly where employees move from fixed term contracts to permanent contracts during the initial probation period (see clause 4.7 for further details).
4.7 Probation arrangements for existing employees transferring between posts within the University:

- Formal probationary periods do not apply to existing employees transferring between posts within the University, except in the following circumstances:
  - The exception to the above provision concerns employees who transfer between posts within the University prior to satisfactorily completing their original probationary period (including any extension, if applicable). In such cases, a supplementary probationary period of reasonable length may be applied to the employee in their new post. It is recommended that advice is sought from Human Resources in such cases.
- In all cases, an appropriate induction and training programme must still be provided for the employee in their new post.

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. Where an apprenticeship requires the apprentice to attend training or education in full-time blocks prior to physically starting work with the University, the apprentice’s probationary period will commence from the first day of work, rather than their first day of employment. Please refer to the University’s separate guidance material on employing apprentices.

5. Assessing progress during probation

5.1 The progress of the probationer must be reviewed and discussed regularly in meetings between the probationer and their line manager throughout the probationary period. Each case needs to be assessed on its merits, taking into account the nature of the role and the various duty requirements throughout the different stages of the academic year. This may involve (in consultation with the probationer) adding, adjusting, or delimiting objectives to reflect the probationer’s abilities and performance, or changing external factors. The outcome of these periodic reviews must be recorded using the appropriate ‘Probation Report’ or ‘Probationer’s Appraisal Book’ (available from this policy’s supporting Guidance document).

6. Suspension of probationary period

6.1 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 paused.

6.2 In some circumstances, extended periods of absence due to ill-health (subject to management discretion), may result in the probation period being paused. In such cases the appropriate line manager must seek advice from Human Resources.

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 On returning to work from the absence, the probation period may be extended to provide the probationer time to meet their probation objectives by either:
  - The corresponding period of the absence/pause, or;
  - The remaining period of probation, whichever is the longer

7. Concluding probation
7.1 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), or
- 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).

7.2 Line Managers of employees on ERE Balanced and Education career pathways may confirm successful completion of the probation period early (at the one year point) if PCAP/HEA Fellowship and the other criteria of the probation period can be demonstrated as having been fulfilled.

8. Confirmation of appointment

8.1 Based on the employee’s progress against probation period objectives (and as recorded in the regular probation review/reports), if the appointment is to be confirmed, the appropriate line manager must inform Human Resources who will arrange for a confirmation letter to be issued.

8.2 On confirmation of appointment, the individual becomes subject to appraisal, capability and disciplinary procedures, as normal. The appraisal process and objectives will be adjusted accordingly to reflect the proportion of the appraisal cycle remaining, depending on when the probationary period is signed-off.

9. Extension of probationary period

9.1 If there are concerns about the performance, conduct, or capability of the probationer at any time during the probationary period, the employing department must seek to proactively address these issues through the probationary review period.

9.2 However, in exceptional circumstances, the employing department may determine that it would be appropriate to extend the probationary period to see if the probationer can meet the requirements of the role before a decision is taken as to whether to confirm their appointment or not. In such cases the appropriate line manager must seek advice from Human Resources.

9.3 Any intention to extend the probationary period due to performance, conduct or capability must be discussed with the probationer before the original probation period’s end date. A letter should be sent to the probationer advising them that their probationary period may be extended, and inviting them to a meeting to allow them to set out any reasons why they believe that either their probation should not be extended or that their appointment should be confirmed. Such meetings should be scheduled to take account of the relevant notice periods defined in Section 4 of this policy. The meeting will be conducted by the line manager. Any intention to extend the employee’s probationary period should be supported by appropriate evidence from the probationary review meetings held throughout the probationary period.

9.4 Any intention to extend the probationary period following a suspension covered by Section 6 of this policy should be discussed with the probationer as part of that process and managing the employee’s return to work.

10. Non-confirmation of appointment

10.1 Where the employing department believes the appointment is unsustainable, during the probationary period, the appropriate line manager must seek advice from Human Resources.
10.2 Any intention to not confirm the probationary period, and the reasons for this, must be discussed with the probationer before the original probation period’s end date. A letter should be sent to the probationer warning them that their employment may not be confirmed, and calling them to a meeting to allow them to set out any reasons why they believe that either their probation should be extended or that their appointment should be confirmed. Such meetings should be scheduled to take account of the relevant notice periods defined in Section 4 of this policy. The probationer may be accompanied at the meeting by either a colleague or trade union representative. The meeting will be conducted by the line manager who will be accompanied by a representative of Human Resources. Any intention to not confirm the employee’s probationary period should be supported by appropriate evidence from the probationary review meetings held throughout the probationary period.

10.3 If the decision is made that the appointment will not be confirmed, this will be confirmed in writing and the probationer will be given ten days to appeal in writing, setting out the grounds, to the Director of Human Resources.

10.4 Any appeal will be considered by a more senior manager, and the same arrangements for the appeal meeting shall apply as are set out in clause 10.2 above.

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 that of 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.
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<tr>
<th>Last updated:</th>
<th>8 December 2020</th>
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| Consulted: | HRS LT  
UEB  
JJNC |
| Date consulted: | 16 Sept 2020  
12 Oct 2020  
NA |
| Feedback: | Reason for change: update to level 7 probation as agreed by REMCO and UEB. |
| Date to JJNC: | |
| Date approved: | NA |
| E&D Assessment: | Yes/No |
| Date assessed: | 4 Sept 2020 |
| Author: | Paul Bonaer – Reward and Recognition Adviser |