
Probation Policy

1. Introduction

- 1.1. The Probation Policy outlines the terms of the employment relationship during the probationary period for all employees new in post, during which suitability for the position to which they have been recruited will be assessed. The policy documents sets out the procedures to facilitate, support, review and assesses newly appointed employees.
- 1.2 The Probation Policy should be read in conjunction with other key employment processes including: Recruitment and Selection; Visiting Lecturer Recruitment; Employee Induction; Visiting Lecturer Induction; Staff Development and Appraisal; and Equality of Opportunities underpinning the mission of the University.
- 1.3 Please note that the terms of the employment relationship during the probationary period for Visiting Lecturers new in post, largely mirrors the terms outlined in this policy and procedure. The probationary terms for Visiting Lecturer can be found as an addendum to this policy document.

2 Purpose and aims

- 2.2 The purpose and aims of probation is:
 - 2.2.1 To enable the probationer to establish and maintain the high standards of performance and professionalism expected of all employees of the University
 - 2.2.2 To ensure that there is proven competence and potential that these high standards should be maintained beyond the probationary period
 - 2.2.3 To ensure that a probationer is given reasonable assistance in achieving those high standards
- 2.3 Sound management of the probation process is essential to ensure newly appointed employees are appropriately inducted in their new role and supported to become a valued member of the Newman community; being competent to carry out the role to which they have been recruited.
- 2.4 Reviewing and monitoring performance during the probationary period should be regarded as a continual process in order that any concerns from either the line manager or probationer can be raised and dealt with in a timely manner. Where concerns exist the probationer should be provided with sufficient opportunity, wherever practicable, for his or her performance to improve before the expiry of the probation period.
- 2.5 The employee's line manager is responsible for ensuring the probationer is provided with appropriate support, guidance and development opportunities to assist them in reaching the satisfactory level of performance, capability and conduct expected in the in the role.
- 2.6 The probationer is responsible for ensuring they follow and abide by the support, guidance and development opportunities provided for them in the performance of their duties and responsibilities.

- 2.7 Line managers are encouraged to assign a mentor to support the probationer. Details of the mentoring scheme for new employees can be found on the intranet: [A-Z HR Policies for staff \(newman.ac.uk\)](http://newman.ac.uk/A-Z%20HR%20Policies%20for%20staff)

3 Application of probation

- 3.1 Every person appointed to a substantive full or part-time post will be required to complete a period of probation in accordance with the provision outlined below.
- 3.2 The University Appraisal Scheme does not apply during the probationary period. However, line managers of academic staff are required to draw up a list of first year objectives that can then be used at a subsequent appraisal.
- 3.3 Employees within a period of probation are not eligible for academic promotion. Visiting Lecturer posts are not eligible for academic promotion during the course of their employment.
- 3.4 Curtailment of the probationary process leading to termination of the probationary period would normally constitute dismissal. For employees within a period of probation the provisions of this procedure will apply to termination for reasons of performance and may also apply to matters of incapacity, redundancy or dismissal for misconduct or some other substantial reason. The notice of termination will be made in accordance with the provisions of their contract of employment.
- 3.5 Provision also exists for early curtailment of the probationary process at any time leading to the confirmation of appointment, on the recommendation of the line manager.

4 Length of probation

- 4.1 The probationary period for academic appointments (including Visiting Lecturers) is twelve months and six months for professional and support staff. Where the duration of the employment contract is less than six months, and the contract is renewed or extended the probationary period shall normally be six months from the initial appointment. The months are calendar months and not semesters or terms proportional to the fraction of the contract.
- 4.2 By exception, shorter probationary periods may exist for employees appointed to fixed term and temporary posts. Human Resources will provide guidance of the reduced terms for the probationary period in such cases.
- 4.3 The University reserves the right to extend the probationary period if required for a period not usually longer than three months.

5 Role and Responsibilities

- 5.1 The following section clarifies the roles and responsibilities of those involved in the employment probation process:

Role	Responsibilities
Senior Managers	<ul style="list-style-type: none"> • Ensure the probation process is conducted in a competent, timely and comprehensive manner by line managers; • Retain an overview of the progress all new employees within their Faculty/Department; and • Determine (where necessary) whether a recommendation to curtail, extend or terminate an employee in probation is appropriate (in consultation with HR)
Line Managers	<ul style="list-style-type: none"> • Responsibility for ensuring adherence to the policy lies with line managers; • Conduct staff probation for all their new employees in line with the probationary procedure; • Ensure the probationer is assigned a mentor; • Advise the probationer of the outcome of the probationary process and their recommendation to confirm, curtail, extend or terminate the process; and • Complete and return appropriate documentation to HR in a timely manner and in accordance with the prescribed probationary stages
New Employee	<ul style="list-style-type: none"> • Actively participate in the probationary process and prescribed review meetings; • Attend and engage in training and other associated development activities; and • Engage with an assigned mentor
Human Resources	<ul style="list-style-type: none"> • Provide advice and coaching to managers as appropriate; • Communicate with line managers at appropriate stages in the procedure to ensure the process and documentation is being appropriately managed; and • Communicate with employees at the end of the probationary period to confirm the outcome of the probationary process and their employment status.

1. THE PROCEDURE

- 1.1** During the employee's first week and as an integral part of their induction, the line manager (or nominated officer) will outline the role and expected level of performance from the probationer with reference to the duties and responsibilities contained in his or her Job Description. This may also include short-term objectives which will be reviewed as part of the probationary process.

1.2 Length of Probationary Periods

The duration of probation period depends on the individual's conditions of employment, as follows:

- Professional and Support Staff Grades: 6 months
- Academic Staff (including Visiting Lecturers): 12 months

1.3 Key Dates

- 1.3.1** When planning and conducting the probation, the line manager should note key review dates. The following dates are approximate timings which may vary slightly depending on individual circumstances:

1.3.2 Professional and Support Staff

Initial Discussion - First Week of commencement

Initial Review – 4 weeks after the employee commences work

Midway Review – 12 weeks into the probation period

Final Review Meeting – 4 weeks before the end of the probation period

1.3.3 Academic Staff Probationary Period

First Week of commencement

Initial Review – 4 weeks after the employee commences work

Midway Reviews – at 12 and then 24 weeks into the probation period

Final Review Meeting - 4 weeks before the end of the probation period

1.3.4 Visiting Lecturer Probation Period

Midway Review 6 calendar months from their date of appointment

Final Review Meeting – 11 calendar months from their date of appointment

2. Initial Review Meeting

- 2.1** A probationary review meeting shall normally take place after the first month of employment (excluding Visiting Lecturers). This will involve discussing the duties and responsibilities outlined in the job description and giving the probationer the opportunity to bring to the attention of their line manager any issues and concerns they may have which may affect their performance. In turn, the line manager will take the opportunity to discuss any performance issues that are causing concern and/or to praise the employee on their contribution to the role.

- 2.2 A record of the meeting and accompanying documentation must be completed and returned to HR within 10 working days of the meeting taking place and thereafter every review meeting which follows

3. Progress Review Meetings (Midway Review)

- 3.1 These shall take place at periodic intervals depending on the overall duration of the probation period. Details of the period are outlined above and in separate Management Guidance. If problems highlighted at the initial review meeting are of serious concern, a second meeting may be appropriate before the specified time. This is at the discretion of the line manager in consultation with Human Resources. The subsequent review/s will take a similar format to the first meeting and may also include an examination of whether performance issues or other concerns raised at the first probationary review have been resolved.
- 3.2 If, for any reason the probationer has taken unexpected or extended leave of absence, the timing of the probationary review may require rescheduling. Wherever possible this should be proportionate to the time lost.
- 3.4 In all cases if concerns, performance or otherwise, are identified they must be clearly documented and presented to the probationer in writing. If improvements in performance are expected these shall be made explicit and targets provided where necessary. Copies of all probationary correspondence and documentation must be forwarded to the Human Resources Department within ten working days of a probationary meeting.

4. Final Review Meeting:

- 4.1 The purpose of the final review meeting is to assess whether the probationary period has been satisfactorily completed, whether it should be extended, or whether the probationer's employment should be terminated. Human Resources will supply the line manager with the final review form. Where a probationary period has been satisfactorily completed the Human Resources Department will send a letter to the probationer advising him/her of the outcome and confirming employment status.
- 4.2 There are three potential outcomes from final review meeting. These are:
- (a) Confirmation of attainment of the expected standards of performance and conferment of the substantive appointment; or
 - (b) Extension of the probationary period, which may include agreement to support, train and or progress towards agreed targets; or
 - (c) Initiation of termination of employment proceedings

5. Timescales for Review Meetings

- 5.1 Timescales for the probationary meetings may be altered to take account of any periods of absence of more than four weeks that the probationer may have had. This is not essential and may only be necessary if concerns have been identified.

- 5.2 Timescales for review meetings may also be altered if there are serious performance concerns which require more regular review.
- 5.3 For those employees on fixed-term or term-time contracts adjustments shall be made with regard to the timings of probationary review meetings.

6. Extension of the Probationary Period

- 6.1 Extension of the probationary period may be appropriate in a number of circumstances, especially when concerns have been identified, but the probationer has shown potential for improvement and progress towards the required standards. Normally the maximum period for extension shall be no more than three months.
- 6.2 If concerns become apparent late into the probationary period, or after a significant period of sick leave, and it is considered that there has been inadequate opportunity to make a fair assessment an extension may be discussed and the terms agreed with the probationer. The purpose of such an extension is to permit the employee more time to attain the required standards of performance.
- 6.3 Where an extension of the probationary period is considered the line manager must arrange a meeting with Human Resources for advice on how to proceed and to discuss the 'terms' of the extension. Consideration will be given to whether the employee would benefit from any targeted training provided by the University. The line manager will confirm in writing to the probationer the reasons for the extension and provide targets for the employee to achieve. It is the responsibility of the line manager to ensure reviews take place at regular intervals in order that performance is closely monitored.
- 6.4 At the end of the extended probationary period, and before confirmation of employment is made, the line manager will be expected to make an assessment of the employee's suitability measured against the expected standards of performance in the role to which they have been appointed. Where the line manager does not consider the employee has satisfactorily completed their probation the employee's employment with the University may be terminated in accordance with the terms outlined in paragraph 8 below.

7. Suspension Pending Curtailment of Probation

- 7.1 When the University is of the view that an employee may have been guilty of gross misconduct, or that because of some other *reasonable* and urgent cause, the continuing attendance of the probationer at the University cannot be permitted, the Vice-Chancellor (or delegated member of the University Leadership Team) may suspend the employee from duty pending the outcome of the curtailment of probation process outlined in section 8 and 9 below.
- 7.2 Such a suspension should only be imposed after careful consideration and it should be made clear to the probationer that it is not considered a disciplinary act, but rather a holding action pending the outcome of an investigation.

- 7.3 If the Vice-Chancellor or designated member of the University Leadership Team, acting for the Vice-Chancellor, decides to suspend a probationer from duty, they shall:
- confirm the suspension in writing to the employee; and
 - inform the employee in writing of the reasons for the suspension, within 3 working days of the suspension.
- 7.4 A probationer who is suspended from duty shall, throughout the period of suspension, continue to be entitled to his/her full pay.
- 7.5 The suspension of a probationer who is awaiting an appeal shall continue to operate pending the determination of the appeal. This will be reviewed on a regular basis and where necessary support provided.

8. Curtailment of Probationary Period

- 8.1 Advice must be sought from Human Resources in the event that the line manager considers a curtailment of the probationary period is necessary. Curtailment in this respect means the premature ending of the probationary period. This may be either because the employee's performance is exceptionally high and in excess of normal expectations for the post. Alternatively, it may be considered in cases where the employee's performance and or capability is well below the standards expected of the post-holder and that any discernible improvement is not considered likely; or where there is a case of misconduct.

9. Dismissal during Probationary Period

- 9.1 There will be occasions where the accepted standard of performance, capability or conduct of a newly engaged employee is so manifestly below the accepted norm that a decision to terminate their employment by way of a curtailment of their probation may be unavoidable. This decision is normally taken at the time of the final review meeting.
- 9.2 Under the Articles of Association of the Company of Government of the University, only the Vice-Chancellor or nominated officer with delegated powers, has the authority to dismiss an employee of Birmingham Newman University. In cases where a curtailment of the probation is proposed by the employee's line manager, a probationary report must be forwarded to the Director of Human Resources, who, on the basis of the information contained within the report, will make a recommendation to the Vice-Chancellor concerning the outcome of probation.
- 9.3 Where a recommendation to dismiss is endorsed by the Vice-Chancellor, the employee will be invited to a meeting with the Vice Chancellor, or a nominated officer (Chair) and a representative from Human Resources. This meeting may lead to the employee's dismissal. It should be noted that only the Vice Chancellor has the power to dismiss an employee, however, this power may be designated to the Chair of the meeting.
- 9.4 The employee will be given at least five working days' notice of the meeting and will be given the right to be accompanied, usually by a workplace colleague or

trade union representative. A copy of the line manager's probationary report will be sent to the employee at least five working days in advance of the meeting.

- 9.5 The employee must take all reasonable steps to attend the meeting, but if it is not reasonably practicable for the employee or their representative to attend the meeting, the University will arrange an alternative meeting date. In exceptional circumstances, the employee may delay the meeting for up to 7 calendar days. In some circumstances, sickness may make it difficult for the employee to attend the meeting. If this is the case, other options will be considered. Failure to give sufficient notice of unavailability, unless the circumstances are outside the employee's control, may lead to the meeting taking place and a decision being reached without the attendance of the employee.
- 9.6 The duty to invite the employee to attend a meeting shall cease if the University has invited the employee to attend two meetings and they have failed to attend. In this case, the Chair of the meeting is entitled to base a decision on the available evidence.
- 9.7 If either the employee or their manager wishes to refer to additional documentary evidence during the meeting, copies must be made available to the Chair of the meeting at least 3 working days before the meeting so they can be passed to the other parties before the meeting takes place. If either the employee or their manager wishes to call witnesses to the meeting, they should notify the Chair of the meeting at least three working days before the meeting.
- 9.8 At the meeting, the Vice-Chancellor, or nominated officer will review the probationary report put forward by the line manager. Where expert evidence is presented or technical/specialist matters are considered, the University reserves the right to appoint an external advisor to review the probationary report and provide guidance to the Chair of the meeting on its contents. During the meeting, the employee will be given the right of reply to the contents of the report.
- 9.9 A decision may be made to dismiss the employee during the meeting however, it is acknowledged that there may be mitigating factors making it reasonable for the University to decide not to dismiss. The employee will be advised of their right of appeal and the Chair of the meeting will write to the employee the outcome of the meeting, normally within 7 calendar days.
- 9.10 In the event of dismissal, the employee will be given the minimum period of statutory notice of termination, or other such notice, as is stated in their terms and conditions of employment.
- 9.11 An appeal against dismissal must be submitted in writing to the Director of Human Resources within seven calendar days of receipt of the dismissal letter.

10. Guidance and Training

- 10.1 To ensure that a consistent approach is applied managers will be provided with training and development opportunities to familiarise themselves with the procedure and to apply it in a fair and competent manner.

11. Procedural Review

- 11.1 This policy and procedure will be reviewed in three years from the date of implementation, or earlier if deemed necessary by the University.

Addendum: Visiting Lecturer – Probationary Period - Key Terms

The terms, procedure, purpose and aims and application of the Visiting Lecturer Probation Policy largely mirror that of the Probation Policy outlined above. The key distinctions in the management of the probationary period for Visiting Lecturers are as follows:

Application of Probation

Visiting Lecturers are not subject to the formal, annual appraisal process. However, it is recommended that, where possible, line managers meet regularly with their Visiting Lecturer(s) to provide ongoing feedback in relation to performance, to promote open, two-way communication, and to address any concerns either party may have.

Visiting Lecturers are subject to a condensed induction programme. The Induction Programme for Visiting Lecturers can be found here: [Visiting Lecturer \(VL\) Recruitment Process & Forms \(effective 01.01\) \(newman.ac.uk\)](https://newman.ac.uk/visiting-lecturer/vl-recruitment-process-forms)

Visiting Lecturer posts are not eligible for academic promotion.

The process for managing performance concerns of Visiting Lecturers during probation mirrors that of the Probation Policy outlined above.

Key Dates:

Visiting Lecturers should have a mid-way probation review at 24 weeks/6 months from their date of appointment, and a final probation review at 11 months (one month before the end of their 12-month probation period).

Both probationary reviews will involve discussing the duties and responsibilities outlined in the job description and giving the Visiting Lecturer the opportunity to bring to the attention of their line manager any issues and concerns they may have which may affect their performance. In turn, the line manager will take the opportunity to discuss any performance issues that are causing concern and/or to praise the Visiting Lecturer on their contribution to the role. A record of the meeting and accompanying documentation must be completed and returned to HR within 10 working days of the meeting taking place.

Mandatory Training

Visiting Lecturers must complete a condensed suite of mandatory training. Visiting Lecturers must complete the following pieces of mandatory training within their probationary period.

- Equality and Diversity
- Health and Safety Induction
- GDPR
- Prevent
- Cyber Security Awareness

Length of probationary periods:

The probationary period for Visiting Lecturer appointments is twelve calendar months. The months are calendar months and not semesters or terms proportional to the number of hours completed by the Visiting Lecturer.