

1. Principles

This policy applies to new members of staff to Aberystwyth University and to staff who change role profile or job family during their existing probationary period.

When a new member of staff is appointed it is normally a contractual requirement to complete a period of probation. At the beginning of this period, the new member of staff (probationer) is assigned a mentor, who, along with the Institute Director/Head of Professional Service Department (ID/HOPSD) must establish a list of objectives to be met by target dates throughout the probationary period. Progress in meeting these objectives must be monitored at regular intervals by the ID/HOPSD, before a decision is made on whether or not the probationary period has been successfully completed.

The specific objectives will be captured in the Effective Contribution Scheme/ Probation form which may be found here: <https://www.aber.ac.uk/en/hr/ecs/>

2. Probationary Periods:

Category of staff	Probationary period
Grades 1-10 (excluding academic staff)	12 months' probation
Academic staff Grades 6 – 10	2 years' probation

Where a change in staff category takes place, a further period of probation will apply in line with the probationary period for that particular category.

3. Roles and Responsibilities

All individuals involved in the probation process have an important role to play in an individual's successful completion of a probationary period. The key responsibilities are as follows:

3.1 The Probationer

It is the probationer's responsibility to ensure that they have a thorough understanding of the requirements of the role, and that they fully engage with the probation process. The probation form can be found at <https://www.aber.ac.uk/en/hr/ecs/>. In the event that the probationer feels at any point during the process that their objectives have changed or if the support /training specified in the form have changed, it is their responsibility to initiate a review with their line-manager to discuss whether the objectives need to be amended or if priorities need to change to allow for the objectives to be achieved.

3.2 The Line-Manager

The line-manager's role is to provide the probationer with a thorough understanding of the requirement of the role, to set achievable and relevant objectives and to ensure that all necessary training and support has been put in place to enable the probationer to successfully achieve the objectives specified. The line-manager is also responsible for holding regular informal reviews with the probationer throughout the probationary period to ensure that the probationer is making good progress against the objectives and that any changes in the objectives or training and support required is noted on the form.

3.3 The Mentor

The mentor plays a very important role in the probation process. The mentor provides the probationer with emotional and practical support throughout the probationary period and may be asked to intervene in difficult situations. To ensure an effective mentor is appointed, the individual chosen should satisfy the following criteria:

- Will not, in the majority of cases, be a member of staff within the same immediate professional area as the probationer; this ensures potential conflicts of interest are avoided;
- Is an experienced member of staff within the same job category as the probationer, e.g. AMP, Academic or Research Staff; this ensures advice relevant to the probationer's position can be given and a shared understanding can be established.

3.4 The Institute Director / Head of Professional Service Department

The Institute Director/Head of Professional Service Department (ID/HOPSD) is responsible for checking that the objectives agreed between the probationer and line-manager are relevant and achievable, and that the support needed by the probationer is available.

4. Setting Objectives

The emphasis of the process is on *supporting and developing staff* to perform in their role.

Development: to ensure the development of new skills, attitudes, knowledge and behaviours that will help an employee achieve their objectives and succeed and learn in their role.

Performance: to set targets and outcomes for the coming year, and discuss support and training needs.

Clarity: to achieve a common understanding about what an employee on probation is being asked to do and how this fits into the department's/institute's aims and University's strategic aims.

Space: For an individual to discuss their overall role and future plans.

Each objective must be:

- **Specific**
- **Measureable**
- **Attainable**
- **Realistic**
- **Timetabled**

5. Probationary Procedure

5.1 It takes time for new members of staff to settle into their new positions, but it is important that targets and objectives are set as soon as possible. To strike a balance between enabling staff to settle and ensuring they focus as soon as is practical, all staff **must** complete the form together with their line-manager within 4 weeks of their commencement in their post and be signed off by the ID/HOPSD.

5.2 In the event that the form has not been completed and uploaded to PoblAberPeople within 4 weeks of the commencement of the post, PoblAberPeople will automatically send

a reminder to all parties, and will continue to do so until the form has been uploaded. In the event that the review has not been uploaded within 8 weeks, the Director of HR will be informed.

5.3 A reminder email will be sent to the probationer and line-manager at either 6 or 12 months* (*depending on the length of the probationary period) for them meet again to formally review the probationer's progress against the agreed objectives. A review of the probationer's progress against the identified objectives should be entered into each section of the form. If any further training or support needs are identified at this juncture they should also be noted. Once completed, the report should be considered and signed by the ID/HOPSD.

5.4 In the event that the review has not been uploaded to PoblAberPeople within 7/13 months* of the commencement to post, PoblAberPeople will automatically send a reminder email to all parties, and will continue to do so until the form has been uploaded. In the event that the review has not been uploaded within 8/14 months*, the Director of HR will be informed.

5.5 It is recognised that staff duties can change over time, which could affect the nature of the objectives set and the ability of the probationer to meet them. Any deviations from the agreed objectives should be noted, along with reasons for those deviations, given. This will ensure probationers are not unfairly penalised for any changes in circumstances that have affected their performance.

5.6 The probationer and line-manager should meet informally at regular intervals throughout the probation period to quickly resolve any difficulties experienced by the probationer in meeting his/her objectives. It is the responsibility of the probationer to report any difficulties, and it is the responsibility of the line-manager to endeavour to resolve those difficulties. Resolving matters as swiftly as possible ensures the performance of the probationer can be measured as fairly and as accurately as possible.

5.7 During the final month of the probationary period, PoblAberPeople will send an automated reminder to the probationer and line-manager to complete the final review of the probationer's progress against the objectives set. The final report should indicate if the objectives have been met and should include any pertinent reasons for objectives which have not been met during the probationary period. Once completed, the ID/HOPSD must indicate whether or not they wish to recommend the appointment be confirmed. The probationer has an opportunity to respond to these comments. Once completed, the report should be considered and signed by the ID/HOPSD.

5.8 Where it is the ID/HOPSD's recommendation that the probationer has passed their probationary period, the HR Department will seek approval from the relevant Pro Vice-Chancellor to confirm the recommendation. Once received, the HR Department will write to the probationer to confirm that they have successfully completed the probationary period. The employee will then move into the Effective Contribution Scheme for ongoing objective setting and annual review of their performance.

5.9 In the event that it is the ID/HOPSD's recommendation that the probationer has not met the probationary objectives, the HR Department will seek approval from the relevant Pro Vice-Chancellor to confirm the recommendation. HR will then liaise with the ID/HOPSD to consider the options available. These include:-

- Extending probation for a period of up to 6 months
- Consideration of a formal Probationary hearing, one outcome of which may be dismissal

Where it is not considered appropriate to automatically consider an extension of the probationary period, a hearing should be convened. The employee will then receive confirmation in writing from the HR Department that the matter will be referred to a formal Probationary Hearing (See Appendix 1) to consider the matter. They will be entitled to be accompanied by a Trade Union representative or work colleague.

5.10 In the event that the Probationary Hearing Panel determines that the employee should be dismissed, the probationer will be provided with written notice of dismissal on the grounds of capability.

5.11 The Probationer will be informed of their right to appeal against any decision.

6. The Appeals Process

6.1 Following the decision of the Panel, the probationer will have the opportunity to lodge an appeal against the decision to dismiss or extend probation.

6.2 The request must be made in writing to the Director of Human Resources within 5 working days of receiving written notification of the decision. A brief outline of the reason(s) for the appeal must be included.

6.3 The Director of Human Resources or depute will arrange for an Appeals Panel to be convened. (See Appendix 2 for details).

7. LONG TERM ABSENCES FROM WORK DURING PROBATION

Probationary objectives, timescales to complete and review dates may need adjustment to take account of certain absences from work e.g. maternity/adoption leave, parental leave and/or long term sickness absence. In such cases, the line manager should agree with the probationer to review the objectives following such a period of absence and propose amendments as required so that a recommendation can be submitted to the ID/HOPSD. The ID/HOPSD should consider the amendments, indicate whether they support the recommendations or not and sign the form. The HR Department will seek approval from the relevant Pro Vice-Chancellor to confirm the recommendations. Once a decision has been received from the Pro Vice-Chancellor, the employee will be informed and the form revised accordingly.

This is a supportive measure to enable the probationer to have the full duration of a probationary period available to them to meet the objectives set and attend the relevant training/support identified.

8. Policy Review

The Director of Human Resources will co-ordinate a review of the University's Probation Procedure every 3 years to maintain compliance with legislation and good practice.

The review will be undertaken in conjunction with the recognised trade unions and any proposed amendments will be submitted to Professional Development, Staffing and Equalities Committee for approval.

9. Equality Impact Assessment

The University is committed to embedding the Equality Scheme into its policies, procedures and practices. This policy has been equality impact assessed in accordance with this scheme.

10. Welsh Language – Employee Rights

In accordance with the Welsh Language Standards that came into effect on 1 April 2018 employees have the right to use the Welsh language to

- (a) make a complaint
- (b) respond to a complaint or allegation

and employees also have the right to use the Welsh language in meetings where they are the subject of

- (c) complaints and allegations (or have made the complaint)
- (d) disciplinary proceedings
- (e) effective contribution scheme discussions
- (f) individual consultation meetings

A simultaneous translation service from Welsh to English will be provided at the meeting when the meeting cannot be conducted solely in Welsh.

The university has, in conjunction with its recognised trade unions, incorporated the above requirements into all relevant HR policy and procedural documents.

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Appendix 1 Procedure for formal probationary hearings

Introduction

- 1.** The probationary panel will comprise of a Pro Vice Chancellor who will chair the panel and an Institute Director (ID) or Head of Professional Services Department (HOPSD) in the case of professional services staff. Panel members will not be from the same department as the probationer or have had any earlier involvement with this or any other case involving the probationer.

The chair of the probationary panel will:-

- a) Introduce those present to the employee and explain the purpose of the formal hearing; namely, to consider the employee's performance during the probationary period;
- b) Confirm that the employee and his/her representative have received copies of documents or written statements which have been produced in support of the case against the employee;
- c) Explain how the hearing will be conducted, and confirm that participants will be allowed to present their evidence without interruption;
- d) The hearing will be recorded. A copy of the recording will be kept but will not be transcribed as a matter of course. Where an appeal is subsequently received, the recording will only be transcribed where all parties agree that it is necessary to assist the appeal process. Where agreement is not reached, a copy of the recording will be issued to the employee and the panel members.

2. Management presentation of the case

The chair of the panel will state the performance issues outlined in the letter to the employee. The ID/HOPSD will then be asked to present the evidence, summarise the history of the case, including the steps that have been taken to support the employee to achieve the required standard of performance. Witnesses may be called if required. The employee, the employee's representative, and the panel members may question any witnesses called. Each witness will be called to give evidence and will withdraw after giving evidence, but may be recalled at the request of the Chair of the panel.

3. Employee's reply

The employee or his/her representative will be given an opportunity to respond to the case put forward. The employee or his/her representative will be given an opportunity to ask questions, present evidence, and call witnesses in turn. The panel members may question the employee and/or any witnesses called. Each witness will withdraw after giving evidence, but may be recalled at the request of the Chair of the panel.

4. Adjournments

The Chair may adjourn the proceedings at any stage if this appears necessary or appropriate or is requested by any of the other parties. Adjournments may also be called by the Chair to receive a legal position from HR on any legal matters raised during the course of the hearing. If adjourning for the purpose of enabling further information to be obtained, the Chair will specify the nature of the information required. Any adjournment will normally be for a stated period.

5. Summing up

After general questioning and discussion, the Chair will ask the ID/HOPSD presenting the case and the employee or his/her representative to give a short summary of the key points of their case. The employee or his/her representative will be allowed to conclude the summing up. No new evidence will be introduced at this stage.

6. Adjournment and decision

The Chair will then close the hearing to enable the panel to consider the evidence and make a determination. The ID/HOPSD and the employee together with his/her representative will withdraw.

The options available to the panel when making a decision are as follows:-

- To confirm that probation has been passed;
- To extend probation and provide the probationer with further training and development;
- To dismiss the employee with notice or pay in lieu of notice

N.B. The option of allowing further time for improvement may only be considered if there is evidence to persuade the panel that further time is likely to lead to the required improvement in performance. If the panel upholds the decision that the probation period is to be extended, the notification will include a statement of targets and outcomes to be achieved by the probationer during the extended probationary period and will be sent to the probationer within a further 10 working days. At the end of the extended probationary period, the appointment will remain unconfirmed while reports are being considered. See Section 5.8 and 5.9 for process. No further extension of probation may be applied at this stage.

The panel will confirm their decision and the reasons for it in writing to the employee within 5 working days. Written confirmation will be sent by agreement with the employee in person, by post, internal mail or by email with a read receipt requested.

The employee will have the right of appeal against their dismissal or the extension of the probationary period.

Appendix 2

Appeal against dismissal or extension of probation

Procedure for the hearing of appeals

The following arrangements will apply:

1. Appeals against extension of probation

Appeals against an extension of the probationary period will be heard by the Pro VC/COO or depute Pro Vice Chancellor who will chair the panel and an Institute Director (ID) or Head of Professional Services Department (HOPSD) in the case of professional services staff. A HR Manager will attend the hearing in an advisory capacity.

2. Appeals against dismissal

Appeals against dismissal will be heard by three persons drawn from a panel appointed by the Director of Human Resources in conjunction with the University Secretary from the list below:-

- i). Pro Vice-Chancellor
- ii). Institute Director or Head of Professional Services Department
- iii). Lay Member of Council

The Deputy or Director of Human Resources will attend the hearing in an advisory capacity.

3. Appeal panel members will not be from the same department as the appellant or have had any earlier involvement with this or any other case involving the appellant.

4. The appeal hearing shall normally be convened within 7 working days. Human Resources will be responsible for making the arrangements for the hearing of the appeal and a representative from Human Resources will be present at the hearing to advise on procedure and to provide administrative support. The HR representative will not have been involved in the previous hearing.

5. If, for good cause, the employee or the Chair of the original hearing is unable to attend the appeal hearing, it will be rescheduled to a date normally within 10 working days, or some other date mutually agreed, of the original appeal hearing of which he/she and his/her representative (if any) will be informed without delay.

6. The employee will be invited to the appeal meeting in writing. The letter will include the nature of the reasons for appeal that are to be considered, any documentation relevant to the issue and outline the individual's rights under the procedure - including the right to be accompanied by a recognised Trade Union (TU) representative or a work colleague. The employee will normally be given 5 working days advance notice of the date of the appeal hearing which should allow sufficient time to arrange representation at the hearing and to consult that person before the appeal hearing is held.

7. Where the facts on which the original decision was based are not in dispute, the appeal panel will base their considerations on the evidence provided at the hearing. The only additional material that can be introduced is new evidence that has subsequently come to light and which, had it been known at the time of the hearing, could have affected the decision. The Chair of the appeal panel will agree to consider additional information only

if evidence has been provided that this additional information could not have been made available at the time of the hearing. This additional material can be provided by the employee or his/her representative.

6. The employee will be given the opportunity in the appeal hearing to outline their reasons for appeal in full and to provide their evidence. The Chair of the probationary hearing (or their depute) will be invited to present the rationale for their decision to issue an extension of the probationary period or to dismiss the employee.

7. Once both cases have been presented, the Chair of the appeal hearing will adjourn the meeting to enable the panel to make a determination.

8. The options available to the panel when making a decision are as follows:-

- To uphold the appeal;
- To uphold the appeal in part;
- To dismiss the appeal.

N.B. When upholding an appeal in full or in part, the appeal panel should also consider whether a lesser sanction should be imposed e.g. commuting a dismissal to an extension of probation.

8. The panel will confirm their decision and the reasons for it in writing to the employee within 5 working days. Written confirmation will be sent by agreement with the employee in person, by post, internal mail or by email with a read receipt requested.