RESEARCH COUNCIL PROBATION POLICY

This document provides additional guidance for managers, employees and HR on probationary periods. It includes the Probation policy, which is contractual. The management guidance, which is shaded, is not intended to be legally binding and does not form part of the Research Council's Probation policy.

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Policy statement

In order to achieve its organisational objectives the Research Council recognises the need for the setting and monitoring of realistic and measurable standards of performance for its employees. To support this all new employees are required to undergo a period of planned induction, training and integration into the workforce.

The aim of this policy is to provide a framework for objectively assessing a new employee's suitability for their role, taking into account the individual's overall capability, skills, performance, attendance and conduct in relation to the role they are performing.

The Research Council Probation policy and procedure is agreed with the Trade Union Side.

The Probation policy and procedure apply to all employees of the Research Council for at least the first 6 months of employment. This includes those employed on permanent or temporary contracts, and for the avoidance of doubt, does not include visiting workers, students or those workers provided by a third party agency.

The UK Shared Business Services Ltd (SBS) provides HR services across the Research Councils. However some employees are deployed at establishments/facilities/ships that do not access services from SBS. In these cases reference to the SBS or System (Employee Self Service) will not apply and employees should refer to the Research Council HR team for assistance.

Whether a worker is deemed to be a worker or employee is not always clear under employment legislation. In cases where managers or individuals have any doubt as to whether the Probation policy and procedure should apply, advice should be sought from the Research Council HR team.

1. Principles

1.1 All new Research Council employees will be subject to a probationary period, normally of 6 months.

1.2 All employees will be treated fairly and consistently in line with the Research Council Equalities and Diversities policy.

1.3 All matters arising during the probationary period will be dealt with promptly.

1.4 Within the 6 month probationary period all Research Council employees should receive assessments at 3 and 6 months.

1.5 The Research Council is committed to ensuring that a new employee will receive the training and support that will enable them to reach the standards required of them.

1.6 During the probationary period the Research Council Capability procedure does not apply.

1.7 Where levels of absence become an issue during the probationary period, managers should deal with this under the framework of this policy whilst also bearing in mind the principles set within the Research Council Sickness Absence Management policy. Further guidance on absence can be sought from the Research Council HR team.

2. Overview of Probationary Procedure and Assessments

2.1 Purpose of probationary period

2.1.1 The purpose of the probationary period is to allow time for a Research Council manager to determine whether a new employee has demonstrated the capability, skills and knowledge necessary to perform their role in their Research Council employment. During this time the line manager should assess the employee's performance and give the appropriate feedback and support to allow the new employee to fully develop within the role.

2.2 Length of probationary period

2.2.1 The probationary period will normally last for 6 months from the date the employee started with the Research Council.

2.2.2 In exceptional circumstances the probationary period may be extended where the manager has not been able to fairly assess the performance of the employee during the 6 months, or where the employee has been unable to meet the job criteria as discussed during their probation assessments.

2.2.3 If a manager wishes to extend a probationary period beyond the normal 6 months they should always consult with the Research Council HR team about this decision.

Such circumstances could include for example (not exhaustive) a prolonged period of sickness absence; where this absence is caused by an employee's disability the manager should contact the Research Council HR team for further support.

2.2.4 Where a probationary period is to be extended it must be for no longer than a further 6 months. The manager must notify the employee of the extension in writing, the reasons for doing so and any targets that must be achieved within the extension.

Managers must not extend the probationary period to over 12 months in total.

2.3 Start of the probationary period – Introductory meeting

2.3.1 As part of the induction process the manager should arrange an introductory meeting with a new employee as soon as possible after the employee has started employment with the Research Council. At the meeting the manager should discuss the key functions of the role and set performance and work objectives as well as a list of training or development objectives for the probation period in line with the Research Council induction arrangements.

2.3.2 The manager should ensure the employee is notified of their probation period and should give the employee a copy of this policy as part of their introduction to the Research Council.

The manager should:

a) Clarify for the employee:
   i) Skills/competences required/that must be acquired.
   ii) Standard of work expected (quality and quantity)
   iii) Deadlines to be met
   iv) Behaviour/conduct (including timekeeping and attendance)
   v) Any training needs

b) Explain how objectives will be monitored and measured and how frequently this will be done.

c) Identify and provide relevant training

d) Set a date for the 3 month Probation Review.

A useful means of setting objectives may be using the SMART method:
- Specific
- Measurable
- Achievable (bearing in mind the employee is new to the job)
- Relevant – to the purpose of the job
- Timebound

2.4 Probation Assessments

2.4.1 Probation assessments provide the manager and the employee the opportunity to review progress made since the employee started with the Research Council.

The manager should give the employee reasonable notice of the probation assessments to allow the employee to prepare.

Probation assessments must take place in private and be free from interruptions. They must be treated as confidential.

Managers are responsible for ensuring the Probation Assessment is completed.

2.4.2 The manager will normally carry out two probation assessments with the employee, at 3 and 6 months.

2.4.3 The 3 and 6 month probation assessments do not replace any regular formal or informal performance management arrangements in place locally e.g. one-to-one meetings, and should complement these discussions.

2.4.4 The 6 month probation assessment should be completed and returned to the UK SBS Ltd for processing before the date the employee reaches their 6 months in employment e.g. if

an employee starts on the 10th March, the final probation assessment should be completed and the form returned to UK SBS Ltd by 9th September.

2.4.5 Where a manager fails to carry out the 6 month probation assessment prior to the employee completing 6 months in employment, the probationary period will normally be taken to be passed by default. In extreme cases there may be a reason why a probation assessment meeting could not be held e.g. due to absence, in which case the meeting will be postponed and held at the earliest opportunity. It is not normally expected that a postponement would be for more than 5 working days.

The probation review is an opportunity to evaluate the employee's work performance and a summary of progress to date. The objectives set at the commencement of the employee's time with the Research Council should be reviewed.

The topics covered in probation reviews are:

- Work activity
  - Quality of work
  - Output of work
  - Planning of work
  - Time management
- Communication
  - Written communication
  - Oral communication
- Management (if applicable)
  - Management of employees/potential to manage employees
  - Management of resources
- Working Relationships
  - Relations with other employees
  - Customer relations
- Overall Strengths and Improvement areas
- Training
  - Any specific training needs identified

2.5 Raising concerns about under performance

2.5.1 Any concerns about under-performance should be raised immediately with the employee and followed up through the probation assessment meetings.

2.5.2 Managers are also expected to have informal discussions with the employee outside of this process to try to resolve performance issues.

Informal discussions about under-performance should normally be carried out on a 1:1 basis.

The manager should document all discussions that take place regarding performance.

Where under performance could be caused by an employee's disability the manager should contact their Research Council HR team for further guidance.

3. 3 month Probation Assessment

3.1. Holding a 3month Probation Assessment

3.1.1 At the 3 month probation assessment the manager should review the employee's performance over the past three months taking into account any goals and objectives set.

3.1.2 The manager should use the headings on the Probation Assessment as an outline for the discussion.

3.2 Dealing with underperformance at 3 month Probation Assessment

3.2.1 Where concerns are raised over an employee's performance during the 3 month probation assessment the manager should:

a) Make clear the specific areas in which the individual's performance is below expectations.

b) Demonstrate and explain the grounds and /or evidence for this view.

c) Explore with a view to identifying possible reasons for the under-performance.

d) Give the individual the opportunity to explain their under-performance and to raise any concerns that they may have about the job.

e) Ensure that the employee is aware of the required improvements in relation to each element of the duties about which there is a concern, and to arrange further training and job shadowing where appropriate.

f) Inform the employee that their performance will be reviewed again 6 months into their employment and that failure to improve by that time may result in their employment with the Research Council being terminated.

The manager should consider what support can be provided to the employee at this time to enable their performance to improve.

3.2.3 Where concerns over performance have been raised during the 3 month probation assessment the manager will clearly document this on the probation assessment form and will confirm the points raised at that meeting in writing to the employee (copied to the Research Council HR team), normally within 5 working days.

The main areas to be covered in the letter are:

- The specific areas where the individual's performance is below expectations.
- The specific improvements required in performance.
- Any additional support or training that will be provided.
- Any other agreed actions.
- That their performance will be reviewed at 6 months in their employment and that failure to improve by that time may result in their employment with the Research Council being terminated.

4. 6 month Probation Assessment

The 6 month probation assessment is the final opportunity to evaluate the employee's performance as part of the probationary process. Thereafter, the employee's performance will be reviewed using the Appraisal and Personal Development Review (APDR) process. The manager should consider at this stage whether the employee has received full support during their probationary period and if further support is needed.

4.1 Holding a 6 month Probation Assessment

4.1.1 The manager should arrange to meet with the employee to hold the 6 month probation assessment. In line with section 2.4.4 managers must plan accordingly to ensure the probationary process is completed within 6 months of the employee starting employment with the Research Council.

4.1.2 At the assessment meeting the manager should review the employee's performance using the Probation Assessment form.

4.1.3 The manager should either:

a) Confirm that the employee's performance is of a satisfactory standard. The manager should then confirm the employee's appointment.

Or

b) Explain to the employee there are continuing concerns over their performance and invite them to a formal probation review meeting to discuss this in more detail.

Managers are expected to have written evidence of previous discussions with the employee including:

- Documentation outlining standards expected
- 3 month probation review documentation

5. Holding a Formal Probation Review meeting

5.2.1 If the employee's performance has not improved or is not of satisfactory standard by the 6 month probation assessment stage, or if new concerns over performance have arisen between the 3 and 6 month probation assessment meetings, then the manager will invite them, in writing, to a formal probation review meeting to discuss their performance in further detail.

5.2.2 The manager will be normally supported at the formal probation review meeting by a member of the Research Council HR team.

5.2.3 The letter of notification must indicate that:

a) The purpose of the formal probation review meeting is to review, in further detail, progress made since the 3 month probation assessment discussion;

b) The formal probation review meeting could either result in:

i) The confirmation of appointment

ii) The probation period being extended (up to a maximum of 6 months) to allow further time to demonstrate that they can meet the required standards of performance, conduct and attendance.

iii) The termination of the contract of employment;

c) The meeting is being held formally under the Research Council Probationary policy; and,

d) The employee has the right to be accompanied by a work colleague or represented by a Trade Union Representative of their choice.

5.2.4 At this meeting the manager will:

a) Make clear the specific areas in which the individual's performance is below expectations.

b) Demonstrate and explain the grounds and /or evidence for this view.

c) Explore with a view to identifying possible reasons for the under-performance.

d) Give the individual the opportunity to explain their under-performance and to raise any concerns that they may have about the job.

e) Review the history of the case, including the steps taken to assist the employee in their achievement of the requisite standards of performance.

5.2.5 The manager should then make a decision, taking advice from Research Council HR, whether to:

Extend the probationary period in accordance with this procedure, ensuring that the employee is aware of the required improvements in relation to each element of the duties about which there is a concern, and confirm the date for a second and final probation review.

or

Seek approval to terminate the employee's probationary appointment. Managers who have authority to dismiss are described in the Research Council's delegation framework <link>.

5.2.6 Following this meeting, and upon receipt of requisite approvals, the manager will decide upon the outcome of the review and will confirm this in writing to the employee, normally within five working days of the meeting. The formal agreed outcome will then be recorded and confirmed to the employee in writing.

5.2.7 In the case of the probationary period being extended a second and final probation review meeting should be held as set out above. Following this review the employee's appointment will be confirmed or if they are still not meeting the required standards approval to terminate the probationary appointment in line with the Research Council delegated authority scheme should be sought.

6. After the probationary period

When the probationary period is successfully completed the manager will initiate the APDR process in line with the Research Council Appraisal &Personal Development Review policy.

7. Appeals

7.1. Principles

7.1.1 All employees have the right to appeal against a dismissal decision taken at the formal probation review meeting.

7.1.2 Details of the person to whom the employee should appeal will be included in the letter detailing the outcome of the formal probation review.

7.1.3 Appeals should be lodged in writing within seven working days of the receipt of the formal probation review decision letter, clearly stating the ground(s) for appeal.

7.1.4 An employee can submit additional evidence or information that they consider relevant to the appeal.

7.1.5 Employees may be accompanied by a work colleague, or represented by a recognised Trade Union Representative of their choice.

7.2 Purpose of the Appeal

7.2.1 The purpose of the appeal is to:

- Determine whether the dismissal was fair and reasonable in all the circumstances.
- Determine whether the Probationary Procedure was followed correctly.

7.2.2 The aim is to review the basis upon which the original decision was made and to allow:

- the employee to submit any new evidence;
- the employee or an accompanying work colleague or recognised Trade Union Representative of their choice to comment on any new evidence; or
- the employee to raise any procedural issues, or comment on those matters they believe have been ignored and/or received insufficient consideration.

7.3 Authority Levels

7.3.1 Managers who have the authority to hear appeals within the Research Council's Probationary procedure are described in the Research Council's delegation framework <link>.

If there are sufficient reasons to question the initial process, a more detailed approach should be taken at the appeal stage. In certain circumstances, it may be found that the only way to remedy defective initial steps is to have a total rehearing of the case. This should not, however, be the norm.

7.4 Appeal Hearing Process

7.4.1 Appeals will normally be heard by a Senior Manager from within the Research Council who had no previous involvement. In exceptional cases the appeal may be heard by someone outside of the Research Council. The person hearing the appeal will normally be accompanied by a member of the Research Council HR team.

7.4.2 The Senior Manager should act as Chair and decision maker.

7.4.3 Upon receipt of an appeal, the responsible manager should:

a. Send the employee details of the arrangements relating to the appeal hearing.

b. Advise them of their right to be accompanied by a work colleague or represented by a recognised Trade Union Representative of their choice. The employee should where possible confirm that person's attendance and identity before the hearing commences.

c. Hold the appeal hearing where possible within 10 working days of receipt of the letter containing the grounds of appeal. This is subject to the employee's ability to request a postponement of up to five working days where their chosen representative is not available to attend on the original day or time.

Those hearing the appeal should study the relevant documentation including the notes of the review meetings.

7.5 The Appeal Hearing

7.5.1 At the Appeal Hearing, the Chairperson should:

- Invite the employee to explain the basis on which they are appealing, referring to documents or evidence previously submitted or any new evidence which has come to light where they believe this may support their grounds for appeal.

- If an employee is accompanied by a work colleague or represented by a recognised Trade Union Representative, they may outline the employee's grounds for appeal or make statements on an employee's behalf. They may not, however, answer any questions on the employee's behalf.

- Ask all necessary questions and summarise the facts.

- Decide on whether any further investigation/ action is required. This may require an adjournment.

- Whenever possible, verbally inform the employee of the decision reached and the reasons for it.

There should always be an adjournment to enable the Chairperson to consider everything stated in the evidence and where necessary to investigate matters or seek appropriate advice, before deciding on the most appropriate outcome.

7.5.2 The decision should then be confirmed in writing with reasons. This will normally be confirmed within five working days of the Appeal Hearing concluding, although this will be extended should further time be required. In such an instance, the employee will be notified of the proposed date upon which the decision is expected to be made.

8. Appeal Outcomes

8.1 Possible outcomes are as follows:

a) **Uphold the current decision**- i.e. confirm the outcome of the formal probation review meeting, thereby rejecting the employee's appeal.

b) **Amend the current decision** i.e. substitute an alternative form of action. The decision could be changed in some way, for example, the improvements required might be redefined in some way or the timeframe(s) amended within which the improvements should be achieved.

c) **Overturn the current decision** i.e. set aside the original formal probation review decision, thereby upholding the employee's appeal.

8.2.1 The decision made at appeal hearing is final, with no further right of internal appeal.

9. Policy Review

9.1 This policy will be regularly reviewed to incorporate any legislation changes. The TU may request that a policy is reviewed.

10. Amendment history

Version	Date	Comments/Changes