



Queen Margaret University

EDINBURGH

# Probationary Policy and Procedure

<b>Policy Summary:</b>	The Probationary Policy provides guidance to managers and staff on the procedure and requirements of this process
<b>Policy Owner:</b>	Human Resources
<b>Approved By:</b>	Executive Board: November 2015
<b>Consultation Completed:</b>	Trade Unions: December 2015
<b>Equality Impact Assessed:</b>	TBC
<b>Date of Issue:</b>	16/09/2016
<b>Review Period:</b>	Annual or as required by legislation

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## **1.0 Aims and Objectives**

The aim of this policy is to provide Managers and staff with guidance on probationary periods and to ensure that this process is undertaken fairly and consistently across Queen Margaret University in accordance with equality and diversity principles.

The University recognises that a supportive and developmental probation process is vital in providing the appropriate level of support and training for new members of staff on commencement of their employment.

## **2.0 Scope of the Policy**

2.1 This policy relates to all newly appointed staff, whose terms and conditions of employment state that their appointment is subject to a probationary period. This includes all professional services staff and academic staff.

2.2 The length of the probation period will be stated in the terms and conditions of employment, however, the length of probation period will normally be;

- 6 months for all open ended (Permanent) contracts
- 3 months for all fixed term (Temporary) contracts lasting 6 to 12 months
- 1 month for all fixed term (Temporary) contracts lasting 0 to 6 months

## **3.0 Monitor and Review**

Human Resources is responsible for monitoring the effectiveness of this policy and supporting procedures and will conduct reviews at appropriate intervals.

Anyone who feels they have been unfairly treated or discriminated against as part of probationary period process should notify the Head of Human Resources.

## **4.0 Equal Opportunities**

Queen Margaret University is committed to equality of opportunity for all staff and it is the responsibility of all QMU employees to promote “equality and diversity” in the application of this policy ensuring that there is no discrimination on the grounds of disability, race/ethnic origin, sex/gender, age, religion, marital/family status, dependency, sexual orientation, political opinion, and economic or social status.

## **5.0 Responsibility for this Policy**

Human Resources.

Any changes to this policy and supporting procedures will be made in consultation with appropriate bodies.

QMU reserves the right to update HR Policies in line with new or updated Employment Legislation.

## **6.0 What is a “Probationary Period”?**

- 6.1 A “probationary period” refers to the period of time whereby the University is provided with an opportunity to assess the skills, conduct, capability and attendance of new staff before deciding whether or not to confirm their appointment. It also gives new employees the opportunity to familiarise themselves with their new role and to assess their suitability to the post and the University.

## **7.0 Mandatory Training Requirements**

- 7.1 All new staff are required to successfully complete the e-learning modules listed below within the probationary period, completion of the e-learning modules will be taken into account during probationary reviews with your line manager. E-learning can be accessed from the following [link](#)

Mandatory E-learning:

1. Unconscious Bias
2. Equality and Diversity
3. Data Protection
4. Bribery Act

## **8.0 Process**

- 8.1 The probation process should work alongside the induction and performance enhancement review process to help create a positive and supportive working environment, allowing new staff to settle into the University and understand the key elements of the job within a reasonable and realistic timescale.
- 8.2 During their induction, new members of staff will be made aware by their line manager of the performance standards expected of them and will be given support, training and feedback necessary to achieve these standards. Line managers will use the probationary period to monitor the success of the new staff member in reaching those standards. The objectives set out in the performance enhancement review process will ensure that the line manager and the new staff member are clear about the expectations of the role.
- 8.3 Line managers are responsible for setting review meetings with the member of staff and providing feedback on performance to date. The line manager and the new staff member should discuss elements of the role that are being achieved satisfactorily and also those areas where further support, guidance or training may be required. Accurate records of review meetings must be kept. The job description and person specification are key documents and, together with the objectives set out in the PER document, should be referred to during the probationary assessment process.
- 8.4 Employees should be informed that they will be assessed during their probationary period at two, four and six months. The final assessment, which takes place during the last month of the probation period, must be completed before employment can be confirmed.

- 8.5 In circumstances where concerns arise during the probationary period, these should be raised in a timely manner to provide an opportunity to respond to any concerns. Line managers should consider the action required to address the problem.
- 8.6 Members of staff have the right to be accompanied by a colleague or trade union representative at any formal meetings held to address serious performance issues that have arisen during probation and where dismissal is a possible outcome. This right will not apply in the case of informal discussions between the employee and line manager or at the normal review meetings.
- 8.7 Documentation relating to staff will be treated with the utmost confidentiality and related documentation will be subject to the provisions of the General Data Protection Regulation (GDPR) as appropriate.

## **9.0 Dealing with Performance Issues**

- 9.1 When an unsatisfactory assessment has taken place the following requirements must be met:-
- i. The employee must be made aware of any performance concerns at the earliest opportunity, in consultation with their HR Partner where appropriate.
  - ii. The employee must be offered suitable support, guidance and training in order to achieve the desired standard of performance.
  - iii. The line manager and the new staff member should agree a reasonable time to allow for a demonstrated improvement in performance. If necessary, this may include extending the probation period.

HR will provide documentation to confirm the extended probationary period and the desired performance levels expected.

## **10.0 Definition of Performance**

The level of performance is considered with reference to the member of staff's:

'Skill, aptitude, health or any other physical or mental quality, and qualifications'<sup>1</sup>

This procedure is designed to address instances where the member of staff is lacking in a core area of:

- Knowledge
- Skill

- Ability
- Qualification<sup>2</sup>

Performance will be assessed in relation to the activities that make up the individual's role and must be determined in accordance with the current contractual obligations of the employee.

Consideration will always be given to whether poor performance may be related to a disablement and if so, whether there are any reasonable adjustments that could be made to working arrangements, including changing duties or providing additional equipment or training. It may also be necessary to make adjustments to this procedure in appropriate cases. Where performance is below an expected level and is a consequence of issues relating to ill-health or disablement the manager must adhere to QMUs Sickness Absence Management Policy.

If the member of staff wishes to discuss this or inform the University of any medical condition they consider relevant, they should contact their line manager or HR.

### **11.0 Identifying a Performance Issue**

Good practice strongly recommends that any form of performance that does not meet an expected level should be addressed early on. This aims to prevent the issue from worsening and also to avoid condoning the level of unacceptable performance. A manager's awareness of a performance issue should be based on solid and objective information.

Prior to considering if an unsatisfactory performance issue exists, the line manager should consider:

- does the employee have a clear understanding of their role ?
- has the member of staff requested assistance in removing barriers to achieving their objectives

In order to determine how the performance issue should be dealt with, the following questions need to be considered:

- what indications are there that the member of staff is not measuring up to the expectations required by the job?
- are there objective grounds to indicate performance does not meet the expected level?
- have there been complaints about, or criticisms of, the member of staff's work from students, colleagues (including secondees, contract staff, visiting lecturers), and/or core external professional bodies/individuals/partners?
- does the manager's own observations identify a dissatisfaction with the member of staff's performance?

Managers should be aware that issues that impact on performance at work can arise as a consequence of a variety of reasons and can include:

- personal circumstances
- changes in the workplace environment, including an increase in workload
- changes in technology
- ambiguity surrounding work objectives
- insufficient resources identified and allocated to achieve the objectives
- qualification, such as loss of driving licence
- bullying or harassment – please refer to QMU’s Dignity at Work Policy

It is essential that the manager spend time to identify and make an assessment of the reason/s for under-performance.

The University’s aim is to deal with performance issues sensitively and with due respect for the privacy of any individuals involved. All employees must treat as confidential any information communicated to them in connection with a matter which is subject to this procedure.

## **12.0 Methods to Support Achieving the Expected Performance**

Identifying an issue is half-way to resolving it. Once the performance concern has been explored, a number of options are available to support the individual to improve performance. Whilst not exhaustive, the table below lists the more common methods. The most appropriate method, or blend of methods, is specific to the circumstances and is agreed between the manager and the member of staff with assistance from HR. There should be agreement on the level of performance improvement required and the timeframe allowed for improvement.

Individual learning and development interventions (including coaching)	<p>The provision of training to enhance performance. The judgement of the appropriateness of further development and its delivery should be discussed and mutually agreed.</p> <p>The Performance Enhancement Review may need to be reviewed in light of the outcome of this discussion to ensure alignment and the individual is not overburdened with different development interventions.</p>
Flexible Working	<p>QMU endorse a variety of flexibility working approaches. This may be short-term or longer depending on the staff issue and what is viable operationally. Every effort must be made to accommodate such requests when performance issues are being addressed. Further information concerning flexible working can be found in the QMU Flexible Working Policy.</p>

Support in the Workplace (Mentoring)

It is good practice to consider pairing the member of staff with a colleague who is skilled in the work in which the individual member of staff must improve. This provides the opportunity to share experience, learning and promotes awareness of good practice. The colleague must be chosen sensitively and agreed by all parties as a poor choice in selection could worsen the situation.

Independent Counselling Service

QMU provides an independent counselling service and this may be of use to the individual. Managers and staff should be aware of these services and consider referral as and when it is deemed appropriate (this includes self referral).

### **13.0 Extending the Probationary Period**

- 13.1 During the probationary period managers must ensure that feedback is given to employees on a regular basis and that any performance or conduct issues are resolved within this period.
- 13.2 In exceptional circumstances the probationary period may be extended for a further specified period of not more than 6 months. The justifiable reasons for extending a probationary period are:
- i. Where there is a good reason why it has not been possible to assess an employee's performance during the initial probation period of 6 months, for example the employee has been absent for a significant proportion of this period, or
  - ii. Where the required improvement has not been made, but where further time, for example to attend appropriate training courses, will allow such improvement to happen.
- 13.3 If the probationary period is extended the employee should be informed. During this meeting the employee must be informed of the reasons for the extension and the period of extension should be specified. This must then be confirmed in writing and a copy placed on the employee's personal file.
- 13.4 Managers must ensure that any extension to the probationary period is for reasonable and justified reasons. Advice from your HR Partner must be sought if there is any doubt about the reasonableness of the extension.
- 13.5 Where a probation period is extended the manager will hold regular, for example weekly or fortnightly, review meetings with the employee to continue to assess their performance. Notes must be made of discussions had at these meetings and retained on the employee's personal file.



## **14.0 Continued Poor Performance**

14.1 Where performance does not improve despite additional training and coaching, within the time allowed, managers should seek advice/support from their HR Partner and a termination of employment may occur.

## **15.0 Procedure for Ending Employment in the Probation Period**

15.1 The following process should be followed:

- i. The employee must be asked to attend a meeting to discuss their performance. This must be in writing and set out the grounds for the meeting. An HR Partner should accompany the manager and a colleague or trade union representative may also attend should the employee wish.
- ii. The meeting should take place in private, and the manager should have fully prepared for the meeting. For example have records of performance reviews, training courses etc to hand.
- iii. The manager should clearly state the reason for the meeting taking place, and outline their concerns about the employee's performance.
- iv. The employee should then be given the opportunity to respond. If the employee is not able to give a reasonable explanation for their continued poor performance, the manager may take the decision to dismiss.
- v. The employee should be informed of any decision at the meeting, and this should be followed up in writing.
- vi. Where the employee is dismissed Queen Margaret University's standard notice periods apply. Therefore an employee dismissed during their probationary period would be entitled to one months pay in lieu of notice and payment for any annual leave accrued

15.2 Employees have the right of appeal against dismissal and appeals should be sent, in writing, within 5 working days to the Head of HR.

## **16.0 Confirming Permanent Employment**

16.1 Following successful completion of a probationary period it is the manager's responsibility to advise HR so that the probationary period can be closed and the employee can be written to confirming their permanent employment status.

16.2 Any concerns about conduct or capability must be resolved before permanent employment is confirmed.

## **17.0 Sickness Absence During the Probation Period**

17.1 Sickness absence during the probationary period will be dealt with in line with Queen Margaret University's Sickness Absence Management policy and procedures.

17.2 Where an employee has a substantial amount of absence due to sickness during the probationary period, the manager may extend the duration of the probation period or terminate employment as appropriate.

## **18.0 Related Policies**

- Recruitment and Selection Policy and Procedure
- Performance Enhancement Review
- Sickness Absence Management Policy and Procedure
- Management of Performance Policy and Procedure