

Probation Procedure

1. Introduction

The following guidance will help units to monitor and review probation for members of staff in their unit.

Please note that many of the procedures outlined here are taken from the Terms and Conditions for each staff category. It is therefore essential that these procedures are followed accurately, in a timely fashion, and in accordance with the Terms and Conditions of Service. This procedure does not apply to Associate Lecturers (ALs).

The purpose of a probation period is to:

- provide staff with a set of clear objectives for the initial period in their new role;
- ensure that staff have the support they need to meet these objectives;
- allow objectives and standards to be revised where appropriate as probation progresses;
- allow review of staff performance against objectives and standards;
- enable new members of staff to progress smoothly into the CDSA system.

Probation is intended to work as a two way process, in which the staff member and the line manager are both able to raise their concerns with the probationary process, in order to ensure that the staff member is able to perform their new role to the best of their ability.

2. Initial probationary meetings

The appropriate Head of Unit is responsible for assigning a member of existing staff to supervise the staff member's probation. In most cases, this will be the staff member's line manager. In accordance with the Terms and Conditions of Service for Academic staff, the following supervision of training will be assigned:

- For Central Academic staff, a senior member of the relevant Faculty will be assigned by the Head of Unit.
- For Regional Academic staff, a senior member of staff assigned by the Executive Dean of the appropriate Faculty will be responsible for the supervision of the staff members' training.
- For a National Director, a senior member of staff will be assigned by the Director of Academic Services.

An initial probationary meeting should be held between the line manager and the staff member in the first week of their employment. This meeting should include:

- Clarification of the duties and responsibilities of the staff member, in line with the job description.
- Explanation of Valued Ways of Working.
- Identification of required training for the staff member to undertake (this may be attendance at internal/external courses, identifying a mentor or providing 'on the job' training).

- Objective setting for the period between this and the first probation review meeting (this is likely to include induction-related tasks and any initial training).
- Explanation of how objectives will be monitored and measured, how frequently this will be done, and the basis on which satisfactory probation will be assessed.
- Agreement and setting dates for regular probation review meetings during the probation period.

3. Formal Probation Review Meetings

Line managers are responsible for carrying out regular reviews of performance and conduct throughout the probationary period. A series of formal probation review meetings should be set up, either at three or six monthly intervals. In the case of four-year probationary periods, the regularity of review might decrease after the first year in post, but must still take place at least once a year.

The probation review meeting should include:

- A review of progress against objectives set.
- Setting of new objectives for the period before the next review meeting.
- Identification of further training needs.
- Identification and discussion of any issues/concerns with the probation (on behalf of the line manager or the member of staff).
- Identification and discussion of any health-related absence.
- How have each Valued Ways of Working behaviours been supported within the work area?

The review meetings are the forum in which staff members should raise their own concerns with the progress of the probation, including how the review meetings are conducted. If the staff member feels unable to discuss this with their line manager for any reason, they should contact their line manager's manager.

During (or immediately following) the probation review meeting, the line manager should enter the probation details onto the system and complete the Probation Form, attaching it. It should include what was discussed, any areas identified for development and training, and positive and constructive feedback should be provided. The Form should be shared with the staff member for comments and signed by both the line manager and the staff member. The staff member should be given a copy. In cases where the University does not wish to confirm probation, these records of discussions will be considered as evidence by the Probation Committee or Head of Unit (or nominee).

In addition to the formal review meetings, it is recommended that the line manager ensures that they maintain regular contact with the staff member throughout the probationary period.

If performance or conduct is not satisfactory at any stage of the probationary period, a programme of support should be devised in discussion between the line manager and the staff member. The aim of this discussion is to assist the staff member to achieve the required standard of performance, which will include agreeing on the nature of the issue. The line manager is responsible for informing the People Hub at this point.

4. Managing sickness absence during probation

The line manager is responsible for the management of sickness absence during probation. They must give consideration to the attendance pattern and number of absences of new recruits during the probationary period to help assess whether the appointment should be confirmed. If absence due to sickness is unacceptably high, line managers need to act quickly:

- Explain that the staff member's absence record is unacceptably high and what level of attendance is expected (see Guide to Managing Sickness Absence), but be sensitive to the individual circumstances.
- Conduct return to work interviews, offering support as appropriate.
- Advise that if targets are not met, it may lead to non-confirmation of the appointment.
- Review the attendance record regularly with the staff member throughout the probation period.

You must seek advice from the People Hub in the following circumstances:

- When deciding whether referral to Occupational Health is appropriate.
- Where absences are (or may be) for reasons related to a disability.
- Where you have reason to believe that the sickness may not be genuine.
- Where the member of staff has had a lengthy illness during probation - an extension to probation by the period of time the member of staff has been ill may be appropriate.
- If the absence rate continues to be unacceptably high the probationary appointment should not be confirmed, subject to advice from the People Hub.

5. Formal reporting procedures

The line manager (and for Academic staff, any staff with whom the staff member works closely) is responsible for reporting regularly to the Head of Unit on the staff member's progress, and on the nature of any training provided. These reports should be shared with the staff member.

For Academic staff, reports should be made annually and the Head of Unit should discuss with the staff member their work in light of the report, in accordance with the Terms and Conditions of Service. Where probation is for two years or less, an additional report shall be prepared six months before the completion of a probationary period. Where a problem becomes evident prior to the normal reporting stage, a report will be made immediately to the Head of Unit.

6. Final Probation Review

Units are responsible for conducting a final probation review towards the end of the probationary period.

The People Hub is responsible for running reports from the system on a monthly basis in order to determine upcoming probation review dates.

Using this report, the End/Extension of Probation Report Form will be sent to the relevant line manager to complete. The form should be signed off by the Head of Unit.

If the appointment is to be confirmed, this should be recorded on the system. The staff member will receive a confirmation of appointment letter.

If the appointment is not confirmed, or the probationary period is to be extended, line managers should inform the People Hub immediately if they are not already aware of this. **The appointment will be automatically confirmed by default if written notice of an extension or termination is not sent to the staff member prior to the probation expiry date.**

7. Probation Committees for Academic staff

In accordance with the Terms and Conditions of Service for Academic staff, a Probation Committee should be held to consider the case for each Academic probation. In practice, the Committee does not always physically convene, particularly in the case where there are no concerns with confirmation of probation.

A staff member on four years probation must be advised of the Committee's decision to confirm or not to confirm, **no later than twelve months before the projected expiry date**, and where the probation is for two years or less, no later than six months before the projected expiry date (the probation review date).

However, where there are doubts over the confirmation, the Probation Committee should meet.

8. Probation Committees for Academic-Related and Research staff

In accordance with the Terms and Conditions of Service for Academic Related and Research staff, it is necessary to convene a Probation Committee to consider the case if it is proposed that the probation should not be confirmed.

For Research staff, the membership of this committee comprises: the Head Unit, line manager (or supervisor) and a senior Academic member of staff from another Unit, appointed by the Vice-Chancellor. For Academic Related staff, the membership comprises: the Head of Unit or nominee (other than the Secretary) and the line manager, with a Head of People Services (or nominee) in attendance.

The staff member should be given 5 days notice of the meeting and be given the right (in writing) to be accompanied by a work colleague or a trade union representative.

The Committee shall consider the written reports made on the staff member and interview them, and may then:

- confirm the appointment, or;
- extend the probationary period, or;
- give notice to terminate the appointment.

9. Extension of probation

It may be appropriate to extend the probationary period if:

- Through the probationer's sickness or other authorised absence, it has not been possible to assess performance.
- The probationer has not performed satisfactorily, but the line manager has evidence to suggest that performance is likely to improve with a further period of probation.

For Academic staff, the probationary period can only be extended by a period of an additional 12 months, up to an overall maximum of 4 years. For Research and Academic Related staff, the probationary period can only be extended to an overall maximum of

eighteen months. For Support staff, the probationary period can only be extended to an overall maximum of 6 months.

Where the probationary period is extended, the following should be discussed and confirmed to the staff member in writing by the People Hub, on behalf of the University Secretary:

- Reasons for the extension, in so far as these reasons may help a future career;
- Length of the extension period;
- Assistance/training that will be given during the period of extension;
- Areas for improvement and indication of how these will be monitored and measured;
- Dismissal may be recommended at the end of extension period if the staff member fails to meet standards of performance expected for their grade/post.

For Academic, Research and Academic Related staff, where the probationary period is extended, a further review of the probationary period will be undertaken by the Probationary Committee, prior to the end of this extension.

10. Termination

An appointment can be terminated if it is not confirmed at the end of the probationary period, or not confirmed at the end of an extension to the probationary period.

Notice of non-confirmation should be termination on the expiry date of the probationary period, or the notice period below, whichever is longer.

In the case of Support staff, if the termination is within the initial probationary period, then the appointment is subject to one week's notice. If the University decides not to confirm the appointment, on expiry of the period of probation, termination notice is one full calendar month, or one month's pay in lieu of notice.

In the case of non-confirmation of a fixed-term contract for Academic staff, notice of non-confirmation should be termination on the expiry date of the probationary period, or at the end of the fixed term contract, whichever is the shorter.

The Unit should inform the People Hub of the decision to terminate the appointment, and the People Hub will then be responsible for informing the staff member in writing of the decision to terminate their contract. For Academic staff, the Probation Committee shall convey to the probationer in writing the reasons for not confirming the appointment, in so far as these reasons may help in a future career. For Research and Academic Related staff, the People Hub, on behalf of the University Secretary, shall convey to the probationer in writing the reasons for not confirming the appointment, in so far as these reasons may help in the future.

The working of the notice period within or at the end of the probationary period is a matter for the Head of Unit to determine. Although operationally it may be desirable for the notice period to be worked, there is little purpose in insisting on this where the individual's performance and output are likely to show a marked decline. Payment may be offered in lieu of notice.

11. Right to appeal against termination

The staff member has the right to appeal against the decision to terminate the appointment; however, they have no right to appeal against extension of probation.

The appeal includes rights of representation by a trade union representative, or another employee of the Open University.

The appeal shall be heard by:

- For Academic staff, a lay member of the Council, one of the Senate elected members on Council (both of whom shall be nominated by agreement between the University and the appropriate union) and the Vice-Chancellor or nominee.
- For Research staff, a Pro-Vice-Chancellor, nominated by the Vice-Chancellor and by the Head of another Unit and one of the Senate elected members on Council both of whom shall be nominated by agreement between the University and the appropriate union.
- For Academic Related staff, the Head of another Unit and a member of the Vice-Chancellor's Executive or other senior member of the University both of whom shall be nominated by agreement between the University and the appropriate union. A Head of People Services (or nominee) (not previously involved) will also be in attendance.

The Probation Appeal Committee has the following options:

- Reject the appeal and uphold the original decision of the Probation Committee, which would mean that the staff member's probation would lapse at the end of the probationary period.
- To uphold the appeal – and therefore overturn the original decision of the Probation Committee.

The decision of the Probation Appeal Committee is final as far as the University procedures are concerned. The Probation Appeal Committee would be expected to provide a report outlining the detail of the reasons that they reached their decision and respond to each of the specific grounds as raised by the staff member.

12. Useful references

Probation Policy
Probation Form – Academic Related and Research Staff
Probation Form – Academic Staff
Probation Form – Support Staff
Terms and Conditions – Academic Related Staff
Terms and Conditions – Academic Staff
Terms and Conditions – Support Staff
Terms and Conditions – Full Time Research Staff