



Interim Guidance for Managing Probation

1. Purpose

This document provides guidance for managers on how to respond to situations where a new employee is having difficulties in meeting the standards required of them during their probation period.

2. Probation Periods

The length of a probation period will be stated in the terms and conditions of employment, and will be:

6 months for employees within Grades 1 – 5

12 months for employees within Grades 6 – 10

Employees within their probation period are not subject to the University's Disciplinary, Capability or Absence Management Policies and Procedures. Instead, any issues identified in relation to conduct, capability or attendance during probation should be dealt with under this guidance.

3. Probation Procedures

3.1 Setting Standards

The manager of a new employee must ensure that an induction programme is in place prior to their start date. The manager is responsible for setting clear standards and objectives regarding the expectations of an employee's work performance, conduct and attendance. The manager must also ensure that appropriate training, support and guidance is provided for the employee to help them meet their objectives.

Further information on induction can be found at:

<http://www.ed.ac.uk/schools-departments/human-resources/recruitment/induction>

3.2 Probation Review Procedure

Throughout a probation period, the manager should ensure that regular informal one to one meetings are held with the new employee, where they should:

- Discuss the employees progress against the required standards;
- Raise any concerns in relation to conduct, capability or attendance, and how these can be addressed;
- Give the employee the opportunity to raise any questions they may have about their work performance or training requirements.

3.3 Confirmation of Appointment

If the employee's performance, conduct and attendance have been assessed as satisfactory by the end of the probation period, the manager should confirm to the employee, in writing, that they have completed their probationary period successfully.

4 Difficulties during Probation

Managers should discuss with their employees any difficulties which arise during the probation period at the time when they occur, rather than leaving them until any scheduled review meetings.

Where difficulties arise managers should identify whether it would be appropriate to deal with the issue on an informal basis initially, or take a formal approach where the matter is more serious.

If the manager decides that an informal approach is appropriate initially, they should arrange to meet with the employee and:

- Clarify what the difficulties are in detail – specifying where and how the employee's performance, conduct and/or attendance are falling below what is acceptable.

- Provide evidence/examples of the issues being discussed
- Allow the employee an opportunity to raise any concerns of their own as well as answering the concerns raised by the manager
- Agree the action required by the employee to address the problem, specifying in detail what standards of performance, conduct and/or attendance are required to reach an acceptable level
- Identify any development needs which may need to be met in order for the employee to achieve the targets, and how the manager will support these
- Set dates by which targets should be met
- Agree any actions required by the manager and agree timescales for completing these
- Explain what the consequences may be if the standards/targets are not met, i.e. that it may be necessary to discuss the matter at a formal meeting and that ultimately it could result in the termination of their contract.

A written record should be made of an informal discussion of this nature and copied to the employee so that they are clear about expectations and actions required.

5. Formal Procedures

Where an employee's performance, conduct or attendance does not improve following an initial meeting, or where the manager believes the matter is serious enough to warrant more formal action from the outset, managers must seek advice from their local College / Support Group HR adviser.

Where the manager and HR adviser agree that a formal approach is necessary, the manager should invite the employee to a formal meeting to discuss the matter.

5.1 The Formal Meeting

The employee should be invited in writing to attend the meeting, giving at least one week's notice. This invitation should set out the issues to be discussed at the meeting, and clarify the process being followed, as well as confirming that the employee has the right to be accompanied at the meeting by either a Trade Union

representative or workplace colleague. The 'Guidance for Handling Formal Meetings' should be followed.

This meeting should be held in two stages, as follows:

Stage 1

The manager should:

- Clarify what the issues are in detail – specifying where and how the employee's performance, conduct or attendance are falling below what is acceptable
- Provide evidence/examples of the issues being discussed
- Allow the employee an opportunity to respond and raise any issues or mitigating factors

Once the employee has responded to the issue, the manager should adjourn the meeting so that they can discuss the matter with the HR adviser. The employee should be advised how long the adjournment is expected to last.

The manager and HR adviser will discuss the matter, and agree what the outcome of the meeting will be. These outcomes may be:

1. No further formal action is required at this stage, e.g. because there are mitigating circumstances to take into account, and the employee should be monitored through an informal approach. Further training may be provided to enable the employee to make sufficient improvements where necessary.
2. A Final Written Warning.
3. Dismissal. This will usually be the outcome where the employee already has a Final Written Warning and standards of performance, conduct or attendance have either not improved sufficiently, or have deteriorated. Dismissal may also be the outcome where there is an act of gross misconduct, or there are serious capability, conduct or attendance issues. Where dismissal is

considered appropriate, the College / Support Group Head of HR must be consulted before this is communicated to the employee.

Stage 2

After the adjournment, the manager and HR Adviser will meet with the employee again to confirm the decision made.

If the decision is to give a Final Written Warning, the manager will discuss with the employee, as appropriate:

- The details of the unsatisfactory performance, conduct or attendance
- The specific levels of performance/conduct that the employee is expected to attain
- The target date by which the employee needs to improve
- Any development needs which may need to be met in order for the employee to achieve the targets, and how the manager will support these
- Any actions required by the manager and agree timescales for completing these
- The possible outcome if the employee fails to improve by the target date
- The action that will be taken if standards deteriorate prior to the target date, i.e. possible termination of their employment
- The fact that the employee is now under a final written warning which will remain live for a period of 2 years.
- The employee's right to appeal

The manager should confirm these points, as applicable, in a letter to the employee no later than one week after the meeting.

If it is decided that the employee should be dismissed, then this should be confirmed to the employee in the meeting, and the employee will be told of their contractual notice period and any arrangements for payment of final salary.

The decision to dismiss will be confirmed in writing by the HR Adviser to the employee as soon as possible after the meeting. The letter will confirm the following:

- That the employee is to be dismissed on grounds of performance, attendance or conduct
- The effective date of dismissal
- The arrangements for any notice period and payment of final salary
- The employee's right to appeal

5.2 Suspension

Exceptionally, an employee on probation may be suspended with full pay while a matter related to conduct is investigated. Any suspension should be for the minimum period possible, and the reasons for the suspension must be made clear to the employee in writing.

Where suspension is considered to be appropriate, the manager concerned must refer the matter to the College / Support Group Head of HR before a decision can be made.

In the context of this procedure, suspension is a neutral act. There neither is nor should be any inference of guilt as a result of an employee having been suspended.

6 Right to Appeal

Where a final written warning has been given to an employee on probation, or where their employment has been terminated for reasons of performance, conduct or attendance, they have a right to appeal against the decision.

In order to appeal they should write to their local College / Support Group Head of HR within 2 weeks of receipt of the confirmation of the decision in writing. Their appeal letter should set out the grounds for appeal, providing new evidence where appropriate. The appeal will not be heard if grounds for appeal are not given.

The Head of HR, or their nominated deputy, will make arrangements for the appeal to be heard.

7 Extending the Probationary Period

The University reserves the right to extend the probation period in circumstances where it has not been possible to assess an employee's performance, due to absences or for other reasons.

Where absences have been due to a disability or maternity leave, managers should seek advice from their local College / Support Group HR Adviser.

In exceptional circumstances where it is felt that an employee has not yet demonstrated their suitability, but is likely to do so, given more time, the probation period may be extended. Extensions should normally be for no longer than 3 months.

Where the probation period is extended, the following must be discussed between the manager and the employee;

- The reasons for the extension
- The length of the extension period
- Any assistance/guidance/training to be given during the extension
- Areas of improvement that are required and how these will be monitored and assessed
- The consequences should the employee not reach the required standards during the extended probationary period, i.e. that their employment may be terminated.

The manager should confirm in a letter to the employee the details and actions arising out of the discussion.

8. Document History and Review

This guidance was developed by University HR Services in May 2011 and will be reviewed by December 2013.

9. Alternative Format

This document can be provided in alternative formats on request by email to CorporateHR@ed.ac.uk or by calling 0131 650 8127.