

Probation Policy

UK campuses

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HERIOT-WATT UNIVERSITY

PROBATION POLICY

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1.	INTRODUCTION
	The University believes that our staff are our most valuable asset and as such we wish to ensure that all newly appointed staff are fully supported during their first few months with us and provided an opportunity to develop in their new role. As such, all staff who join the University are required to complete a probationary period, to ensure that they are provided with relevant support to perform to the standard expected of them and ultimately, to ensure that they have the required knowledge, skills and ability to carry out their job. This policy outlines how a new employee's probation period should be managed in order to ensure a fair and consistent approach.
2.	KEY PRINCIPLES
	Heriot-Watt University is committed to providing, creating and maintaining a supportive environment which promotes equality across our University community. We recognise that during the first few months of employment, employees require support from managers and benefit from clear processes and procedures and effective objective setting in the early months. We wish to support new employees to develop during their first few months with us. This Policy and its linked procedures recognise and incorporate the Heriot-Watt Values and Athena SWAN principles. Different probation clauses and procedures apply in each campus – this policy relates to employees in the UK.
3.	SCOPE
	This policy applies to all newly appointed employees in the UK who are required to complete a 6 month probation period. This includes academic staff, teaching only staff, research only staff and professional and support staff. Where academic staff are subject to academic probation, this probation policy still applies. Objectives agreed during the probation period should be supportive of priorities/targets agreed during academic probation. Details of how academic probation applies can be found in the Academic Probation Policy. The university's policies and procedures in relation to managing attendance, conduct and performance will continue to apply during probation but within the timelines set out under this policy and procedure. All new employees will undertake probation irrespective of the duration of the contract of employment i.e. for fixed term contracts of less than 6 months, the employee will be deemed to be in probation for the duration. Where a fixed term contract extends beyond 6 months, provided the employee satisfies the requirements of probation, the probation period will end at the 6 month point. Only in exceptional circumstances can the probation period be extended. Probation cannot be applied retrospectively and would not apply to staff who have been in employment for 6 months or more, unless they are still under the terms of any extended probation. Equally, staff who are promoted internally or where their post is regraded, are not required to complete a probation period in their promoted post. New staff who are promoted during their probation period will be required to complete the remainder of their probation in the promoted post.

	Those engaged on a modern apprenticeship will have their own arrangements which they should refer to.
4.	THE PROBATION PERIOD
	The aim of the probation policy is to provide guidance during the probationary period to employees, to ensure that they have the necessary information to allow them to effectively perform their duties to enable successful and continuing employment. All new employees are required to complete a probation period of 6 months from the date of appointment which will be stated in their terms and conditions of employment. In exceptional circumstances probation periods may be extended however the university would not normally expect any probation period to extend beyond a further 3 months (i.e. 9 months in total). In some circumstances, it may be necessary to terminate employment before the end of an employee's probation period. Before Probation Before commencing employment, managers of new employees must ensure that an induction programme is in place at the start of employment. The manager is responsible for setting standards and expectations for employees around performance, conduct and attendance which should be set out clearly in the first few weeks of employment and linked to the University Values. Managers will ensure that objectives set are fair and proportionate to hours worked to ensure that staff within any protected groups are not disadvantaged i.e. part-time workers have a fair balance of workload. During Probation During the probation period, managers should arrange to meet informally with employees at regular intervals to discuss progress. More formal Review Meetings should take place after 4 weeks in post (stage 1), after 12 weeks (stage 2) and at the end of the probation period (Final stage). Informal, one-to-one discussions as part of routine management should also take place and any concerns around progress i.e. attendance, performance and/or conduct should be discussed. Managers should ensure that appropriate support and guidance is available to employees and any training implemented. Objectives should be agreed by the end of the 4 week point and aligned to team / department plans and priorities and will form part of the employees PDR following probation. End of Probation: At the end of the probation period, the outcome of probation should not come as a surprise to an employee. The various informal and formal review meetings during the probationary period are designed to ensure that the employee is fully informed of their progress. These meetings should be used as an opportunity to discuss progress and put in place any measures to support employees. If the employee's performance, attendance and conduct has been satisfactory, this will be confirmed to the employee in writing and their probation period will end. They will then proceed to be managed in the normal way by their manager, covered by standard HR Policies and Procedures.
6.	NOTICE PERIODS DURING PROBATION
	During the probation period, the employee's employment may be terminated by either party by giving the following notice:

	Grades 1-5 2 weeks' notice Grades 6-10 1 months' notice
6.	REPRESENTATION
	An employee has the right to be accompanied at meetings only where future employment is at risk. Probation review meetings are an opportunity for the manager and the employee to openly discuss progress and raise any concerns. Generally the first 2 review meetings will take place with the manager and the employee only in attendance however, should there be concerns around performance/conduct or attendance, the employee can be accompanied by either a TU representative or companion at the stage 3 meeting or where the manager is progressing to the formal stages earlier in the process.
7.	APPEALS
	Where an employee does not agree with the outcome of the final review meeting they may appeal that decision provide this is submitted to the Director of Human Resources in writing within 10 working days of receipt of the decision. The appeal should state their grounds of appeal. Employees will be notified of arrangements to hear their appeal normally within 10 working days of receipt of notice of appeal or as soon as reasonably practical. The grounds for appeal should typically fall within one of the following: • Procedural error • The outcome and recommendations are unreasonable and significantly out of line with the issues considered • New information is now available which could not have reasonably been provided when the original outcome was communicated
8.	THE ROLE OF HUMAN RESOURCES
	The role of Human Resources is to advise on adherence of the policy and procedures and to promptly assist with the timely application of the procedure throughout all its stages. This is to ensure consistency of application. During probation, meetings with the employee and the manager will be arranged and agreed between the employee and the manager. The manager will be responsible for ensuring that adequate support is provided to employees to ensure they perform effectively and demonstrate appropriate conduct and attendance. Where this becomes a concern, the manager may seek advice from Human Resources. Human Resources can also provide advice and guidance to employees during the probationary period. Human Resources must be notified in all instances where the matter becomes serious and an employee's future employment is at risk before the final probation meeting is held.
9.	MONITORING AND EVALUATION
	This Policy and related Procedures will be reviewed every five years from the date of implementation, or earlier if legislation dictates. Any amendments will be notified to employees through the normal communication channels and/or e-mail. This Policy and related Procedures will be maintained on the Human Resources Website and Intranet pages.

	<u>Records</u> A written note of all meetings including the date and nature of the matter and any agreed outcomes should be kept in a secure confidential location by the manager. This information should also be shared with the employee and held on their personal file/HR record. Records and information obtained under this Policy and the related Procedures will be kept held and reported on in line with the Data Protection Act 2018; the University's Records Retention Policy and in line with the Staff Privacy Notice. General statistics are maintained and reported for equal opportunities monitoring, Athena SWAN and other accrediting bodies, Freedom of Information requests and key performance indicator purposes. Any reports produced using this information will be kept securely and confidentially with personal data removed in accordance with the Data Protection Act 2018 and the University's Records Retention Policy.		
10.	RELATED POLICIES, PROCEDURES AND FURTHER REFERENCE		
	Any issues with conduct, performance and/or attendance during probation will be dealt with under this policy with reference to the relevant policy where detailed. Following successful completion of probation, the following policies should be applied: Policies • Performance Management Policy • Capability Policy • Maximising Attendance Policy • Disciplinary Policy & Procedure • Academic Probation Policy All policies can be found in the HR section of the intranet: Human Resources policies Heriot-Watt University.		
	FURTHER REFERENCE		
	For Information about Athena SWAN Charter and Principles and the University's Action Plans: www.hw.ac.uk/athenaswan		
11.	FURTHER HELP AND ADVICE		
	Please contact: HRHelp@hw.ac.uk – for queries regarding this Policy and linked Procedures		
12.	POLICY VERSION AND HISTORY		
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	PROBATION PROCEDURE
1	MANAGING PERFORMANCE DURING PROBATION
	Throughout the probation period, an employee's performance will be reviewed and discussed with them during the various review meetings and also as part of routine line management. The purpose of these meetings is to outline the standards and expectations of an employee. Where a manager has concerns about an employee's performance, conduct or attendance during probation they should refer to the relevant sections within the policy for guidance. Review Meetings 1st Review Meeting The first review meeting is normally around the 4 week point and is used as an opportunity to discuss performance and assess how well the employee is settling in. This is also a good time to discuss any training and development needs and ensure that these are put in place early to support the employee during probation. Any performance concerns should be discussed with the employee as soon as possible and managers should outline clearly what they expect of the employee. Timelines for improvement should be provided along with any relevant objectives and support measures. It may be appropriate to hold more regular review meetings depending on the level of underperformance, for managers to outline to the employee that their employment may not be confirmed should their performance not improve. The Probationary Review Form should be used as a record of what has been discussed, what objectives have been agreed and any concerns/support that has been provided. Where an underlying medical condition or disability is affecting performance at work, advice should be sought from Human Resources. Following the first review meeting, managers should continue to use supportive routine discussions as appropriate in order to support a high-level of performance, or to support the employee in improving their performance. 2nd Review Meeting A second review meeting should be scheduled, typically around the 12 week point in order to review the employee's performance to date, specifically in relation to any objectives set. It is also a further opportunity to discuss any concerns and to reflect on any training, development or support requirements, including reviewing the effectiveness of any support which has already been put in place. Arrangements should also be made to undertake any mandatory training, if not yet been completed. This should also be recorded on the Probation Review Form. The Probationary Review Form is the record of all meetings and discussions during the probation period and should be kept up to date. In areas where improvement is required, the expected level of performance should be clearly outlined and further support provided where appropriate. Managers are advised to have more regular, structured meetings to ensure the employee is fully supported during this period. Where there has been no satisfactory improvement in performance, the employee must be made aware that should improvements not be made, their performance will be rated as unsatisfactory and that dismissal is a potential outcome. HR support should be sought as soon as is reasonably possible.

In circumstances, where it becomes apparent that future performance is unlikely to improve, the university reserves the right to end probation and dismiss an employee at this stage. Any decision to dismiss must be agreed by the Director/Head of School.

Final Review Meeting

The final review meeting should normally be held before the end of the probationary period, at the six month point. However, where it becomes apparent that there are significant concerns around performance following the second review meeting, managers may progress to the final review meeting more quickly. Whether or not the employee's performance has been satisfactory over the probationary period will determine how the meeting should be held, as detailed:

Satisfactory Performance

Where satisfactory performance is demonstrated throughout the probation period, managers should hold a final review meeting in the normal way and record the outcome on the Probation Review Form. The form should then be returned to the HR Operations team at HRHelp@hw.ac.uk who will confirm the successful end of the probationary period to the employee in writing.

The employee should then be managed as normal, with any agreed support maintained and reviewed on an ongoing basis as needed.

Unsatisfactory Performance

In cases where satisfactory performance has not been demonstrated despite a period of review and support, the final review meeting should be more structured and formal and the employee should be informed that dismissal is a possible outcome. A more senior manager in the management chain should be appointed to undertake the final review meeting and in these circumstances will review all documentation before deciding what action should be taken i.e. if probation should be extended or if dismissal is appropriate. HR advice should be sought in such circumstances and an HR representative should be present at the meeting.

The employee should be given reasonable notice, in writing of the final review meeting (typically no less than 5 working days) and be advised of their right to be accompanied by a Trade Union Representative or work colleague. The final review meeting, in these circumstances, will typically be conducted in line with the university's management lines of responsibility document with input from the employee's line manager: [Management Lines of Responsibility Policy](#)

In such cases, the manager or more senior manager will consider the following at the final review meeting:

- The issues or problems which have been identified and discussed throughout the probation period
- The level of consultation which has taken place with the employee during their probation period
- The level of support offered to the employee to support improvement
- The period of time over which performance has been assessed, this will help to ensure that performance of staff on part-time working arrangements has been reviewed over a sufficient period of time
- Any mitigating factors, or advice provided by Occupational Health and/or other sources which are appropriate i.e. doctors reports
- Representations made by the employee or their representative

Following consideration of the above, a decision will be made regarding the outcome of the employee's probation period. The university reserves the right to dismiss employees where performance has not been satisfactory during probation.

	Where a decision is taken to dismiss, reasons for the dismissal should be communicated to the employee and confirmed to them in writing. Any decision to dismiss an employee during probation must be agreed by the Director/Head of School. Relevant notice will be provided and the employee will be informed of their right of appeal. Extending Probation In some cases, an extension to the probation period may be considered as an alternative to dismissal. The line manager will undertake the final review meeting in these circumstances however any decision to extend probation must first be discussed with the Director/Head of School and Human Resources. If the probation period is being extended, further review meetings should be held as necessary however extensions should not normally take the probation period beyond 9 months in total. The same process as detailed for the final review meeting should be repeated as the 9- month point approaches. Managers should keep documentary evidence and ensure employees are fully aware of expected standards of performance. Progressing to the Formal Stages earlier Where it is identified early on in the process that an employee is clearly unsuitable for the role despite a reasonable level of support and guidance having been provided, cases may progress to the final stage at an earlier point. Equally, where performance continues to cause concerns despite ongoing support from management, it is important that managers do not wait until the next review meeting to discuss these, particularly where this is some time off. In these circumstances, the next formal review meeting should be brought forward and the concerns discussed as soon as possible. Where performance is causing serious concern, managers may proceed to the final review meeting. The university reserves the right to progress straight to dismissal where concerns are significantly serious and early review meetings will have little impact. Any decision to dismiss an employee during probation must be agreed by the Director/Head of School. HR advice should always be sought before any decision is made to dismiss an employee. Visa implications HR advice should be sought in cases where there may be visa implications as a result of any decision to dismiss an employee. Conduct and Attendance Where conduct or attendance issues arise during probation, they will be managed in line with the principles of the relevant policies but under the procedures set out in the following sections.
2	MANAGING CONDUCT DURING PROBATION
	During the course of employment, all employees are expected to follow the university's Code of Conduct and this also applies to new employees during probation. Where a manager has concerns about an employee's conduct and/or behaviour during probation these should be addressed quickly. Minor issues should be dealt with informally where appropriate and managers should ensure employees clearly understand the standards of behaviour and conduct expected of them. Managers should discuss openly with the employee, any minor concerns and ensure that a written note of these concerns are recorded on the Probationary Review Form and shared with them. Regular review meetings should take place to monitor conduct. Repeats of poor behaviour or more serious incidents may progress immediately to the final stages of the disciplinary policy due to the short-nature of the probation period. Serious misconduct issues, including allegations of Gross Misconduct should always be dealt with under the university's disciplinary policy.

	The university reserves the right to progress straight to dismissal in cases of misconduct during probation. Following consideration of the outcome of an investigation, a decision will be made regarding the outcome of the employee's probation period. Any decision to dismiss an employee during probation for misconduct must be agreed by the Director/Head of School. The employee will be advised of the reasons for dismissal which will be confirmed to them in writing. Relevant notice will be provided and the employee will be informed of their right of appeal. HR advice should always be sought before any decision to dismiss. Where a manager is having concerns about an employee's conduct at work, the university would not normally expect to see an extension to the probation period. This would only apply in exceptional circumstances and advice should be sought from Human Resources before any extension is agreed.
3	MANAGING ABSENCE DURING PROBATION
	All employees are expected to maintain relevant and effective service at work and as such, during probation the following modified absence triggers apply: • 5 or more occasions of absence • More than 10 working days of absence in total • Any pattern of absence indicative of misconduct i.e. regular pattern of sickness around public holidays, or on Monday or Fridays • A pattern of regular long term absence (more than 10 working days but not exceeding 15 working days) indicative of an underlying health condition Where the triggers have been reached or a manager has concerns about an employee's absence, a first meeting should be arranged with the employee to discuss their attendance to identify if these are short-lived ill-health situations that will improve. Support measures should be considered to help an employee improve their attendance at work. Any disability/caring responsibility that might require adjustments should be identified and additional support or extended probation put in place. Where this is not the case and a manager has concerns about an employee's attendance at work, a first review meeting should be arranged and the employee reminded of the absence triggers and the subsequent implications to their continued employment should their attendance at work not improve. Should attendance continue to cause concern, the manager should arrange a further review meeting with the employee at which point they should outline to them that dismissal is a potential outcome should attendance not improve. The manager should continue to review attendance and following any further periods of absence, the employee should be invited to a final formal review meeting. A record of all meeting discussions and timelines for improvement should be recorded on the Probation Review Form. The employee should be provided reasonable notice of the final review meeting (normally 5 working days). The employee may be accompanied at this meeting by either their TU representative or a companion. A more senior manager in the management chain should be appointed to undertake the final review meeting and following review of all documentation, a decision will be made regarding the outcome of the employee's probation period. The university reserves the right to dismiss an employee where attendance has not been satisfactory during probation. Where a decision is taken to dismiss, full reasons for the dismissal should be communicated to the employee and confirmed to them in writing.

	Any decision to dismiss an employee during probation must be agreed by the Director/Head of School. Relevant notice will be provided and the employee will be informed of their right of appeal. HR advice should always be sought before any decision is taken to dismiss an employee. Where a manager is having concerns about an employee's attendance at work and there are no underlying medical conditions or disability affecting attendance, the university would not expect to see an extension to the probation period. Advice should be sought from Human Resources before any decision to extend is taken. Where an employee on probation takes maternity, adoption or shared parental leave their probation period will be extended accordingly on their return from leave. HR advice should be sought in such cases to ensure all appropriate steps are taken to support the employee during their probation period.
4	PROCEDURE FOR MANAGING APPRENTICES
	Different processes may apply to Apprentices engaged on specific training agreements, therefore please contact HR at the earliest opportunity if you have concerns about the performance, attendance or behaviour of an Apprentice either at their place of work or during their training placement.
5	APPEALS
	The employee will have the right to be accompanied to an appeal hearing, by a work colleague or Trade Union Representative. Appeals will be heard by an independent and normally more senior manager (the Appeal Manager) in line with the Management Lines of Responsibility. If the decision to dismiss was made by a senior manager, a manager at the same level may be appointed. The employee will normally be informed of the outcome in writing within 5 working days of the appeal meeting. Where an appeal is upheld and an employee is reinstated or re-engaged, it may be appropriate for them to return to their role subject to an ongoing probation period appropriate to the circumstances. This exhausts the appeal procedure and there is no further right of appeal.
6	SUMMARY
	The probation period is designed to support new employees during their first 6 months in post. Managers should ensure that regular meetings are arranged with the new employee to discuss expected performance, conduct and attendance during the probation period. A written note of actions, performance targets and objectives should be kept by the manager and shared with the employee. Managers should consider and implement suitable support measures to help employees improve performance. Issues around conduct and/or attendance should be discussed early and support measures put in place where appropriate. Where performance, conduct or attendance does not meet the required standards, managers should address issues promptly by following the process as detailed in this policy. Due to the short nature of the probation period i.e. 6 months, managers are expected to deal with issues quickly and as such, absence triggers have been amended and issues around attendance, performance and/or conduct will be addressed more quickly than may otherwise apply outside probation. Continued poor performance, concerns around conduct and/or absence may lead to an employee's dismissal. Any decision to dismiss must be agreed with the Director/Head of School. In all circumstances, employees should be informed of their right of appeal.