PROBATION PROCEDURE FOR PROFESSIONAL AND SUPPORT, RESEARCH AND TEACHING AND SCHOLARSHIP STAFF

1.0 PROCEDURE STATEMENT

Birkbeck is committed to supporting and guiding new members of staff to develop the necessary skills, competencies and performance standards required to successfully fulfil the requirements of the job. The probation period will also allow the College to fulfil its obligations to the member of staff to provide appropriate and effective supervision and support during the probation period.

1.1 Scope

This probation procedure applies to all staff in the Professional & Support, Research and Teaching & Scholarship staff categories. However, whilst the College recognises the importance of managing probation, it also recognises that these procedures require flexibility according to local business needs and the nature of an individual’s appointment to its staff. For example, the College recognises the need for a flexible approach to managing probation for research staff appointed on contracts of very short duration, or for Teaching and Scholarship staff engaged to deliver a very low number of teaching hours, or on ad hoc or infrequent modules.

Academic staff have a separate probation procedure which is available on the College website.

1.2 Introduction

Probation is defined as "the action or process of testing or putting to the proof." For probationers, it provides an opportunity to demonstrate that they are able to fulfil the responsibilities of the role to which they have been appointed to a satisfactory standard.

Birkbeck as an employer recognises it has a responsibility to provide relevant induction, training and support to the probationer over the probation period to enable them to demonstrate satisfactorily the skills and competencies necessary for the role.

The probation period is a time of adjustment and learning. Employees who are new to an organisation need time to accustom themselves to the working practices and possibly to adjust to new and more demanding work patterns. Probationers should be given clear instruction and guidance about the job at regular intervals and supervisors should provide encouragement and ensure any immediate development needs are addressed.

2.0 PROCEDURE

2.1 The Probation Process

At the time of appointment the probationer will be directed to a copy of this procedure within their contract of employment.

The Head of Professional Services Department/ School Manager/ Principal Investigator / Assistant School Manager (as appropriate to the staff group) should ensure that a named person

1 Herein referred to as the 'probationer'
is identified to the probationer as being the probationer’s supervisor. This will normally be his or her line manager\(^2\), whose responsibility it is to help, guide, and direct the probationer.

### 2.1.1 Induction

During the probationer’s initial induction period in the role, the supervisor (or the person delegated with this responsibility) should make the probationer aware of the requirements of the role including expectations of performance standards and behaviours. This may include (as judged appropriate according to local business needs) details on the quality standards required; the skills that may need to be acquired; any required training and how this can be accessed; any College protocols, policies and procedures and where details on these can be accessed; any deadlines which need to be met; any working relationships which need to be developed; and any other details relevant to the successful performance of the role.

The supervisor should also make clear that these standards will be monitored throughout the probation period and the frequency by which they can be formally reviewed.

The probationer should be briefed on how their role operates in relation to their colleagues and within the context of the department’s or unit’s work and Birkbeck as a whole.

Where appropriate, the probationer may be given the option of being matched with a peer mentor on an informal basis (where possible, this will be an experienced member of staff familiar with their role) who they can look to for general support and encouragement throughout the probation period.

As part of the induction process, the supervisor should discuss with the probationer any reasonable adjustments (taking into account any adjustments that may have been identified at an earlier stage) and/or any relevant training and development needs the probationer may require in order to adequately fulfil the expectations of the role. The College will fulfil its legal duties, so that reasonable adjustments, where practicable, are made to ensure that individuals with a disability are not disadvantaged.

To assist with induction an Induction Checklist will normally be completed to ensure all of these aspects are covered with the probationer.

Supervisors should make themselves available to probationers at mutually convenient times, via their usual means of communication, to discuss any points concerning the post which may need clarification.

It is not always possible or appropriate to provide detailed procedures for more senior members of staff. However, such probationers should be made aware of the standard to which they are expected to perform and be given guidance to help them reach and/or maintain such standards.

### 2.2 Monitoring Progress

The following points can be used, where appropriate, to monitor the probationer’s progress\(^3\):

a. Work output - Is the probationer making steady progress in the amount of work which is being done?

b. Work quality and standard - Is the probationer beginning to produce work which is relatively error-free? Is there evidence of their acquired learning and a reduction in the

---

\(^2\) Herein referred to as the ‘supervisor’

\(^3\) See section 5 - Responsibilities under Human Resources for additional guidance on monitoring progress

December 2014
amount of supervision they require? Are they performing at the level which is expected of them?

c. Attendance - What is the probationer’s record for punctuality, attendance and sickness absence?

d. Collect feedback to provide a wider assessment – Do colleagues (and students where the role is student-facing) feel that a good working relationship has been established?

Supervisors are advised to provide feedback (preferably written where possible) or progress reports to the probationer. Where this is not possible supervisors may consider more flexible approaches such as open clinics where probationers can book themselves into meetings with supervisors. If there are aspects of performance identified as needing improvement these should be discussed with the probationer as soon as possible and advice and assistance given as to how to rectify them. Supervisors may liaise with their HR Partner, as appropriate, on this.

The College reserves the right to terminate employment during the probation period at any time.

If there are serious concerns that arise prior to the mid-point or final review, managers should contact a senior manager and/or HR at the earliest opportunity so that appropriate support can be given.

Where serious concerns remain the procedure for non-confirmation of appointment (see section 2.4.1.3) should be followed.

Probationers who do not meet the required standard at any point during the probation period may be given 4 weeks’ notice of termination of their contract.

2.3 Mid-Point Progress Review

At the mid-point of the probation period the supervisor should complete a more formal review of the probationer’s progress. This review is mandatory for Professional and Support staff and Research staff and is strongly recommended for all Teaching and Scholarship staff (recognising the need for flexibility in managing the latter group). This review is particularly important in cases where the supervisor considers the probationer to be falling below the required standard of performance and needs additional support. HR will help to facilitate the Mid-Point Review by initiating early prompts/reminders to line managers and probationers. At this juncture the supervisor is advised to complete an Interim Probation Report, a copy of which will be given to the probationer.

If this review indicates that progress has not been entirely satisfactory, the supervisor should discuss with the probationer the aspects of performance which need improvement and seek to agree clear objectives and timescales within which they can be reviewed. The probationer will be asked if they consider that any further support and/or relevant training is necessary to enable them to complete tasks to the standards expected of them and this will be discussed and arranged where appropriate.

If there are serious concerns about the probationer’s performance or conduct, it should be made clear to the probationer that failure to improve performance/conduct to the required standard may result in the extension of the probation period and/or non-confirmation in post and the termination of their employment. It is advised that timescales for improvement and the possibility of extending the probation period are discussed with the probationer and confirmed in writing. In the case of T & S staff concerns/issues should be raised by the Module Convenor/Programme Director to the Assistant Dean and the Assistant School Manager (ASM), who can seek advice from their HR Partner.

December 2014
Supervisors should consider scheduling follow up feedback within an appropriate timeframe. A brief record should be kept of improvements made or of difficulties in achieving set goals. The probationer should be made aware that such a record is being kept.

2.4 Completion of the Probation Period

2.4.1 Final Probation Report

Approaching the end of the probation period HR will send a reminder to prompt the supervisor and the probationer that it is time to complete a final probation report. This report will include written confirmation to the appropriate HR Partner as to whether or not the probationer should either be confirmed in post, have their probation extended for a further period or have their contract terminated. Supervisors should ensure that the final probation report is completed on time to enable cases of poor/unsatisfactory performance to be identified and managed in a timely and appropriate manner.

2.4.1.1 Confirmation of Appointment

Where a probationer is judged to have successfully completed the probation period, their supervisor will indicate such in their written confirmation on the Final Probation Report. The supervisor will provide feedback to the probationer making it clear that they have successfully completed their probation period and provide them with a copy of their final report. HR will send a final confirmation letter to the probationer. The supervisor will proceed to setting and agreeing objectives with the member of staff for the year ahead.

2.4.1.2 Extension of Probation Period

It may be appropriate to extend the period of probation if, due to particular absence periods e.g. maternity, paternity, sickness it has not been possible to fairly assess performance; training to support the individual has not been available or the probationer’s performance has not quite met the required standard but the supervisor has evidence to suggest that performance is likely to improve with a further period of probation. Supervisors should seek advice from their HR Partner where an extension is being considered.

In all cases where probation is extended the following areas should be discussed between the supervisor and the probationer and relevant information confirmed in writing:

- The reasons for the extension.
- The period of the extension, the performance standards expected and the way in which performance will be monitored.
- Any support/training that will be given in the extension period.
- That if there is no sustained improvement in performance and/or conduct to the standard required that the probationer’s employment will be terminated.

2.4.1.3 Non-Confirmation of Appointment

Where a probationer is judged not to have passed the probation period, the supervisor should seek advice on the procedure from the HR Partner. Where an extension of the probation period is deemed unlikely to result in a sufficient improvement in performance and/or conduct and there is likelihood therefore that the appointment will be terminated at this juncture, the supervisor (supported by their HR Partner) should arrange a meeting with the probationer. A person designated as minute taker may also be present. The probationer will be provided with a copy of the relevant documentation in advance of this meeting. The probationer will also be
notified that they have the right to be accompanied at the meeting by a Birkbeck trade union representative or a Birkbeck work colleague. Companions may assist staff in stating their case but may not answer instead of the probationer.

Any decision as a result of such a meeting should be confirmed in writing to the individual (in consultation with HR).

Probationers who do not meet the required standard during the probation period may be given 4 weeks’ notice of the termination of contract.

3.0 Appeals

Probationers will have the right to appeal against a decision to terminate their employment for failure to satisfactorily complete their probation period.

Any appeal must clearly set out the grounds on which the probationer is appealing and must be lodged in writing with the Senior HR Partner within 5 working days of receipt of confirmation of termination. However in exceptional circumstances a short extension may be granted. Individuals should seek further advice from HR. Appeals will be heard without unreasonable delay.

The Chair of the appeal meeting will be accompanied by a representative from the HR department. A person designated as minute taker may also be present.

Where possible the appeal will be chaired by a nominee of the College senior to that of the supervisor and in all cases will be an impartial party who has not previously been involved in the case. The HR representative will also be a different person from the person who participated in the previous meeting.

The appeal panel can uphold or reject the appeal. Probationers have a right to be accompanied at any such appeal meeting by a work colleague or trade union representative. Companions may assist staff in stating their case but may not answer instead of the employee.

Probationers will normally be informed in writing of the outcome of the appeal meeting within 5 working days of the meeting.

The decision of the Chair of the appeal meeting is final.

4.0 Length of Probation Period

4.1 Probation Duration

The length of the probation period will be outlined in the individual’s contract of employment.

The probation period for an individual within each staff group will normally be the same:

- Professional & Support – normally 6 months.
- Research – normally 12 months.
- Teaching & Scholarship – normally 18 months.

The probation period can be varied in cases where explicit, objective reasons for a variation can be provided. Such an exception may include the waiving or lessening of a probation period by the recruiting manager at the recruitment stage, but must always be approved by the relevant December 2014
ED or Director of Professional Services Department. For example, probation might be reduced where the individual has significant experience at the same level at another institution and is a ‘good fit’ for Birkbeck on the basis that he or she has a firm understanding of the College’s culture and considerable knowledge of the higher education sector. Exceptions are expected to be rare and will be noted by HR on an exceptions list where they occur.

Where staff are appointed on a fixed term contract of less than the normal probation periods stated above, then all of their appointment shall be considered to be probationary. The probation period is not reduced. If the fixed term contract is subsequently extended or made permanent then the individual’s probation period should continue in the new contract until the sum of both periods reaches the normal duration of the probation period, at which point the probation should be confirmed or not confirmed according to the terms of this procedure.

4.2 Notice During Probation Period

During the probation period the following notice periods will apply:

- Four weeks’ notice given at any time by either party.

5.0 RESPONSIBILITIES

All those persons referred to within the scope of this procedure are expected to adhere to its requirements. Probation should be mandatory for Professional and Support Staff and Research Staff, and is strongly recommended for Teaching and Support Staff, except where the need for a flexible approach is required for staff on very short contracts or engaged to teach a very low number of hours. Individual line managers are responsible for ensuring that this procedure is applied within their own area.

Any queries on the application or interpretation of this procedure must be discussed with the HR team prior to any action being taken.

The Director of Human Resources has responsibility for ensuring the maintenance, regular review and updating of this procedure.

Birkbeck reserves the right to review, revise, amend or replace the content of this procedure and / or introduce new procedures from time to time, subject to good practice principles of consultation where applicable, to reflect the changing needs of the College and to comply with legislation.

The following have direct responsibilities under this policy:

- **Employee/Probationer**
  - Understand the role, responsibilities, objectives, expected standards and procedures governing the post.
  - Regularly attend progress review meetings and communicate/take on board areas for improvement, where appropriate.
  - Contact their peer mentor when they would like a supportive ear, where appropriate.
  - If lodging an appeal against non-confirmation in post/termination of contract, submit written appeal to Senior HR Partner normally within 5 working days of written notice to dismiss.

- **Head of Professional Services/School Manager/Principal Investigator**
  - Ensure a named person is identified to the probationer as their supervisor.

- **Supervisor**

December 2014
Provide an explanation of the role, responsibilities, expected standards, objectives and procedures governing the post.

Liaise with HR on the reasonableness and practicalities of implementation of reasonable adjustments, where appropriate, training and/or support.

Determine whether a peer mentor is required and appoint where appropriate.

Monitor probationer’s progress during probation period.

Provide regular written progress reports, where appropriate.

Communicate to probationer areas where performance improvement is required and consult HR as appropriate.

At the mid-point of the probation period, complete a brief progress report and provide the probationer with a copy of the report.

Where required at the mid-point progress review provide probationer with specific details of areas for improvement and timescales.

Consult with HR at an early stage where there are concerns or where there is a need to issue an extension of the probation period.

Complete the Final Probation Report including a written recommendation to the appropriate HR Partner as to whether or not the probationer should either be confirmed in post, have their probation extended for a further period or have their contract terminated.

Send written confirmation of appointment in post to probationer.

Where probation is extended, provide written confirmation to probationer.

Lead dismissal meeting with probationer (supported by HR) where termination of appointment is necessary.

**Peer Mentor**
- Introduce themselves to the probationer and provide contact details.
- Provide a listening ear, support, encouragement and advice to the probationer when requested (anything over a notional maximum of 6 hours over the probation period should be referred to the supervisor/line manager before it is undertaken).

**Human Resources**
- Liaise with the supervisor to support the probation process.
- Initiate alert system to prompt supervisors/line managers to undertake Mid-Point meetings and complete final review reports.
- Process progress reports and where required provide advice and guidance.
- Liaise with the supervisor/line manager on the implementation of reasonable adjustments, training and/or support (where appropriate).
- Send out final confirmation letters.
- Attend dismissal meeting and ensure probationer has been informed of their right to be accompanied to the meeting.
- Where termination of appointment is necessary, provide written confirmation to probationer.
- Attend any appeal meeting and inform probationer in writing of the outcome of the appeal meeting within 5 working days of the meeting.
- Provide management guidance notes to support the monitoring process.

**Senior HR Partner**
- Consider appeal request.
- Appoint appeal panel if required.

**Chair of Appeal Panel**
- Hear appeal requests.
- Seek to reach consensus with panel member but take responsibility for final decisions where appropriate.