

Procedure for Managing the Probation Period

(This policy has been updated to include the temporary amendments being made during the COVID-19 period, all updates are shown in text boxes “COVID-19 Update” below)

1 Introduction

- 1.1 The Procedure for Managing the Probation Period applies to all staff except Lecturers, Senior Lecturers, Readers and Professors. The procedures governing these academic staff are separately prescribed in [Ordinance D14](#).
- 1.2 The procedure provides guidance on the appropriate use of probation periods and the support and training that should be offered to a member of staff during this time. The document also provides information on the formal reviews that should take place during the probation period and the procedure to deal with any problems that may arise.
- 1.3 Guidance on how to manage the review period for an existing member of staff who has been appointed to a new position is attached at Appendix A.
- 1.4 The College recognises its responsibility to ensure that no-one is discriminated against or disadvantaged either through membership of any particular group or on the grounds of age, disability, sex, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief (including lack of belief), or sexual orientation. Please refer to the [College's Equality webpages](#) for additional information: .
- 1.5 This policy has been assessed as being a key component in ensuring the College fulfils its duties under anti-discrimination legislation and the College has reviewed its impact on equality and diversity and will continue to regularly monitor the use of this policy and will take action where necessary.

2.0 Guidance on the use of probation periods

- 2.1 The probation period is used to evaluate the performance of a new member of staff. Probation periods are accepted as a legitimate management practice when they are used appropriately as set out below. Appointments “subject to a probation period” are made with a view to confirming the member of staff in either an open-ended or fixed term position.
- 2.2 Members of staff should be evaluated against the seven [Imperial Expectations](#) requirements.
- 2.3 It is recommended that induction training and regular performance reviews, ideally at least once a month, are carried out with both new starters, and with existing staff appointed to new positions, with oral feedback being provided as appropriate. Where there may be a concern about a member of staff's performance, it is recommended that

feedback be confirmed in writing, encompassing key points discussed and a copy should be given to the member of staff.

- 2.4 Guidance on extending probation periods may be sought from Human Resources. Probations should only be extended where there are mitigating circumstances such as serious illness, where external events have prevented important duties being covered, or where concerns with performance or other factors are identified on the Probation Review Form. Where a member of staff's probation period is extended, the outcome of regular meetings should be confirmed in writing and a copy given to the member of staff.

3.0 Responsibilities of a line manager, team member allocated to support the new starter and the member of staff during the probation period

- 3.1 During a probation period the line manager should confirm that the requirements of the job are clear to the member of staff and ensure that they have appropriate support and training for the new job. Guidance on induction programmes is available from the [new staff](#) webpage and details will be provided to managers when new contracts of employment are issued by Human Resources. During the probation period, the line manager and the member of staff should jointly identify any training and development requirements for the new role. Support in the planning of programmes is available from staff within the [Learning and Development Centre](#). The line manager is also responsible for providing regular feedback on progress to the member of staff and must conduct the formal probation reviews set out in section 4.

- 3.2 It is the line manager's responsibility to ensure that new members of staff complete the [Imperial College Essentials](#) mandatory requirements during their first six months of service.

- 3.3 The line manager is ultimately responsible for managing the probation period. However, it is also useful to identify a member of the team who can provide informal operational guidance, outside of the line management role. A mentor can provide support in familiarising the member of staff with the new environment.

- 3.4 A new member of staff also has responsibilities during the probation period. Although there is a learning curve in any new job, a member of staff should work hard to achieve a good level of performance, and thereby confirm their suitability for the post. The new member of staff should be proactive in seeking support if they have any concerns about the requirements of the job or their capabilities to perform the role.

4.0 Reviews during a probation period

- 4.1 During the probation period, the line manager should meet with a new member of staff on a regular basis, ideally at least once a month, to discuss work and give advice and guidance on progress in the new role. These discussions should provide oral feedback on the member of staff's progress and advice on areas the member of staff needs to cover, learn or improve on, with guidance on how this may be approached or achieved. Where there may be a concern about a member of staff's performance, it is recommended that feedback is confirmed in writing, encompassing key points discussed and a copy should be given to the member of staff.

- 4.2 Where problems are identified the line manager should seek to resolve any issues at an early stage through discussion, coaching and training. Where the member of staff who

has disclosed a disability (as defined by the Equality Act 2010) and the concerns relate to their performance, then arrangements should be made to assess the impact of that disability upon the member of staff's role. An assessment should be made of any adjustments that might reasonably be put in place. The manager and member of staff should record and agree action from these informal meetings so that the actions to address the problems are clear. A Human Resources representative can provide support in addressing the areas of concern.

- 4.3 The line manager should undertake a formal probation review mid-way through the probation period. The **Mid and Final Probation Review Form** (Probation Review form) will act as a record of the discussion and guides line managers on the areas that should be monitored. The Mid and Final Probation Review Form will guide this discussion and should be submitted to the HR Staff Hub via the [HR Portal](#) once completed.
- 4.4 Before the end of the probation period, a further formal review is carried out by the line manager. Human Resources will again notify when this is due. The [Probation Review form](#) will guide this discussion and should be submitted to the HR Staff Hub via the [HR Portal](#) once completed.

COVID-19 Update

The probation period should still be managed according to the Procedure for Managing the Probation Period and should still be confirmed when a staff member's probation finishes unless it needs to be extended.

Due to current remote working, meetings and reviews during the probation period should be conducted via Microsoft Teams, Skype or as a telephone call.

For staff members who are on the Job Retention Scheme:

The probation period should still be managed according to the Procedure for Managing the Probation Period, however depending on the nature of the role, a staff member who is on furlough may have their probation date extended for up to three months. The length of extension will be reviewed depending on the period of furlough for that role.

For staff members who are not on the Job Retention Scheme:

Some members of staff who have not been eligible for the Job Retention Scheme may have been unable to carry out their normal duties for the College as a result of remote working. This may mean their line manager has not been able to assess their work. In these instances, probation may be extended as a result of COVID-19 (up to three months).

Incremental Progression:

If your probation has been extended as a result of being on the Job Retention Scheme or because you have been unable to continue working during the COVID-19 period due to remote working (and not for reasons relating to performance or other concerns), it has been exceptionally agreed that your incremental salary progression will be backdated to when you would have originally completed probation. Depending on your start date, your increment will be backdated to either on the 1st of the month following your probation period or from the 1 October 2020, once you have successfully completed your probation period.

The temporary changes to this policy will be reviewed regularly and updated as appropriate.

5.0 Confirmation or non-confirmation of the probation period

- 5.1 Probation periods are automatically confirmed as successful at the end of the period unless Human Resources are advised to the contrary via the returned [Probation Review form](#) via the [HR Portal](#). Automatic confirmation may be delayed if a member of staff has not undertaken or failed the mandatory courses outlined within the [Imperial College Essentials booklet](#).
- 5.2 If there have been concerns during the probation period, these will have been identified throughout the informal and formal reviews. Where the issues of concern are such that they may result in the non-confirmation of employment, the manager should discuss the matter with their HR Strategic Partner. Then a member of staff should be invited to a Probation Review Meeting prior to a decision being made. It is not necessary to wait for the expiry of the probation period to convene a Probation Review Meeting if the member of staff has been made aware of the problems and given the opportunity to improve.
- 5.3 A member of staff has a statutory right to be accompanied at a formal Probation Review Meeting by either a Trade Union representative or work colleague. Under exceptional circumstances the manager and Human Resources representative will consider requests for accompaniment by a relative or friend, this individual must not be a legal representative. In advance of the hearing the member of staff should advise the manager hearing the case of the name of the person who will be accompanying them.
- 5.4 The member of staff should be given in writing five working days' notice of the Probation Review Meeting and be provided with full details of the concerns that are being reviewed as good cause for the non-confirmation of employment. The opportunity of accompaniment by a trade union representative or work colleague must be offered to the member of staff. If a member of staff is unable to arrange accompaniment on the date proposed or fails to attend the meeting for reasons outside of their control then the formal hearing will be rearranged for a mutually suitable time, normally within one week of the original date.
- 5.5 Where a member of staff has a disability then arrangements for the Probation Review Meeting should include consideration of any requirements for reasonable adjustments. Where a member of staff has difficulty understanding written or spoken English then appropriate accommodations should be made.
- 5.6 The Probation Review Meeting should be chaired by the second line manager, or suitable nominee, accompanied by a member of Human Resources. The purpose of the Probation Review Meeting will be to enable the second line manager to review the case for non-confirmation of employment and to consider any views expressed by the member of staff before a decision is made.
- 5.7 If, following a Probation Review Meeting, non-confirmation of employment is considered appropriate, then the second line manager has the authority to implement this decision with agreement from the Human Resources representative. Where there is a decision not to confirm the probation period, this will be communicated in writing. The letter will contain the reasons for the non-confirmation of the probation period, the date employment will end, and outline the member of staff's right to appeal.
- 5.8 Where a member of staff does not attend a Probation Review Meeting then the arrangements set out in the ACAS Code April 2009 will apply. In the event that a

member of staff cannot attend a rearranged Probation Review Meeting, then they will be given the opportunity to provide a written statement. If a member of staff does not attend a rearranged hearing or submit a written statement, then the Chair of the meeting may make a decision that the meeting will proceed in the member of staff's absence, without the benefit of their oral or written statement. The member of staff will be notified in advance that this is a consequence if they are unable or unwilling to participate in the process, and the Human Resources representative will provide guidance on this point in the event that it is necessary.

- 5.9 Notes and records of matters dealt with under the Probation should be handled on a confidential basis and stored securely, in compliance with General Data Protection Regulation (GDPR). The covert recording of informal or formal meetings, e.g. by use of a mobile phone or other recording device will not be permitted and will result in disciplinary action.

COVID-19 Update

Formal Review Meetings:

The College remains committed to dealing with formal hearings including probation review meetings in a fair equitable and timely manner during the COVID-19 Pandemic and as such, these meetings should be conducted remotely. It is anticipated that the College and those employees who are expected or required to participate in internal hearings, meetings and investigations cooperate to facilitate these to take place with the minimum amount of delay.

The use of electronic equipment should be used and encouraged wherever possible, this will include Microsoft Teams, Conference calls, and Skype for business. It may also be possible to receive responses to questions in writing from participants.

Meetings will not be recorded, and a note taker will be present remotely to transcribe the notes of the meeting. These will be circulated for review and amendments. It is hoped that a final version of the notes will be agreed. Where there is disagreement, two versions of the notes will be kept on file.

Managers and staff should refer to the [Guidance for the Conduct of Hearings and Investigations](#) for more detailed information about the use of electronic communication and how formal meetings will be managed during COVID-19.

Managers may wish to refer to the [Leading and managing during the COVID-19 crisis](#) webpage for more general information and resources.

6.0 Appeals

- 6.1 A member of staff who does not have their probation confirmed may appeal against that decision. In the written notification of the non-confirmation of probation, the member of staff will be informed of the name of the person to whom an appeal should be addressed and the timescale for doing so. If the member of staff wishes to appeal, they must set out the grounds of their appeal in writing. The appeal will be heard by the Head of Department/Division or their nominee. A member of the Employee Relations HR Team not previously involved in the case will also be present and the member of staff may be

accompanied by a Trade Union representative or work colleague. Under exceptional circumstances the manager and Employee Relations representative will consider requests for accompaniment by a relative or friend, this individual must not be a legal representative. Suitable administrative support should be present to take notes. All appeal hearings will be convened as soon as practicable.

6.2 Appeals against non-confirmation of probation will be conducted in accordance with the following terms of reference:

- To review whether the basis for non-confirmation of probation was adequately substantiated;

- To review whether the College's procedures were correctly and fairly implemented.

6.3 The decision of the appeal hearing will be issued within 10 working days. In the event that a probation appeal results in reinstatement then this will be done in a manner which maintains continuous service and without loss of pay (assessment will be made of any income received by the member of staff while not in College employment). The College regards the appeal decision as final.

Appendix A

Guidance for managing existing staff appointed to a new position

Introduction

It is recommended that Induction training and regular performance reviews are carried out with both new starters, and with existing staff appointed to new positions, with feedback being provided as appropriate.

Responsibilities of a line manager and the member of staff

The line manager should confirm that the requirements of the job are clear to the member of staff and ensure that they have appropriate support and training for the new job. Guidance on induction programmes are available from the HR Staff Hub and the [new staff](#) webpage. The line manager and member of staff should jointly identify any training and development requirements for the new role. Support in the planning of a programme is available from staff within the [Learning and Development Centre](#). The line manager is also responsible for providing regular feedback on progress to the member of staff and advice on areas the member of staff needs to cover, learn or improve on, with guidance on how this may be approached or achieved.

The line manager should meet with the new member of staff on a regular basis to discuss work and give advice and guidance on progress in the new role. These informal discussions should provide feedback on the member of staff's progress.

COVID-19 Update

Due to current remote working, meetings and reviews during the probation period will be conducted via Teams, Skype or as a telephone call.

Where problems are identified then the line manager should seek to resolve any issues at an early stage through discussion, coaching and training. It is useful for the manager and member of staff to record and agree action from these informal meetings so that the actions to address the problems are clear. A Human Resources representative can provide support in addressing the concerns.

Ideally performance issues identified should be resolved through informal discussion, coaching and training. If these do not address the issue, the line manager will need to initiate the formal part of the [Capability Procedure](#).