

ORDINANCE XXXVIII

STAFF PROBATIONARY ORDINANCE PURSUANT TO STATUTE V PART V

1. **Part I – Application, Scope and General Provisions**

- 1.1. This probationary Ordinance is made under Part V of Statute V of the University's Statutes and applies to all academic members of staff of the University who have been appointed subject to a period of probationary service.
- 1.2. This Ordinance may be supplemented by guidance for probationary appointments issued by the University from time to time, which shall not form part of any member of staff's contract of employment with the University.
- 1.3. In this Ordinance a probationary period shall be the period during which the suitability of a member of staff, **(Probationer)**, whose appointment is subject to successfully completing a period of probation, can be assessed by a Designated Member of Staff and the Academic Probation Committee (as defined by paragraph 1.4).
- 1.4. In this Ordinance:
 - (a) the Designated Member of Staff will normally be the Probationer's Head of School, but may be varied as appropriate by the University, with notice to the Probationer;
 - (b) the Academic Probation Committee shall be comprised of five academic members of staff, drawn from the Academic and Academic-Related Staff Progress Standing Committee.
 - (c) the Probationer may appeal against either the extension of probation or termination of the appointment under this Ordinance. Appeals against extension of probation will be heard by a senior academic and another member of academic staff, not from the immediate area and not holding a managerial position. Appeals against termination of the appointment will be heard by the Appeal Committee comprised of the Vice-Chancellor or his or her nominee, a lay member of Council and an elected member of Senate.

- 1.5. A probationary period for new members of staff and a structure for reviewing staff performance is essential for the efficient and orderly operation of the University's activities. The purpose of this Ordinance is to provide a procedure with regard to review of a Probationer and the options available after such review. All steps under this Ordinance will be taken, by all parties, without undue delay. Any time limits in this Ordinance may be extended at the sole discretion of the University if it is reasonable to do so.
- 1.6. This Ordinance shall not apply to the proposed dismissal of a Probationer prior to the end of a probationary period on any ground falling under the application of Parts II, III or IV or under Clause 20 of Statute V.
- 1.7. At any meeting convened under Parts 2 or 3 of this Ordinance the Probationer has the right to be accompanied by a work colleague or by a trade union official, but no right to be accompanied by a legal representative. The Probationer's chosen work colleague or trade union representative may make representations on behalf of the Probationer at the meeting and may ask questions, but may not answer questions on behalf of the Probationer.

Probationary Periods

- 1.8. Appointments to the University will be subject to an initial probationary period which will normally not exceed three years.
- 1.9. An academic probationary period, satisfactorily completed in another UK University, satisfies the probation requirements of the University. Where an individual member of staff has served part of an academic probationary period in another UK University, this probationary service will be taken into account in determining the length of the probationary period.
- 1.10. In order to effectively assess the Probationer's appointment, a Probationer's conditions of appointment will specify:
 - (a) that the appointment is subject to the probationary period and will specify the duration of the probationary period;
 - (b) the Designated Member of Staff to whom the Probationer will be responsible for the carrying out of his or her duties;

- (c) that the Probationer will receive advice from the Designated Member of Staff and may be required to undertake such training in his or her duties as may be required by the University; and
- (d) that, during the period of probation, reports will be made by the Designated Member of Staff of the Probationer's performance in his or her post.

2 Part II – Reports and Review of Probationer's Performance

Reports

- 2.1 Prior to each anniversary of the Probationer's appointment falling during the probationary period, the Designated Member of Staff shall prepare and provide to the Academic Probation Committee a formal report concerning the performance and progress made by the Probationer.
- 2.2 When the Academic Probation Committee considers that an interim report on a Probationer requires remedial action to be taken, the Designated Member of Staff will be informed with, as appropriate, advice on what should be done to rectify the issue, following which the Designated Member of Staff will discuss the issue with the Probationer. In such circumstances a copy of the report will be issued to the Probationer.

Review of Probation by the Academic Probation Committee

- 2.3 Upon receipt of a formal report from the Designated Member of Staff, the Academic Probation Committee shall formally review the Probationer's appointment. Such a formal review shall normally take place shortly before each anniversary of the Probationer's appointment occurring during the probationary period.
- 2.4 After completion of a formal review, the Academic Probation Committee will determine at the end of the first year of probation whether any remedial action is required to be taken by the Probationer during the next year of probation.
- 2.5 After completion of a formal review, the Academic Probation Committee will determine at the end of the second year of probation:

- (a) whether the appointment will be terminated at the end of the current year of appointment; or
 - (b) whether the Probationer will remain on probation for a further period and whether any remedial action is required to be taken by the Probationer during such further period of probation.
- 2.6 After completion of the formal review occurring at the end of the probationary period referred to in paragraph 1.10(a), the Academic Probation Committee may determine:
 - (a) whether the appointment will be terminated at the end of the current year of appointment;
 - (b) whether the Probationer will remain on probation for a further year (in no case will the period of probation be extended more than once or for more than one year) and whether any remedial action is required to be taken by the Probationer during such further period of probation; or
 - (c) whether the appointment will be confirmed and the probationary period concluded.

Meeting with Probationer and provision of written reports

- 2.7 All formal written reports considered by the Academic Probation Committee will be made available to the Probationer and the Designated Member of Staff.
- 2.8 The Academic Probation Committee will invite the Probationer and the Designated Member of Staff to attend a meeting before any decision is made to terminate or extend under paragraphs 2.5 or 2.6, such meeting to take place following receipt of the documentation described in paragraph 2.7. The Probationer will be informed of his or her right to be accompanied to the meeting in accordance with paragraph 1.7 above. At the meeting the Probationer and the Designated member of staff will have the opportunity to make representations. The Academic Probation Committee will be accompanied at the hearing by a member of the University's Human Resources Department acting in an advisory capacity.

- 2.9 The procedure to be followed at such meetings shall be determined at the sole discretion of the Academic Probation Committee.

Confirmation of decision

- 2.10 The Academic Probation Committee will confirm its decision made under paragraphs 2.4, 2.5 or 2.6 in writing to the Probationer and the Designated member of staff, explaining the reasons for the decision. If the decision has been taken to terminate the Probationer's appointment or to extend the probationary period beyond the initial probationary period referred to in paragraph 1.10(a), the Probationer will be informed of his or her right of appeal under Part 3 of this Ordinance.
- 2.11 In the event of non-confirmation of appointment (subject to the outcome of any appeal) the employment of the Probationer will terminate.

3 Part III – Appeals

- 3.1 If the Probationer is dissatisfied with the decision of the Academic Probation Committee made under Part 2 of this Ordinance to terminate the appointment or that probation be extended and wishes to appeal, he or she must do so in writing to the University's Human Resources Department within 10 working days of the date on which the Probationer was informed of the relevant decision. The Probationer must set out his or her grounds of appeal in writing and refer to the initiation of the appeals part of this Ordinance.
- 3.2 The Probationer and the Designated Member of Staff will be invited to attend an appeal meeting, which will normally take place within 10 working days of receipt by the University of the appeal. The chair of the Academic Probation Committee may also be asked to attend the appeal meeting. The Probationer will be informed of his or her right to be accompanied to the meeting in accordance with paragraph 1.7 above. The Appeal Committee will be accompanied at the appeal hearing by a member of the University's Human Resources Department acting in an advisory capacity.
- 3.3 The procedure to be followed at the appeal meeting shall be determined at the sole discretion of the Appeal Committee.
- 3.4 The appeal meeting may be adjourned and reconvened at a later date if the Appeal Committee needs to carry out additional investigations.

Confirmation of Outcome of Appeal Meeting

- 3.5 The Appeal Committee will notify the Probationer of its decision in writing, normally within 10 working days of the appeal meeting, or, where the appeal meeting has been adjourned and reconvened, normally within 10 working days of the final reconvened appeal meeting. The Appeal Committee will also provide the Probationer with the reasons for the decision that it has reached. The decision of the Appeal Committee will be final.