

# HUMAN RESOURCES

## PROBATION PROCEDURE



### 1.0 Introduction & Aims

- 1.1 The London School of Hygiene & Tropical Medicine (LSHTM) (referred to as “the School” in this document) aims to create a positive and inclusive working environment that encourages the recruitment, development and retention of excellent staff using efficient systems and processes to support the delivery of the School’s Mission and Strategy.
- 1.2 The aim of this procedure is to set a framework for line managers / Heads of Departments on how to manage the performance and conduct of new staff members during the probationary period (described as “probationers” in this document), supporting them appropriately so that they can be successful in their new roles.
- 1.3 The purpose of the probationary period is:
  - To give probationers the opportunity to develop the necessary skills to carry out the job effectively;
  - To enable the School to assess the contribution of probationers and to ensure that they fulfil the requirements of their post.
- 1.4 The probationary period should allow both probationers and line managers to assess objectively whether or not probationers are suitable for the role. The School believes a probationary period increases the likelihood that probationers will perform effectively in their employment and progress successfully in their career.
- 1.5 Probationers will not be expected to participate in the Performance Development Review (PDR) process during the probationary period. It is expected that PDRs should begin following successful completion of the probationary period.

### 2.0 Scope & Duration

- 2.1 This procedure is applicable to all newly appointed probationers at the School.
- 2.2 This procedure should be read in conjunction with the School’s Probation Policy.
- 2.3 The length of the probation period is six months for all new staff.
- 2.4 Any proposed extension to the probationary period, either before or during the probationary period itself, should be discussed with an HR Partner, and should be in line with the guidance provided in Section 9 – (‘Extending the probationary period’) of this procedure.
- 2.5 Misconduct will be addressed through the School’s Disciplinary Procedures, but probationary assessments may need to take into account any matters connected with a probationer’s conduct.

### 3.0 General Principles

- 3.1 The primary purpose of a probationary period is to ensure a probationer’s capability, reliability and suitability for continued employment. This procedure should ensure that:
  - Performance, conduct and attendance are assessed throughout the probationary period;

- Line managers provide guidance, encouragement and appropriate training to ensure the desired development;
  - Probationers are fully informed of progress throughout the probationary period and any issues that arise are discussed at the earliest possible date.
- 3.2 During the probationary period, line managers should ensure provision of appropriate information and training to equip probationers to undertake all aspects of their roles at the School. Probationers are expected to demonstrate suitability for their post.
- 3.3 Assessment of performance, active support and development should be an ongoing process throughout the probationary period (and beyond) and not just undertaken at formal reviews. Informal meetings may take place at any time to discuss any aspect of performance.
- 3.4 Probationers holding fixed term positions are subject to the same probationary process as those holding open-ended positions with appropriate objectives for the period of employment.
- 3.5 Existing members of staff who are regraded, transferred within the School or whose fixed-term contracts are extended, should not be subject to a probationary period unless their initial probationary period has not yet been completed. In this case, the probationary period should be carried over to the new contract and their employment should not be confirmed until the original probationary period has been successfully completed.
- 3.6 In exceptional cases where there may be major differences between a previous and a new role, a new probationary period of six months may be required.

#### **4.0 Key responsibilities of line managers and probationers during the probation period**

##### 4.1 Line managers should:

- Clarify probationers' duties, responsibilities and expected standards of performance;
- Ensure appropriate instruction / guidance / assistance / training / mentoring is provided;
- Explain performance standards;
- Set objectives / targets with probationers and determine how they will be monitored / measured;
- Monitor / review progress;
- Provide encouragement / feedback and recognition of achievements;
- Arrange and conduct probationary reviews;
- Highlight areas for improvement;
- Seek advice from Human Resources (HR) in cases of poor performance and take appropriate action;
- Determine the probationary outcome (i.e. confirmation or non-confirmation of probation or extension of the probationary period)

##### 4.2 Probationers should:

- Work to expected standards and meet agreed objectives / targets within set timescales;
- Be proactive in seeking support from line managers if there are any concerns about requirements of the job or ability to meet the them;

- Discuss needs for any training / guidance / support that may be necessary to help achieve the expected standards of performance;
- Attend any mandatory or job-related training events, and undertake any other personal development activities in support of work as agreed with line managers.

## 5.0 Induction

- 5.1 Staff induction is an important activity to support all probationers in familiarising themselves with their role and the School. All probationers are required to participate in local induction provision within their own Departments and Faculty. It is expected that induction meetings should take place within a week of the probationer commencing employment. Probationers should also attend the School's induction day.
- 5.2 Line managers should use the **Induction & Probation Checklist** as a framework to guide them through the induction and probation processes. The checklist contains typical examples of tasks and key responsibilities probationers need to know at different stages of each process. This information should be collated by line managers or nominated person (for example, it may already be held centrally within the admin team). Checklists are intended to be used as working documents so that activities can be signed off once completed.
- 5.3 Departments are encouraged to keep a copy of the document as a record that the checklist has been completed. It is also a requirement of the probation process that checklists are completed and returned along with other probation documentation to HR once probation is complete.
- 5.4 Line managers should ensure that any identified development / training needs are structured to enable probationers to work towards competent performance by the end of the full probationary period. It is also expected that probationers will be self-motivating and take appropriate responsibility for considering and identifying development needs within the context of their role and taking account of their career development.
- 5.5 It is a requirement that all staff providing postgraduate teaching and involved in supervising doctoral students should receive appropriate training. Completion of Module One of the School's Postgraduate Certificate in Learning and Teaching (PGCILT) is a condition for promotion to Associate Professor. Probationers should consult with the relevant Faculty Taught Programme Director if unsure what training should be done. The TED intranet pages provide information on training courses in education-related skills, including PGCILT.

## 6.0 Setting Objectives

- 6.1 Objectives are goals, which should be achieved within a certain timeframe. The School recommends the use of the SMART model (below) to set objectives. SMART means:

**Specific** (i.e. objectives are sufficiently detailed for staff to understand and take action)

**Measurable** (i.e. objectives can be objectively assessed and measured)

**Achievable** (i.e. objectives are reasonable and realistic within the parameters of the role and the timescales for review)

**Relevant** (i.e. objectives are relevant to the role).

**Time-limited** (i.e. objectives are measured and reviewed within a specified and realistic timescale).

- 6.2 HR will support and advise line managers on development and communication of appropriate SMART objectives on request.
- 6.3 Line managers should ensure probationers receive appropriate support, guidance and training to enable achievement of their objectives.
- 6.4 Line managers should keep a written record of objectives, ideally signed.

## 7.0 Probation Meetings

- 7.1 Throughout the probation period, probationers' performance and competence should be assessed by line managers within a supportive and developmental context. Regular and informal one-to-one meetings should be held to review performance against the job description and to ensure that probationers are kept informed of progress against the required standards; to advise probationers of any concerns and how these can be addressed; and to ensure probationers are able to raise any questions they may have about work performance or training requirements.
- 7.2 In addition to informal one to one meetings, formal, documented probation reviews are to be carried out as follows:
  - First probation meeting** – on and around the end of month 1;
  - First Review meeting** – on and around the end of month 3;
  - Final Review meeting** – typically before the end of month 5, though it could be earlier if required. This is usually an informal meeting, unless there are performance issues in which case, it is likely to be a probation hearing under the formal probation procedure described in Section 11 – ('Formal Procedure for non-confirmation of post') of this procedure.
- 7.3 Probation Review forms are provided for this purpose and must be signed by probationers and their line managers at the initial meeting and each subsequent review point to provide a formal record of the probationary period. A minimum of two formal reviews will take place during the probation period for every probationer. A copy of the form should be held by the Department in line with data protection guidance.
- 7.4 HR will send reminders of review dates to Departments and it is the responsibility of line managers to carry these out in a timely fashion.
- 7.5 Departments should submit a copy of the Probation Review Form to HR after the final review meeting. In cases where difficulties have arisen during the probationary period, line managers should contact the HR Partner team for advice.
- 7.6 The purpose of review meetings is to formally assess and document the standards of work performance, conduct and attendance of probationers against the targets set at the first probation meeting and to identify any further support, training or guidance, which is required.
- 7.7 Formal review meetings should be set up in advance so that both parties have time to prepare. Probationers can be accompanied at these meetings by either a work colleague or a Trade Union representative if serious performance issues have been identified and dismissal is a possible outcome.

### 7.1 First Probation Meeting

- 7.1.1 This meeting should normally take place within the first month of employment.

7.1.2 The purpose of the meeting is to clarify and agree expectations / objectives for the probation period and to schedule regular probation review meetings.

7.1.3 At this meeting line managers should:

- Clarify the duties and responsibilities of the probationer in line with their terms and conditions of employment and their job description (providing them with a copy), which should include:
  - Key aspects of the role;
  - Policies and procedures that must be followed;
  - Deadlines which need to be adhered to;
  - Relationships with staff members within the team, Department and / or School;
  - Working hours – including any flexitime arrangements / processes;
  - Working environment;
  - Health and Safety;
  - Security arrangements;
  - Training and development needs, including mandatory training and mentoring opportunities;
- Identify and agree objectives outlining what needs to be achieved during the probationary period. These objectives need to be SMART (Specific, Measurable, Achievable, Realistic and Time-limited) and include a discussion about what support should be given to the probationer in order to achieve them;
- Agree dates for further review meetings.

## **7.2 Review Meetings**

7.2.1 Line managers should ensure that the first and final review meetings are held with probationers within the recommended timescales specified in Section 7.0 – ‘Probation Meetings’ paragraph 7.2 of this procedure.

7.2.2 As part of the first and final review meetings, line managers should:

- Praise good performance and achievements made so far;
- Discuss the probationer’s performance against the requirements of the position identified in the job description;
- Discuss the probationer’s performance against any objectives and targets set at the initial meeting;
- Review time keeping and attendance, including sickness absence;
- Review training completed and agree any further development needs;
- Check that all mandatory training has been completed;
- Identify any areas of performance, conduct and / or attendance that need improving – identifying the standards required and how this can be achieved;
- Provide support and guidance;
- Be sensitive to issues of equality and diversity, seeking guidance as appropriate;
- Document details of the review meeting on probation forms and agree this with the probationer.

## **8.0 Dealing with Unsatisfactory Progress**

8.1 Where line managers are concerned about the progress of probationers on the grounds of under-performance, line managers must consult HR immediately.

- 8.2 Depending upon the degree of under-performance, line managers may alter the prescribed timescales of review meetings (having consulted HR).
- 8.3 Where line managers and HR agree that it is appropriate, a member of HR may attend review meetings. In such circumstances, probationers may be accompanied by a Trade Union representative or a work colleague.
- 8.4 Where probationers are under-performing, an agreed plan of support, training and development should be implemented to enable probationers to improve their performance, where possible.
- 8.5 Where progress is unsatisfactory, line managers should meet with probationers on an informal basis to:
- Identify and discuss performance issues;
  - Explain which objectives are not being met;
  - Outline the timescale for demonstrating the expected standard;
  - Agree support, guidance or training;
  - Allow probationers to clarify issues, ask questions and respond to the issues identified;
  - Give a clear and unambiguous message that improvement is required;
  - Outline the implications of not meeting expected standards and objectives;
  - Agree a course of action and date(s) for an improvement period / review meeting.
- 8.6 After the meeting, line managers should write to probationers (having consulted HR) outlining the points above.
- 8.7 Where performance does not improve during the set improvement period, line managers may extend probation or invoke the formal probation procedure described in Section 11 – ('Formal Procedure for non-confirmation of post') of this procedure.

## **9.0 Extending the Probationary Period**

- 9.1 In exceptional circumstances where there is clear evidence that probationers have not yet demonstrated suitability, but are likely to do so given more time, the probation period may be extended. Extensions should normally be for 3 months, and for no longer than 6 months.
- 9.2 All extensions to a probationer's probation period must be discussed with the relevant HR Partner.
- 9.3 Where the probation period is extended, the following must be discussed between line managers and probationers:
- Reasons for the extension;
  - Length of the extension period;
  - Any assistance / guidance / training to be given during the extension;
  - Any areas of improvement that are required and how these will be monitored
  - Explain the consequences should the required standards not be reached by the time of the final review meeting – probationers may not be confirmed in post, probationers could have their employment with the School terminated.
- 9.4 Line managers should confirm in writing to HR the details and actions of the meeting, including confirmation of the extension. HR should confirm in writing extension to probationers and retain copy of communication on the probationer's personnel file.

- 9.5 Monitoring should continue throughout the probation period, probationers and line managers should meet to formally review progress one month before the end of the extended probationary period, earlier if necessary.
- 9.6 If performance is deemed satisfactory, a final copy of the Probation Review Form should be completed and signed by both parties and sent to HR who will write to probationers to confirm successful completion of the probationary period.
- 9.7 Where probationers have not reached the required standards of performance / conduct / attendance during their probation, despite efforts to address this, the procedure described in Section 11 of this procedure ('Formal Procedure for non-confirmation of post') should be followed and explained to probationers in advance of their final review meeting.

## **10.0 Assessment of Probation**

- 10.1 HR will ask line managers to make a final assessment of the success of the probationer's probationary period, no later than the start of the 5th month of the probationary period. Where the probationary period has been extended, HR should ask line managers for final assessments no later than the end of the month before the expiry of the extended probationary period.
- 10.2 Line managers are required to make final assessments of the success of probationers' probationary periods and inform HR of their assessments by the end of the 5th month of the probationary period. Where the probationary period has been extended, line managers are required to provide final assessments to HR no later than the end of the month before the expiry of the extended probationary period.
- 10.3 Where HR does not receive an assessment from a line manager about the probationer's performance by the end of the 5th month of the probationary period (or in the case of an extended probationary period, the end of the month before the expiry of probationary period), a member of HR should contact the relevant Head of Department / Dean of Faculty, copying the line manager into the communication.
- 10.4 If at the end of the probation period a probationer's work performance, conduct and attendance have been satisfactory and have met with the requirements of the post for which they are employed, their line manager should complete the final section of the **Probation Review Form** (signed by the probationer and their line manager) to indicate that the probationer's appointment should be confirmed. A copy of the completed form should be retained by the Department, in line with data protection guidance. A copy of the completed Probation Review Form should be sent to HR by the Department to trigger the issuing of the confirmation letter.

## **11.0 Formal Procedure for non-confirmation of post**

- 11.1 Where probationers fail to achieve the expected standards of performance for their role, probationers may not be confirmed into their post and dismissed with notice or pay in lieu of notice. Before initiating the formal procedure, advice should be sought from an HR Partner, who should also be present at the hearing.
- 11.2 In such cases and following the process outlined in Section 8 of this procedure ('Dealing with Unsatisfactory Progress') line managers may initiate the formal procedure for non-confirmation of post at any time during the probationary period.
- 11.3 To initiate this formal procedure, a probationer's line manager must compile a summary probation report for the Chair of the Probation Hearing, which usually is

the line manager's manager, to include all relevant information to support the view that the probationer is under-performing.

11.4 Upon receipt of the summary probation report, the Chair of the probation hearing should write to the probationer giving a minimum of five working days' notice of the hearing. The probationer should also be sent copies of any relevant paperwork to support the view that they are under-performing. The probationers should be informed of their right to be accompanied by a Trade Union representative or a work colleague.

## **11.1 Probation Hearing**

11.1.1 The Probation Hearing should be chaired by the relevant line manager's manager or a manager of an equivalent grade from another Department or Faculty.

11.1.2 Other attendees at the Probation Hearing should include:

- The probationer;
- A Trade Union representative or a work colleague if requested;
- A Human Resources representative;
- The probationer's line manager and;
- A note taker.

11.1.3 During the Probation Hearing, the Chair should:

- Ask the line manager to give the reasons for considering non confirmation in post - these should be explained clearly;
- Ask the line manager to confirm the areas of unsatisfactory performance citing relevant evidence / examples of problems / issues;
- Allow the probationer to fully state their case and respond to identified concerns;
- Ensure that due consideration has been given to issues of equality and diversity and any other issues pertinent to the individual case;
- Adjourn the hearing once all information has been gathered in order to consider all evidence and for a decision to be taken;
- Reconvene the hearing and state clearly the decision that has been taken and the reasons for the decision.

11.1.4 All parties should have the opportunity to ask questions during the hearing. Probationers can also call witnesses. Where probationers wish to call witnesses, requests must be made to the Chair at least two working days before the hearing.

## **11.2 Probation Hearing Outcome**

11.2.1 The Chair should decide the outcome of the probation hearing, which may be to:

- Revert to an informal approach;
- Take action under an alternative school policy (e.g. Disciplinary);
- Review the job description, responsibilities, reporting line and / or contract terms;
- Provide appropriate training or development opportunities if not already provided;
- Not confirm in post and dismiss probationer.

11.2.2 The Chair should ensure notes are taken of meetings. Any decision reached should be confirmed in writing (letter) to probationers, retained on probationers' personnel files.

- 11.2.3 Termination of employment during the probationary period (original or extended) will be subject to the probationer's contractual notice period or pay in lieu of notice where appropriate.
- 11.2.4 Where a decision is taken not to confirm a probationer's employment, letters to probationers should confirm reasons for the decision, final date of employment and arrangements for notice period and / or pay in lieu arrangements. Probationers should also be advised of their right to appeal.

## **12.0 Right to Appeal**

- 12.1 Where a probationer's employment has not been confirmed during or after the probation period, they have the right to appeal against dismissal on any of the following grounds:
- Failure to follow the formal procedure;
  - Disproportionate sanction;
  - New evidence;
  - Relevant evidence, which was not taken into account.
- 12.2 In order to appeal, a letter stating the grounds of appeal must be submitted to the HR Director within 10 days of the date of the written confirmation of the decision.
- 12.3 Probationers have the right to be accompanied to the appeal hearing by a work colleague or a Trade Union representative.

## **12.1 Appeal Hearing**

- 12.1.1 An Appeal Officer will chair the appeal hearing.
- 12.1.2 Where possible, appeals should be considered by managers who are more senior than the person who chaired the probation hearing. To ensure independence and objectivity, if possible, the Appeals Officer hearing the appeal should not have been involved in previous meetings. Where more senior managers are not available, appropriate alternative managers should hear the appeal. The School should appoint an HR Partner who has not been previously involved in the case to assist the Appeals Officer.
- 12.1.3 Appeals should be heard within 20 days of the HR department receiving the appeal.
- 12.1.4 Appeal hearings should focus on the grounds for appeal and should not be a re-hearing of the whole case.
- 12.1.5 Appeals Officers may interview key individuals (such as chairs of probation hearings or line managers) involved in the case to clarify information where required, as part of the appeal process.
- 12.1.6 Where required and HR deem it appropriate, key individuals (such as chairs of probation hearings or line managers) may choose to be accompanied to appeal meetings by relevant members of HR who supported them prior to appeals.
- 12.1.7 The Appeals Officer hearing an appeal may:
- Uphold the appeal i.e. allow it;
  - Not uphold the appeal i.e. dismiss it.
- 12.1.8 The Appeals Officer who heard the appeal should confirm the outcome to probationers, normally within 10 working days, in writing. Where further investigation is required, they should confirm the outcome to the probationer as soon as reasonably practicable.

12.1.9 The decision of the Appeals Officer is final and there is no further right of appeal.

### **13.0 Other Provisions**

- 13.1 The School reserves the right to extend the probation period in circumstances where, due to sickness absence or other authorised absence, it has not been possible to assess a probationer's performance.
- 13.2 Where absences are due to disability or to maternity leave, advice should be sought from the HR Partner.
- 13.3 HR and Occupational Health are able to provide advice upon request in respect of equipment and support for probationers who have declared a disability.
- 13.4 At any formal probation hearing or appeal, probationers have the right to be accompanied by a work colleague or a Trade Union representative. The companion will be able to address meetings in order to put probationers' cases forward, sum up cases, respond on the probationer's behalf to any view expressed at meetings and confer with probationers. Representatives should not answer questions on behalf of probationers, but may do so with the agreement of the panel.
- 13.5 If a probationer is absent due to sickness prior to a meeting, they may be invited to visit Occupational Health to assess their fitness to attend a meeting, and to give advice on any special requirements or adjustments for the meeting.
- 13.6 Where a probationer believes that a disability (e.g. hearing difficulties, chronic fatigue etc.) or language skills (e.g. where English is not their first language) may impact on the ability to participate as appropriate in the procedure, it is the probationer's responsibility to raise this with HR as early as possible. In such cases, the School will consider providing appropriate reasonable support / adjustments during formal proceedings. Panel members should be advised of any reasonable adjustments to be made.
- 13.7 Records associated with the process should be maintained by HR. These should be kept confidential and retained in accordance with the Data Protection Act [1998].
- 13.8 Time limits are indicated and included in the procedures in order to ensure that matters are dealt with promptly and without undue delay. Neither the School nor probationers should unreasonably delay meetings, decisions or confirmation of decisions. However, in complex matters it may be appropriate to extend time limits provided in this procedure.

### **Accessibility**

If you require any document in an alternative format, for example, in larger print, please contact Human Resources.

### **Related Documents and Forms**

[Probation Policy](#)

[Induction and Probation Checklist](#)

[Probation Review Form](#)

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