

## **IMPERIAL COLLEGE LONDON**

### **ORDINANCE D14**

#### **ACADEMIC APPOINTMENTS CONTAINING A PROBATION PERIOD**

This Ordinance is made pursuant to Part V, Clause 17 of the Appendix to the College's Statutes

1. This Ordinance must be read in conjunction with the Appendix to the College's Statutes (hereinafter the "Appendix") and with Ordinance D7 and the other Ordinances dealing with staff matters. In the event of conflict the Appendix shall have precedence.

#### **INTRODUCTION**

2. In applying the provisions of this Ordinance, regard shall be had to the relevant Employment Legislation and/ or the ACAS Code of Practice in force at the time.

3. This Ordinance shall apply to all members of staff to whom the Appendix applies and who have been newly appointed to a position subject to a probation period. The Ordinance 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 and non-confirmation in post for reasons of performance.

#### **READERS AND PROFESSORS**

4. Management and action under this Ordinance may be taken concerning any Reader or Professor with regard to their academic performance while working in the College during their probation period.

#### **CLINICAL STAFF**

5. Management and action under this Ordinance may be taken concerning any clinical academic member of staff with regard to their academic performance while working in the College during their probation period. If there is an issue with clinical work or activities in connection with clinical work, any formal meeting may be enlarged by one additional person to allow representation by any relevant body (for example, the National Health Service in the case of clinical staff) where the allegation under consideration relates to their performance and it is sensible to hear any allegations and the response to those allegations concurrently. The method for nominating such persons shall be in accordance with procedures laid down by the relevant body or agreed by the Director of Human Resources or his or her nominee. Such provision is not intended to provide for a concurrent decision on the matter by the relevant body.

**LECTURERS (1) AND SENIOR LECTURERS (2)**

6. This Ordinance should be read in conjunction with the guidance notes on Appointment, Training and Development, Probation and Confirmation of Appointment (which do not have contractual status) to manage Lecturers and Senior Lecturers (Clinical and Non-Clinical) during their probation period.

**THE MANAGEMENT OF AN ACADEMIC PROBATION PERIOD**

7. The probation period is used as the framework for the evaluation of the performance of a newly appointed academic member of staff. Appointments made 'subject to a probation period' are made with a view to confirming the member of staff in post

8. Guidance on [induction](#) is available from Human Resource's [new staff](#) webpage and details will be provided to managers when new contracts of employment are issued by Human Resources.

9. At the start of the probation period, it is essential that the member of staff's line manager meets with him or her to discuss the requirements of the job, expectations of what should be delivered during the probation period and any appropriate support and training for the new job; and that any objectives they agree should be specific, measurable, achievable, realistic and timely. For newly appointed Lecturers and Senior Lecturers, he or she either will have been informed who their Academic Adviser will be in their contract of employment or at their first meeting with their line manager.

10. Members of staff appointed to a role with line management responsibilities should be made aware of and evaluated against [Imperial Expectations'](#) requirements.

**REVIEWS DURING THE PROBATION PERIOD**

11. Line managers must conduct formal probation reviews. There will normally be a minimum of two formal review periods during the probation period. Subject to the provisions of paragraphs 16-18 below, these will take the form of a formal review mid-way through the probation (for example, in the case of a standard three-year Lecturer probation period this mid-probation review should be no later than the fifth term of service) and, where the indications are that the member of staff will be confirmed in post at the end of the probation period, a formal review near the end of the probation period (ideally no later than three months before the end of the probation period). The formal reviews should include an assessment of the member of staff's progress against the objectives set at the start of the probation period/at the previous formal review(s) and, if appropriate, the amendment of existing objectives or the setting of new objectives for assessment at the next review stage(s). The line manager will

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1. Imperial College Business School – Assistant Professor
  2. Imperial College Business School – Associate Professor

inform Human Resources whether or not the member of staff should be confirmed in post, extended or invited to a probation review meeting.

12. Line managers are expected to undertake their role in line with the [Imperial Expectations](#) and [Respect for Others](#) ethos. They should meet members of staff on a regular basis to discuss work and to give guidance on work-related matters. During the probation period the line manager should meet the member of staff between reviews (ideally at least once a month), to discuss work and give advice and guidance on progress in the new role. These informal discussions will be noted and the contents should provide feedback on the member of staff's performance and progress in the new role. Line managers should not wait for formal review meetings to raise issues with the member of staff.

13. Where a line manager has concerns about a member of staff's performance or conduct, the line manager must, in the first instance, discuss these with HR who will consider the concerns and options for addressing these concerns, such as through one-to-one discussion, mediation, coaching and training without attendance from Human Resources or Trade Union representatives. If it is judged that the concerns are such that they should be managed informally, HR will undertake one-to-one training with the manager. Following the training, the line manager will informally discuss their concerns with the member of staff, record and agree (as far as possible) clear actions from these informal meetings, in line with the training received and provide the member of staff with the details of what support is available. If the concerns are such that they might lead to the member of staff either having their probation period extended or not being confirmed in post, the formal probation reviews outlined in paragraph 11 above should be brought forward and undertaken before any decision is made on the individual's future, unless the concern is one of gross misconduct.

14. Where the member of staff has either previously disclosed or discloses for the first time a disability (as defined by the Equality Act 2010), arrangements should be made to either reassess or assess the impact of that disability upon the member of staff's ability to do their role. An assessment should be made of any adjustments that might reasonably be put in place (in addition to adjustments already in place, where applicable). 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.

15. The end of the probation for Readers and Professors would normally be after no longer than six months and will consist of a meeting with their line manager, who will inform Human Resources that the member of staff should be confirmed in post. If they are not to be confirmed in post they will be invited to a probation review meeting.

### **NON-CONFIRMATION IN POST**

16. If there have been concerns during a member of staff's probation period, these should have been identified, noted and discussed with the member of staff throughout the informal meetings, formal mid-reviews and, for Lecturers and Senior Lecturers (Clinical and Non-Clinical), through additional formal performance review meetings in line with the guidance notes for these staff.

17. Where the issues of concern are such that they may result in the non-confirmation of employment and two formal probation reviews have taken place, the member of staff should be invited to a formal probation review meeting prior to a decision being made. In circumstances where a line manager can provide evidence that a member of staff's performance is not satisfactory and that the member of staff (having been provided with access to reasonable and appropriate support and given reasonable opportunities to remedy the issues identified) has failed to remedy their performance to the extent that their line manager (in consultation with HR) reasonably considers that they have no reasonable prospect of passing their probationary period, it is not necessary to wait for the expiry of the probation period to convene a formal probation review meeting. The reasonableness of this action will be considered very carefully and will need to be fully substantiated by the manager.

18. The purpose of the probation review meeting is to assess the case for the member of staff's confirmation in post, to consider the support provided to the member of staff and to review the documentation and guidance issued throughout the probation period. The meeting should also consider any views expressed by the member of staff before a decision is made. A probation review meeting will normally be conducted by a management representative who should not have had substantive involvement in the case previously, with support from a senior member of the Human Resources Division; except where the member of staff is a Lecturer or Senior Lecturer (Clinical and Non-Clinical), in which case the review meeting is conducted by a review panel in line with the guidance notes for these staff.

19. All members of staff should be given ten working days' notice of a probation review meeting and be provided in writing with full details of the concerns that are being assessed as potential cause for the non-confirmation of employment. They will be entitled to be accompanied at the meeting by a trade union representative (where they are a member of that trade union) or another member of staff if they wish to do so.

20. If a member of staff is unable to arrange to be accompanied on the date proposed or fails to attend the meeting for reasons outside of their control, the formal hearing will be rearranged for a mutually suitable time, normally within five working days of the original date.

21. In the event that a member of staff repeatedly refuses to attend a formal hearing or cannot attend a rearranged hearing, then he or she may be given the opportunity to respond to the allegation(s) in writing. If a member of staff does not attend a rearranged hearing or does not submit a response to the allegation(s) in writing within the provided time scale, the Chair of the hearing may make a decision on appropriate dismissal action in the member of staff's absence. This decision will be made without the benefit of the member of staff's oral or written statement if he or she has not attended or provided written documentation. The member of staff will be notified in advance that this is a consequence if he or she is unable or unwilling to participate in the process. Alternative provisions may be considered when the member of staff's failure to attend a meeting or meetings or otherwise to participate in the process is due to their ill health.

22. Following the probation review meeting, the management representative has the authority, with agreement from the representative of the Human Resources Division, to confirm the member of staff in post, extend the probation period or not confirm his or her probation.

The decision will be confirmed in writing and will set out the reasons for the decision. If the decision is non-confirmation of employment, the notice period to be served, the date employment will end and the right to appeal will also be stated.

## **APPEALS**

23. A member of staff who does not have their appointment confirmed or has their probation extended may appeal against that decision. In the written notification of the non-confirmation of appointment/extension of probation, the member of staff will be informed of the name of the person to whom an appeal should be addressed and the time scale for doing so. If the member of staff wishes to appeal they must set out the grounds of their appeal in writing within ten working days.

24. The Director of Human Resources or his or her nominee will be responsible for ensuring that an appropriate individual or panel is chosen to conduct any hearing under the Appendix. Throughout this Ordinance, where only one individual rather than a panel is to conduct the hearing he or she is referred to as the Chair.

25. Appeals against extensions of the probation period will be heard by one person who shall not previously have had any substantive involvement with the case or people concerned and who, wherever possible, shall be more senior than the person(s) who reached the decision being appealed

26. Appeals against non-confirmation shall consist of a panel of three persons, none of whom shall previously have had any substantive involvement with the case or people concerned and who, wherever possible, shall be more senior than the person(s) who reached the decision being appealed. The three person panel shall include one lay member of the Council, one College Consul and one person drawn from a list agreed from time to time by the Council. If no College Consul is eligible, or if the panel is an appeal panel considering the position of a College Consul, two persons will be drawn from the list agreed by the Council. The Director of Human Resources or his or her nominee will determine at his or her discretion a member of the panel to act as Chair.

27. Panels may be enlarged by one additional person to allow representation by any relevant body (for example, the National Health Service in the case of clinical staff) where the allegation under consideration relates to their performance and it is sensible to hear any allegations and the response to those allegations concurrently. The method for nominating such persons shall be in accordance with procedures laid down by the relevant body or agreed by the Director of Human Resources or his or her nominee. Such provision is not intended to provide for a concurrent decision on the matter by the relevant body.

28. Appeals against non-confirmation of employment/extension of probation will be conducted in accordance with the following terms of reference:

- a. To review whether the basis for non-confirmation of employment/extension of probation was adequately substantiated;

b. To review whether appropriate guidance and support was provided during the review period; and

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

29. The decision of the appeal hearing will usually be issued within 10 working days. In the event that an appeal results in reinstatement, this will be done in a manner which maintains continuous service and without loss of pay or other benefits. The College reserves the right, in appropriate cases, to conduct and factor into its decision regarding such payments to a member of staff an assessment of any income received by the member of staff while not in College employment. The College regards the appeal decision as final.

Approved by the Council 23 March 2007

Effective from 8 July 2007

Revisions approved by the Council: 9 July 2010

Revisions approved by the Council: 7 February 2014

Revisions approved by the Council: 15 May 2015