

CANTERBURY COLLEGE CAPABILITY & CONDUCT FOR PROBATIONERS PROCEDURE

1 Introduction

In order to ensure that new employees and employees appointed or re-deployed into new positions are given every opportunity to perform their duties according to the requirements of the post, it is essential that they are provided with a planned period of induction and training. During this period there should be a continuous review of the probationer's aptitude for the post and their performance within the role by the probationer and their line manager; support should be offered as required to enable them to demonstrate their ability to perform the full requirements of the job. This provides positive benefit by confirming how well the probationer is performing within their role.

All new appointments (including internal job changes and promotions) will be appointed subject to the completion of a probationary period. The length of the probationary period for support staff is 6 months for academic and managerial staff the probation period is 12 months. Typical timescales for probationers can be found in Appendix 3.

Induction for new employees

All new employees are required to attend a College Induction, details of which will be sent to the new employee when they start. The line manager is responsible for ensuring that the new employee is inducted locally (i.e. in the Section/Department) and given the relevant information necessary to enable him/her to commence work. All academic staff must have a familiarisation and Health & Safety input before the commencement of teaching. The line manager should arrange an appointment with the new employee during their first week (but ideally on their first day) of employment. During this meeting, the line manager should clarify the duties and responsibilities of the new employee, in line with the job description as well as the following:

- Key aspects of role, structure of the department
- Skills/competences to be attained
- Standard of work expected (quality and quantity)
- Deadlines to be met
- Behaviour/conduct (including timekeeping, attendance Professional standards)
- Working relationships
- Working environment
- Training needs including any 'on the job' training
- Identifying a mentor
- Introduction to the Quality Calendar
- Any other issues specific to the role/grade.

The line manager should set objectives of what should be achieved in the role during the probationary period, which should be clear, specific to the role and measurable. This should be documented within the probation plan (appendix 1)

All new academic members of staff will be allocated an Advanced Practitioner to work with them on teaching and learning strategies, they will have an initial period of 6 weeks of mentoring followed by a developmental lesson observation. Staff will have their first formal graded lesson observation approximately 12 weeks after they start. This observation report will form the basis of their first formal probation review. All

Academic staff must achieve at least a Grade 3 Satisfactory grade for teaching and learning during their probation year.

Employee Responsibilities: All employees have a responsibility to conduct themselves in a professional courteous manner and with consideration to colleagues, students and stakeholders. To enable this all employees have a responsibility to familiarise themselves with, and adhere to, the College's rules and procedures which are available on the College intranet.

Management Responsibilities: College managers are responsible for supporting, monitoring and reviewing employee performance and conduct, and for addressing problems as soon as they are detected.

Personnel Department Responsibilities: The Personnel Department is responsible for providing advice and guidance to managers on the application of the policy and procedure, and has a specific role to fulfil during any formal stage of the Procedure.

2 PROCEDURE

All probation reviews and assessments will be conducted with due reference to the Job Description, Person Specification and for academic staff particular attention should be focused on Teaching and Learning Observation reports. Assessment of performance and active support and development should be an ongoing process throughout the probationary period (and beyond) and not just undertaken at the formal review stages. Informal probationary meetings may take place at any time to discuss any aspect of performance both below and above the standards expected.

The line manager should set objectives of what should be achieved in the role during the probationary period, which should be clear, specific to the role and measurable. This should be documented within the probation plan (appendix 1)

The line manager must ensure he/she meets regularly with the probationer in the early stages of appointment to discuss the probationer's progress. In addition, if concerns arise during the probationary period the probationer and line manager should discuss these as and when they arise rather than wait for the next formal probationary review meeting.

It is the line manager's responsibility to ensure that reviews are conducted within the timescale described in this policy and that Personnel is supplied with the appropriate documentation as soon as possible. During the final review, discussions should be held between the employee and their line manager about setting objectives and an individual development plan to be reviewed at their first performance review meeting.

As a minimum requirement three formal probationary review meetings should be held as outlined below.

FIRST FORMAL REVIEW

The Line Manager will be responsible for arranging the probation review meeting. Following the meeting a probation report should be completed by the line manager (Appendix 2) and sent to the Personnel Department. At the end of the report the line manager will need to make one of three recommendations:

- a) That the performance of the probationer is satisfactory and that the probation period should be continued to the next review.
- b) That the performance of the probationer is satisfactory but that some areas of performance may have been highlighted with targets for improvement and

that additional training and guidance should be given. The probation period should continue to the second review at which time the areas of concern should be reviewed

- c) That the performance of the probationer is unsatisfactory and that the probationer be issued with a formal oral warning as outlined in Section 3.

A copy of the report should be given to the probationer for them to sign and return to the line manager. The probationer may, if they wish, keep a copy of the report for their own records. The original should then be forwarded to the Head of Faculty/Department for review. Where there are no issues of concern the Head of College/Department should endorse the recommendation and forward the completed report to the Personnel Department.

Where the line manager has recommended either point b or c above then the Head of Faculty/Department should arrange a formal meeting in line with Section 3 of this procedure to consider further action.

SECOND FORMAL REVIEW

The Personnel Department will again forward a reminder to the line manager and post holder not later than 2 weeks prior to the probation review due date. The Line Manager will be responsible for arranging the probation review meeting. Following the meeting a probation report should be completed by the line manager Appendix 2). At the end of the report the line manager will need to make one of three recommendations:

- a) That the performance of the probationer is satisfactory and that the probation period should be continued to the final review.
- b) That the performance of the probationer is satisfactory but that some areas of performance may have been highlighted with targets for improvement and that additional training and guidance should be given. The probation period should continue to a final review at which time the areas of concern should be reviewed
- c) That the performance of the probationer has become/continues to be unsatisfactory and that the probationer be issued with a warning as outlined in Section 3.

A copy of the report should be given to the probationer for them to sign and return to the line manager. The probationer may, if they wish, keep a copy of the report for their own records. The original should then be forwarded to the Head of Faculty/Department for review. Where there are no issues of concern the Head of College/Department should endorse the recommendation and forward the completed report to the Personnel Department.

Where the line manager has recommended either point b or c above then the Head of Faculty/Department should arrange a formal meeting in line with Section 3 of this procedure to consider further action.

FINAL FORMAL REVIEW

The final review meeting will be held, between the line manager and the probationer, no later than 1 month prior to the end of the probationary period.

Following the meeting a probation report should be completed by the Line Manager. The Line Manager will be required to recommend whether the probationer should be confirmed in post. If the recommendation is that the performance of the probationer is satisfactory the employee will be confirmed in post. A letter will be sent to the employee from the Principal on receipt of the completed and signed probation form confirming the employee in post.

CONDUCT

Minor lapses from acceptable standards of conduct can be dealt with informally under the stages of the review detailed above. If the matter is more serious then the formal procedure will be invoked.

No disciplinary action will be taken against an employee without there having been a full investigation. The employee will be informed in writing of the nature of the complaint at least five working days prior to the hearing.

The procedure will follow the order outlined below. If, however, after investigation the offence is thought to be sufficiently serious then action may be taken at the appropriate stage of the procedure. Should the offence be serious the employee may be suspended on full pay pending the investigation and hearing. This shall be confirmed in writing to the individual giving reasons for the suspension. No formal disciplinary penalty will be imposed without a hearing.

Other than in cases of gross misconduct, gross negligence and gross incompetence when the penalty may be dismissal without notice or payment in lieu of notice, no employee will be dismissed for their first offence.

A probationer will have the right of appeal against any disciplinary penalty imposed. They will also have the right to bring a colleague or trade union representative to any formal stage of the disciplinary procedure.

GROSS MISCONDUCT

The following offences are examples of offences which are normally regarded as Gross Misconduct:

- theft or unauthorised possession of any property or facilities belonging to the College or to any employee or student;
- serious damage deliberately sustained to corporation property;
- deliberate falsification of College registers, reports, accounts, expense claims or self-certification forms;
- bribery or corruption;
- refusal to carry out duties or reasonable instructions or to comply with College rules
- gross insolence;
- serious negligence/incompetence which causes unacceptable loss, damage or injury;
- serious incapability as a result of being intoxicated by reason of alcohol or (illegal) drugs;
- violent, dangerous or intimidatory conduct;
- serious violation of the College's rules and procedures concerning health and safety at work;
- sexual, racial or other harassment of another employee or a student;
- a criminal offence, which may adversely affect the College's reputation or the employee's suitability to undertake the type of work they are employed by the College

The above examples are not exhaustive or exclusive and offences of a similar nature will be dealt with under this procedure for probationers.

In the event that the employee fails to attend the disciplinary hearing without good cause a decision will be made in his/her absence, however written representations will be duly considered

3 THE PROCEDURE

No action will be taken against an employee without there having been a full investigation, except in cases of Gross misconduct where Summary Dismissal could result. The employee will be informed in writing of the nature of the complaint and any relevant papers (such as written evidence and witness statements) at least five working days prior to the hearing. The College should write to the employee with all the above information at least 5 working days before the meeting. The written notification should also detail the date and venue of the meeting and the employee's right to be accompanied by a work place colleague or representative of a trade union of which they are a member.

STAGE ONE - ORAL WARNING

If it is established through the disciplinary meeting that the employee's Conduct or work performance does not meet acceptable standards, the employee will normally be given a formal verbal warning by his or her Section Manager/Department Manager.

In misconduct cases: this formal verbal warning will give details of the employee's misconduct, the improvement required and the time limit within which such improvement must be achieved. The warning will clarify that, if the employee commits a further offence of misconduct during the period specified in the warning, action under Stage 2 will be considered. However, the employee will also be advised that if any further act of misconduct is considered sufficiently serious, the College reserves the right to go to a further stage in the procedure.

In performance cases: this formal verbal warning will give details of the employee's unsatisfactory work performance, the improvement required and the time limit within which such improvement must be achieved. The warning will advise the employee as to what steps he or she should take to improve and will state that, unless such improvement is achieved within the period specified in the warning, action under Stage 2 will be considered. The employee will be advised of the right of appeal in accordance with Section 4 below.

A brief note of the verbal warning will be placed on the Personnel Department's file relating to the employee. The warning will be spent, and will be disregarded for disciplinary purposes after 6 months, subject to the employee's conduct and work performance having been satisfactory throughout that period.

STAGE TWO - WRITTEN & FINAL WARNING

A Written & final warning will normally be given to the employee by a relevant Faculty Head/Department Manager or Director if:

- i. the employee fails to comply with an Oral Warning given under Stage 1;

- ii. despite having been given, under Stage 1, an Oral Warning as the result of misconduct or unsatisfactory work performance, the employee commits a further offence of misconduct, or his or her work performance continues to be unsatisfactory; or
- iii. the employee's misconduct or unsatisfactory work performance, although not considered to be serious enough to justify summary dismissal, is sufficiently serious to warrant a final written warning.

In misconduct cases: the final written warning will give details of the employee's misconduct, the improvement required and the time limit within which such improvement must be achieved. The warning will state that, if the employee commits a further offence of misconduct, during the time limit specified in the warning, his or her employment may be terminated. The written & final warning will also advise the employee of the right of appeal in line with Section 4 below.

In performance cases: the final written warning will give details of the employee's unsatisfactory work performance, the improvement required and the time limit within which such improvement must be achieved. The warning will advise the employee as to what steps he or she should take to improve and state that, if such improvement is not achieved within the period specified in the warning, his or her employment may be terminated. The final written warning will also advise the employee of the right of appeal in accordance with Section 9 below.

A copy of the written & final warning will be placed on the Personnel Department's file relating to the employee. The warning will be spent, and will be disregarded after 12 months, subject to the employee's conduct and work performance having been satisfactory throughout that period. Spent warnings should be removed from an employee's Personnel file.

STAGE THREE - DISMISSAL

The Principal or a senior post holder to whom the authority to dismiss has been delegated by the Principal may, following a disciplinary meeting, give notice of dismissal to the employee if:

- i. the employee fails to comply with a final written warning given under Stage 2;
- ii. or despite having been given, under Stage 3, a final written warning as the result of either misconduct or unsatisfactory work performance, the employee commits a further offence of misconduct or his or her work performance continues to be unsatisfactory.
- iii. Summary dismissal for gross misconduct

The decision to dismiss will be communicated in writing to the employee and will specify the reasons for dismissal and the date on which the employment will terminate. The communication must also notify the employee of his/her right of appeal against the decision

4. APPEALS AGAINST DISCIPLINARY ACTION

An appeal against a disciplinary decision should be put in writing to the Personnel Manager within five working days of the decision, stating the reasons for the appeal.

The appeal hearings will take place as soon as possible after the notice of appeal has been received. The employee will be given an opportunity to state his/her case and will be entitled to be accompanied by a work place colleague or trade union representative of which they are a member.

The decision of the appeal panel will be notified to the employee in writing within five working days of the hearing and will be final and binding.

Appendix 1

PROBATION PLAN

Name of staff member of Probation	
Job Title	
Department	
Date of Appointment	
Length of Probation	
Objectives agreed with probationer: (ie: Ensure all sessions are attended punctually and with all relevant documentation in place, including Lesson Plans, SOWs & Course pack)	
Plans to help probationer achieve objectives, for instance, provision of guidance, developmental opportunities, monitoring and evaluating progress	
Date of next review	
Declaration The details of this plan have been discussed and agreed: Signed: _____(Manager) Dated: Signed: _____(Probationer) Dated:	

Appendix 2

PROBATION REVIEW

Name of staff member of Probation	
Job Title	
Department	
Date of Appointment	
Length of Probation	
Review Number	
Date of Review	
Dates of review period	
Final Review	
With reference to the current job description and Probation Plan, state the main achievements over the period stated above, including any objectives met	
State any developmental and/or support activities undertaken in the period of the review	
State any training needs or support required during the next period	
Date of next review	
FINAL REVIEW ONLY: Appointment to be confirmed	
Declaration The details of this plan have been discussed and agreed:	
Signed: _____ (Manager) Dated:	
Signed: _____ (Probationer) Dated:	

Appendix 3

Week	Academic	Support
1	College Induction Area Induction Probation Action Plan	College Induction Area Induction Probation Action Plan
1 -6	Advanced Practitioner Mentoring (including 2 informal observations)	
12	Formal Observation First probation review	First probation review
18		Second probation review
24	Second probation review	Final probation review
36	Final probation review	