## **Ending a probationary period and the Appeal process**

Throughout the probationary process, the new employee must be given the support and training required to become an effective member of staff.

If, at any time during the probationary period, an employee’s performance, or attendance is deemed to be unsatisfactory, or they are not on track to complete any mandatory training or a required qualification, a prompt meeting must be held with them to discuss this.

It is expected that further regular meetings will be held to monitor progress towards realistic targets and if necessary individuals are offered training, coaching and/or supervision to address problem areas.

It is expected that proactive management in this way will enable the necessary improvements to be made within the required timeframe. However, where it becomes clear that no further training or support would allow the employee to reach the required standards, employment may be ended.

Employment may also be ended where there has been misconduct. Employment may also be ended where the employee has failed to complete any mandatory training, despite support being given to enable them to do so.

If, during the course of an employee’s probationary period, it is suspected or established that the individual provided inaccurate or misleading information during the recruitment process, this may be considered a sufficient reason to end their employment.

Before any decision is taken, the employee will be invited to a hearing to discuss their continuing employment. This meeting will be chaired by a manager who has not been involved in the process at an earlier stage. This will normally be the Head of Department or their nominee, or an appropriate equivalent senior manager if the Head of Department is the line manager. The employee will be entitled to be accompanied by a workplace colleague or trade union representative if they wish and will be given a full opportunity to state their case. HR must be notified and will attend the hearing to give advice and ensure due process is followed. The line manager will detail the process that has been followed and the employee’s progress. The employee and/or their representative will be entitled to respond. The outcome of the meeting will be decided by the Chair who will write to the employee within ten working days.

For Academic Staff, where the Academic manager is considering termination, the hearing will be conducted by an ad hoc panel from the Academic Board, comprising a Dean/Vice Dean (who is the Chair) plus two members of the Committee, normally one professorial and one non-professorial. All review forms should be made available to the panel which will then be expected to meet the probationer and the Head of Department prior to making a decision on the case.

When the decision is taken to end employment, the required period of notice will be given. If the manager decides it unnecessary for the employee to work through some or all of the notice period, pay in lieu may be offered instead.

## **Notice periods**

During the probationary period, the following notice periods will apply:

|  |  |  |
| --- | --- | --- |
| Job Role Notice from UCL to employee | Notice from employee to UCL | Notice from employee to UCL |
| Professional Services Staff,  Grades 1-6 | 2 weeks | 2 weeks |
| Professional Services Staff,  Grades 7-10 | 4 weeks | 4 weeks |
| Researchers (including Marie  Curie Trainees) | 4 weeks | 4 weeks |
| Teaching Fellows (including  Clinical TFs) | 4 weeks | 4 weeks |
| Academic Staff (including Clinical  academics): Lecturer, Associate  Professor, Professor | 12 weeks | 12 weeks |

If an incident during the probationary period is so serious that it is considered to potentially be gross misconduct, this may lead to summary dismissal without notice. In such circumstances advice must be sought from HR and a hearing convened.

## **Appeals**

An employee has the right to appeal against dismissal on the grounds that they have not completed their probationary period satisfactorily, including for one or more of the following reasons:

* The procedure - a failure to follow procedure had a material effect on the decision
* The decision - the evidence did not support the conclusion reached
* The penalty - was too severe given the circumstances of the case

An employee wishing to appeal should submit notice in writing, to their Dean or Head of Professional Service Division and copied to the Director, [HR Business Partner](https://www.ucl.ac.uk/human-resources/about-hr/contacting-hr/hr-business-partnering-contact-details).

The employee must be specific about the grounds of appeal as these will form the agenda for the hearing.

An appeal must be submitted within 5 working days of the employee’s receipt of the formal letter confirming that they are to be dismissed for failing to complete satisfactorily their probationary period. The decision to dismiss the employee will be unchanged unless and until it is modified as a result of the appeal.

Arrangements will be made for appeals to be heard as soon as reasonably practicable.

The employee will be notified as soon as possible of the time, date and place of the appeal hearing with a minimum of 10 working days’ notice. The employee will be advised that they may be accompanied by a workplace colleague or Trade Union representative.

Appeals will be heard by a senior manager who has not previously been involved.

In the case of Academic Staff, an appeal panel will be convened, consisting of one of UCL’s Deans as chair, a Head of Department (preferably in a kindred subject), plus one of the non-professorial representatives on the Academic Board.

A member of the [HR Business Partner](https://www.ucl.ac.uk/human-resources/about-hr/contacting-hr/hr-business-partnering-contact-details) Team will provide advice to the hearing and will provide a note taker if necessary.

The possible outcomes of the Appeal are:

* The appeal is not upheld and the decision to dismiss the employee stands.
* The Appeal Panel consider dismissal to be inappropriate, and the employee’s probationary period is extended (see Appendix G). If this occurs, the employee shall be paid in full for the period from the date of dismissal (if there has been any gap between the effective date of termination and the date of the appeal hearing). Under such circumstances, continuity of service will be maintained.
* The appeal is upheld and the decision to dismiss the employee will be cancelled. If this occurs, the employee shall be paid in full for the period from the date of dismissal (if there has been any gap between the effective date of termination and the date of the appeal hearing). Under such circumstances, continuity of service will be maintained.

The result of the appeal will normally be notified to the employee orally within one working day and in writing within 10 working days of the hearing.

The decision of the Appeal hearing is final.