

PROBATION HEARING – PROCESS TO BE FOLLOWED

1. Introduction by manager chairing the hearing

- Introduce those present
- Confirm purpose of the Probation Hearing is for the chair to consider whether the employee's employment can be
 - Confirmed and continue,
 - The probation period needs to be extended or whether;
 - The employee's performance/conduct/attendance has fallen below the required standard sufficient to warrant consideration of dismissal
- Confirm that the probation policy is the governing policy for the hearing
- Confirm that all parties have received the necessary paperwork
- Outline procedure for the hearing

2. Line manager presents the Probation Summary Report

- Line manager outlines the events and issues of concern as set out within the probation summary report
- Line manager summarises the probation review meetings and the forms contained within the probation report
- If it is necessary to hear from witnesses the line manager calls them to the probation hearing and can question
- Employee/representative and chair/HR may question any witnesses
- Employee/representative and chair/HR may ask the Line Manager questions about the probation summary report to ascertain the facts

3. Employee/representative responds to the management case

- Employee/representative presents their response to the Line Manager's report; which may be spoken or in writing
- Employee/representative may provide additional information or call any additional witnesses
- Employee/representative can question the witnesses
- Line manager and chair/HR may question the witnesses
- Line manager and chair/HR may ask questions of the employee in order to clarify facts

(All employee statements or additional information should be provided to the panel Chair via the Employee Relations Team, 3 working days before the hearing)

4. Summing up – no new evidence presented at this stage

- Line manager sums up
- Employee/representative sums up

5. Adjournment for manager to consider the whole case

- The Chair and HR consider the whole case with the intention of making a decision after the adjournment
- Inform all parties how and when the decision will be notified if a decision can't be made on the day

6. Reconvene for decision – Chair verbally informs employee/representative and the line manager on the day if possible

- The outcome of the probation hearing
 - Confirmation of appointment and continuation of employment
 - Further extension of probation
 - Non-confirmation of appointment and dismissal
 - Another action as determined by the Chair
- The right of appeal
- The outcome of the probation meeting to be confirmed in writing within five working days of the date of the hearing.

APPEAL PROCESS

Appeal against the Non-confirmation of Employment

- All employees have the right to appeal against the non-confirmation of their employment following a probationary hearing
- To appeal against non-confirmation of employment/dismissal (with or without notice) the appeal should be made in writing to the Associate Director of HR Operations within 14-calendar days of the letter confirming the dismissal and confirm the grounds on which they are making the appeal.
- Appeals will be acknowledged within 7-calendar days and will be arranged as soon as practicable.
- Reasons for appeal should be based on the following areas:
 - Unfairness by comparison to how the policy has been applied to others or bias of the panel
 - Incorrect decision or too severe penalty based on the evidence provided to the panel
 - Did not follow the principles/procedure detailed in the policy
 - New evidence has come to light since the sanction that would have affected the decision
- Appeals will only consider the grounds of appeal and will not be considered a rehearing.
- Appeals will be heard in accordance with the levels of authority listed in the authority levels document.
- The purpose of the appeal is to review the grounds of appeal and the decision/sanction and to come a conclusion regarding the appropriateness of that decision or sanction.
- The appellant and the hearing manager/decision maker should both submit their statements of case to the appeal panel Chair a minimum of 5-calendar days before the appeal hearing is convened. The statement of case should include a full summary of the grounds of appeal .The hearing manager/decision maker should explain the reasons and rationale for his/her decision.
- Potential Appeal outcomes:
 - Appeal upheld – original decision overturned
 - Appeal dismissed – original decision upheld