



Swansea University
Prifysgol Abertawe

Ordinance 11.6 - Termination of probationary appointments

Part I - Application and Scope

1. The provisions of this ordinance shall apply, as set out below, to those members of staff ("Probationers") who have been appointed subject to review after a period of probationary service ("the Probationary Period"), for the purpose of determining whether, at the end of such period, the appointment should be confirmed as one of indefinite duration, or, in the case of fixed term appointments, for the remaining period of the appointment, or whether the appointment should not be so confirmed and, in consequence, terminate.
2. This ordinance shall be without prejudice to the ability of the University to dismiss Probationers on grounds other than those set out in Part II below.

Part II - General Provisions

3. References to "Grounds for Non-Confirmation" are to:
 - (a) performance or capability which is considered to be unsatisfactory or inadequate; or
 - (b) conduct at, in connection with, or relevant to, work for the University which is considered to be unsatisfactory; or
 - (c) an attendance or punctuality record which (after taking into account any appropriate adjustments in respect of any disability within the meaning of the Disability Discrimination Act 1995) is unsatisfactory; or
 - (d) any other reasonable grounds which are considered to be relevant to the suitability of the Probationer to be confirmed in post.
4. This ordinance should be read in conjunction with the University's detailed procedures that apply to the following groups of staff:
 - a) Academic Staff (other than Professors) (subject to a 3-year probationary period)
 - b) Academic Related Staff (subject to a one year probationary period)
 - c) Support Staff (subject to a six month probationary period)For the purposes of this ordinance the relevant staff groups are defined as follows:

Academic: - Those in the Academic job family with teaching and Research Role profiles.

Academic Related: - Those in the Academic job family either with Research Role Profiles or with Teaching and Scholarship Role Profiles and those in the Administrative Professional and Managerial job family.

Support Staff: – All other members of staff who are subject to probation.

The purpose of these procedures is to identify any weaknesses or areas for improvement and to provide the necessary support to members of staff during probation.

N.B. probation will normally be waived for lecturers and senior lecturers on appointment in cases where evidence is obtained that a new staff member has successfully completed a probationary period in a similar role and grade in another University.

Part III - Grounds for Non-Confirmation - formal meetings

5. If at any time during the Probationer's Probationary Period, the Probationary Supervisor considers that there may be grounds for non-confirmation, and specifically where set out in the University's detailed procedures for the groups of staff listed above, the Probationary Supervisor will prepare a statement identifying those grounds and summarising the steps previously taken to procure improvement. Copies of relevant documents may be appended to the statement.
6. The Probationary Supervisor will send the statement (and any appended documents) to the Probationer and the (Pro-Vice-Chancellor)/Head of School/Director or staffing committee.
7. The Pro-Vice-Chancellor/Head of School/Director or staffing committee will send a written notification to the Probationer giving at least 7 days' notice of a formal meeting to consider the statement, informing the Probationer that he or she has a right to be accompanied at the meeting and/or to make written representations. to the Pro-Vice-Chancellor/Head of School/Director or staffing committee. If the Pro-Vice-Chancellor/Head of School Department/Director or staffing committee considers on the basis of the statement that there may be Grounds for Non-Confirmation, he or she will also inform the Probationer in writing that the formal meeting could result in non-confirmation and termination of the employment of the Probationer.
8. The Probationary Supervisor will be asked to attend the formal meeting to explain the case set out in the statement and answer any relevant questions which may be raised by the Probationer or the Pro-Vice-Chancellor/Head of School/Director or staffing committee. The Probationer will be given the opportunity to state his or her case.
9. Subject to the above, the conduct of the formal meeting and any adjournments will be at the discretion of the Pro-Vice-Chancellor/Head of School/Director or chair of the staffing committee.

Part IV – Decisions

10. The decision of the Pro-Vice-Chancellor/Head of School/Director or staff committee may include (but will not be limited to) the following:
 - (a) that a formal probationary warning should be given to the Probationer, identifying improvements or objectives which the Probationer must make or

- achieve and, if appropriate, the relevant timescale for such improvements or objectives, failing which the employment of the Probationer may be terminated under this ordinance; and/or
- (b) that the Probationary Period should be extended for a further final period (which may be coupled with a formal probationary warning); or
 - (c) that the Probationer should be given notice of termination of employment by reason of one or more Grounds for Non-Confirmation.
11. The Pro-Vice-Chancellor/Head of School/Director/staffing committee will not normally decide that the Probationer should be given notice of termination of the probationary employment by reason of one or more Grounds for Non-Confirmation unless at least one formal probationary warning has previously been given to the Probationer (N.B. acts of gross negligence will be dealt with under the Conduct Ordinance.)
 12. The decision and the reasons for it will be confirmed to the Probationer from the Pro-Vice-Chancellor/Head of School/Director or Chair of the relevant staffing committee as soon as possible after the end of the formal meeting.
 13. If the decision is to give notice to terminate the employment of the Probationer, the Pro-Vice-Chancellor/Head of School/Director, Chair of the relevant staffing committee, Chief Operating Officer, or the Director of Human Resources will write to the Probationer and notify the Probationer of the right of appeal under this ordinance at the same time as providing the decision.

Part V - Appeals

14. The Probationer will have the right to appeal against any decision to issue a formal probationary warning or terminate his or her employment under this ordinance. Notification of appeal must be lodged within 7 days, with a further 18 days to submit grounds for appeal. The grounds of appeal must be in writing and must be sent to the Vice-Chancellor's office. All appeals shall be lodged and conducted in accordance with the University's Ordinance for appeals.