

REGULATION 35 PROBATIONARY PROCEDURE

[Separate Probationary Procedures are to be developed for all groups of staff in conjunction with the relevant trade unions. However, in order to replace the process for Appeals against dismissal for a failed probation which formed part of the repealed Statute XXI, the following Appeal section has been developed with UCU.]

APPEALS

A member of staff who wishes to appeal against a decision to dismiss, due to failure of probation, should do so, in writing, to the Director of Human Resources, within 10 working days of receipt of the decision. The member of staff should set out the grounds of his/her appeal, in full.

Appeals will be heard by a Probationary Appeal Panel, appointed by the Vice-Chancellor (or nominee), and consisting of two independent senior managers (one of whom shall be the Chair), and an independent employment solicitor appointed by the University (who shall not be employed by the University nor act for the University other than in their capacity as a member of a panel for appeals against dismissal). In the case of the independent peer (from the staff), independent shall have the meaning of not having had prior involvement in the case. In the case of the independent person external to the University, independent shall have the meaning of having no involvement with the University which might be prejudicial to impartial judgement (and for the avoidance of doubt, any payment by the University to such external person in respect of their time incurred in respect of the appeal shall not be deemed to prejudice their impartial judgement). One of the two senior managers shall be a Head of School from another School, or other academic peer. The panel will be supported by a Human Resources representative. No later than 10 working days before the Appeal Hearing, the member of staff shall be notified of:

- the date, time and place of the Appeal Hearing;
- his/her right to be accompanied at the Appeal Hearing; and
- so far as they are known at the time, the names of the person(s) to be present at the Appeal Hearing.

At the Appeal Hearing the member of staff shall present his/her grounds of appeal, and the person who made the decision appealed against, shall respond. Members of the Appeal Panel may question anyone present at any stage. After each side's case has been presented, the Appeal Chair will ask the member of staff, and then the person who made the decision appealed against, to sum up. The Hearing will then be adjourned while the facts of the case and the representations made are considered, and a decision is reached.

The Appeal Chair shall produce a written decision, normally within 10 working days of the Appeal Hearing, which will be sent to the member of staff and his/her representative.