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Probationary Policy and Procedure

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1. INTRODUCTION

1.1 Introduction

Wyre Council is committed to ensuring that it makes clear its expectations and provides the support needed for employees to meet the standards of performance, conduct and attendance required during their probation period and beyond. Managers will monitor, assess and support all new employees so as to assist them in demonstrating their suitability to undertake the full duties of their new post.

1.2 The policy aims to ensure that new employees are enabled to meet the requirements of the job through induction, training and support and that where performance is not satisfactory, early action is taken to improve performance.

Where an improvement in performance, conduct or attendance does not occur or is not sustained sufficiently, the employee's contract of employment may be terminated.

2. SCOPE

2.1 This policy applies to all new employees of Wyre Council, including those with previous local government service, fixed term and temporary appointments.

2.2 In the case of fixed term staff or temporary employees with a contract shorter than the length of the probationary period the probation process will be followed for the period during which the individual is employed by the Authority. This policy is not applicable to casual workers unless they transfer to a fixed term, temporary or permanent position.

2.3 The formal probationary period will not apply to existing Wyre Council employees where they have already completed a probationary period with the Council.

However the employee's performance will be monitored closely during the first 6 months of the new appointment and during this period the employee will be expected to demonstrate their suitability for the post. The manager and employee should have regular one to ones and where concerns about the employee's performance are identified these should be addressed through the Council's Capability Policy and Procedure.

3. GENERAL PRINCIPLES

3.1 The Council is committed to ensuring that all employees are treated fairly and equitably.

- 3.2 The Council will ensure that every new employee has a probation period and an individual induction programme that includes induction to the service area and an induction to the Council.
- 3.3 During the probation period, any conduct, performance, attendance or health issues impacting on performance will be managed under this procedure in conjunction with the principles contained within the Disciplinary, Capability or Attendance policies.
- 3.4 Probationary employees must be made aware that confirmation in the role is subject to them meeting the Council's expectations regarding conduct, performance and attendance.
- 3.5 The probationary period will last for six months for all new appointments and will involve a continuous period of assessment underpinned by a clear framework for managing and supporting new employees.
- 3.6 If an employee is absent due to any reason during probation or before the probation period ends, the probation will be suspended from the date the absence starts and will resume on return from the absence.
- 3.7 Where there is any doubt about an employee's suitability, the matter must be raised immediately, so that the employee has ample opportunity to improve.
- Managers should also contact the Human Resources Section where suitability or capability issues arise.
- 3.8 A Human Resources Advisor must be contacted at the earliest opportunity for advice and guidance where a manager believes that an employee may not be able to meet the standards required.
- 3.9 An employee whose performance is unsatisfactory during a probationary period may, following due process, have their employment terminated. This action will only be taken in consultation with a Human Resources Advisor and relevant Corporate Director.
- 3.10 The notice period for staff during the probationary period will be one calendar month or one week for each year of continuous local government service (up to a maximum of 12 weeks) whichever is the greater.
- 3.11 If an employee decides to resign during the probationary period, the notice they are required to give will be as set out in their Statement of Particulars.
- 3.12 **Performance**
The Probationary Performance Plan (Appendix 1) should be used to record the initial objectives and the procedure described in section 5 is to be used to manage the performance of probationary employees. During probation, in addition to the monitoring of sickness levels, health and general conduct, employees will be assessed regularly on the extent to which they meet their objectives and the standards described in the competency framework. Any shortfalls and measures to improve performance will be identified and discussed at the First Probation Assessment Report meeting.

3.13

Sickness Absence

Satisfactory attendance is essential to the overall suitability of employees as part of the probation process. Employees will be informed of this and what the expected attendance standards are. The management and employee responsibilities, management considerations, sickness reporting and certification arrangements outlined in the Attendance policy will also apply to employees on probation.

3.14.1

Any short term, intermittent or long-term sickness during the probationary period or health issues which give cause for concern should be addressed as soon as they arise with targets and timescales for improvement set as appropriate. These concerns should be formally monitored as part of this procedure during the First and Final Probation Assessment reports.

3.14.2

Sickness absence triggers for probationary employees are: 3 occasions or 5 working days of sickness absence (pro-rata for part time staff) in which case an occupational health referral will be made. Absence levels higher than the triggers or any other pattern of absence that causes concern will be considered under the Final Probation Report meeting for potential dismissal.

3.14.3

At the end of the probation period, any absences that have occurred during probation will be included as part of the sickness absence record over a rolling six month period (i.e. carried forward) for attendance management purposes.

3.15

Reasonable adjustments will be considered at all stages for disabled employees, to help them achieve the expected performance levels.

3.16

Minor Misconduct

Relatively minor misconduct issues, e.g. regarding punctuality or timekeeping, will be picked up as part of the probationary feedback from the line manager to the employee.

3.17

Serious Concerns

If at any time during the probationary period, there are serious concerns about the employee's suitability and capability to undertake the role, e.g. where the employee demonstrates serious incapability or is found to have committed gross misconduct or there are other serious reservations, Human Resources should be contacted immediately and the probationary hearing process may be implemented immediately.

3.18

Continued concerns regarding any of the above and concerns regarding progress on the action plan to improve performance will be followed up at monitoring meetings and assessed at the Final Probation Assessment Report meeting.

4. ROLES AND RESPONSIBILITY

4.1

The Line Manager is responsible for:

- ensuring that the new employee is aware of this probationary policy and procedure and how, when and why their progress will be monitored;
- completing a planned induction with the new employee in accordance with the induction process;
- ensuring the employee understands their role, responsibilities, objectives and performance standards. This will be achieved through a structured induction programme that will include a schedule of regular meetings;
- ensuring that employees have access to the information, instructions and resources necessary to do their job;
- holding regular meetings to support, assess and monitor performance;
- recording progress during probation and taking action to deal with failure to reach the required standards promptly raising any areas of concern i.e. unsatisfactory performance, conduct or attendance with the employee at the earliest possible opportunity;
- providing appropriate support and assistance, including reasonable adjustments to enable employees to fulfil the duties and responsibilities of the post;
- giving advance warning to the employee where job performance is not on track and where there are issues of attendance and conduct to be addressed;
- recommending whether the employee can be confirmed into post or not.

4.2

It is the responsibility of employees to:

- ensure that they are familiar with the standards and requirements of their role;
- comply with all council policies and procedures, including the code of conduct;
- raise any queries or concerns about their job;
- maintain the required standards of performance by meeting the objectives and competency requirements of the role;
- participate fully in any supervision, induction, training, coaching, mentoring, counselling or occupational health support interventions offered to help them improve performance;
- attend any probationary / one to one meetings to which they are invited.

4.3

It is the responsibility of the Human Resource Team to:

- ensure compliance with the policy and its supporting legislation;
- provide advice, support and guidance to all parties on the application of the policy;
- ensure that the induction courses are available for each new employee as soon as possible after their appointment;
- ensure that the corporate training programme contains courses of suitable content and frequency to enable all new employees to access mandatory training within the probationary period;
- regularly review and monitor the effectiveness of the policy;
- ensure that staff affected have the support they require to deal with their situation;
- notify the employee of the outcome of their probationary period;
- Monitoring probation cases to identify trends and ensure that any disproportionate impact on any particular group is highlighted and addressed.

5. PROBATION PROCEDURE

5.1

The employee should be told by their manager about the key functions of their job and that their performance and suitability for the post will be measured, by way of regular Probationary Review Meetings.

5.2

Initial Meeting

The line manager should meet with the new member of staff within their first few days to:

- work through the induction checklist;
- clarify responsibilities and establish priorities;
- complete the probationary performance plan (Appendix 1) to set performance objectives and targets;
- set out the performance standards that will be used to evaluate performance during the probationary period;
- explain the process that will be followed during the probationary period, including a programme of regular meetings and review dates;
- identify any initial training that the employee will need in order to carry out their duties and to make arrangements for such training to take place.

5.3

Review Meetings

Meetings should continue regularly throughout their probationary period and the frequency will depend on the role and performance of the employee.

5.4

The aim of each review meeting is to:

- review the employee's conduct;
- review the employee's performance against performance targets, work standards, skills and competency framework;
- review the employee's attendance record in relation to the triggers for probationary employees and any health concerns impacting on performance;
- identify training or developmental needs;
- provide feedback and discuss any work plans/requirements of the job;
- identify how the manager can assist the probationer to meet their objectives, including any reasonable adjustments;
- discuss any concerns or issues of a personal nature, which could be affecting the employee or impacting on their work (e.g. if the employee is disabled or has personal commitments, etc).

5.4.1 Reviews must take place in private, free from interruptions and be treated as confidential.

5.4.2 Line Managers must make sure that they have clearly defined the points which they wish to raise and that these can be substantiated with examples, where appropriate.

5.4.3 If any review is deemed unsatisfactory, the Line Manager must discuss with the probationer the aspects of performance that need improvement and should set clear objectives and timescales within which they will be reviewed.

The probationer should be asked if they consider that any further assistance and/or training is necessary to enable them to complete tasks to the standards expected of them.

5.4.4 The Line Manager should summarise the discussion on the Performance Improvement Action Plan and the probationer should sign the review form and receive a copy of it to confirm that they have been made aware of the improvements required.

5.4.5 HR advice should be sought immediately if there are serious concerns about the employee's conduct or capability to do the job.

5.5

Typical timetable for Probation Review meetings

1st month	Weekly to fortnightly
2nd and 3rd month	Monthly if the employee is making satisfactory progress, or, Fortnightly/weekly if the line manager has identified difficulties despite the improvement action plan
By the end of 3rd month	Initial Probation Assessment Report
4th and 5th month	Monthly, if the employee is making satisfactory progress, or, up to the Final Report: Fortnightly/weekly if the line manager has identified difficulties despite the improvement action plan
By the end of 5th month	Final Probationary Assessment Report (this may be brought forward if there are serious concerns)

5.6

Initial Review Meeting

By the end of three months, the manager will meet with the employee to discuss performance and prepare an initial assessment, which will either indicate that the employee is making satisfactory progress or will identify areas of difficulty that need to be addressed with more intensive support. If the report identifies that the employee is experiencing difficulties, they will be given written confirmation of:

- what they need to do to demonstrate their suitability for confirmation of appointment;
- the reasonable measures that will be taken to support them in achieving the required standard of performance; and
- formal notification that if they fail to achieve the required standard by the date of their Final Probationary Assessment Report their employment may be terminated.

5.6.1

A summary of the main points of the discussion must be entered on the Initial Probationary Assessment Report (Appendix 3). Any items for action either by the employee or the line manager must be recorded.

5.6.2 Both the line manager and the employee must sign the review form, the employee does not necessarily have to agree with the line manager's comments, but they should sign their form to say they have read and understood it. New employees are also given the opportunity to enter their own comments on the review form.

5.6.3 At the end of the review meeting a copy of the review form must be sent to the Human Resources Section and a copy given to the new employee.

5.7 **Formal Probationary Review Meeting**

If at any stage during the probationary period an employee appears to be having difficulties in achieving the required standard of performance, attendance or conduct, the line manager must initiate improvement action.

5.7.1 A formal review meeting should be arranged with the employee in consultation with Human Resources and the new employee has the right to be accompanied by a trade union representative or work colleague at these meetings, if they so wish.

5.7.2 At this meeting the employee should be advised where their performance is not up to an acceptable standard and be set objectives and targets for improvement. Ideally these should be agreed with the employee, but if this is not possible then the manager may impose them. A time scale, offer of support and if appropriate, training to allow for improvement and to enable the employee to meet the standard required should be arranged.

5.7.3 Formal Review Meetings must be arranged as soon as possible when issues arise, to advise the employee about work which is not meeting the required standards or about unsuitability in any respect. You should not wait until the 3 month or 5 month Probationary Review Meetings, even if these would be happening shortly.

5.7.4 The consequences of not meeting the necessary level of work performance must be explained to the employee, and a date arranged for a Further Formal Review meeting to assess the employee's performance, giving the employee reasonable time to improve.

5.8 **Further Formal Review meeting**

The Further Formal Review meeting should be arranged by the manager to feedback on any progress and inform the employee of his/her decision. The outcomes are as follows:

- The standard of performance has been achieved and maintained; therefore, the employee will continue on their probationary period until the 6 month stage and is confirmed in post.
- Where there has been some improvement in the level of performance but it is still not to the required standard, a further period for improvement may be given. Where this is implemented the employee must be informed where the performance is not to the required standard, the improvement expected, the consequences of not achieving this and a date arranged for a Further Formal Review Meeting.

5.9

Final Review Meeting

By the end of the 5th month the manager will meet with the employee and make a final assessment on whether the employee has met the standards required. The line manager must record their findings on the Final Probationary Assessment Report (Appendix 4) and make their recommendation on whether or not the employee is to be confirmed in post. If the recommendation is to confirm the employee in post then Human Resources will be notified so that they may officially inform the employee.

5.10

If the recommendation is to dismiss then this will be communicated to the employee and Human Resources will arrange for the Final Probationary Assessment Report to be referred to the relevant Director so that they can determine whether or not the employee is to be dismissed.

5.11

If Human Resources are made aware that review meetings have not taken place throughout the probationary period as set out above and it is proven that there is no good reason for any such deviation from the policy the new employee will be deemed to have successfully completed the probationary period.

6. EXTENSION OF PROBATION PERIOD

6.1

It may be appropriate to extend the probationary period if:

- Through the probationer's sickness or other authorised absence, it has not been possible to assess performance.
- The probationer has not performed satisfactorily but the manager has evidence to suggest that performance is likely to improve with a further period of probation.

6.2

Probationary periods should not normally be extended by more than three months.

Where the probation is extended, the following should be discussed between the Line Manager and employee and confirmed in writing:

- Reasons for the extension.
- Length of the extension period.
- Assistance/training that will be given during the period of extension.
- Areas for improvement and indication of how these will be monitored and measured.
- Dismissal will be recommended at the end of extension period if the employee fails to meet standards of performance expected for their post.

6.3 If progress and performance are satisfactory at the end of the extended period, the Line Manager will recommend that the appointment should be confirmed and will complete the probation form as appropriate. The employee will be advised in writing of the successful completion of their probation period.

If progress is still considered unsatisfactory, the Line Manager will inform the employee and make a recommendation that the employee be dismissed.

7. DISMISSAL DURING PROBATION

7.1 Dismissal during the probationary period is excluded from the Council's Disciplinary Policy and Procedure and Capability Policy and Procedures.

7.2 Where a line manager has recommended that an employee should be dismissed Human Resources will invite the employee to attend a hearing with a member of the Management Team to consider the Line Manager's recommendation.

7.3 The employee should be given 5 working days notice of the meeting and be given the right (in writing) to be accompanied by a work colleague or a trade union representative. This action may be taken at any time during the probation period.

7.4 A member of the Management Team supported by a representative from HR will determine whether dismissal with notice is appropriate during the probationary period.

The Line Manager will present their evidence regarding the performance or conduct of the employee. The probationer and their representative will then be given the opportunity to challenge any evidence brought forward or to present any evidence they believe is relevant.

7.5 The Director and HR Representative will adjourn to review the evidence and make a decision on one of the following outcomes:

- Transfer to the permanent establishment
- Extension of the probationary period (subject to maximum extension period)
- Dismissal, with notice, during probation

7.6 All employees must receive their contractual notice if dismissed during the probationary period unless the dismissal is on the grounds of misconduct.

8. RIGHT OF APPEAL

8.1 Where a probationary employee is dismissed as a result of unsuitability under this procedure, he/she will have a right of appeal against the decision.

- 8.2 Any appeal must be made in writing, to the Human Resources Manager within 10 working days of the date of the letter confirming the decision. Such an appeal will not delay the date of dismissal.
- 8.3 The appeal will be arranged in accordance with the Appeals Against Dismissal Procedure and will be heard by a panel of members convened by the Employment and Appeals Committee.

9. EQUALITY IMPACT ASSESSMENT AND MONITORING

- 9.1 The operation of this policy will be monitored for its impact on different equality groups in line with the Equality Act 2010. This will enable the Council to assess whether any differences have an adverse impact on a particular group, such that further action would be required.

10. DATA PROTECTION

- 10.1 In implementing this policy, the Council will ensure that any personal data relating to the application of this policy will be obtained, processed and destroyed in line with Data Protection requirements.

Probationary Performance Plan

Appendix 1

Name		Job Title	
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Performance Objective/ Responsibilities	Target / Measures	Required Outcome

Employees Signature		Managers Signature		Date	
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My 1-2-1 Performance Improvement Action Plan

Appendix 2

Name		Job Title		Date	
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<i>Issue (performance Conduct, attendance)</i>	<i>Standard to be achieved</i>	<i>Action by employee</i>	<i>Deadline</i>	<i>Action by Manager</i>	<i>Deadline</i>	<i>Review date</i>

Employees Signature		Managers Signature		Date	
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My 1-2-1 Initial Probationary Assessment Report

Appendix 3

Name		Job Title		Date	
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Competence/Skills	Requirements		Additional Comments	Action – training or development needs	Review date
	Met	Not Met			
Attendance – sickness absence and timekeeping					
General conduct - observance of policy and procedures etc.					
Capability/performance – (quality, timely completion and presentation of work)					
Team work					
Relationships					

Additional remarks, notes, questions or suggestions

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Employee comments

<i>Employees Signature</i>		<i>Managers Signature</i>		<i>Date</i>	
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My 1-2-1 Final Probationary Assessment Report

Appendix 4

Name		Job Title		Date	
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Competence/Skills	Requirements		Additional Comments	Action – training or development needs	Review date
	Met	Not Met			
Attendance (sickness absence and timekeeping)					
General conduct - observance of policy and procedures etc.					
Capability/performance – (quality, timely completion and presentation of work)					
Team work					
Relationships					
Additional remarks, notes, questions or suggestions					

Employee comments:

Employees Signature		Managers Signature		Date	
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Manager	Confirm in post YES/NO (<i>Please delete whichever not applicable</i>). If No, please give reasons and contact HR in the first instance:	Managers Signature: Date:
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