

PROBATION PERIOD POLICY

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SECTION 1: GENERAL GUIDING PRINCIPLES

POLICY STATEMENT

Chesterfield Borough Council recognises that a supportive induction and probation period is vital in providing the appropriate level of support and training for new members of staff on commencement of their employment as they aim to complete their probation period successfully.

The council is committed to support all new employees as they induct into the council and to providing the highest quality of service to our customers. To help us to do this, all employees new to their role will have a probation period which allows them time to settle into the council, learn the new job and receive the appropriate training and guidance. The council believes that the use of probation periods increases the likelihood that new employees will perform effectively in their employment.

The purpose of this policy is to outline the council's expectations of a new employee, and the process for managing a probation period whilst aiming to ensure the council meets its commitment to the fair, equal and consistent treatment of staff.

SCOPE

This policy applies to all newly recruited staff, on a temporary, permanent or casual contract and current employees promoted to a different role as this will require a new range of skills and attributes.

A probation period is a period of time for an employee to demonstrate their suitability for the role. It enables both the manager and the employee to take into account the individual's overall capability, skills, performance and general conduct in relation to the job in question and assess objectively if they meet the requirements.

PRINCIPLES

The purpose of the probation period is to allow time for the organisation to assess the work and behaviour of the employee and to determine whether the employee has a long term future with the organisation.

In making their assessment, a line manager will consider a number of factors including whether:

- the employee can consistently demonstrate behaviour in accordance with council's values;
- the employee can consistently meet the requirements of their employment contract (e.g. arrive on time, fulfil their contracted hours and role);
- the employee can consistently perform effectively in their role;
- it is discovered that the employee has not been honest in their application for employment with the council;
- the Disclosure and Barring Report (where applicable to the role) is unsatisfactory to the council;
- the employee is demonstrating higher than expected sickness absence during the probationary period;
- the employee is the subject of disciplinary action during the probation period.

It is important that employees are fully aware of the probation period and the fact that employees new to the council can be dismissed for failing to achieve the necessary standards of performance within that period and current employees who have been promoted may not be confirmed in post. This will be where the individual proves to be unsuitable or incompetent in the role.

Managers must apply the probation process in a way which is objective, clear, transparent and free from discrimination.

Managers must provide reasonable adjustments to employees where they have a disability within the meaning of the Equality Act 2010. A discussion should take place between the employee and the manager at the early stages of their employment to determine the reasonable adjustments required to enable the employee to perform to the best of their ability. Further guidance can be sought from HR and Occupational Health.

The probation process should work alongside the induction process to help create a positive and supportive working environment, allowing new staff to settle into the organisation and learn the key elements of the job within a reasonable and realistic timescale.

At their induction, new members of staff will be made aware by their line manager of the performance standards expected of them and will be given support, training and feedback necessary to achieve these standards. Line managers will use the probation period to monitor the success of the new employee in reaching those standards.

Clear, comprehensive and accurate records of probation review meetings must be maintained. A progress form is provided for this purpose which must be signed by the employee and their line manager at each review point to provide a formal record of the probationary period.

During planned progress meetings the employee has no legal right to be accompanied at the meeting. However, employees have the right to be accompanied by a trade union representative or work colleague at any formal meeting where dismissal is a potential outcome.

There is a significant amount of information which is captured as part of the probation process and as such an employee's probation period reviews will form part of the overall assessment for appraisal purposes.

Should any disciplinary or long term sickness issue arise during the probation period it should be managed in line with this policy and will be taken into consideration in determining the outcome of the probation period.

SECTION 2: PROCEDURE

Length of Probationary Period

The probation period for employees new to the council and for current employees promoted to a different role is 6 months. This should be a reasonable period of time to give the employee the opportunity to learn the key elements of the role, and receive necessary training.

In the event of absence for whatever reason, including short term sickness absence/ maternity leave during the probation period, the probation period should be suspended until the employee is able to return to work, at which point the probation period will re-commence to ensure that the full probation period is worked. The length of the absence will not count towards the length of the probation period.

While it is hoped that employees can be coached and guided to improve it is important that the employee is informed in a timely manner well in advance of the final progress meeting. The probation period can be extended by up to 3 months where the employee is not performing to the required standard.

Progress Meetings

During the probation period there should be regular and planned progress meetings between the manager and the employee. These meetings should be scheduled in advance and it is the manager's responsibility to ensure that all probation reviews are completed on time and the meetings are recorded using Appendix 1 and 2.

At each meeting, the manager should:

- monitor the employee's performance;
- identify and discuss any problem areas at the earliest possible time;
- provide regular constructive feedback;
- provide support and guidance;
- offer any necessary training and coaching;
- agree clear objectives that the employee is expected to achieve during, or by the end of, the probation period;
- clarify the standards of performance that are required in respect of the job duties;
- clarify the standards or measurements against which the employee's performance will be assessed;
- clarify any relevant standards of behaviour, for example in relation to liaison with customers and colleagues.

Progress review meetings should take place at the following intervals:

- For employees new to the council meetings and for current employees promoted to a different role progress review meetings should happen at 1 month, 3 months and 5 months and formally recorded using the form at appendix 1 and 2.

Managers should be prepared to provide all possible support to their new employees in order to give them a fair opportunity to become fully integrated and productive employees in the longer term. The progress meetings should be a **two-way process** and provide both the manager and the employee with the opportunity to discuss progress on a one-to-one and confidential basis.

If the employee declares any health issues that are affecting their work, the manager must discuss this with HR who may propose an Occupational Health review.

At the end of each progress meeting the manager should summarise their progress as either being:

- excellent or satisfactory performance and likely to have their probation confirmed at the end of the probation period if they maintain the same level of performance;
- mixed performance with some areas requiring improvement although generally acceptable standard. The manager must advise the employee that he or she needs to try harder generally and/or focus on specific areas to bring their performance up to a satisfactory level overall.
- not meeting the required standard of performance in most areas. The employee should be advised that if they fail to improve performance, it is likely that their probation period may be extended and/or they will not be confirmed in post at the end of the probation period. The manager must explore any underlying reasons for poor performance.

The manager should submit all completed progress forms to HR in a timely manner.

Concerns about performance

Where any concerns have arisen about the employee's performance, the line manager should discuss these fully and openly with the employee and identify any areas for improvement where performance is not meeting expectations and record this on the progress review form. The line manager should always adopt a supportive attitude.

Where necessary, the line manager should clearly explain the consequences of underperformance to the employee. The individual should be helped to understand that a continued failure to achieve the required standards could ultimately lead to the termination of employment if they are new to the council or where employees have been promoted they may not be confirmed in post.

Meetings should take place at least every 2 weeks and the manager should:

- highlight areas where the employee is doing well;
- explain clearly and in precise terms any areas in which the employee is falling below the required levels;
- explore the possible reasons for any failure to meet the required standards;
- listen to what the employee has to say;
- discuss and agree whether or not any specific training or coaching is required;
- give the employee an opportunity to ask questions or raise concerns about any aspect of his or her employment.

At the end of each meeting, the manager should agree an action plan with the employee to enable progress to be monitored. The action plan should be clearly documented identifying what should be done, by whom, how and by when.

Final progress meeting

The final progress meeting should take place 1 month before the expiry date of the employee's probation period and be confirmed in writing using Appendix 2. In advance of the meeting the manager should gather together evidence of the employee's work, obtain feedback, details of any training and support that has been provided during the probation period to support the employee and any other factors relevant to the role.

During the meeting the manager should:

- review the employee's performance;
- identify and discuss areas in which the employee continues to require further training or development;
- confirm how the employee feels generally about his or her employment;

At the end of the meeting the manager should confirm the outcome of the probation period to the employee, from the following options:

- If the employee's performance is satisfactory, the manager will inform the employee that they will be confirmed in post and explain how performance will continue to be managed in the future i.e. through the formal appraisal/PDR system;
- If the employee's performance has not met all of the standards required, the probation period can be extended by up to 3 months following a discussion with HR. (see section below on extending probation periods)
- In the case of unsatisfactory performance, the manager must reiterate the shortfall(s) in performance and inform the employee of the next steps (see sections below on unsatisfactory performance for a new employee or current employee.)

Extending Probation Periods

If at the end of the probation period, shortfalls in performance have been identified and it is felt the employee would benefit from some additional time to meet the relevant objectives and the required performance level an extension of the probation period may be appropriate.

An extension should normally be sought only where there are special circumstances justifying it. The manager should consult with HR prior to any decision to extend an employee's probation period. Any extension of a probation period should normally be for no more than 3 months and only one extension will be granted.

Where it is agreed that an employee's period of probation will be extended, it will be important for the manager to set out the terms of the extension in writing and send a copy to HR. It is important to state clearly:

- the length of the extension and the date on which the extended period of probation will end;
- the reason for the extension including details of how and why performance has fallen short of the required standards;
- the performance standards that the employee is required to achieve by the end of the extended period of probation;
- any support, such as further training, that will be provided during the extension;
- inform the employee that if they do not reach the required level of performance their job will be at risk and they may not be confirmed in post.

Unsatisfactory performance - new employee

If the employee has not met the required standards of performance, despite all the help and support that has been offered, the line manager will take the decision to arrange a meeting with the employee and a member of the corporate management team (CMT) for them to consider all of the evidence produced during the probation period. One outcome of the meeting could be to terminate the individual's contract of employment at the end of the probation period. Advice should always be sought from the HR team in these circumstances.

Termination of the contract of employment at the end of the probation period will only be considered where the individual has been made aware during the probation period of the standards of behaviour and performance required and allowed a period to rectify their behaviour and performance.

During planned progress meetings the employee has no legal right to be accompanied at the meeting. However, employees have the right to be accompanied by a trade union representative or work colleague at any formal meeting where dismissal is a potential outcome.

Notice of termination will be given in writing, and will include the right of appeal against the decision.

It is the council's policy to allow the employee to complete the designated period of probation rather than terminating employment before the probation has come to an end. This is to give the employee a full opportunity to come up to the required standards. If, however, there is clear evidence prior to the end of the period of probation that suggests the employee is wholly unsuitable for the role, the manager should consult HR with a view to terminating the employee's contract early.

Unsatisfactory performance – current employee

If the employee has not met the required standards of performance, despite all the help and support that has been offered, the line manager will take the decision not to confirm the employee

in their new post. The manager should always seek advice from the HR team in these circumstances.

The manager should arrange a meeting with the employee to discuss all options available to them. If the employee wishes to apply for a current vacancy at the same, or similar, level as their previous post. If the employee applies for another post they would not receive any priority access to vacancies. If the employee does not wish to apply for any other current vacancies the manager should discuss with the employee about moving into stage 4 capability hearing of the capability (performance) policy.

Appeal

Employees have a right of appeal against the decision to terminate their contact of employment. Appeals must be made in writing to an identified person, setting out the grounds for appeal, no later than 14 calendar days after the receipt of the termination letter. The lodging of an appeal will not suspend the notice of dismissal.

The purpose of an appeal meeting is to review the decision to terminate the probation period and consider:

- Why the employee considers the decision unfair or unreasonable; and
- The rationale and justification of the decision to dismiss.

The person hearing the appeal will arrange a meeting at which the employee may be accompanied by a trade union representative or a work colleague. Where the employee or their representative cannot attend the appeal meeting, it will be rescheduled to a mutually agreed date as quickly as possible. In the event that either the employee or their representative fails to attend the re-scheduled appeal meeting, it will proceed in their absence. A decision will be made based upon the evidence available. The decision of the person hearing the appeal is final.

The person hearing the appeal may uphold or overturn the original decision. Where the decision is overturned the employee will be reinstated to their role. Where time remains within the 6 month probationary period, the employee will continue to be managed in accordance with this policy. Where the 6 month probation period has expired, the employee will be deemed to have successfully passed their probation.

The person hearing the appeal will confirm the outcome in writing to the employee within 5 calendar days of the hearing.

Terms of employment

During the probation period employees new to the council will be subject to all the terms and conditions of their contracts of employment with the exception of notice periods and the disciplinary procedure.

During the probation period either party may terminate the employee's contract of employment by giving one week's notice. In the event that the council decides to terminate the employee's employment their employment will come to an end immediately and the employee will receive pay in lieu of the 1 weeks' notice together with any outstanding holiday pay.

Once the probation period has been completed, the notice periods will be as defined in the employee's contract of employment.

Should any disciplinary issue arise during the probation period it should be managed in line with this policy and will be taken into consideration in determining the outcome of the probation period.

PROGRESS REVIEW MEETINGS

MONTH 1 / MONTH 3 (Please delete as appropriate)

This form is to be completed by the manager following a progress meeting with the employee. The form should be signed by both parties and a copy sent to HR.

Employee's name: Job Title: Start date in post:

Date of meeting: Line managers name..... Line managers job title:

Agree clear objectives to be achieved during the probation period	Identify support or, training required during the probation period	Confirm dates for objectives to be achieved by	Outline progress to date	Identify any areas for improvements where performance is not meeting expectations

Signed.....(Employee) Date.....

Signed:..... (Manager) Date:

FINAL PROGRESS REVIEW MEETING

MONTH 5

This form is to be completed by the manager following a progress meeting with the employee. The form should be signed by both parties and a copy sent to HR.

Employee's name: Job Title: Start date in post:

Date of meeting: Line managers name..... Line managers job title:

Objectives to be achieved during the probation period	Support or training provided during the probation period	Employee's performance during the probation period	Any areas for improvement where performance is not meeting expectations	Any further training or development needs

Recommendation

The manager should summarise the progress of the employee as either being:

- satisfactory performance – probation period to be confirmed
- not met all the standards required – probation period to be extended
- unsatisfactory performance – clarify next steps in line with probation policy

Signed.....(Employee) Date.....

Signed:..... (Manager) Date:

DRAFT