



# PROBATION POLICY

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REFERENCE

## 1.0 Introduction

All new employee appointments, including apprentices to the Council are required to serve a probation period in order to establish their suitability for the post.

Information on the probation period will be discussed at the interview and confirmed in their contract of employment.

Employees have a contractual responsibility to achieve a satisfactory level of performance by undertaking all appropriate training opportunities offered to them and following reasonable management instructions.

Employees who transfer within local government service will also be required to serve a probation period. However, employees will remain entitled to have their previous service recognised for annual leave, sickness, maternity, adoption, redundancy, etc., purposes.

## 2.0 Manager's Responsibilities

Managers are responsible for setting realistic and achievable standards and making sure employees understand what is required. Standards should be capable of being measured in terms of quality, quantity, time and cost. Any shortfall in performance should be pointed out to the employee concerned promptly, and consideration given as to whether this is due to inadequate instruction, training, supervision or some other failing.

*Managers are required to:*

- Ensure that new recruits are clear about the job role and duties required.
- Ensure that new recruits are clear about what their job description covers.
- Ensure the employee undertakes the appropriate corporate training activities required of the post.
- Prepare an individual six-month training and development programme where necessary to minimise the risk of unsatisfactory performance by the new employee.
- Discuss and explain with the employee on their commencement:

- *the standards of work required* – the employee should be left in no doubt what it is that is expected of them in terms of work required and the importance of meeting deadlines.
- *the conditions of the probation period* – that it is normally for a period of six months; however, the length could potentially be shortened (i.e. early termination) or lengthened, dependent upon the review process and notice periods.
- *the consequences of failure to meet the necessary standards* – i.e. termination of the contract or redeployment to another suitable available role.

In the cases of Apprentices, their Apprenticeship should be completed, however, where problems arise they should be managed within the Probation framework.

*Note:* special attention should be given to ensuring standards are understood by employees whose first language may not be English and by young people with little experience of working life or apprentices starting a new career.

- Undertake reviews and assessments with the new employee covering all areas detailed on the Probationer's Assessment Form – on a monthly basis and if appropriate:
  - clearly identify the need for improvement in particular areas;
  - explain to the employee the improvement that is required, the support that will be given and when and how performance will be reviewed;
- Hold formal monthly review meetings with the employee on the Probationer's assessment form.
- Completed copies of both the Probationer's Assessment Form should be sent to Human Resources (HR) every month.
- Consult with and seek the support of HR to ensure that they are made aware of any ongoing issues. If employees are failing to meet the necessary requirements, HR must be informed at the earliest opportunity.

### **3.0 Employee's Responsibilities**

A probation period enables the new employee to assess the suitability of the role in line with their aspirations and requirements. It also provides them with the opportunity to develop and grow into their role, learn new skills and contribute positively to service delivery. The probation period is intended to be a positive experience for new employees and sets the tone for future performance management, for positive on-going relationships and assists in improving the overall standards and morale of the workforce. It also embeds the principles of feedback on

performance, learning and development, team work and two-way communication as part of the employee's working life at Broxtowe Borough Council.

At the end of a successful probation period the employee will be confirmed on the Council's permanent establishment.

#### **4.0 Probation for Internal Job Changes**

Where an employee applies for and gains, either an alternative position or promotion within the organisation, the same principles apply and a probation period will be attached to their new post. This also applies to employees who have been redeployed or whose role responsibilities have changed as a result of a restructure/reorganisation.

Probation will not apply to those who move from temporary to permanent roles, where the role is the same. No probation will be required where the pay grade changes but the job role and duties remain the same.

Any employee undertaking a trial period as part of a redeployment process will have the length of the trial deducted from their six-month probation if successfully redeployed.

Internally promoted employees who are unsuccessful in their probation period are at risk of dismissal or redeployment and will not be able to revert back to their previous role before the promotion, unless on a Secondment or Development Opportunity. Should their previous role remain vacant, consideration may be given to returning to the role, on a case by case basis by the Manager or Head of Service/Director.

#### **5.0 Considerations for Managers**

Any assessment criteria that a manager uses during a probation period must be non-discriminatory and should be applied irrespective of racial group, sex, marital status, disability, sexual orientation or religion or belief, and must be relevant to the requirements of the job. Managers should be aware of the dangers of stereotyping and making assumptions based on inadequate knowledge.

When reviewing an employee during their probation period, managers must consider whether, if there are concerns about the employee's performance, this relates to negligence or lack of ability. Negligence usually involves a measure of personal blame arising, for example, from lack of motivation or inattention.

Lack of ability on the other hand is due to lack of skill, experience or knowledge, and may point to poor recruitment procedures or inadequate training. The manager must then make a decision as to the most appropriate form of support for the employee and communicate this to them, giving them the opportunity to improve.

The Probationer's Assessment Form asks managers to confirm at each monthly review whether there are any issues or concerns which may affect successful completion of the probation period. Any concerns should be discussed with HR at the earliest opportunity to ensure that adequate support can be provided prior to any

formal decision being made with regard to confirming, extending or recommending termination of a probationer's employment.

## **6.0 Attendance Issues During the Probation Period**

Managers have a responsibility during an employee's probation period, to monitor the attendance of the employee and any absences which may occur, i.e. sickness absence. Whilst all sickness absences will be recorded in accordance with the Council's Attendance Management procedure and return to work interviews undertaken by the manager with the employee, the impact on the service must be considered and if appropriate, concern raised with the individual, giving direction and encouragement to improve.

If an employee has a long period of sickness during their probation, an extension may be granted for a similar amount of time. Very poor attendance may result in dismissal under the Probation Policy. Sickness during the probation period will be included in any rolling year sickness calculations.

## **7.0 Dealing with Unsatisfactory Performance**

In all cases the cause of unsatisfactory performance should be investigated with the employee. The following guidelines will help to identify the cause and assist in ensuring that appropriate action is taken:

- ask the employee for an explanation and check the reason given if possible;
- if the reason is lack of necessary skills then ensure the employee is provided with the relevant training and the time to reach the required standard within the probation period;
- issue an agreed improvement plan if appropriate and discuss this with the employee to encourage them to reach the required standard;
- if, despite encouragement and assistance, the required standard cannot be reached, then the manager must carefully consider whether the employee has reached the required standard expected of them in order to be transferred to the permanent establishment of the Council.
- where it is found that an employee does not have a necessary qualification required for the post, despite stating they held the qualification, disciplinary action may be necessary

An employee should not proceed to a probation hearing unless the employee has been notified of the concerns and a chance to improve have been given, with reasonable support provided.

## **8.0 Extending the Probation Period**

Managers have the option to extend an employee's standard probation period up to a maximum of a further six months (12 months in total). However, any decision to do this should be taken after careful consideration and with discussions and advice from HR of all the reasons for the potential extension and whether sufficient guidance and support have already been given to the employee.

## **9.0 Action in Serious Cases**

Where an employee commits a single error and the actual or potential consequences of that error are, or could be extremely serious, warnings and the opportunity to improve may not then be appropriate. In these circumstances it is appropriate to review the matter under the Council's Disciplinary Policy.

Where a probationer is dismissed for a reason related to a disciplinary matter they will be given a right of appeal to the relevant Chief Officer.

## **10.0 Termination of Employment under the Probation Period**

If an employee is unable to achieve a satisfactory level of performance even after being given an opportunity to improve and with training assistance if required, the availability of suitable alternative work should be considered. If such work is not available, the situation should be carefully explained to the employee before informing them that their employment may be terminated and that a probation hearing will be arranged in due course.

The employee must be formally invited to a probation hearing with the relevant Head of Service and be given the opportunity to be accompanied by a trade union representative or work colleague. The employee will be given at least seven working days' notice, in writing, of the date of the hearing together with a probation report and corresponding appendices produced by the relevant manager.

The manager's probation report should detail the areas of concern regarding the probationer's performance and/or absence levels, any relevant support or training offered etc.

The employee will be asked to submit any relevant evidence or information, not less than two working days before the date of the hearing. The probation hearing will follow the same format as that of a disciplinary hearing.

It should be made clear that the decision may be taken not to confirm the individual on to the Council's establishment and the employment terminated.

In these circumstances, managers must ensure that their processes have been reasonable, fair and that the employee has been communicated with throughout the probation period and been given every opportunity in which to perform to the required standard.

The relevant Head of Service will be responsible for terminating an employee's contract under this policy. The decision will be confirmed in writing to the employee.

The employee should be offered a right of appeal against the termination to the relevant Chief Officer.

## **11.0 Temporary/Fixed Term Employees**

Any employee who is appointed in either a temporary or fixed term capacity to the Council must still be given the appropriate training and support by the relevant manager to ensure that their work is of the required standard throughout the period of their contract. The manager must review and monitor the employee in the same way as an employee who is undertaking a probation period. HR will write to employees confirming that their probation period is complete.

Where a temporary/fixed term employee gains an alternative permanent position, a probation period will then be attached to that post. If an employee is moving from a temporary/fixed term contract to a permanent contract in the same role then a probation period will not be required, providing they have already completed a probation period in their temporary role.

## **12.0 Support from Human Resources**

HR will monitor managers' responsibilities during an employee's probation period. HR are able to provide comprehensive advice, support and guidance at all stages. HR will also write to employees who have successfully completed their probation period, transferring them to the Council's establishment.

## **13.0 Trade Union Involvement**

During the probation period, both informal and formal meetings will occur between a manager and the probationer to ensure that the requirements of the training programme are being met. Union involvement would not normally be expected to be required at these times. However, where a manager has serious concerns about the employee's ability, skills or knowledge and they believe it may be appropriate for a probation period to be either extended or not confirmed, the employee should be given the opportunity to have either a union representative or a work colleague present at any further review meetings.