

+

# Merton Council's Probation Policy

**2006**  
**Version 1.1**  
**Issue March 2006**



## **Probation Policy**

### **Contents**

<b>1</b>	<b>Policy Statement .....</b>	<b>3</b>
<b>2</b>	<b>Purpose of Policy .....</b>	<b>3</b>
<b>3</b>	<b>Who the Policy applies to. ....</b>	<b>3</b>
<b>4</b>	<b>Guiding Principles .....</b>	<b>4</b>
<b>5</b>	<b>What to do if standards are not being met. ....</b>	<b>4</b>
<b>6</b>	<b>At the end of the probationary period .....</b>	<b>5</b>
<b>7</b>	<b>Right of Appeal .....</b>	<b>5</b>
<b>8</b>	<b>Sickness absence during probationary appeal procedure.....</b>	<b>6</b>
<b>9</b>	<b>Attendance at College/Further Education .....</b>	<b>6</b>
<b>10</b>	<b>Related documents .....</b>	<b>6</b>

### **Contacts**

In the first instance for further information on this document please contact your Department Human Resources Section:

This document is maintained by Corporate Human Resources - extn: 4145 or 3736.

### 1. Policy Statement

#### 1.1 The council is committed to:

- Ensuring that all new employees settle into their job and understand their roles, accountabilities, objectives and performance standards.
- Supporting the new employee in meeting the required Standards of Performance
- Assessing the new employee's performance so that where they meet the required performance standards they may be confirmed in their new job.

The Council places equal opportunities at the centre of its employment practices and strives to ensure that all employees are treated fairly and equitably. As a result, no employee will be treated less favourably on the grounds of his/her gender, race, disability, health, ethnic origin, age, HIV status, social or economic status, marital status, legal immigration status, sexual orientation, religion, political beliefs, trade union membership, carer responsibilities or irrelevant criminal records and convictions.

Employees with disabilities should be monitored using the same procedure as for all other staff. However, the Departmental Human Resources Manager should be involved if it seems that the probationary period is not progressing in a satisfactory manner. The use of additional external assistance and reasonable adjustments may be deemed as an appropriate course of action. Advice from Occupational Health Services must be sought in such cases.

### 2. Purpose of the Policy

- 2.1 The purpose of this policy is to support the Council in ensuring that new starters are given all the training and support required to enable them to carry out their duties effectively whilst meeting the required standards of performance and that where a satisfactory level of performance is not sustained, the employee's contract of employment with the Council is terminated.

### 3 Who the policy applies to

- 3.1 The policy applies to all new employees of the Council (including school based non teaching staff) who will be subject to a probation period of at least six Calendar months. Probation is generally not required for existing employees who have secured a promotion/transfer within the Authority with no break in service. Teachers have different probationary arrangements.

## **4. Guiding Principles**

- 4.1 The probationary period is a continuous period of assessment, and the line manager is responsible for ensuring that the process is conducted correctly. The manager is also responsible for ensuring appropriate information and instruction is provided to enable the employee to undertake their job role satisfactorily.
- 4.2 All Probationers will undergo an Induction process as laid down in the Induction Framework (this can be found on the HR intranet, <http://intranet02/hr/policy/> or a copy can be obtained from your line manager or Departmental HR). The responsibility for managing this lies with the Recruitment Team, the line manager, and the respective Departmental HR section. Schools will be responsible for managing the process for their support staff.
- 4.3 Managers are required to arrange regular review meetings with probationers during the probation period (at week 1, week 4, week 8 week 14, week 20 and week 26). The aim of each review meeting is to:
- Identify training or developmental needs
  - Review conduct, performance and attendance
  - Set performance targets
  - Identify and agree work standards
  - Provide feedback and discuss any work plans/requirements of the job
  - Identify ways in which the manager can assist the probationer to meet their objectives
  - Discuss any concerns or issues of a personal nature, which is affecting the employee or impacting on their work (eg a disability, or personal commitments etc).

## **5 What to do if standards are not being met**

- 5.1 Where standards in conduct, performance or attendance are not met, this should be brought to the attention of the employee at the earliest opportunity within the six-month probationary period and relevant support, learning or clarification should be offered. The Manager should outline to the employee clear objectives and the performance standards required to achieve satisfactory performance, monitor performance and then, where appropriate, clarify any specific areas of under performance. It is important that the manager provides guidance and support at all times.

- 5.2 Where appropriate, an Action Plan should be agreed between the manager and Probationer and a four to six week review meeting booked to feedback on progress. The manager must record, monitor and communicate the progress made by the employee during the regular supervision meetings already taking place. Advice should also be sought from the Departmental Human Resources Manager.
- 5.3 Where, despite support, a sustained level of improvement has not been achieved, the manager will arrange a formal meeting to inform the probationer that they are failing to meet the required standards of performance, attendance or conduct and provide further support/learning. The employee should be advised that they can be accompanied by a member of a recognised trade union, or work colleague. At this meeting they must be advised that their employment is at risk if the required standards are not achieved within their probation period. A formal record should be kept of this meeting in the personal file.

## **6 At the end of the probationary period**

- 6.1 All probationers will be on a minimum 1-month's notice period, unless stated differently within the contract of employment.
- 6.2 Where the employee has failed to meet the required standards, with advice from the Departmental Human Resources Manager, the manager can either:
- extend the probation period in exceptional circumstances (eg to allow time for training received to take effect) to no more than 3 months **(The extension to a probationary period should not exceed 3 months)** unless a person has been on sick leave for a significant period of time and the manager needs additional time to assess their performance.
  - Give notice of the decision to dismiss, in which case the last day of service should take effect before the end of the probation period. Probationers on 1 month's notice should be given notice of termination during their 20-week formal review meeting (Review 5). Probationers on 3 month's notice should be given notice of termination during their 14-week formal review meeting (Review 4). The employee may wish to be accompanied by a trade union representative or work colleague at this meeting.
- 6.3 Any recommendation to dismiss must be confirmed by the Head of Service. The Line Manager notifies employee of recommendation to dismiss and right of appeal. This is confirmed in writing from the Head of Service.
- 6.4 For schools, the recommendation to dismiss can be taken by the Head teacher or a panel of Governors and must be notified to the Departmental HR. Any appeal against dismissal will be conducted by a panel of 3 governors who have not previously been involved in the matter.

## **7. Right of Appeal**

- 7.1 An employee has the right of appeal against dismissal. A TU representative or work colleague may accompany an employee at an appeal hearing.
- 7.2 The decision letter from the Head of Service confirms the name of the person to whom the appeal should be made. For an appeal against a dismissal, the Director hears the appeal.
- 7.3 The appeal must be made in writing within five working days of receipt of the decision/notice letter.
- 7.4 The employee may appeal on the following grounds
- The Procedure – a failure to follow the probationary procedure had an effect on the decision and/ or
  - The decision – the evidence did not support the conclusion of the manager and/or
  - The Penalty – the decision was unreasonable or unfair in the light of all the circumstances.
- 7.5 The appeal manager (or panel in the case of schools):-
- Considers all the evidence
  - Determines whether the dismissal remains unchanged or is removed.
- 7.6 Where possible, the Director conducting the hearing gives the decision and the reasons for it verbally on the day. S/he also provides in writing within five working days of the hearing a decision letter confirming the reasons for the decision.

## **8 Sickness absence during the Probationary Appeal Procedure**

- 8.1 An employee who is unfit to attend a scheduled probationary appeal hearing must provide a medical certificate confirming that s/he is incapable of attending the hearing.
- 8.2 In circumstances such as 8.1 above or others where the delay arising from any such absence may become problematic, the line manager discusses with the employee's representative and HR ways to enable the employee to attend the required probationary appeal as soon as is practicable.

## **9 Attendance at College/Further Education**

- 9.1 An employee who is being sponsored/supported at college by the Council will also need to have a satisfactory attendance record at college. Generally, it is not recommended to sponsor an employee to attend a course whilst on probation. If an individual does get agreement for sponsorship, costs will be

reclaimed if the employee leaves during their probationary period.

9.2 An employee cannot apply for secondment opportunities whilst on probation.

## 10. Related Documents

- The Induction Framework can be found on <http://intranet02/hr/policy/>

### **COMPLETING THE PROBATIONARY REVIEW FORMS**

The following Probationary *Review Forms 1, 2, 3, 4, 5* and 6 are to be completed, normally at week 1, week 4, week 8, week 14, week 20 and week 26 respectively (Appendix 1 to 6 below) and returned to Departmental HR. Where this is not the case, HR should chase line managers.

It is necessary to ensure that 6 reviews have been arranged with the employee throughout the induction period. These should normally be at week 1, week 4, week 8, week 14, week 20 and week 26. These meetings should be scheduled on the employee's first day. The purpose of the meetings is to discuss his/her progress and performance and ensure that any difficulties that emerge are addressed immediately. Probationary Period Review forms (Appendix 1 to 6 – see below) should be completed after each review and returned to Departmental HR. After the final review, you must complete the necessary form AND liaise with Departmental HR, to confirm the outcome.

### **Probationary Period Reviews**

<b><u>Review 1</u></b>	<b><u>Week 1</u></b>	<ul style="list-style-type: none"><li>To discuss post's purpose and main activities in accordance with job description and specification</li><li>To agree initial level of supervision and monitoring</li><li>To identify any immediate training and development needs</li><li>Line managers must adhere to supervision and monitoring programmes agreed at this and subsequent reviews</li><li>To allocate a 'mentor' if considered appropriate</li><li>To ensure that the 'Getting Started Checklist' has been completed and can subsequently be returned to Departmental HR</li></ul>
<b><u>Review 2</u></b>	<b><u>Week 4</u></b>	<ul style="list-style-type: none"><li>To review employee's progress and any concerns they may have.</li><li>To jointly agree action/steps.</li><li></li></ul>

<u>Review 3</u>	<u>Week 8</u>	<ul style="list-style-type: none"> <li>• To review employee's progress in general and performance on job's main activities</li> <li>• Opportunity to discuss any shortcomings or difficulties</li> <li>• Line manager to recommend employee action and prepare plan of assistance and supervision to enable greater achievement where necessary</li> <li>• To identify any training and development needs</li> <li>• If there are any concerns that probationary period may not be successfully completed, to seek advice from Departmental HR</li> <li>• Line manager must ensure compliance with any programmes of assistance and supervision agreed at this and subsequent reviews.</li> </ul>
<u>Review 4</u>	<u>Week 14</u>	<ul style="list-style-type: none"> <li>• To review employee's progress and any concerns they may have.</li> <li>• To jointly agree action/steps.</li> <li>• If there are any concerns that the probationary period may not be successfully completed, to seek advice from Departmental HR.</li> <li>• If employee has failed to meet required standards, to liaise with Departmental HR and either: <ul style="list-style-type: none"> <li>- in exceptional circumstances, extend the probationary period to a maximum of 9 months</li> <li>- advise of the decision to dismiss, (giving notice to those on 3 month notice period).</li> </ul> </li> </ul>
<u>Review 5</u>	<u>Week 20</u>	<ul style="list-style-type: none"> <li>• To review performance of main activities</li> <li>• Opportunity to discuss any shortcomings or difficulties</li> <li>• To identify any training and development needs</li> <li>• To ensure that the employee is on track to successfully complete the probationary period</li> <li>• If there are any concerns that the probationary period may not be successfully completed, to seek advice from Departmental HR.</li> <li>• If employee has failed to meet required standards, to liaise with Departmental HR and either: <ul style="list-style-type: none"> <li>- in exceptional circumstances, extend the probationary period to a maximum of 9 months</li> <li>- advise of the decision to dismiss, (giving notice to those on 1 month notice period).</li> </ul> </li> </ul>

<u>Review 6</u>	<b><u>Week 26</u></b>	<ul style="list-style-type: none"> <li>• To review performance of main activities</li> <li>• To inform employee of their progress</li> <li>• Where appropriate, to confirm employee in post and notify departmental HR accordingly.</li> <li>• If employee has failed to meet required standards, to liaise with Departmental HR and either: <ul style="list-style-type: none"> <li>- in exceptional circumstances, extend the probationary period to a maximum of 9 months</li> <li>- advise of the decision to dismiss</li> </ul> </li> </ul>
-----------------	---------------------------	---

## PROBATIONARY PERIOD REVIEW FORM 1

**Review 1 (week 1)**

**Date of Review:**

Employee's name	
Job title/ Post no.	
Date of appointment	
Name of Mentor (where allocated)	

**Job purpose:**

--

**Main activities & objectives to be measured including standards expected:**

--

**Skills required:**

--

**Initial comments, arrangements for supervision and monitoring:**

--

**Date of next review:** \_\_\_\_\_

Signed \_\_\_\_\_  
Line Manager

Signed \_\_\_\_\_

Employee

**Please return completed form to Departmental HR**

## PROBATIONARY PERIOD REVIEW FORM 2

**Review 2 (week 4)**

**Date of Review:**

<b>Employee's name</b>	
<b>Job title</b>	
<b>Post no.</b>	
<b>Date of appointment</b>	

The employee must always be made aware of any unsatisfactory performance and ways in which it could be improved to achieve a satisfactory standard

Performance	A, B, C or D
Attendance	
Performance of main activities	
Achievement of objectives (where realistic within timescale)	
Evidence of skills required	
Ability to work with others	
Ability to work alone	

A     Excellent  
B     Good

C     Satisfactory  
D     Unsatisfactory

<b>Employee</b>	<b>Line Manager</b>
Actions for greater achievement	Assistance/Supervision/Monitoring

**Line Manager's overall comments:**

**Date of next review:** \_\_\_\_\_

Employee HAS/HAS NOT performed satisfactorily to date (delete as appropriate)

Signed \_\_\_\_\_  
Line Manager

Signed \_\_\_\_\_  
Employee

**Please return completed form to Departmental HR**

## PROBATIONARY PERIOD REVIEW FORM 3

**Review 3 (week 8)**

**Date of Review:**

<b>Employee's name</b>	
<b>Job title</b>	
<b>Post no.</b>	
<b>Date of appointment</b>	

The employee must always be made aware of any unsatisfactory performance and ways in which it could be improved to achieve a satisfactory standard

Performance	A, B, C or D
Attendance	
Performance of main activities	
Achievement of objectives (where realistic within timescale)	
Evidence of skills required	
Ability to work with others	
Ability to work alone	

A     Excellent  
B     Good

C     Satisfactory  
D     Unsatisfactory

<b>Employee</b>	<b>Line Manager</b>
Actions for greater achievement	Assistance/Supervision/Monitoring

**Line Manager's overall comments:**

**Date of next review:** \_\_\_\_\_

Employee HAS/HAS NOT performed satisfactorily to date (delete as appropriate)

Signed \_\_\_\_\_  
Line Manager

Signed \_\_\_\_\_  
Employee

**Please return completed form to Departmental HR**

## PROBATIONARY PERIOD REVIEW FORM 4

**Review 4 (week 14)**

**Date of Review:**

<b>Employee's name</b>	
<b>Job title</b>	
<b>Post no.</b>	
<b>Date of appointment</b>	

The employee must always be made aware of any unsatisfactory performance and ways in which it could be improved to achieve a satisfactory standard

Performance	A, B, C or D
Attendance	
Performance of main activities	
Achievement of objectives (where realistic within timescale)	
Evidence of skills required	
Ability to work with others	
Ability to work alone	

A     Excellent  
B     Good

C     Satisfactory  
D     Unsatisfactory

<b>Employee</b>	<b>Line Manager</b>
Actions for greater achievement	Assistance/Supervision/Monitoring

**Line Manager's overall comments:**

**Date of next review:** \_\_\_\_\_

Employee HAS/HAS NOT performed satisfactorily to date (delete as appropriate)

Signed \_\_\_\_\_  
Line Manager

Signed \_\_\_\_\_  
Employee

**Please return completed form to Departmental HR**

## PROBATIONARY PERIOD REVIEW FORM 5

**Review 5 (week 20)**

**Date of Review:**

<b>Employee's name</b>	
<b>Job title</b>	
<b>Post no.</b>	
<b>Date of appointment</b>	

The employee must always be made aware of any unsatisfactory performance and ways in which it could be improved to achieve a satisfactory standard

Performance	A, B, C or D
Attendance	
Performance of main activities	
Achievement of objectives (where realistic within timescale)	
Evidence of skills required	
Ability to work with others	
Ability to work alone	

A     Excellent  
B     Good

C     Satisfactory  
D     Unsatisfactory

Employee	Line Manager
Actions for greater achievement	Assistance/Supervision/Monitoring

**Line Manager's overall comments:**

The employee HAS/HAS NOT performed satisfactorily to date

Signed \_\_\_\_\_  
Line Manager

Signed \_\_\_\_\_  
Employee

Please return completed form to Departmental HR

## PROBATIONARY PERIOD REVIEW FORM 6

**Review 6 (week 26)**

**Date of Review:**

<b>Employee's name</b>	
<b>Job title</b>	
<b>Post no.</b>	
<b>Date of appointment</b>	

The employee must always be made aware of any unsatisfactory performance and ways in which it could be improved to achieve a satisfactory standard

Performance	A, B, C or D
Attendance	
Performance of main activities	
Achievement of objectives (where realistic within timescale)	
Evidence of skills required	
Ability to work with others	
Ability to work alone	

A     Excellent  
B     Good

C     Satisfactory  
D     Unsatisfactory

<b>Employee</b>	<b>Line Manager</b>
Actions for greater achievement	Assistance/Supervision/Monitoring

**Line Manager's overall comments:**

The employee HAS/HAS NOT performed satisfactorily to date and HAS/HAS NOT been confirmed in post (delete as appropriate)

Signed \_\_\_\_\_  
Line Manager

Signed \_\_\_\_\_  
Employee

**Please return completed form to Departmental HR**