

Ealing Council

Probation Policy and Procedure

Effective 1st January 2010

For HR advice on this policy, raise a request on the Service Ealing Portal accessed via the intranet <http://serviceealing.com> Alternatively, telephone the HR Shared Service Centre (HRSSC) on extn: 9000 option 1, option 1 (0208 825 9000).

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Probation Policy and Procedure

1. AIM

The Council is committed to ensuring that all new employees are fully supported in achieving a successful level of work performance, attendance and behaviour during their probation/performance review period, to assist them in demonstrating their suitability to undertake the full duties of their new post.

2. SCOPE

- 2.1 This policy and procedure applies to all Council employees except Chief Officers and employees working in schools. It does not apply to non-employees such as agency workers or contractors.
- 2.2 This policy and procedure does not apply to employees who have been assimilated or redeployed into a new post within the Council. These are subject to different processes described within the Assimilation, Redeployment and Medical Redeployment Schemes.
- 2.3 All new appointments to posts with the Council (regardless of previous local government service) are subject to a minimum six-month probationary period that must be successfully completed.
- 2.4 Existing Council employees who voluntarily obtain a new post within the Council will be expected to meet the full performance requirements within six months of taking up the new post. Such appointments are subject to the same induction process as probationers and will follow this procedure up to and including paragraph 8.2. At this stage (i.e. six months after appointment at the latest) the employee will either receive confirmation that she/he has successfully completed their performance review period or further action will commence in accordance with the appropriate Council procedure (Managing Unsatisfactory Performance Procedure, Disciplinary Procedure or Medical Capability Procedure).

3. DEFINITIONS

For the purpose of this policy and procedure:

- New employees to the Council will be referred to as '**probationer(s)**' serving a 'probation period' and; existing employees in the first six months in a new post with the Council will be referred to as '**inductee(s)**' going through a 'performance review period'.
- "Probationary Period" is the period commencing when the employee starts work in the post, and ending when the Council confirms that the employee has successfully

completed their probation. The probationary period normally lasts six months and will not last more than 12 months.

- 'Performance' includes work performance, behaviour/conduct and attendance.
- 'Manager' means the person to whom authority has been delegated for the various decisions or actions described.

4. KEY PRINCIPLES

Managers are responsible for:

- Ensuring probationers/inductees understand their role, accountabilities, objectives and performance standards. This will be achieved through a structured induction programme that will include a schedule of regular meetings.
- Supporting probationers/inductees in meeting the required standards of performance (including conduct and attendance) by providing ongoing supervision and feedback and identifying any training and development needs necessary to improve performance.
- Monitoring performance (including conduct and attendance) during the probation/performance review period and regularly reviewing progress.
- Assessing the probationers/inductees performance (including conduct and attendance) so that where they meet the required performance standards they may be confirmed as having successfully completed their probation/ performance review period.
- Encouraging probationers/inductees to raise any areas of concern, training and development needs and/or personal issues at the earliest possible opportunity with their manager.
- Raising any areas of concern (such as: unsatisfactory performance and/or conduct and/or attendance; failure to meet agreed standards or levels of performance required) at the earliest possible opportunity with the probationer/inductee.
- Deciding whether to terminate employment during the probation period where performance and/or conduct and/or attendance are unsatisfactory (probationers only).
- Considering any reasonable adjustments for probationers/ inductees who are disabled that are considered necessary for the performance of their duties (where appropriate and relevant to the provisions of the Disability Discrimination Act 1995 (DDA)).
- Drafting and sending all correspondence to employees and ensuring all relevant correspondence is copied to the Human Resources Shared Service Centre (HRSSC) to be retained on the employee's HR personal file.

5. INDUCTION

- 5.1 An induction checklist (**template 1**) should be provided to the employee within the first

week of appointment that sets out the key issues that should be addressed during the induction process.

- 5.2 On/before the first day a new employee/inductee is in post, managers should ensure that:
- Employees know how to get into the building on the first day and who they should ask for.
 - Workstation, telephone, tools, equipment, computer access etc are in place before they arrive.
 - Information on the essential aspects of health and safety is provided (see induction checklist).
 - A welcome meeting/discussion takes place on their first day.
- 5.3 The manager should arrange for probationers to attend the Corporate Induction course within the first four weeks of appointment where possible. Additionally, managers should also arrange departmental induction for probationers and inductees to provide a more detailed induction process to reflect local protocols and priorities.

6. SICKNESS ABSENCE

- 6.1 The Council's Managing Sickness Absence Policy and Guidance only applies in its entirety to probationers after successful completion of their probationary period. However, the provisions of sections 3 to 7 and 9 to 11 will apply from the first day. Any short or long term sickness absence during the probationary period that gives cause for concern should be addressed as soon as it arises with targets and timescales for improvement set as appropriate. These concerns should be monitored as part of the probation review process.
- 6.2 All provisions of the Council's Managing Sickness Absence Policy and Guidance apply to inductees.

7. ABOUT THE PROCEDURE

7.1 Timescales

- 7.1.1 All parties involved in the process have an obligation to ensure that timescales set out in the procedure are followed as far as possible. However, timescales may be extended by mutual agreement.
- 7.1.2 Managers should make a decision in relation to **probationers** within 6 months of appointment to either: confirm that probation has been successfully completed; extend the probationary period; or terminate employment.

- 7.1.3 Where a fellow work colleague, or trade union representative has been chosen by the employee to accompany them at a probation hearing (probationers only) and they cannot attend on the proposed date, an alternative date may be arranged. This should normally be within five working days, beginning with the first working day after the original date proposed by the manager. The probation hearing would not normally be postponed a second time.
- 7.1.4 For the purpose of this procedure, 'working days' are defined as Monday to Friday, irrespective of the actual working days of the employee concerned, but excluding public holidays.

7.2 Right to be accompanied

- 7.2.1 Employees have the right to advice and guidance from a fellow work colleague or trade union representative at all stages of the procedure.
- 7.2.2 Probationers have the right to be accompanied or represented at a probation hearing by a fellow work colleague or trade union representative.
- 7.2.3 Probationers and their representative (where applicable) should be consulted on the timing of a probation hearing under this procedure. However, it is the responsibility of the employee to ensure that his/her chosen representative knows as soon as possible the need to attend on the relevant date (subject to the provisions of paragraph 7.1.3 above).
- 7.2.4 Representatives are allowed to address the probation hearing to present and sum up the probationer's case, to confer with the employee and to present any questions on behalf of the employee. The representative has no right to answer questions on the employee's behalf, or to address the meeting if the employee does not wish it, or to prevent the employee from explaining their case.

7.3 Non-attendance by employee at a probation hearing

- 7.3.1 If the employee does not attend the probation hearing, the hearing may either proceed in their absence or be adjourned, taking into account the reasons for their non-attendance.

7.4 Confidentiality

- 7.4.1 At all times the need to maintain confidentiality will be observed. Information must not be shared with anyone except those directly involved. This does not preclude a confidential discussion with a fellow work colleague or trade union representative.
- 7.4.2 Circulation of information will be that which is necessary, to ensure a fair process and consideration of the case. Unnecessary disclosure of confidential information at any

stage may lead to disciplinary action.

7.5 Keeping records

- 7.5.1 Managers should retain records of all meetings. Any relevant correspondence sent to the employee should be copied to the HRSSC to be retained on the employee's HR personal file. All papers relating to a probation hearing will also be retained on the employee's HR personal file.
- 7.5.2 Records must be treated in the strictest confidence and kept in accordance with Data Protection legislation.

7.6 Role of HR

- 7.6.1 At all stages of the probation procedure the HRSSC may be consulted for advice. Managers may request that a representative from the HRSSC attend a probation hearing in an advisory capacity.

8. APPLICATION OF THE PROCEDURE

8.1 Meetings schedule

- 8.1.2 Managers are responsible for ensuring the following meetings are scheduled during the probation/performance review period (paragraphs 8.1.2.1 – 8.1.2.4).

However, if it becomes apparent that a **probationer** is falling significantly short of the required standards, then the manager may move, in exceptional circumstances, straight to paragraph 8.3 (warning) or to paragraph 8.5 (probation hearing) of this procedure even though an eight week, three month, or five month review has not been completed. Should the manager decide to move straight to a probation hearing, evidence that they have raised any shortcomings with the probationer should be provided for the hearing (eg meeting notes)

Similarly, if it becomes apparent that an **inductee** is falling significantly short of the required standards, then the manager should consider immediate action in accordance with the appropriate Council procedure (managing unsatisfactory performance procedure for work performance, disciplinary procedure for misconduct or medical capability procedure for attendance due to sickness absence).

- 8.1.2.1 **During the first week.** An initial meeting will be arranged between the probationer/inductee and their manager at the earliest possible opportunity during the first week. At this meeting an induction checklist (**template 1**) will be issued and a schedule of weekly meetings agreed for the next 8 weeks (as appropriate and relevant to the level of the post).

At the initial meeting, the probationer/inductee and manager (or nominated supervisor) will go through the role profile (consisting of the job description, person specification and competencies), agree any planned training and development necessary and agree weekly attainment targets and performance measures (as appropriate and relevant to the level of the post) so that performance can be monitored and reviewed.

Objectives for the first 6 months should also be agreed and recorded at this meeting.

For ease of reference, the objectives, attainment targets, performance measures and training and development needs can be recorded using the mid probation review form **(see template 2 below)**

8.1.2.2 After the first eight weeks of the probationary/performance review period, further meetings may be scheduled weekly, fortnightly, or monthly as required. The frequency of further meetings will depend on the manager's assessment of the level of support and/or supervision needed by the probationer/inductee to ensure that their probationary/performance review period is proceeding satisfactorily.

8.1.2.3 At three months a mid-probation/performance review should take place between the probationer/inductee and the manager. This review will assess performance against the objectives and required attainment targets; and will also focus on the knowledge, skills, abilities and competencies as set out in the role profile. The manager will also consider the employee's attendance record and conduct. The review will provide an opportunity to identify any further training needs and to set up an action plan on any remedial action and/or training required.

Depending on the level of remedial action necessary, it may be appropriate at this stage to warn a **probationer** that failure to meet and maintain required standards may result in termination of employment or to consider action in accordance with the appropriate Council procedure for **inductees** (managing unsatisfactory performance procedure for work performance, Disciplinary Policy and Procedure for misconduct or Medical Capability Procedure for attendance due to sickness absence).

The manager will complete a mid probation/performance review form **(template 2)**. Both the probationer/inductee and manager will sign the form. The manager will retain the original and a copy given to the employee.

8.1.2.4 Before the end of five months a further probation/performance review will take place between the probationer/inductee and the manager. The manager will then consider whether:

Probationer

- The probation period is to be confirmed as successful (see paragraph 8.2) **or**
- The probation period is to be extended (see paragraph 8.4) **or**

- The employment should terminate. **NB A decision to terminate employment can only be made following a probation hearing (see paragraph 8.5 below)**

Inductee

- The performance review period is to be confirmed as successful (see paragraph 8.2) **or**
- Action in accordance with the appropriate Council procedure (managing unsatisfactory performance procedure for work performance, disciplinary procedure for misconduct or medical capability procedure for attendance due to sickness absence) should commence.

The manager will complete an end of probation/ performance review form to record any decisions (**template 3**). Both the manager and the employee will sign the form. The employee will have the opportunity to add comments to the form if the content is not jointly agreed. The manager will retain this form until a final decision is made. Once made, the manager will complete the decision box on the form and provide a copy to the employee and to the HRSSC to be retained on the employee's HR personal file.

8.2 Successful completion of probation /performance review period

- 8.2.1 Probationers/inductees who reach and maintain the required standard during the probation/performance review period will have this confirmed in writing by the manager (**template 4**). A copy of this letter, together with the end of probation /performance review form, will be sent by the manager to the HRSSC to be retained on the employee's HR personal file.
- 8.2.2 At the next one to one meeting with the employee the manager will set objectives for the remainder of the Job Performance (Appraisal) year (to the 31st March).

PROBATIONERS ONLY

8.3 Written warning - failing to meet required standards

- 8.3.1 If the performance and/or behaviour and/or attendance of the probationer is falling short of the required standard, the manager should inform the employee in writing of:
- The areas still causing concern;
 - The standard(s) to be met and;
 - The likely outcome of failing to meet these standards (this should include a warning that failure to meet and maintain required standards may result in termination of employment).

The manager will send a copy of the letter to the HRSSC to be retained on the

employee's HR personal file **(template 5)**.

- 8.3.2 In cases of significantly poor performance during probation the manager should ensure that a probation hearing takes place promptly (see paragraph 8.5 below). The hearing should take place and any decision implemented before the end the 6 month (or extended) probationary period.

8.4 Extension of Probation

- 8.4.1 Where, before the end of the probation period, the manager is unable to confirm that the probation period was satisfactorily completed, the probationary period may be extended. The extension can be made:

- Because performance and/or conduct and/or attendance only just falls short of the required standard;
- Due to absence through any reason during the probationary period which impacts on the manager's ability to make an accurate assessment.

- 8.4.2 An extension period may be offered as an alternative to termination of employment at the end of the probationary period. This period of extension should not exceed three months. Managers may choose a shorter period of extension where this is appropriate. Managers should notify the employee of the duration of the extension in writing, and invite the probationer to acknowledge receipt in writing **(template 6)**. Copies of both documents should be sent to the HRSSC and a copy retained on the employee's HR personal file.

- 8.4.3 The notification should include a warning that failure to reach and maintain required standards before the end of the extension period may result in termination of employment.

- 8.4.4 Where the probationary period was not satisfactorily completed and an extension is not considered appropriate, managers should conduct a probation hearing.

8.5 Probation hearing

- 8.5.1 Probationers failing to meet and maintain the required standards of performance and/or behaviour and/or attendance during the probationary period, including any extensions will (except in the possible circumstances below) be issued with a written warning that failure to reach and maintain the required standards could lead to the termination of employment. However, in cases of alleged gross misconduct, or in exceptional circumstances, where performance/behaviour/attendance is falling far short of the required standards, then a probation hearing may be arranged even if there has not been a prior written warning.

- 8.5.2 In the case of probationers, a full disciplinary, unsatisfactory performance or medical capability hearing is not necessary during the probationary period. However, a

probation hearing will need to take place.

8.5.3 Where the possibility of terminating employment on the grounds of failure to meet the required standards during the probation period arises, the manager will write instructing the probationer to attend a probation hearing to review their position. The letter **(template 7)** shall:

- Give a minimum of 5 working days' notice of the date, time and place of the probation hearing, unless an earlier date has been mutually agreed.
- The name of the manager who will conduct the probation hearing (usually the employees direct line manager).
- State the matter(s) to be considered at the hearing
- Name any witnesses (if appropriate) and enclose any relevant documents.
- Inform the probationer that a fellow work colleague or trade union representative may attend and will be permitted to speak on behalf of the employee.
- Inform the employee that s/he may call witnesses (if appropriate) and provide any relevant documents for the probation hearing. Any documents and the names of witnesses should be provided to the manager at least three working days before the probation hearing.
- Enclose a copy of the procedure that will be followed at the probation hearing **(template 8)**.

8.6 Outcome of the probation hearing

8.6.1 In the case of probationers failing to meet and maintain the required standards during the probation period (including extensions), the manager conducting the hearing may decide to take one of the following two actions:

- A final three-month extension with any notice of required improvements and a warning that failure to meet these improvements may result in employment being terminated; (the probationary period combined with a further and final extension will not exceed 12 months in total)
- Termination of employment with statutory notice (or without notice for gross misconduct only).

8.6.2 Should the outcome of the probation hearing be a final extension and the probationer subsequently fails to meet and maintain the required standard at the end of the extension, a further hearing must be arranged to consider termination of employment. The probation hearing must be concluded within 12 months of the probationer commencing in post.

8.6.3 The manager should confirm the decision in writing to the employee within 5 days of the conclusion of the hearing and a copy sent to the HRSSC to be retained on the employee's HR personal file **(template 9)**.

8.7 Appeals following termination of employment

- 8.7.1 Probationers have the right to appeal against the decision of the manager made at the probation hearing if the decision is to terminate employment. An appeal can be made to his/her Service Head or to the Director if the Service Head heard the case. Where the Director conducted the probation hearing the right of appeal shall be to the Executive Director or to another member of the Corporate Board, if the Executive Director conducted the probation hearing.
- 8.7.2 The intention to appeal by the probationer must be notified in writing to the Service Head within 5 working days of receipt of the letter confirming the decision to terminate employment. A minimum of five working days notice of an appeal hearing must be given (**template 10**). The manager will confirm the decision of the appeal hearing in writing and a copy sent to the HRSSC to be retained on the employee's HR personal file (**template 11**). The decision of the appeal hearing is final.
- 8.7.3 The procedure to follow at an appeal hearing is contained in **template 8**.

9. MONITORING AND REVIEW

- 9.1 The Probation Policy and Procedure will be reviewed on a regular basis and changes and improvements made where necessary. The recognised trade unions will be consulted on any proposed changes, in accordance with the relevant provisions of Part 1 of the Council's Local Agreement on Terms and Conditions of Service (paragraphs 3.3 to 3.8 inclusive).

10. TEMPLATES

The following templates are available on the Council's Intranet, Working in Ealing, Employment Policies, Letter 'P' pages or by contacting the HRSSC:

1. Induction checklist
2. Mid probation/performance review form
3. Successful completion of probation/performance review letter
4. Warning letter - probationer
5. 6 month probation/performance review report form
6. Extension of probation
7. Probation hearing letter
8. Procedure to follow at probation hearing/ probation appeal hearing
9. Outcome of probation hearing letter
10. Probation appeal hearing letter
11. Outcome of probation appeal letter