

Probation Policy & Procedure

Document Control

Version: Final

Approved By: Director Human Resources & Organisational Development and
Trade Unions

Effective From: 11 February 2013

For Review: 10 February 2016



INVESTOR IN PEOPLE

1. Policy.....	3
1.1 Aim.....	3
1.2 Scope.....	3
1.3 Responsibilities	3
2. Procedure.....	5
2.1 Introduction	5
2.2 Induction	5
2.3 Length of probationary period.....	5
2.4. Disabilities.....	6
2.5 Misrepresentation of Skills/Qualifications	6
2.6 Termination of employment before the completion of the Probationary Period.....	6
3. The review process.....	7
3.2 Unsatisfactory performance	8
3.3 Unsatisfactory Conduct	8
3.4 The first review – 2 months	8
3.5 The second review – 4 month	9
3.6 The final review – 6 months	9
4. Outcomes at the final review.....	10
4.1 Confirmation of appointment	10
4.2 Extension of probation period.....	10
4.3 Termination of employment.....	11
5. Appeals.....	12
5.1 Lodging an appeal.....	12
5.2 Common appeal conditions.....	12
6. Details of approval and variation process	13

1. Policy

1.1 Aim

This policy and procedure sets out the process for evaluating the performance of new employees to the Council who are required to serve a probationary period. It aims to ensure that during their probationary period, employees are given every opportunity to demonstrate expected standards of conduct, attendance, capability and competence for the post to which they have been appointed, within a supportive framework.

1.2 Scope

The probationary period applies to all newly appointed employees.

The procedure applies to all new **full-time**, **part-time** and **permanent** and **temporary** employees of the Council, but does not apply to employees who have come into the Council as a result of a TUPE transfer.

Where an existing employee moves to another job within the Council, reviews will be scheduled to evaluate their performance and conduct in line with the principles of the probationary process. In circumstances where performance or conduct is identified as being unsatisfactory during, or at the end of, the probationary period this will be dealt with under either the Council's Capability or Disciplinary Procedures.

Redeployed staff will be subject to a trial period of 28 days in accordance with the Council's **Redundancy and redeployment procedure**.

1.3 Responsibilities

Line managers are responsible for **explaining** to staff:

- the purpose and importance of probation
- the required standards of performance and attendance
- the length of the probation period
- how the probation will be managed and monitored, including, where practicable, confirming the dates for the two, four and six month review meetings at the commencement of employment
- sources of help during probation
- possible outcomes of probation and factors that will be taken into consideration

and **ensuring** that:

- new employees know how, and from whom, to seek information and guidance to help them fulfil their duties
- other employees in the team have a supportive attitude towards new employees, and play an integral part in providing assistance
- the dates for the two, four and six month review meetings are set at the commencement of employment and that probation reports are completed promptly
- Objectives are set

- the procedure is applied fairly and consistently
- adequate and timely training is organised, as appropriate

Managers should note that failure to properly manage the probationary period for new employees as required under this procedure may result in disciplinary action being taken.

New employees are responsible for:

- abiding by the Code of Conduct, the standards set and all legitimate instructions given by management
- understanding the purpose of probation and the standards of performance, conduct and behaviour expected from them
- cooperating with their line manager and raising any concerns or difficulties they encounter at the earliest opportunity
- Completing any mandatory training which is provided as identified in the employee's objectives
- seeking further clarification on any aspects of their role of which they are unsure

Human Resources are responsible for:

- providing advice and support to managers throughout the process
- Monitoring the application of the procedure, reporting trends and non-compliance.

2. Procedure

2.1 Introduction

- 2.1.1 Newly appointed employees to Lambeth Council are subject to a probationary period of employment of six months.
- 2.1.2 The probationary period exists to ensure that every new entrant to the Council's employment is capable of carrying out the role to which they have been appointed. Further, it is designed to ensure that all reasonable development needs of the individual during their probation period are identified and addressed. However, in the cases where capability or conduct issues arise, the procedure exists to ensure that fair, equitable and consistent processes are applied across the Council in respect of any termination of employment within, or at the end of, the probationary period.
- 2.1.3 The positive management by the line manager of the new entrant during the probationary period sets the tone for future performance management, for positive on-going relationships and assists in improving the overall standards and morale of the workforce.
- 2.1.4 This policy is closely aligned with the Council's values relating to **Fairness, Respect, Excellence, Service and Honesty**.

2.2 Induction

- 2.2.1 The importance of good induction for a new starter in assisting them to complete their probationary period satisfactorily cannot be underestimated. Quite apart from the obvious challenge of tackling a new role, there is also the need to become accustomed to a new organisation, a new environment and new colleagues. The purpose of induction is to support employees during this period and to help them quickly become fully integrated into the Council.
- 2.2.2 Managers are responsible for devising an induction programme, which explains the range of work, standards and expectations required by the Council of the employee. It is important that the manager checks that the employee fully understands the requirements of the job.

2.3 Length of probationary period

- 2.3.1 The probationary period will normally last for six months. Managers will conduct monthly review meetings with formal probation reviews after two, four and six months' employment. At the six-month final review the employment shall be confirmed, unless the contract is to be terminated or in exceptional circumstances, as outlined in Section 3.6.2, the probation period is to be extended.
- 2.3.2 Employees who remain in employment after the conclusion of their probation period shall be confirmed in employment in writing in accordance with paragraph 3.6.1 below.

2.4. Disabilities

- 2.4.1 Employees with disabilities should be monitored using the same procedure as for all other staff. However, in line with the **Equality Act 2010**, the need for any reasonable adjustments or more favourable treatment required by disabled employees must be considered at any time during the probationary period. In circumstances where a disability only becomes fully apparent once an employee has started in post it may be necessary to defer the probationary assessment until after all reasonable adjustments have been considered and implemented where appropriate. More information can be found in the Council's **Disabilities in Employment Managers Guidance**. Reasonable adjustments which are required to enable an employee to perform in their post must be implemented promptly. In all cases in which reasonable adjustments are or may be required the manager shall seek advice from Human Resources and shall invite the employee to a meeting, at which they may be accompanied by a work colleague or trade union representative, giving at least five working days notice, to discuss this.

2.5 Misrepresentation of Skills/Qualifications

- 2.5.1 Where a probationary employee has misrepresented their skills, abilities and/or qualifications at interview, and it becomes apparent during the probationary period that they are unable to carry out the duties or requirements associated with the job, the manager will decide in conjunction with HR whether to terminate employment. In these circumstances the process set out at Section 2.6 will apply.

2.6 Termination of employment before the completion of the Probationary Period

- 2.6.1 If work performance, attendance or conduct falls short of acceptable standards with the effect that it is not appropriate to continue employment it is possible to terminate employment at any point during the probationary period. In all cases the employee must be invited to attend a meeting to be told how their performance, attendance or conduct is unsatisfactory and have the opportunity to give an explanation. As dismissal will be considered, the manager must inform the employee of their right to be accompanied by a trade union representative or work colleague, should they so wish. The invitation to the meeting must be in writing, by letter or by email, and must give at least five working days notice to the employee. It is not the intention of this procedure that probationary employees should face dismissal as a result of allegations of minor misconduct which would not lead to the dismissal of any other employee. However, persistent acts of minor misconduct (i.e. more than once), may lead to dismissal.
- 2.6.2 Where, following this meeting it becomes clear that the probationary period will not be completed successfully, the manager shall inform the employee of their intention to recommend to the Human Resources team and the appropriate Director, with delegated authority to dismiss, that the employee's contract be terminated. Confirmation of termination of employment will be provided in writing to the employee. The employee shall have a right of appeal in accordance with Section 5 of this procedure.

3. The review process

3.1 Achievement of performance targets and working within the Council's Code of Conduct

3.1.1 In line with the Council's performance review process, managers must commence monthly one-to-one meetings with employees as soon as they start employment.

3.1.2 Managers will programme in each of the formal 2, 4 and 6 month reviews at the commencement of employment, ideally 1-2 weeks prior to the due date, giving the employee adequate notice of any proposal to vary the date of the review meeting. The aim of the review process is to assess the employee's ability to carry out his/her job. Each review will be signed off by the appropriate line manager, with reference to the 121 process where appropriate. Whilst the key issues to be addressed during the review will depend on the level and type of role, factors which the manager must consider include:

3.1.3 Quality of work and work performance

- Standards achieved in comparison to expected standards, or the standards being achieved by other employees doing similar jobs
- Number and regularity of errors
- Need for constant supervision
- Ability to plan and organise

3.1.4 Speed of working

- Standards achieved in comparison to expected standards

3.1.5 Attitudes and motivation

- Interested in the work, effort to learn the job and adaptability to changing situations
- Accepts constructive criticism
- Ability to work well with other employees and partners and the ability to meet standards of customer care when dealing with the public

3.1.6 Conduct, timekeeping and attendance

- Standards achieved in comparison to expected standards
- Attendance levels
- Punctuality
- Understanding and observance of the Council's Code of Conduct

3.1.7 Any training needs

- Fulfilling training required to do the job, established during the selection process or the probationary period

Factors which are potentially discriminatory under the terms of any of the **equalities and discrimination legislation** must not form part of the

assessment review process. Where employees have a disability or a disability becomes apparent, the line manager must consider any reasonable adjustments in line with the **Equality Act 2010**.

3.2 Unsatisfactory performance

- 3.2.1 At each stage the review discussion must cover the strengths, weaknesses and areas for improvement of the employee's performance. These must be discussed and noted, together with ways performance could be improved, as part of an **improvement action plan**. An assessment must be made as to whether the overall performance is satisfactory or unsatisfactory. Where performance is unsatisfactory, managers must:
- draw this to the attention of the employee
 - discuss weaknesses and areas for development with the aim of establishing the reasons for poor performance and strategies for improving that performance
 - restate the standards required and the consequences of failure to meet those standards
 - ensure that their own line manager is aware of the situation
- 3.2.2 Managers may wish to seek the guidance from HR where there is unsatisfactory performance

3.3 Unsatisfactory Conduct

- 3.3.1 Where there is evidence of persistent misconduct or serious/gross misconduct during the probationary period the matter will be addressed in accordance with Section 2.6 of this Policy.

3.4 The first review – 2 months

- 3.4.1 The first review meeting must take place within one week of the employee having completed two months' service. The employee's line manager must conduct the review meeting.
- 3.4.2 At this review meeting, the manager must evaluate the employee's performance and discuss the key issues with the employee. In particular, the manager must consider whether any improvements in the employee's performance are required. If improvements are required, the manager must discuss with the employee how these improvements could be made, recommending any additional support, guidance or training where relevant and preparing an **improvement action plan**. A programme of supportive development, both formal and informal must be put in place.
- 3.4.3 If the employee has not met the required standards for the role or if the employee has not made sufficient progress, the employee must be informed that he/she may be dismissed if a substantial and sustained improvement is not made.
- 3.4.4 Once the review has been completed, the manager must complete the 2-month probation review form. The employee and the manager must sign the completed form. A copy of the form must be sent to the HR service.

3.5 The second review – 4 month

- 3.5.1 The second review must take place within one week of the employee having completed four months' service. The employee's line manager must conduct the review meeting.
- 3.5.2 The purpose of the second review is to review the employee's performance over the four month period. Where the first review indicated that improvements in the employee's performance were required, the second review will also consider the extent to which the employee has met these targets and completed the **improvement action plan**. A programme of supportive development, both formal and informal must be continued at this stage.
- 3.5.3 If the employee has not met the required standards for the role or if the employee has not made sufficient progress, the employee must be informed that he/she may be dismissed if a substantial and sustained improvement is not made.
- 3.5.4 Once the performance review has been completed, the manager must complete the 4-month probation review form. The employee and the manager must then sign the form. A copy of the form must be sent to the HR service.

3.6 The final review – 6 months

- 3.6.1 Prior to the final review (which occurs once the employee has completed six months' service), the employee's line manager must consider whether the:
- employee's appointment should be confirmed;
 - employee's probation period should be extended (exceptionally); or
 - employee's contract should be terminated.
- 3.6.2 If the manager considers that the employee's performance is unsatisfactory, they must write to the employee at least one week prior to the final review meeting to inform them in advance of the reasons why this is the case..
- 3.6.3 Where dismissal or an extension of the probationary period is contemplated, the manager must inform the employee that they have a right to be accompanied at the final review meeting by a trade union representative or work colleague, should they so wish. It is the responsibility of the employee to notify their representative of the date and time of the meeting. In the event that the representative is unavailable the meeting may be postponed by up to five working days.
- 3.6.4 The final review must take place within one week of the employee having completed six months' service. The employee's line manager must conduct the review meeting.
- 3.6.5 The purpose of the final review is to assess the employee's progress over the whole of the probation period and to reach a decision as to whether the employee's employment should be confirmed, whether exceptionally the probation period should be extended or whether the employee should be dismissed.

4. Outcomes at the final review

4.1 Confirmation of appointment

- 4.1.1 Where the appointment is to be confirmed, the employee must be formally notified and from then will be subject to the Council's appraisal, staff development and other HR policies and procedures. The manager must complete the final probation review form. The employee, the manager and the Head of Service must then sign the form. A copy of the form must be sent to the HR team.

4.2 Extension of probation period

- 4.2.1 There may be circumstances where it is appropriate to extend the probationary period for the following reasons:
- Through the employee's sickness or other authorised absence it has not been possible to assess performance
 - An extension has been agreed in accordance with paragraph 2.4.1
 - The employee has not performed satisfactorily but the manager has evidence to suggest that performance is likely to improve with a further period of probation
- 4.2.2 Maternity, adoption or additional paternity leave are not justifiable reasons to extend the probationary period. Where an employee commences their maternity, adoption or additional paternity leave during their probationary period, the expected standards of conduct, attendance, capability and competence will be assessed on the employee's return to work through the normal 121 and appraisal process. In circumstances where performance, conduct or attendance are identified as being unsatisfactory these will be dealt with under either the Council's Performance, Disciplinary or Sickness Procedures.
- 4.2.3 If the employee's manager concludes that the probationary period should be extended, this matter must be discussed with Human Resources and their own line manager, whose decision about the extension of the probationary period will be final. Where the manager and their own line manager conclude that the probationary period should be extended, the following must be discussed with the employee and confirmed in writing:
- the reason for the extension
 - details of any training that will be provided during the extension period
 - the performance standards expected and the way in which it will be monitored
 - that if performance still fails to meet expectations at the end of the period the employment will be terminated.
- 4.2.4 The probation period should not normally be extended by more than two months.
- 4.2.5 Where, following the extended probationary period the employee's performance has improved substantially, the appointment should be confirmed, the employee formally notified and from then on be subject to the Council's appraisal, staff development and other HR policies and procedures.

4.3 Termination of employment

- 4.3.1 Where, following the six-month formal review or extended probationary period, it becomes clear that the probationary period will not be successfully completed, the manager shall inform the employee of their intention to recommend to the appropriate senior manager, with delegated authority to dismiss, that the employee's contract be terminated. Confirmation of termination of employment will be provided in writing to the employee along with details of their right of appeal against termination of employment by virtue of failure to successfully complete a probationary period. Dismissal will be with notice.

5. Appeals

5.1 Lodging an appeal

- 5.1.1 Where an employee's contract is terminated, the employee will be advised of their right to appeal the decision.
- 5.1.2 The appeal must be made in writing, to the Strategic Director, within 10 working days of receipt of written confirmation of the decision.
- 5.1.3 Where possible, the appeal will be heard before the dismissal takes effect. The appeal will normally be heard within the notice period...
- 5.1.4 The Strategic Director or his or her nominee shall arrange for the appeal to be heard by a panel of at least two officers, one of whom must be at the same or higher grade as the senior officer who agreed the recommendation to dismiss. Neither shall be in the direct line management of the employee. The panel shall be advised by a Human Resources representative.

5.2 Common appeal conditions

- 5.2.1 The grounds of appeal should relate to one or more of the following:
 - a) **The procedure**
An appeal can be lodged on the grounds that the probation procedure was applied unfairly or inaccurately.
 - b) **The facts**
An appeal can be lodged where the employee believes that the facts of the case did not support the decision made; that the facts considered were not relevant; that the facts were not substantiated; or where there are new facts/evidence which needs to be considered that has come to light subsequent to the hearing
 - c) **The decision**
An appeal can be lodged where the employee feels that the sanction received is disproportionate to the charges found taking into account the evidence/mitigating circumstances presented.
- 5.2.2 The appellant will be given 5 working days notice of the appeal hearing along with any documents which management will present at the appeal. The appellant must provide their own documents within one working day of the hearing.
- 5.2.3 The panel will review whether the original decision was reasonable having reviewed the grounds for appeal. The Appeal Panel shall have discretion to go into as much detail as they consider necessary in order to give a fair hearing to the appeal, within the grounds of the appeal. The decision at appeal shall be either to uphold the original decision to dismiss, or to confirm the employee in employment. This decision shall be final and will be confirmed in writing.
- 5.2.4 Notes shall be taken at an appeal hearing and a copy provided to the appellant within 10 working days of the hearing.

6. Details of approval and variation process

Where the Council wishes to amend or terminate this procedure, it will consult with the relevant trade union with a view to reaching agreement over the proposed amendment(s) / termination. This procedure may be amended / terminated by agreement with the relevant trade unions at any time. Where agreement has not been reached with the relevant trade unions arising from consultations, the Council reserves the right to implement its proposed amendment(s) / termination by giving one month's notice to employees of its proposal(s).

This policy is approved and signed by:

Nana Amoa-Buahin
Director Human Resources & Organisational Development

Jon Rogers (Branch Secretary – UNISON)
On behalf of Trade Unions