



**London Borough
of Hounslow**

Probation Policy

Transformation & Human Resources

Issued by HR Policy Team
Effective from 4 February 2014

PROBATION POLICY

1 General Principles

Purpose

- 1.1 The Council is committed to ensuring that all newly appointed staff receive the best possible support during their probation period to demonstrate their suitability to undertake the full range of duties of their post.
- 1.2 The probation period is vital to induct staff effectively into the Council. Managers should:
- ensure that new staff are welcomed and feel valued
 - provide key information
 - recognise that joining a different organisation is challenging and therefore be available to support new staff
- 1.3 During the probation period, employees must only undertake the duties of the post to which they have been appointed. Probationary employees should not cover any other vacant posts or apply for any acting up or secondment opportunities.

Scope

- 1.4 This Policy applies to all employees of the Council, except those employed in schools under the control of Governing Bodies, for whom procedures adopted by the Governing Body will apply. For the purpose of this policy, employees are as defined in section 230 of the Employment Rights Act 1996 or any substituting or amending legislation.
- 1.5 All new appointments with the Council (including fixed term appointments) are subject to a probationary period that must be satisfactorily completed before an employee can be confirmed in a post.
- 1.6 The probationary period will be for 6 months unless:
- the employee is on a shorter fixed term contract, when an alternative period might be appropriate (see Fixed Term Policy for further information)
 - any professional vocational requirements require a different probationary period, in which case these will take precedence over the normal 6 month probation
- 1.7 Apprentices are subject to a probationary period, the terms of which are set out in the Hounslow's Apprenticeship Scheme: Probation and Performance Reviews guidance.

Effective From	Replaces	Originator	Page No. 2
4 February 2014	Probation Policy 1 August 2011	HR Policy Team	Page 2 of 8

- 1.8 Employees who are appointed from other posts within the Council, who have already successfully completed a probationary period, are not subject to a further probationary period in the new post. Any performance issues should, instead, be addressed under the Capability Policy.
- 1.9 Employees are not subject to the Performance Development and Appraisal (PDA) process whilst in their probationary period.

2 Process

Week 1

- 2.1 At the earliest opportunity, during the first week of employment, the line manager will arrange a meeting with the employee. This meeting will form part of the induction process and should be used to set the 6 monthly probation meetings for the duration of the probation period. These dates should be recorded on the 'Probation Form', at section C.

Week 2

- 2.2 The manager will identify the employee's performance objectives (not usually more than 5) and link these to the competencies established for the post. All objectives should be SMART Objectives (see 'Setting SMART Objectives' guidance for further information). The Council has set a mandatory objective that the employee must achieve an excellent standard of conduct, attendance and timekeeping, with the linked competency of Job Knowledge and Professionalism.
- 2.3 The objectives and competencies should be recorded on the Probation Form, section B, which will be used on a monthly basis to review performance.
- 2.4 The objectives set should enable the manager to assess the employee's ability to do the job, as well as assessing them against specified competencies. Areas for improvement, identified during the recruitment process, should be addressed and developed.

Month 1 to Month 3

- 2.5 The first probation review will take place at the end of the first month. This review, and subsequent monthly reviews, will focus on performance against the objectives and specified competencies and identification of learning and development needs.
- 2.7 Any comments the employee has will be discussed and recorded on the Probation Form.
- 2.8 Line managers should raise any areas of concern at the earliest possible opportunity with the employee. Managers should not wait until the next monthly probation meeting to do so.

Effective From	Replaces	Originator	Page No. 3
4 February 2014	Probation Policy 1 August 2011	HR Policy Team	Page 3 of 8

- 2.9 Where any objective has not been achieved, or only partially achieved, this must be fully explained on the Probation Form at the time of the meeting, together with an action plan identifying how the concerns should be addressed and the required outcomes.
- 2.10 At the **end of month 3**, the line manager will discuss the employee's progress with the Grandparent (countersigning) manager. The discussion will inform the Grandparent manager of any issues and how they are being addressed, and will provide an opportunity to offer feedback and/or support to the line manager. The Grandparent manager should make any specific comments on the Probation Form.

Months 4 to 6

- 2.11 During months 4 to 6, there will be ongoing assessment of performance against objectives, identifying areas for development as set out in paragraphs 2.2 – 2.4.
- 2.12 Towards the end of the 6 month probation period (unless significant concerns have emerged before this) the line manager will decide whether or not it is appropriate to confirm the appointment. Where the performance objectives (as set out on the Probation Form) have been achieved, the appointment should be confirmed (see paragraph 2.13). Where the standards have not been achieved, and performance is considered to be unsatisfactory, the line manager should refer to section 3 below.

Confirmation of Appointment

- 2.13 Where the appointment is to be confirmed the line manager must:
- complete the relevant section on the Probation Form, at section D, and submit the form to their HR Team
 - ensure that the objectives are reviewed and assimilated into the Council's PDA scheme. These objectives will then form part of the employee's ongoing performance assessment. The quarterly and annual PDA reviews will then be held according to the deadlines of that scheme.

3 Unsatisfactory Performance

- 3.1 Where performance and/or conduct is unsatisfactory, line managers can recommend termination of employment at any stage during the probation period, subject to the procedure under section 5.
- 3.2 Also, the Council's Code of Conduct, Equal Opportunities and Cohesion Policy statement and the Grievance Policy, set out the standards of behaviour expected of employees. Failure to meet the required standard may result in the employee's contract being terminated.

Effective From	Replaces	Originator	Page No. 4
4 February 2014	Probation Policy 1 August 2011	HR Policy Team	Page 4 of 8

3.3 The following are examples of unsatisfactory performance, although this list is not exhaustive:

- Performance/and or conduct falls short of the required standard, but is not considered to be so unsatisfactory that the contract of employment needs to be terminated
- Absence (for any reason) has impacted on the line manager's ability to make a fair assessment
- Failure to achieve performance objectives set during the probationary period
- Poor attendance or timekeeping (absence of more than 5 days in the six month probation period would normally be considered unsatisfactory)
- Non compliance with or breach of Council policies
- Poor standard of customer care or interpersonal behaviour

Process for dealing with Unsatisfactory Performance

3.4 Where the performance/conduct of the employee has been identified as unsatisfactory, and the line manager is contemplating further action, a meeting must be convened as soon as possible to bring this to the employee's attention. This may be separate to the standard monthly meeting.

3.5 The purpose of the meeting is for the line manager to discuss the area(s) of concern with the employee and for the employee to be given an opportunity to respond.

3.6 The employee has the right to be accompanied by a Trade Union representative or a work colleague at this meeting.

3.7 After the meeting, the line manager will consider which of the following three options is appropriate:

- Outline the improvement required, giving specific and realistic targets, and how these will be supported and reviewed within the remaining term of the probation period
- Extension of the probation period (see section 4)
- Termination of employment (see section 5)

4 Extension of the Probation Period

4.1 Extension of the Probation Period does not have to wait until the end of the 6 month period if concerns have been identified sooner and an improvement action plan implemented, but with no measurable improvement.

Process for dealing with an Extension of Probation

4.2 The line manager, who wishes to extend an employee's probation period, must seek the agreement of the 'Grandparent' manager using the Probation Form, section D.

Effective From	Replaces	Originator	Page No. 5
4 February 2014	Probation Policy 1 August 2011	HR Policy Team	Page 5 of 8

- 4.3 The extension must be recorded on the Probation Form and forwarded to the HR Team.
- 4.4 The employee will be notified of the extension and the grounds for it, in writing. The employee must also be advised that failure to improve may result in the termination of employment.
- 4.5 The period of extension will not normally exceed 3 months. Line managers may choose a shorter period of extension where this is considered appropriate.
- 4.6 The line manager must continue to meet with the employee monthly to review progress. The monitoring / review meetings should be recorded on the Probation Form, section C.

Review of Extension

- 4.7 Towards the end of the agreed extension of probation, the line manager must arrange a final meeting to review the employee's performance.
- 4.8 The purpose of the meeting is for the line manager to discuss the employee's performance during the extension period and for the employee to be given an opportunity to respond.
- 4.9 The employee has the right to be accompanied by a Trade Union representative or a work colleague at this meeting.
- 4.10 After the meeting, the line manager will consider which of the following two options is appropriate:
- a) If the extension period has enabled the employee to reach the required standards then the line manager will advise the employee that the appointment is confirmed (see paragraph 2.13) and complete the Probation Form, section D, which should then be forwarded to HR Team.
 - b) If however, the employee has not reached the required standards, then the dismissal procedure, set out at section 5, should be followed.

5 Dismissal

- 5.1 The line manager, in consultation with an HR Advisor, will consider whether or not the employee's contract of employment should be terminated. Any recommendation must be justified with sufficient supporting evidence.
- 5.2 Where the recommendation is to dismiss¹, the manager will complete the relevant section of the Probation Form, section D, and forward it to the

¹ Where the employee's terms and conditions of employment are governed by the Joint Negotiating Committee for Chief Officers, the line manager must contact the AD Transformation & HR for advice on how to proceed.

Effective From	Replaces	Originator	Page No. 6
4 February 2014	Probation Policy 1 August 2011	HR Policy Team	Page 6 of 8

Assistant Director.

- 5.3 At the same time, the line manager will write to the employee informing them that termination of their employment has been recommended to the Assistant Director. In that notification, the employee must be offered the opportunity to meet with the AD or provide any written submissions before any decision regarding termination is made.
- 5.4 An employee who wishes to meet the AD must notify HR within 5 working days of receiving the notification in paragraph 5.3. A meeting will be arranged as soon as possible thereafter. The employee has the right to be accompanied at this meeting.
- 5.5 If the employee wishes to provide any written submission to the AD, this must be sent to HR within 5 working days of the written notification in paragraph 5.3
- 5.6 The Assistant Director will consider the recommendation from the line manager and any submission made by the employee either at a meeting or in writing, and determine whether or not the employee should be dismissed.
- 5.7 Where the decision is to dismiss, the employee will be notified in writing that their appointment is not confirmed and their contract of employment will be terminated, and of their right of appeal (see section 6).
- 5.8 The notice period for employees, whose contract of employment is terminated during the probationary period, is one week on either side, unless otherwise specified in the contract of employment.
- 5.9 Where the Assistant Director does not approve the recommendation to dismiss, they will set out the alternative action that should be implemented.

6 Right of Appeal

- 6.1 All probationary employees have the right to appeal against dismissal.
- 6.2 The specific grounds for the appeal must be made in writing to the Director and be received within five working days of receipt of the notice letter.
- 6.3 Where the employee's terms and conditions of employment are governed by the Joint Negotiating Committee for Chief Officers, the employee must submit their written grounds of appeal to the Assistant Director Transformation & HR, within 5 working days of receipt of the notice letter, so that arrangements to hear the appeal can be made.
- 6.4 The appeal should normally be heard within the employee's notice period. Where the employee has been dismissed without notice the process below should still be followed.

- 6.5 The employee should be given at least five working days' written notice of

Effective From	Replaces	Originator	Page No. 7
4 February 2014	Probation Policy 1 August 2011	HR Policy Team	Page 7 of 8

the appeal hearing. The letter should include, as appropriate:

- Date, time and place of hearing
- The employee's right to be accompanied by a Trade Union representative or work colleague
- The names of the managers conducting the hearing
- The name of the person(s) presenting the management case
- Copies of relevant paperwork, i.e. Probation Form and any accompanying documentation
- The name(s) of any management witnesses who will present evidence at the hearing
- The employee's right to call witnesses and present any written submissions, provided the information is received at least two days prior to the hearing.

7 Appeal Hearing

- 7.1 The appeal will be heard by a panel comprising two senior managers, at least one of whom will be the Director, who have not previously been involved in the case. Where the employee's terms and conditions of employment are governed by the Joint Negotiating Committee for Chief Officers, the appeal will be heard by Members in accordance with this agreement
- 7.2 The management case will normally be presented by the line manager who made the recommendation to dismiss. The Assistant Director, who made the decision to dismiss, may be called to attend the hearing.
- 7.3 A written record of the hearing should be taken, which need not be word-for-word, but should accurately reflect all relevant evidence. The Chair of the Panel, who will usually be the Director, should sign the document as a true record of the proceedings.
- 7.4 The appeal panel may take one of the following forms of action:
- Uphold the appeal and reinstate the employee (possibly with conditions, i.e. extension of probation)
 - Turn down the appeal and confirm the employee's dismissal
- 7.5 The outcome of the appeal should be confirmed in writing as soon as possible and normally within three working days of the hearing. A copy should be placed on the employee's personal file.
- 7.6 There is no further right of appeal.

Effective From	Replaces	Originator	Page No. 8
4 February 2014	Probation Policy 1 August 2011	HR Policy Team	Page 8 of 8