

Probation

Policy and Procedure

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Policy

1 AIM

- 1.1 The Council believes that a probationary period is a vital tool to enable a manager to assess a new employee's suitability for the post, prior to their employment being confirmed.

SCOPE

- 1.2 This policy applies to all new Council employees (except employees in locally managed schools and colleges and centrally employed teachers, newly qualified social workers on the ASYE scheme and those with continuous local government service), to include temporary employees unless they are on a fixed-term contract of less than 6 months with no possibility of the contract being extended.
- 1.3 This policy does not form part of any employee's contract of employment and may be amended from time to time in consultation with the Employee Side and recognised Trade Unions. Notwithstanding this point, any dispute arising from the application of this policy, procedure and guidance will be raised with and dealt with in consultation with the ES and resolved at the Council's Employee Joint Committee or escalated to formal dispute resolution procedures with the Local Government Association as appropriate.

2. GENERAL

- 2.1 Managers have the prime responsibility for conducting the probation procedure and complete the necessary documentation within the timescales specified.
- 2.2 The Council views the probationary process as being advantageous to both the manager and employee as it will clearly identify the purpose of the job and identify gaps in skills or abilities which can be tackled early in the employment relationship by the provision of training and support.

Procedure

3. SCOPE

- 3.1 This procedure applies to all new Council employees (except employees in locally managed schools and colleges and centrally employed teachers), to include temporary employees unless they are on a fixed-term contract of less than 6 months with no possibility of the contract being extended.
- 3.2 This procedure is contractual and forms part of employees' contracts of employment.

4. PROCEDURE

Interview 1

- 4.1 Interview 1 is to be held with the employee **within the first 3 days** in the post. The purpose of the interview is to discuss the requirements of the post and its main activities, in accordance with the job description and specifications, agreeing the initial level of supervision and monitoring.
- 4.2 Managers must adhere to the supervision and monitoring programme agreed at this and subsequent interviews, ensuring at all times that the employee is made aware of any unsatisfactory performance. In cases of sub-standard performance during the probationary period, managers must keep written documentation of supervision sessions dealing with this under-achievement.
- 4.3 Both parties should complete the Interview 1 Form at Appendix A.

Interview 2

- 4.4 Interview 2 is to be held **12 weeks** after the employee started employment. The purpose of the interview is to review their progress in general and their performance of the post's main activities. Both the employee and the manager have the opportunity to discuss satisfactory performance or difficulties the employee has experienced in performing the main activities. Where necessary, the manager should recommend appropriate action to the employee and prepare a plan of assistance, support, training and supervision to enable greater achievement.
- 4.5 Managers must ensure compliance with any programme of assistance, support training and supervision agreed at this time and at subsequent interviews.
- 4.6 Both parties should complete the Interview 2 Form at Appendix A.

Interview 3

- 4.7 Interview 3 is to be held **20 weeks** after the employee started employment. The purpose is to review performance of the main activities. This interview forms the final assessment of the probationary period.
- 4.8 Both parties should complete the Interview 3 Form at Appendix C.

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- 4.9 Employees will be confirmed in permanent employment **after 26 weeks**. In exceptional circumstances, an extension of **4 weeks** may be granted.
- 4.10 Employees may raise any issues relating to their probation with their manager in the first instance, or refer to the grievance procedure, should they so wish.

APPENDIX A
INTERVIEW 1 FORM

Employee's Name:

Directorate:

Date of Interview:

Job Purpose

Main Activities

Skills Required

Initial Supervision and Monitoring

Signed
(Manager)

Signed
(Employee)

Signed
(Manager's Supervisor)

APPENDIX B
INTERVIEW 2 FORM

Employee's Name:

Directorate:

Date of Interview:

NOTE TO MANAGERS

At all times the employee must be made aware of any unsatisfactory performance and ways in which it could be improved to achieve a satisfactory standard.

Performance

Using the headings below, grade and comment (with examples where relevant) on the employee's performance in the post.

[A: outstanding achievement; B: satisfactory achievement; C: just fell short of requirements; D: failed to meet requirements]

Attendance:

Performance of main activities:

Strengths Identified:

Development Needs:

Any other factors that need to be considered:

Action for Further Development:

Assistance/Supervision Plan - Manager

Overall Comments: (Manager to write)

The employee has/has not* performed satisfactorily to date.
(*Delete as appropriate)

Comments:

(Employee to write, attaching separate page if necessary):

Signed
(Manager)

Signed
(Employee)

Signed
(Manager's Supervisor)

APPENDIX C**INTERVIEW 3 FORM****Employee's Name:****Directorate:****Date of Interview:****NOTE TO MANAGERS**

At all times the employee must be made aware of any unsatisfactory performance and ways in which it could be improved to achieve a satisfactory standard.

Performance

Using the headings below, grade and comment (with examples where relevant) on the officer's performance in the post.

[A: outstanding achievement; B: satisfactory achievement; C: just fell short of requirements; D: failed to meet requirements]

Strengths Identified:

Development Needs:

Any other factors that need to be considered:

Action for Further Development:

Assistance/Supervision Plan – Manager

Overall Comments: (Manager to write)

The employee has/has not* performed satisfactorily to date.

An extension to the probationary period is /is not* recommended.

Comments: (Employee to write, attaching separate page if necessary).

The employee is/is not* likely to be recommended for confirmation of appointment.

Signed
(Manager)

Signed.....
(Employee)

Signed
(Manager's Supervisor)

(*Delete as appropriate)

Additional Guidance

5. AIM

- 5.1 This guidance is designed for use by managers, employees. It should be read in conjunction with the Council's Probation Policy and the Probation Procedure.

SCOPE

- 5.2 This guidance applies in relation to all new Council employees (except employees in locally managed schools, colleges, centrally employed teachers and those with continuous local government service), to include temporary employees unless they are on a fixed-term contract of less than 6 months with no possibility of the contract being extended.
- 5.3 This guidance does not have contractual status and may be amended by the Council from time to time in consultation with the Employee Side and recognised Trade Unions. Notwithstanding this point, any dispute arising from the application of this policy, procedure and guidance will be raised with and dealt with in consultation with the ES and resolved at the Council's Employee Joint Committee or escalated to formal dispute resolution procedures with the Local Government Association as appropriate.

6. STEPS TO FOLLOW

- 6.1 The probationary period is a continuous period of assessment and the 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 task satisfactorily.

Interview 1

- 6.2 The manager is responsible for devising a programme of induction and should explain the range of work to the new employee within their first 3 days. It is important that the manager checks that the employee fully understands the requirements of the job.
- 6.3 The manager will have drawn the employee's attention to the Council's Probation Procedure and is responsible for explaining the probationary process to the new employee and must emphasise that it is a two-way process, which allows the employee also to identify difficulties. The manager should set the dates for the formal probation interview within the new employee's first week.

Interview 2

- 6.4 The manager can download the Interview 1 Form from the intranet which they will be required to complete at the 12 week stage. The manager is responsible for preparing for the interim assessment of the new employee, prior to meeting them. This assessment must be objective, clearly evidenced and based solely on the criteria in

the Job Profile and Person Specification. The manager should ensure they have an up to date copy available for reference.

- 6.5 The manager should ensure that the interview is conducted in private and arranged so as to avoid interruptions.
- 6.6 The manager is responsible for ensuring that the employee understands that whilst it is a formal process, the tone of the meeting should be such that the employee feels as comfortable as possible and to raise any concerns they may have. Both sides are encouraged to speak frankly.
- 6.7 The manager should go through the Interview 2 Form in a systematic manner, allowing an opportunity for the employee to comment, particularly in relation to areas of identified weaknesses or any disagreement.
- 6.8 The manager should clearly identify areas for development in performance and this should be recorded on the form. Training and support needs should be identified, and a timescale also recorded. The manager must ensure access to appropriate training and support before there is any escalation of this process.
- 6.9 If as a result of the probationary assessment, the manager feels that performance has been inadequate, the employee must be told that at the next review (at 20 weeks), a decision will need to be made about their suitability for confirmation into the post subject to the employee being offered reasonable access to appropriate training and support. If they fail to meet the required standard at that stage, they could be dismissed.
- 6.10 At the conclusion of the 2nd interview, the manager has the responsibility for asking the employee to sign the record, although the employee's signature should not be taken as the employee's agreement to recorded matters. However it does note that the probationary interview has taken place and that the employee has seen the manager's assessment and had an opportunity to comment. The manager should also arrange for their line manager to sign the form.
- 6.11 A copy of the record should be forwarded to Human Resources, marked "Confidential", and placed on the employee's personnel file.
- 6.12 In all cases, the manager should ensure that close monitoring of work performance is undertaken for the period until the next review.,

Interview 3

- 6.13 The manager undertakes an interview and completes the Interview 3 Form at the 20 week stage. It is important to complete this interview on time as a delay to the interview would affect the conclusion of the probationary period after 6 months. The same process should be undertaken as with interview 2.
- 6.14 If as a result of the 20 week probationary report the performance is still unsatisfactory, the manager *must* inform the employee whether they will be recommending confirmation of appointment or not.
- 6.15 The manager may decide that they wish to extend the probationary process in exceptional circumstances rather than reach a firm decision at 20 weeks, a further 4

weeks extension after a period of 26 weeks can be granted. The Interview 3 Form can be used for such interviews.

- 6.16 The manager must confirm terms of any extension in writing to the employee, including:
- the length of the extension and the date on which the extended period of probation will end;
 - the reason for the extension and, if the reason is unsatisfactory performance, clear evidence of how and why performance has fallen short of the required standards;
 - the performance standards or objectives that the employee is required to achieve by the end of the extended period of probation;
 - any support, for example further training, that will be provided during the extended period of probation; and
 - a statement that, if the employee does not meet fully the required standards by the end of the extended period of probation, his/her employment will be terminated.
- 6.17 If the manager wishes to confirm the appointment, they must send the completed Interview 3 Form to Human Resources, marked "Confidential", and it will be filed on the employee's personnel file. The manager will write to the employee to confirm the appointment.
- 6.18 In cases of non-confirmation of appointment, the manager must write to the employee and ensure that full and explicit reasons are recorded and sent to HR for retention on the employee's personnel file. The manager's supervisor is counter signatory to the process.

7. ALLEGATIONS OF MISCONDUCT DURING THE PROBATIONARY PERIOD

- 7.1 A manager may find it necessary to progress matters of misconduct in respect of probationers. In all cases they should ensure that Human Resources are made aware of the allegations. Such matters should be dealt with under the Council's Disciplinary Procedure.
- 7.2 If the manager's concerns are ones that relate to less than satisfactory performance, then the Probation Procedure should be utilised, and not the Disciplinary Procedure.

8. ALLEGATIONS OF GRIEVANCE DURING THE PROBATIONARY PERIOD

- 8.1 Employees may raise any issues relating to their probation with their manager in the first instance, or refer to the grievance procedure, should they so wish.
- 8.2 If an employee on probation draws a manager's attention to issues of harassment, the manager should advise them that they have the right to report these under the Grievance Procedure and should be given the necessary guidance.

9. EMPLOYEES WITH DISABILITIES

- 9.1 Employees with disabilities should be monitored in the same way as all other employees. However, managers should be alert to the obligation to make reasonable adjustments, where there is a need. Advice should be sought from Human Resources.

DATE OF IMPLEMENTATION

With effect from: April 2016