

EMPLOYMENT MATTERS COMMITTEE

26 SEPTEMBER 2013

PROBATIONARY PROCEDURE

Report from: Tricia Palmer, Assistant Director, Organisational Services

Author: Paula Charker, Employee Relations Manager

Summary

This report details the Council's proposals to implement a new Probationary Procedure.

1. Budget and Policy Framework

- 1.1 The procedure lies within the Council's policy and budget framework and the Committee's terms of reference. Therefore, this is a matter for the Employment Matters Committee.
- 1.2 Whilst the Committee can amend the terms of reference of the Employment Matters Appeals Panel, the Panel's terms of reference is currently also set out in the Committee's own terms of reference. Any amendment to the Committee's terms of reference is a matter for Full Council.

2. Background

- 2.1 The current Probationary Procedure was agreed by the Employment Matters Committee on 26 September 2007 (minute no. 238/10/2007 refers). It has been reviewed for the reasons set out in paragraph 4 below.
- 2.2 The proposed revised Probationary Procedure remains within the legal framework. The proposed procedure is attached at Appendix A.
- 2.3 The proposed procedure will help the Council to promote orderly employment relations as well as fairness and consistency in the treatment of individuals.

3. Key proposed changes to the policy

The key proposed changes are:

- 3.1 To provide that all new joiners to Medway Council are subject to a probationary period, irrespective of whether or not they have continuous local government service;
- 3.2 Any appeals against a decision to terminate employment during the probationary period to be heard by a senior manager, rather than a Member panel, except for those employees set out in paragraph 4.6 below.
- 3.3 Newly qualified social workers will be subject to a 12 month probationary period in line with the assessed and supported year in employment (ASYE) scheme

4. Advice and analysis

- 4.1 There are three reasons for recommending the changes set out in Section 3. Firstly, simply because the new recruit has continuous service with another local authority that does not mean that they will be totally suitable for the role they have been appointed to.
- 4.2 Secondly, there has been only one case of termination of employment during the probationary period in the last year and there was no appeal against the decision. This does not appear to justify Member level involvement.
- 4.3 Finally, the assessed and supported year in employment (ASYE) scheme is designed to help newly qualified social workers to develop their skills, knowledge and capability and strengthen their professional confidence. It provides them with access to regular and focused support during their first year of employment. Medway is adopting this scheme from September 2013
- 4.4 HR Services will communicate the policy changes to the workforce and ensure that managers are appropriately briefed and trained in the revised arrangements.
- 4.5 The revised procedure, if agreed, will take effect forthwith with regard to all new joiners entering service with Medway Council but the officer level appeal will not take effect until after the Council decision.
- 4.6 The revised procedure, with regard to the appeals process, will apply to all employees except Assistant Directors and above and Assistants for Political Groups. The procedure for appeals against dismissal for these employees is set out in the Employment Rules in the Council's Constitution.
- 4.7 The current terms of reference for the Employment Matters Appeals Panel are:

To hear and determine final appeals by employees on behalf of the Council relating to their conditions of service, discipline, performance or termination of employment.

4.8 The current terms of reference for the Panel are also set out in the Employment Matters Committee's terms of reference.

4.9 To reflect the proposed changes to the revised probationary procedure, it is proposed to amend the Panel's (and Committee's) terms of reference as follows:

To hear and determine dismissal appeals relating to conduct, performance capability, some other substantial reason and ill-health capability.

5. Risk Management

5.1 It is important that all staff are made aware of this policy and their responsibilities within it.

5.2 Failing to implement the policy in a fair and consistent manner may result in successful legal challenges.

5.3 Failing to adhere to the Council's responsibilities under the Equality Act 2010 could pose a legal challenge at employment tribunal.

5.4 It is therefore necessary for the new policy to be promoted throughout the council and briefing provided to managers.

6. Consultation

6.1 This procedure has been consulted upon via the following stakeholder groups:

- Trade unions
- Assistant Directors and Service Managers (those who have volunteered to be consulted on policy development)
- Disabled Workers Forum
- Black Workers Forum
- LGBT Forum
- Medway Council legal services.

6.2 A number of suggested amendments were made by these groups and wherever possible, the suggestions were taken on board.

6.3 The comments from the trade unions are attached at Appendices B and C. The responses from HR Services are set out below.

6.4 Officers were originally proposing to recommend to the Committee that the probationary period was changed from 6 months to 12 months.

However, in the light of comments received, it was decided to retain the 6 month period, with the provision to extend if appropriate.

- 6.5 Concerns are expressed that applying probation to all new joiners to Medway would adversely impact upon our ability to recruit. Research has been undertaken and the results are attached at Appendix D. The majority of other authorities covered by the research do apply probation to all new entrants. Medway is not experiencing difficulties in recruiting apart from the field of social work. The officer view is that a probation period for all new entrants will be of no concern to candidates who are confident about their ability to undertake the role they have applied for.
- 6.6 Should there be any legislative changes in the future, then the policy will be reviewed.
- 6.7 The trade unions suggest that the recruitment process should be sufficiently robust to ensure that the right candidate is always selected. Research shows that using interviews alone as a selection process is only 40% reliable. Reliability increases if other methods of selection are also used, such as job related assessments.
- 6.8 UNISON raise concern about the recommendation to move from a Member level appeals panel. Officers believe this to be appropriate but obviously it is for Members to decide.
- 6.9 A question is raised about the impact on continuous service. If the services of an employee on probation are terminated, then it would not be a redundancy and no redundancy payment will be made.
- 6.10 A question is also raised about the ASYE scheme for social workers. The ASYE builds on the strengths of the former Newly Qualified Social Work programme and is a common approach for all of the social work profession, open to the private and voluntary sectors, as well as the statutory sector. It is based on the Professional Capabilities Framework (PCF) for social work and The College of Social Work (TCSW) will issue a certificate on successful completion. Further details are attached at Appendix E.
- 6.11 A Diversity Impact Assessment (DIA) has been undertaken on the proposals and it has been found that it is not necessary to carry out a full impact assessment. The screening form is attached at Appendix F to the report.

7. Financial and legal implications

- 7.1 There are no direct financial implications.
- 7.2 This procedure enables the Council to comply with the requirements of the ACAS code of practice on disciplinary procedures. It is important to ensure the procedure is applied fairly and consistently to minimise successful legal challenges against the Council.

7.2 The leading Statutory Authority lies with

- Employment Rights Act 1996
- Employment Relations Act 1999
- ACAS Code of Practice on Disciplinary and Grievance Procedures
- Employment Act 2008
- Equality Act 2010.

8. Recommendations

8.1 That the Employment Matters Committee agrees to the implementation of the revised Probationary Procedure, as set out on Appendix A to the report.

8.2 That the Employment Matters Committee agrees the amended terms of reference for the Employment Matters Appeals Panel, as set out in paragraph 4.9, subject to Full Council approval of the amended terms of reference for the Employment Matters Committee, as also set out in paragraph 4.9.

8.3 That officers review the Probationary Procedure bi-annually and report to Committee when necessary with any changes.

Lead officer contact

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Background papers

ACAS Code of Practice on Disciplinary and Grievance Procedures
www.acas.org.uk

APPENDIX A



Medway Council Probationary Procedure

SEPTEMBER 2013



Medway Council Probationary Policy

1.0 Policy

- 1.1 An aim of the Council's Human Resources Strategy is to attract and retain a skilled, flexible and efficient workforce that is commonly committed to the achievement of the Council's goals and to the enhancement of the quality and value of its services.

2.0 Scope

- 2.1 All new joiners to Medway Council employment. This does not apply to school based employees unless the governing body of the school chooses to adopt the policy. Temporary employees and in house agency staff do not normally serve a probationary period, unless it is known that the temporary contract will be for a period of 6 months or more.

3.0 Principles

- 3.1 These probationary guidelines are designed to help and encourage all employees to achieve and maintain satisfactory standards of conduct and behaviour and to support a healthy and harmonious working environment. They also ensure that effective arrangements exist for dealing with matters that may warrant action in a consistent and fair manner. Furthermore they clarify relationships between the Council, its Employee Side Representatives and employees and assist the Council to operate effectively and efficiently.
- 3.2 Accordingly the aim is to secure improvement in performance, conduct or behaviour, to treat all employees in a fair and consistent manner and to operate a procedure so that all parties know what to expect. It is therefore, in the interest of the employee, the Council and the community that any probationary matter is dealt with and concluded without undue delay, effectively and above all fairly.

4.0 Definition

- 4.1 New entrants to Medway Council serve a period of probation of at least six months, during which their ability to match the requirements of the job is monitored and recorded.

5.0 Good practice standards

- 5.1 Good practice guidance is given below under the following headings:

- Scope and Rules of Probationary service
- Satisfactory Probation
- Non Satisfactory Probation
- Extension to Probationary Period
- Probationary Hearing
- Termination of employment

- Appeals Process

5.2.1 **Scope and Rules of Probationary Service**

5.2.2 A new entrant to the Council will normally serve a period of probation of at least 6 months

5.2.4 The requirement to serve a period of probation must be made known at the earliest opportunity. The letter of appointment, and/or contract, must confirm that employment is subject to satisfactory completion of the period of probation.

5.2.5 The assessment of an employee on probation is a continuous process. To ensure that the employee is aware of how they are performing at least two formal assessments will normally be undertaken at 12 and 20 weeks. The assessments will be recorded and will be placed on the individual's personal file. (Any other notes made during formal assessments should also be attached to the forms).

5.2.6 Temporary employees and in house agency staff do not normally serve a probationary period, unless it is known that the temporary contract will be for a period of 6 months or more.

5.3.0 **Satisfactory Probation**

5.3.1 In recruitment, responsibility for assessing the match between job and person rests with the employer. Getting it wrong can result in major organisational costs, e.g.:

- Legal challenge and financial penalties
- Under performance
- Management cost of corrective action
- Damage to morale

5.3.2 The human cost of moving someone from a job in which they are competent to a position of likely failure can also be substantial

5.3.3 In most cases, if recruitment and selection has been skillfully handled, the period of probation should be a constructive part of an employee's satisfactory induction into the Council's employment.

5.3.4 The manager should formally appraise every probationary employee early in the probation period. If the employee is doing well, the appraisal is an opportunity to reinforce confidence and to further develop the individual.

5.3.5 At the end of a successful probationary period, Managers should forward onto Human Resources a signed pro forma confirming successful completion of probationary period. Upon receipt of the documentation from the employing Department, the employee must be informed in writing by Human Resources that their probationary period has been successfully completed.

5.4.0 Non Satisfactory Probation

- 5.4.1 Even where selection has been undertaken with care and skill, there can be occasions when the match between job and person is not right. It may be, for example, that the individual has “oversold” themselves or has genuinely not understood the full weight and responsibility of the job described.
- 5.4.2 The early appraisal of performance during the probationary period will allow the manager to detect a mismatch and take corrective action, which should:
- Identify clearly the areas where improvement is required and set time and standard targets;
 - Agree a timetable of meetings for monitoring improvement during the probationary period;
 - Agree the training and support that will be available to help the employee reach the required standards;
 - Discuss at an early stage the possible need for an extension of probation where the shortfall is significant.
- 5.4.3 All the above should be confirmed to the employee in writing.
- 5.4.4 Any programme of corrective action should be carefully followed and documented. After each monitoring meeting the employee’s progress (or failure to achieve targets) must be confirmed to the employee in writing.
- 5.4.5 Where issues are identified relating to an employee who is considered to have a disability (under the definition of disability as defined by the Equality Act 2010), due consideration must be given regarding whether reasonable adjustments are necessary and desirable to aid the employee in the workplace. This should be considered at all stages of the process.

5.5.0 Extension to Probationary Period

- 5.5.1 Managers have discretion, in consultation with the employee and with the support of their Human Resources Adviser, to extend a period of probation. The extension of probation must be confirmed in writing to the employee. It should be noted that a manager should not wait for the 6 months to expire before recommending an extension to the probationary period.
- 5.5.2 When recommending extending probation managers should ensure that they give reasons for the extension, for example; ‘not yet at standard required but expected to be able to reach the standard within extended period’; or ‘absences of employee resulting in an inability to adequately assess performance during first 6 months’; or ‘ a training need identified that has yet to be delivered’. Any extension given should normally be for a period of up to 3 months.
- 5.5.3 Any decisions made at the probationary meeting should be recorded and monitored by the manager concerned.

- 5.5.4 If the employee believes that the manager's recommendation regarding extension is unreasonable, then there is a facility for the employee to set out their objection either in writing or in person to the more senior manager. (If in person, the manager needs to be present as well, and the person has the right to be accompanied by a trade union representative or workplace colleague if they so wish). The senior manager will be accompanied by an HR representative at this meeting.
- 5.5.5 The decision reached by the senior manager in respect of the above is final.
- 5.5.6 An employee who, as a result of a programme of corrective action/support, reaches the required standards, should be informed in writing that he/she has satisfactorily completed the probationary period. All paperwork in relation to reviews completed and signed by the manager should be passed to Human Resources in order for a letter to be sent out by HR confirming the outcome.
- 5.6.0 Probationary Hearing**
- 5.6.1 If, with or without extension of probation, it becomes clear to the manager that the employee is unlikely to reach the required standards or there are concerns in relation to conduct, a Probationary Review Hearing should be arranged (the Hearing can be arranged at any time during the probationary period). A more senior manager should hear the case, advised by a Human Resources Adviser. In cases of Gross Misconduct the suspension process may apply (please refer to the Disciplinary procedures for further information on suspension). The employee also has the right to be accompanied by a trade union representative or workplace colleague. The Hearing should be held in accordance with the framework of the disciplinary procedures and will be arranged by HR Services. The format of the Hearing is as follows:
- 5.6.2 The parties shall be advised of the procedure to be adopted at the Hearing.
- 5.6.3 The Hearing will be conducted by a manager with authority to act.
- 5.6.4 When an employee is required to attend a Probationary Hearing they shall normally receive at least ten working days notice of the date of the Hearing unless an earlier date is mutually agreed.
- 5.6.5 When an employee is required to attend a Probationary Hearing there will be prior written notice outlining the reason(s) for the Hearing, indicating the action that could be taken, and where possible, all relevant evidence should be exchanged prior to the Hearing. The documentary disclosures apply to both management and the employee.
- 5.6.6 A formal request for a postponement of a hearing will not be unreasonably refused provided adequate notice is given and the reasons explained. The postponement will not normally exceed five working days.
- 5.6.7 In the event of the unauthorised absence of the employee on the date of the Hearing, the Hearing shall take place and a decision will be made in the employee's absence based on the information brought before the Hearing Officer. A letter will be sent to the employee explaining the decision taken at the Hearing and rights to appeal against the decision will be explained in the letter.

5.6.8 The representative may only be permitted to represent an employee in their absence if they produce express written authority to do this from the employee. If a representative presents themselves at a Hearing/Appeal without this written authority, they will only be permitted to observe the proceedings. Any written submission by the employee and/or their representative will be considered by the Hearing Officer.

5.6.9 Both parties can present documents in support of their case. Any documents to be presented will normally be circulated with the notification of the Hearing letter. Whilst no official minutes are necessary, notes shall be taken during the Hearing. All notes of proceedings and records shall be kept confidential.

5.6.10 The employee shall be advised of the decision and rights of appeal at the conclusion of the Hearing or as soon as practicable thereafter. In any event, the decision shall normally be conveyed or confirmed in writing within 5 working days, setting out the reasons for the decision. The employee's representative and management shall be sent a copy of the decision letter.

5.7.0 Termination of Employment

5.7.1 If the Hearing Officer finds that the employee's performance is unsatisfactory, and it is felt that even if the probation period was to be extended, there is little or no likelihood of improvement, the individual's employment will be terminated. The employee would be informed of this in writing and would normally receive pay in lieu of notice.

5.8.0 Appeals Process

5.8.1 An employee has the right of appeal against action to terminate their employment under the probationary procedure. This right together with the procedure to be followed to initiate the appeal shall be set out in the decision letter. Notice of appeal against dismissal must be submitted to the Assistant Director, Organisational Services. An Appeal Hearing is not a full re-hearing of the case and may only consider grounds of appeal.

5.8.2 An appeal must be lodged in writing within five working days of the receipt of a Decision Letter. The letter of appeal from the employee must clearly state the reasons for appealing e.g.:

- It is alleged that the probationary procedure has not been properly applied.
- New evidence has come to light which was not available at the probationary hearing and which may make a difference to the original decision.
- The probationary sanction was too severe.

5.8.3 Any documents to be presented must normally be circulated five working days in advance of the hearing.

5.8.4 The appeal will be heard by a senior manager not involved in the decision to dismiss and written notification of the outcome will be sent out within 5 working days.

6.0 Monitoring and review

- 6.1 A Diversity Impact Assessment will be undertaken at each review of this policy.
- 6.2 HR Services will monitor the outcome and impact of the probationary procedure on protected groups of staff as per the Council's equal opportunities obligations.
- 6.3 The probationary procedure will be reviewed periodically in line with developments in good practice

7.0 Table

Subject/Title	
Date agreed by Employment Matters Committee:	26 September 2013
Team responsible for policy	Employee Relations
Date of Review:	September 2013
Toolkit updated by:	HR Services



Mike Ongley
Branch Secretary
GMB Union Medway
Compass Centre
Pembroke
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GMB Union's Response to proposal to change Medway council's Probationary Procedure.

Having read the proposed policy in relation to Medway council's probation procedure, it is clear that the changes go no further than to increase the period under which a new member of staff is classed as on probation from six months to twelve. This change has come about because of the fact that certain roles now require a longer period of probation either under law or as part of their regulatory framework

It is the view of the GMB that such changes do not require a change of policy except in relation to the small number of roles, which are covered by such requirements. As such any changes should be limited to such staff groups as is currently the case.

When discussing the probation, it is important to understand as to what is meant by being on probation. As the right to unfair dismissal is limited to those with two years service (assuming that they began their employment on or after 6th April 2012), the length of a probation period has little or no impact on an individuals right to take legal action against their dismissal. As a result, the only difference that would occur as a result of any such changes relates only to what procedure a capability matter would be

dealt with were it to emerge between six months to a year after an individual begins work within the Council.

When looking at the proposals in a wider context, we believe that by doubling the period under which an employee is classed as being under probation, the Council risks exposing itself in a number of ways.

Recruitment.

We are not aware of any other Council within the country that has either implemented or proposed an across the board change to its probation policy. Assuming that Medway is the first council to do so, it is not at this point clear as to whether there will be any impact on the Council's ability to recruit the quality of staff necessary to ensure that the services provided remain at the highest quality. It is more than possible that by making the probation period twice as long as that of comparative employers, individuals will be less likely to seek to employment with Medway Council and will instead opt for a competitor for whom any period of uncertainty would be by definition shorter.

Reinforcing poor management practices.

Under Medway's current system, it is imperative that managers stay on top of managing any new starters. The process ensures that they are able to train new starters and assess their progress within a realistic timetable. Should the employee's progress be less than required within that timetable then it is imperative that the manager takes the appropriate action by arranging additional training and support within the allotted time. This ensures that the individual is either brought up to speed (and therefore has their employment confirmed), proves to lack the skills to undertake the role (and therefore has their terminated and is then replaced by able employee) or makes some progress but less than required (in which case they are likely to find their probationary period extended). Currently this is conducted within the six month period, something that proves more than adequate for assessing the capability of the overwhelming majority of Medway Council's employees.

Should this period be extended, the manager be under less pressure to make an assessment of the individual's competency, meaning that unsuitable employee's may find themselves in post for twice as long before being removed from the Council. This will obviously have an impact on productivity, as they will take up a position, which could be done by someone more able to undertake the work.

Where an employee is performing at a level below what can reasonably be expected, it is the manager's role to deal with this speedily in order to reduce the impact on the service. Changing the probation period effectively reduces the pressure on the department managers to fulfil that part of their role and has to be seen as a change that would lead to a lower productivity.

If the Council is finding that managers are currently not complying with the timetables, then it is the responsibility of Medway C council to manage this collective failure in a way that brings about the best results for Medway Council, not to simply capitulate in a fashion that let the very department managers who are not doing their jobs “off the hook “ to the detriment of Medway Council as a whole. Such an approach would be a vast improvement on one that simultaneously increase uncertainty for those staff who the Council wish to keep, whilst leaving unsuitable candidates in post twice as long.

Exposure to possible legal changes.

As already stated, probation periods are largely irrelevant in the legal context. A new starter does not have a right to claim unfair dismissal by way of an employment tribunal until they have been employed for two years. However, the qualifying period of two years is one that has only recently been introduced, having been halved to one year by the previous Labour government, although party policy is yet to be decided, it is likely that a change of government in 2015 would yet again change the legal qualifying period. Should this be the case , then it would be imperative that the council again change the policy as a probation period of one year would not be compatible with a one year time limit for unfair dismissal. The simple reason for this is that any delays from either side would result in a situation whereby the individual qualified for the right to claim unfair dismissal, therefore creating the very position that a probation period is designed to avoid.

Overall, we are concerned that the change being mooted by the council is one that could have unintended consequences, it adds to uncertainty and appears to endorse a culture whereby managers are failing in their duties with regards to managing new starters. Changing the procedure essentially involves all new starters being punished for the sins of the few and the impact on recruitment appears has yet to be discovered could result in significant problems.

As a result, it is the GMB Unions view that the change is both unnecessary and potentially damaging and should therefore be rejected.

Mike Ongley
GMB Union
Branch Secretary Medway



APPENDIX C

11/9/2013

Response to the Consultation on Medway Council's Probationary Procedure.

Unison has considered the proposal and is of the strong view that it is totally unnecessary to implement any change to the agreed policy which if used correctly should be adequate to deal with new employees who are struggling with their roles or who may be deemed unable to perform in the role they have been appointed too.

We understand that the request to review the policy rose out of issues where clearly line management had failed to adequately use the probation policy and this management failure has resulted in some incidents of concern. It is our view policy should not be changed on the simple basis that in a few instances the employer has failed in its side of the probationary procedure i.e. close monitoring, review and CPD of the new employee in their first 6 months with Medway Council.

Over the years Unison has raised issues around the failure of management in terms of both appropriate recruitment, support during the probation period and failure to address training needs identified in the probation period that would allow the new employee to successfully develop within their role.

The main thrust of the proposal is to extend the probation period to 12 months. We feel this is unnecessary given the present probation policy already contains the ability to extend the probation period in event of concerns becoming apparent regarding the new employee.

5.5.1 - Managers have discretion, in consultation with the employee and with the support of their Human Resources Adviser, to extend a period of probation. The extension of probation must be confirmed in writing to the employee by Human Resources. It should be noted that a manager does not have to wait for the 6 months before recommending an extension to the probationary period.

To our knowledge this clause is seldom used by the council and would suggest a more agreeable way forward, if indeed there are significant

serious issues arising around 'mismatches' in job offers that the following instead be considered;

1. Better training of managers in applying the current probationary policy.
2. HR given more capacity and authority to work alongside managers to ensure probation periods are robustly used, as often in reality they are simply a tick box paper exercise.
3. Ongoing support of managers who chose to extend probationary periods and funding available for identified training to be supplied that would enable the new employee to competently and confidently flourish in their new role.

Medway is presently in a recruitment crisis in several areas most seriously in recruiting and retaining social workers. Given our recent failing Ofsted the proposed policy would further exacerbate the problems recruiting social workers. Social workers considering positions at Medway would be further discouraged from coming if there were a 12 month probation period imposed (with the exception of newly qualified social workers who are required to be on 12 month probation). While Medway tries to convince itself it is an 'employer of choice' the reality is in many cases the choice is between Medway or commuting and given our proximity to both London and Kent authorities the council should tread carefully in implementing any measures that will make it a less attractive option. We believe a 12 month probation period will be seriously detrimental to recruiting high calibre applicants to Medway.

As our position is one of reject to the entire proposal we will not dwell on the specifics of the full policy but will simply raise the following points.

- Why the need to change from a members' panel to one senior manager for the appeal? The justification that there has only been one instance of an appeal seems to suggest that there is no problem – members are hardly having their time taken up by probation appeals – unless it is envisaged that there will be more appeals after the time is increased to 12 months.
- What are the implications of applying probation to staff that have continuous service? If they are "let go" during the probation will Medway pay redundancy? If not it would be a huge risk for anyone to move to Medway from employment in another LA.
- The ASYE scheme for social workers is described as "providing them access to regular and focused support during their first year of employment". What does this support entail and what will be offered to non-social work staff that are not part of the scheme?

- “Simply because the new recruit has continuous service with another local authority does not mean that they will be totally suitable for the role they have been appointed to.” Surely the selection/interview process should determine a candidates’ suitability and they would not be offered the role unless they were deemed suitable.

Unison believes in a fair and transparent probation procedure and it is our view that what is already agreed continues to be adequate. The failure to properly use it by managers and the lack of robust monitoring by HR has led to many situations that have resulted in great difficulties for our members, in particular when new joiners have clearly been either unable or unwilling to undertake their new positions but the probation deadline has come and by default they become permanent employees.

5.3.1 - In recruitment, responsibility for assessing the match between job and person rests with the employer. Getting it wrong can result in major organisational costs, e.g.:

- Legal challenge and financial penalties
- Under performance
- Management cost of corrective action
- Damage to morale

This does not just simply impact on the business and the service users but results in increased stress amongst their colleagues as they end up carrying the new employee. It is critical now more than ever, when teams are being shaved to the bare minimum in Better for Less, that those gaining positions with Medway Council are the best applicants. We would expect our recruitment to identify these people and then supportively but robustly monitor in their first 6 months. If our managers can not do this then perhaps questions need to be asked regarding their judgement and their management skills, instead Medway seems to want to give them longer to not address issues?

We will not agree to this proposal and are happy to see our current probationary policy adhered to across all parts of Medway Council.

Tania Earnshaw

Unison

APPENDIX D

Probation – Research

Authority	Length of Probation	All new entrants	Problems recruiting because of this	Comments
Bexley	6 with provision to extend	Yes	No	12 months for AYSE
Gravesham	6 with provision to extend to 9 months	Yes	No	
Sevenoaks	6 months	No – just new to LG	N/A	
Dover	6 months	No – just new to LG	N/A	
Canterbury	6 months	No – just new to LG	N/A	
Thanet	6 months	No – just new to LG	N/A	
Shepway	6 months	No – just new to LG	N/A	
South East Employers Organisation	6 months	Yes		
Tonbridge & Malling	6 with provision to extend to 9 months	Yes	No	
Kent CC	6 with provision to extend	Yes	No	12 months for AYSE
Ashford	No probation period at all	N/A	N/A	Removed in 1990s due to recruitment difficulties
Maidstone	6 months	Yes	No	
Swale	6 months	Yes	No	
Tunbridge wells	6 months	Yes	No	

The social work ASYE

A 'mini-guide' to the Assessed and Supported Year in Employment

November 2012

“we help support
newly qualified
social workers”

Contents

1. The benefits of supporting the first year in social work practice
2. The differences between the ASYE and the old NQSW frameworks
3. The PCF and the assessment of social work practice
4. The A in ASYE stands for 'assessed'
5. The centrality of critical reflection and supervision
6. Eligibility for funding
7. The S in ASYE stands for 'supported'
8. Summary

This material was first written by Skills for Care to be an appendix to Keen *et al*, *Newly Qualified Social Workers: a Practice guide to the Assessed and Supported Year in Employment* (Sage 2012) and is reproduced here with permission of Sage Publications Ltd.

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Introduction

The Assessed and Supported Year in Employment (ASYE) introduced in September 2012, follows on and takes the best from the two previous newly qualified social worker (NQSW) frameworks introduced in 2008 for children's services and 2009 for adults'. The new ASYE is one element of the total reform of social work recommended by the Social Work Task Force (SWTF 2009), carried forward to implementation by the Social Work Reform Board (SWRB 2012). It is vital to understand that the ASYE dovetails with other SWRB products and, indeed, without their support and structure (e.g. SWRB 2012a) it will not be able to be implemented effectively. The interaction of the ASYE with other elements of reform will be examined in more detail later. If you are not already fully

acquainted with the recommendations and implementation of these social work reforms then the most recent report, *Building a safe and confident future: Maintaining Momentum* (SWRB 2012), is the place to start.

Skills for Care and the then Children's Workforce Development Council, who had separately held responsibility for the two NQSW frameworks, were given the task of working together to create a single generic framework for the ASYE. The development of the ASYE progressed in partnership with other organisations holding responsibility for developing and implementing the Social Work Task Force (2009) recommendations, including The College of Social Work (TCSW), universities and employers of social workers.

1. The benefits of supporting the first year in social work practice

The benefits to employers and to the individual social worker of the separate NQSW frameworks have been identified in independent evaluations (see Carpenter *et al* 2011 and SfC 2011). The recognition of these benefits has ensured that the ASYE was not only a key plank in the implementation of the SWTF recommendations, but that its introduction was seen as so important that the SWRB accelerated its implementation to September 2012. The key messages from these evaluations include:

- Substantial increases in NQSWs' self-efficacy (confidence) (Carpenter *et al* 2011; SfC 2011). High levels of intrinsic job satisfaction are related to self-efficacy — 80% of respondents were satisfied or very satisfied with their work "in general" (Carpenter *et al* 2011).
- Two thirds of NQSWs agreed that supervision had improved the quality of their practice (SfC 2011). Regular structured supervision was rated as the most beneficial component of the programme (Carpenter *et al* 2011).
- More NQSWs completing personal development plans and embarking on post-qualifying education. Three quarters of NQSWs agreed with the statement, 'My employer takes my professional development seriously' (SfC 2011).
- Most NQSWs were satisfied with the overall package of training and support (Carpenter *et al* 2011).
- More than half the supervisors felt that protected development time had contributed to NQSW development (SfC 2011).
- Two thirds of NQSWs agreed that their overall quality of practice had 'improved a great deal' and so had their 'own professional abilities'. Three quarters of NQSW supervisors believed the quality of NQSW practice had improved as a

result of the framework (SfC 2011). The second most commonly identified benefit of the NQSW programme for managers was the improved skills, confidence and performance of NQSWs. NQSWs were seen as better equipped for practice and this had improved the quality of service delivered (Carpenter *et al* 2011).

- The benefit most commonly identified by managers was that, following implementation of the programme, they had seen a significant improvement in staff retention which resulted in more stable staffing (Carpenter *et al* 2011).

It may be argued that the recognition of these benefits ensured a wide take up of the NQSW programmes, despite the fact they were not mandatory. Taken together, these NQSW programmes supported nearly 10,000 social workers (2,325 in adults' services; 7,159 in children's).

Of the 152 local authority employers in England, 149 registered with the then Children's Workforce Development Council over the period of its NQSW programme. Similarly, 125 local authorities, and seven

health organisations providing adult social care services received NQSW funding support from Skills for Care, indicating the strength of commitment from the statutory sector. The SWTF had originally intended that the ASYE would be a mandatory requirement linked to registration. This is no longer the case, but the extension of funding available to employers to support the ASYE in its transitional year (2012/13) would indicate continued commitment. In addition, it is expected that certification of the ASYE will allow employers to ask for proof of successful completion of the first year as yet another indicator of quality.

For those NQSWs who have concerns that they may have been misinformed about the requirements for qualifying as a social worker when embarking on their social work qualification, in that they did not anticipate a further assessment during their first year of practice, the message is: **Grasp this opportunity with both hands**. This is not just about assessment; it is about your right to a supported and protected year in which you can find your feet in the social work setting with all its complexities and challenges. You will still be expected to hit the ground running...but jogging, not sprinting.

2. The differences between the ASYE and the old NQSW frameworks

The major differences between the ASYE and the original NQSW programmes are that:

- the ASYE is a single programme for all social workers irrespective of the setting in which they are employed
- the ASYE includes registered social workers who are employed in the private and voluntary sectors in roles that may not be classed as 'social work'
- the ASYE is assessed
- a certificate to confirm achievement will be available, issued by TCSW
- the standards by which your practice during your ASYE will be judged are contained in the Professional Capability Framework (PCF)
- the assessment of capability is holistic rather than competence-based
- under normal circumstances there is an expectation that the ASYE will be completed in 12 months
- defined support is incorporated in the Standards for Employers and Supervision Framework (SWRB 2012a).

3. The PCF and the assessment of social work practice

In the introduction, we talked about the interrelationship between the ASYE and other SWRB products. Central to social work reforms and to the ASYE has been the development of the PCF (TCSW 2012). In supporting the development of the profession and the capability and confidence of every individual social worker, the PCF is crucial. The use of the PCF is pivotal to ensuring the achievement of professional expertise, judgement and confidence that are central to the reforms outlined by the Social Work Task Force (see www.education.gov.uk/swrb) and to the recommendations for improvement in professional practice outlined by Professor Munro (Munro 2011) and the recently published *Caring for our future: Reforming care and support* white paper (DH 2012). The PCF provides the context to the profession in exercising judgement about quality of practice for individuals receiving care.

There is a description of the shift that is required in terms of organisational processes and individual social workers to move from an over-bureaucratised system focused on compliance to one that values and develops professional expertise and centres on the safety and welfare of people who use services (Munro 2011).

Social work practice is a complex activity, requiring interplays of knowledge, skills and values. This is exemplified by the PCF.

Although there are nine separate domains in the PCF, these need to be seen as interdependent as they interact in professional practice. So, there are overlaps between the capabilities and many practice issues will be relevant to more than one domain. Moreover, understanding what a social worker does can only be complete by taking into account all nine domains.

The PCF describes the standard for all social workers, from pre-admission to qualifying education through to Principal Social Worker. It is a new way to help social workers and other people understand what they should be capable of at any stage in their career. The PCF is therefore relevant not only to the NQSW but also to those with responsibility for them. The framework also applies to social workers in settings where the employer base is from another profession (e.g. health, education and social care). If there is one piece of advice for an NQSW embarking on the ASYE, or for those social workers supporting them in it, it is to make sure that you are familiar with the PCF at the qualifying, ASYE and social worker levels. Having this information not only identifies the standards to be achieved but pinpoints the level required for the ASYE. The challenge for the NQSW and for assessors is that this first transitional year of implementation will be the first time that the PCF has been used to describe and assess standards.

4. The A in ASYE stands for 'assessed'

Performance and progression in relation to the PCF therefore requires an approach congruent with this framework. 'Holistic assessment' is a recognised approach for assessing in such circumstances (TCSW 2012b). The holistic assessment of capability signals a shift away from a competence-based approach and demands a new focus on the way that assessment is undertaken.

Holistic assessment of learning is used where learning or performance objectives are inter-related and complex (TCSW 2012b). This form of assessment is particularly suitable for social work, where the development of professional judgement and practice requires the interplay of all the capabilities, because only this interaction – this holistic approach – is able to reflect the complexity of social work practice.

On your qualifying course you are most likely to have been assessed against the National Occupational Standards for Social Work (Topss England 2002). These standards have been mapped onto the PCF, so they have not disappeared. The big difference is that the occupational standards were a competence-based approach to defining standards and the assessment was a competence-based assessment process. A competence-based assessment at its most extreme has a danger of becoming a 'tick box' exercise reflecting a reductionist approach. The result of that is that each competence may be demonstrated with a separate piece of evidence to prove your competence in that discreet area. Overall competence therefore is assumed as the sum of all the parts successfully achieved. The separate competences add up to an overall competent social worker. In practice, this might not necessarily be the case because, as has already been noted, social work is a complex activity and good practice necessitates the interplay of knowledge, skills and values and therefore this interplay is the dynamic activity that needs to be judged.

There have been some concerns expressed about the move from a competence-based assessment to a holistic one, and what this will mean in practice. TCSW, in their paper on holistic assessment (TCSW 2012b, p2), give the analogy of the preparation, serving and assessment of a meal:

A holistic assessment is made when the meal is judged on its overall taste, quality and presentation, etc., however if one part of the preparation or an ingredient is missing or below standard, then this will impair the quality of the final product. In making an analysis of what was deficient, the process and individual components will need to be examined.

This is a useful way of conceptualising the interplay of all the factors that make up this particular task. However, it is important to remember that holistic assessment is a fundamental aspect of social work

practice. This is no different from the activity and assessments that you will have been expected to undertake as part of your practice on placements. You will also find examples of how you have already undertaken holistic assessments in the writing of your 'pre-qualifying' academic assignments. You can find examples of holistic assessment in the Skills or Care case studies (see www.skillsforcare.org.uk/socialwork/ASYE4Casestudies/asyecasestudies.aspx).

Holistic assessment and the ASYE

The important aspects to take note of in moving to a holistic assessment of your practice at ASYE are:

- *validity*, i.e. a progressive assessment, no longer a snapshot of a competence evidenced at one point in time
- *accuracy*, i.e. a consistent assessment across all nine PCF domains
- *robustness*, i.e. a trustworthy assessment including reliable evidence from more than one source and over time
- *the centrality of critical reflection* in the development of professional practice and expertise.

In addition, *reflection on your interaction with people who use services, and with carers*, is pivotal to your critical reflection on practice.

Assessment is no longer a 'snapshot' of a competence demonstrated at a single point in time, but is now a demonstration of progressive development over the ASYE, culminating in evidence of consistently reaching the PCF standard. Suggestions have been made as to ways in which employers can choose to collect evidence of capability (see www.skillsforcare.org.uk/socialwork/introductionsw.aspx) but it will be up to your employer to design the assessment process that meets their local needs. This may include accredited learning through a university (see chapter 2 of Keen *et al* 2012 for further guidance) as part of the process, or that successful completion of the ASYE

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forms the entrance requirement for admission to accredited learning. Whatever the model, there are principles for assessment that TCSW includes in its quality assurance processes, such as:

- observations of a range of examples of practice
- observations in different settings and at different times
- observations by different observers, e.g. those capable of making reliable assessments with reference to known and agreed criteria or standards (in this case, the PCF).

The types of evidence suggested above, taken from a range of cases, people and occasions, should provide a breadth of evidence over the ASYE period from which the assessor can make a robust judgement.

The upshot of this is that there is no fast track mechanism for achieving the ASYE. This progressive assessment is over the period of a year. (For part-time staff, employers are asked to adjust the timescale of the interim reviews and final assessment – see figure

2.1 in chapter 2 of Keen *et al* 2012 – so, if you are working half-time then you will be expected to complete within two years.) You may have had previous experience, and/or have been seconded, and you may feel that you are already equipped and operating at the social worker level on the PCF, but you will still need to demonstrate the ability to progress and take responsibility for your continuing professional development.

Progression between levels is demonstrated by complexity, risk, ambiguity and increasingly autonomous decision making across a range of situations. Further detailed information may be found at www.collegeofsocialwork.org in the document *Progression between levels* (TCSW 2012c). The expectation is that it will not take longer than a year unless there are legitimate reasons to defer the NQSW's final assessment due to prolonged ill-health, maternity or parental leave. It is important to note that deferral is not intended for NQSWs who consistently fail to meet the standards in the Professional Capabilities Framework. The expectation is that a year is sufficient under normal circumstances to demonstrate progressive development of capability to the required minimum standard.

5. The centrality of critical reflection and supervision

Central to social work practice and to the development of professional judgement and expertise is the ability of every social worker to critically reflect on their work, including making reference to sources of knowledge that have informed the intervention. Although there is a specific domain in the PCF that describes the capability for critical reflection, in practice the nine domains interact. Put another way, the development of critical reflection runs through professional practice right across the PCF (see chapter 2 of Keen *et al* 2012 for further advice on critical thinking and reflection).

Therefore, the expectation within the ASYE is that the development of critical reflection is supported through the reflective supervision

process, but also that the NQSW builds on this and makes progress via the writing up of their analyses (again, chapter 2 and chapter 4 of Keen *et al* 2012 should be a help here).

It is desirable, therefore, that evidence of progression in critical reflection will be found in the majority of the pieces of evidence that support the final ASYE assessment decision. There are a series of case studies on the Skills for Care website that demonstrate this assessment process (see www.skillsforcare.org.uk/socialwork/ASYE4Casestudies/asyecasestudies.aspx). In addition, TCSW has produced principles for evidencing critical reflection on their website that will assist you in this process.

The use of critical reflection in the development of practice has, at its core, a response to feedback from the person or people (users of services) being supported. Holistic assessment requires that the development of practice starts from an analysis of the person's situation and reflection on all aspects of an intervention. At every stage of their work, social workers are expected to consider, obtain evidence from, and respond appropriately to, the views of the people they are supporting about the social work intervention and the professional relationship the social worker has with them.

There is no single correct way by which a social worker should seek feedback, and indeed best practice would dictate that the process and tools could differ according to situation and those supported. To support you, your supervisors and assessors in this process, TCSW has produced a document outlining the principles for gathering and using feedback from people who use services and those who care for them (see www.collegeofsocialwork.org/uploadedFiles/TheCollege/Media_centre/SUandCarerFeedbackPCF20.pdf). In addition, case studies of how service user feedback has been collected and reflected on, and the impact of this on the development of practice, may also be useful to you (see www.skillsforcare.org.uk/socialwork/ASYE4Casestudies/asyecasestudies.aspx).

As an NQSW, you will receive professional supervision regularly from your line manager, or from another experienced social worker if your line manager isn't a registered social worker or for other operational reasons. Supervision is not just about reporting on your day-to-day social work practice with your line manager, clarifying policies and procedures and agreeing the next steps, although these are all important. Supervision is crucially important and should give you the opportunity to critically reflect on your practice and enable you to grow and develop in confidence and capability as a social worker. The supervision framework (SWRB, 2012a) clearly sets out

the support and opportunities that employers and managers should offer social workers throughout their careers in order to meet the expectations of them expressed in the overarching PCF (TCSW 2012).

Your supervisor should help you to review all aspects of your practice, including, for example, your direct work with the people you support and as a member of a team or working with other partners or external organisations. Most importantly, reflective supervision sessions should help you to develop skills in critical analysis and reflective practice by providing a forum for you to:

- describe and think about what you have learnt from your practice (what is going well and not so well)
- explore your feelings/emotions and how these may be impacting on your practice
- plan what you can do to improve and develop your practice as a social worker. This could be practical, for example by undertaking reading to give you a greater understanding of an area of practice or going on a training course. Or it could be through discussing practice your supervisor has observed and considering whether a different approach might result in a better outcome. Have a look at "Simon's" case study, www.skillsforcare.org.uk/socialwork/ASYE4Casestudies/simon_case_study.aspx, for an example of how reflective supervision can help NQSWs develop skills in critical analysis reflection.

TCSW's guide on developing integrated critical analysis and reflective practice, [www.collegeofsocialwork.org/uploadedFiles/TheCollege/Media_centre/PCF21IntegratedCriticalReflectivePractice\(1\).pdf](http://www.collegeofsocialwork.org/uploadedFiles/TheCollege/Media_centre/PCF21IntegratedCriticalReflectivePractice(1).pdf), states that critical reflection entails insight, exploratory and creative thinking for each unique piece of practice. The aim, over time, is for you to become highly skilled in this area and you should use supervision to share and gain feedback on your insights and ideas.

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You should take a proactive approach and prepare for supervision sessions and suggest items for the agenda. It may also be helpful to prepare reflective accounts or journals for discussion within the session (see chapter 4 of Keen *et al* 2012 too).

The PCF reinforces this approach and states that by the end of their ASYE social workers should "...make pro active use of supervision

to reflect critically on practice, explore different approaches to your work, support your development across the nine capabilities and understand the boundaries of professional accountability." You can expect to receive professional reflective supervision every week for the first six weeks as an NQSW, after that bi-weekly until the six month period, and then at least monthly for the rest of your year as an NQSW.

6. Eligibility for funding

The ASYE is primarily concerned with supporting the NQSW to establish themselves on the first rung of their professional career. The expectation is that knowledge and skills gained in qualifying education are consolidated and that new knowledge and skills are developed in practice relevant to the employment setting. It follows, therefore, that the knowledge and skills gained while qualifying need to remain current and not be a distant memory with no practice experience or CPD between qualifying and the ASYE. There is therefore a time eligibility criterion of no more than two years between graduation and commencing the ASYE.

There has been some concern expressed that this may disqualify some qualified and registered social workers who have been unable to find social work posts immediately. There is, however, a caveat to the two year time boundary in that it is possible beyond this timescale for the employer to assure themselves of the currency of the social worker's knowledge and skills. If you have been offered a post as a social worker after the two year period it is most likely to be because you have at least maintained if not developed your knowledge and skills. Generally the way to do that is by employment in a social care or other related role and to complement this by reading, reflecting and taking advantage of opportunities for CPD. This will not only equip you for future

employment but will also be necessary for you to maintain your registration with the Health and Care Professions Council (see www.hpc-uk.org). TCSW is making available to its members an electronic CPD portfolio that will be of assistance in this process.

If you are one of those graduates who have chosen not to be employed in a post that is designated 'social worker' and/or have taken a post in wider social care then the big difference from the previous NQSW frameworks is that the ASYE is a single programme for all social workers irrespective of the setting in which they are employed. This includes registered social workers who are employed in the private or voluntary sectors in roles that may not be classed as 'social work', as long as the role in which the NQSW is employed includes work of a sufficient level and kind to meet the expectations of all nine PCF domains.

We are living in a changing world for the delivery of social work services. Social workers are, and will increasingly be, found employed outside of local authorities, e.g. in smaller agencies, social enterprises, social work practices, and in multidisciplinary teams. The intention has been to provide an ASYE framework that can be flexibly implemented across a diverse range of employment settings and roles.

For those social workers and employers outside of statutory settings there are benefits in taking up the ASYE. A Skills for Care pilot project in 2011 supported employers and NQSWs in the private and voluntary sectors to implement the old NQSW framework and identified a number of benefits. For the manager and the organisation, comments included benefits for marketing, staff retention, service efficiency and improved quality of service provision. To illustrate:

- “A well-trained and qualified workforce improves our reputation!”
- “Our funding is tied to targets so we need workers to be confident in their ability to do the job.”

For the NQSWs, the feedback included a growth in confidence, the development of professional practice, a stronger sense of professional identity and recognition of the need to continue developing professionally. Again, to illustrate:

- “I have really grown in confidence this year in particular regarding sensitive challenging of other professionals.”
- “I think that it has definitely improved my employability in the sense that it has substantially developed my social work skills.”

If you are an NQSW employed in social care or other related field and you feel that your job includes work of a sufficient level and kind to meet the expectations of all nine PCF domains, then talk to your employer about registering for the ASYE (see www.skillsforcare.org.uk/socialwork/introductionsw.aspx).

Social workers are increasingly employed on short-term contracts in local authority, health and social care settings. This does not mean that if your contract is not for a whole year your employer cannot register you for the ASYE. At the end of the twelve month period it is your employer at that time who will decide on the sufficiency of evidence that you present for assessment, and this can include any statements from previous employers about your progression, the standard achieved and any evidence to illustrate your development. This allows some flexibility but also puts an onus on the individual NQSW to ensure that the evidence and statements are available to be transferred to the next employer and that this new employer is willing to continue to provide the relevant support and assessment.

In a similar way this will also apply to agency workers; however, in this scenario the recruitment agency as the employer will be registering the NQSW for the ASYE after having sought agreement from the social work provider commissioning the service. The both parties and the employee would need to agree on the responsibilities around supervision, assessment and the funding to support this. The supervision arrangement would need to be laid out clearly in the learning agreement (see below). In many instances the feasibility of these arrangements for those on short term contracts and agency workers may well depend on the length of contract.

7. The S in ASYE stands for 'supported'

We have spent a lot of time describing and considering the implications for the assessment of the ASYE. This is not to say that the other side of the coin in this contract between employer and NQSW, the expectation of support, is not equally important. The SWRB has listed the support expectations for the ASYE within the requirements laid down in the employer standards and supervision framework (SWRB, 2012a) and by so doing have mainstreamed the level of support for those undertaking the ASYE within an overall expectation of support that applies to all employers, managers and social workers.

An important part of the ASYE, therefore, is the learning agreement completed at the start of the programme. The learning agreement helps to establish and agree how the support and assessment will be undertaken between the employer and the NQSW. It also helps to clarify the roles and responsibilities of all those involved.

This includes:

- details of the frequency of reflective supervision
- a statement on the reduced workload during the first year of employment
- a personal development plan
- a time allocation for personal development.

In preparing for the learning agreement, it would be useful to take note of the transcript, personal development plan or needs analysis developed at the end of your qualifying programme, and if not included in this, to think about the learning needs identified at the end of your final placement.

In addition, with your ASYE supervisor, think about what your learning needs are now in relation to the job and the setting in which you are now employed. From these discussions, and based on your learning to date, a personal development plan can be constructed.

Taking a pro-active role in this already indicates that you are putting a marker down for demonstrating your capability within domain one of the PCF – Professionalism: Identify your learning needs; assume responsibility for improving your practice through appropriate professional development (TCSW, 2012).

This learning agreement should be reviewed on regularly—at least at three and six months. This review will be an opportunity for all involved to come together to consider how well your assessment is progressing and to put in place action plans if necessary. This is also the time for all parties to consider and, importantly, record whether all aspects of the agreement are being adhered to—and that includes contributions and comments from the NQSW on the level of support received. Guidance and suggestions on the construction of the learning agreement are available, together with case study examples of how these have been used in practice (see www.skillsforcare.org.uk/socialwork/ASYE4Casestudies/asyecasestudies.aspx).

8. Summary

The SWRB has always maintained that the changes it has proposed and the products that have been generated are all interrelated (SWRB 2010). In other words, the ASYE does not stand alone. The success of its introduction depends equally on other aspects of reform, namely the PCF, Employer Standards and Supervision Framework, and the CPD framework, of which the ASYE forms the first rung of the ladder.

Successful, efficient and sustainable delivery of the ASYE is most likely to be achieved if employers – statutory, voluntary and private – together with universities, are working in partnership and adhering to the SWRB partnership principles. This partnership working holds the potential to ensure that the vision of the SWRB for a nationally consistent assessment of the ASYE can be realised. Skills for Care is supporting employers to come together through these partnership arrangements to set up and manage a process by which assessment judgements can be compared.

All organisations are therefore being encouraged to compare judgements internally and to work in partnership with other organisations to increase sector and public confidence about judgements. It is hoped that this development will allay fears expressed by some NQSWs about the transparency of decision-making. An additional check and balance will be available through the TCSW

certification process. For all NQSWs who successfully complete the ASYE a certificate can be issued by TCSW. As part of assuring the quality of the assessment decision, TCSW is devising a mechanism to monitor the support and assessment process offered by employers.

The suite of reforms detailed here that underpin and overlap with the ASYE have in common an expectation that the responsibility for take-up and adoption of these products is not just one sided. We clearly see a responsibility for employers, but the responsibility is laid also at the door of the profession through the workings of TCSW, and – importantly for the readers of this text – it also belongs to every individual social worker. For the NQSW, the supervisor and the first line manager, the responsibility for achieving and maintaining the standards described at each level of the PCF is an individual professional responsibility, and is likely to form the basis of your CPD activity.

As the first cohort of ASYE NQSWs and their supervisors and managers in this transitional first year, you are the pioneers leading the field not only in introducing the ASYE but also in assessing against the PCF. We wish you well with your ASYE—we're here to support you, and through our joint efforts with other social work bodies we are expecting and hoping for even better results than the previous programmes had!

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The social work ASYE

A 'mini-guide' to the Assessed and Supported Year in Employment

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Newly-Qualified Social Workers: a Practice guide to the Assessed and Supported Year in Employment

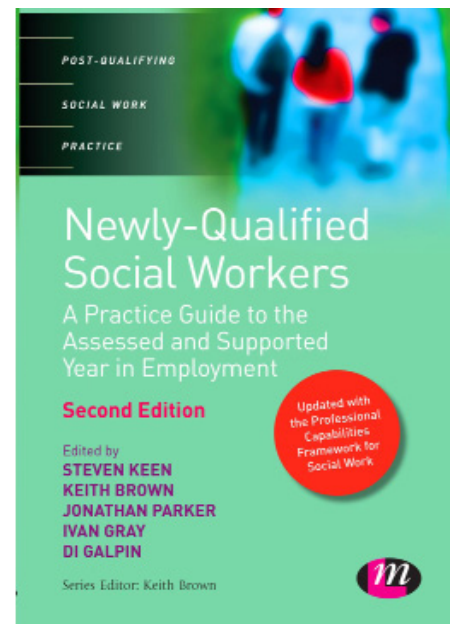
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With a foreword by **Prof. David Croisdale-Appleby, Independent Chair, Skills for Care.**

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APPENDIX F


<p>Directorate Business Support Department</p>	<p align="center">Name of Function or Policy or Major Service Change Probationary Procedure</p>	
<p>Officer responsible for assessment Paula Charker, Employee Relations Manager</p>	<p>Date of assessment 11 September 2013</p>	<p>New or existing? Existing</p>
<p>Defining what is being assessed</p>		
<p>1. Briefly describe the purpose and objectives</p>	<p>Ensures fair treatment of individuals on probation. Designed to help and encourage all employees to achieve and maintain satisfactory standards of conduct and behaviour and to support a healthy and harmonious working environment. They also ensure that effective arrangements exist for dealing with matters that may warrant action in a consistent and fair manner</p> <p>Establishes a fair procedure in accordance with statutory requirements and ACAS guidance.</p>	
<p>2. Who is intended to benefit, and in what way?</p>	<p>Staff are intended to benefit by being aware of the standards of performance expected of them as a Medway Council employee. Medway managers are intended to benefit by becoming competent and confident in applying the procedures fairly and consistently. The result will be that Medway customers will benefit by being served by a highly skilled, well motivated workforce.</p>	
<p>3. What outcomes are wanted?</p>	<p>To secure improvement in performance, conduct or behaviour, to treat all employees in a fair and consistent manner and to operate a procedure so that all parties know what to expect. It is therefore, in the interest of the employee, the Council and the community that any probationary matter is dealt with and concluded without undue delay, effectively and fairly.</p>	
<p>4. What factors/forces could contribute/detract from the outcomes?</p>	<p>Contribute Comprehensive training for managers Good staff induction Managers dealing with issues at an early stage Consistent application of the procedure Monitoring of the staff subject to probation procedures</p>	<p>Detract Managers failing to implement the procedure consistently and speedily Employees refusing to co-operate Line management confidence and competence to manage effectively Trade union resistance</p>
<p>5. Who are the main stakeholders?</p>	<p>Managers and employees</p>	
<p>6. Who implements this and who is responsible?</p>	<p>HR Services and managers implement the procedure .HR Services is responsible for the procedure.</p>	

Assessing impact		
7. Are there concerns that there <u>could</u> be a differential impact due to <i>ethnicity/ racial groups</i>?		
	NO	
What evidence exists for this?	The procedure has been shared with the BWF, the DWF, the LGBT forum and the trade unions. The main concerns were about the procedure being applied to all new entrants to Medway, the length of the probationary period and Members not hearing appeals.	
8. Are there concerns that there <u>could</u> be a differential impact due to <i>disability</i>?		
	NO	
What evidence exists for this?	The procedure has been shared with the BWF, the DWF, the LGBT forum and the trade unions. The main concerns were about the procedure being applied to all new entrants to Medway, the length of the probationary period and Members not hearing appeals.	
9. Are there concerns that there <u>could</u> be a differential impact due to <i>gender</i>?		
	NO	
What evidence exists for this?	The procedure has been shared with the BWF, the DWF, the LGBT forum and the trade unions. The main concerns were about the procedure being applied to all new entrants to Medway, the length of the probationary period and Members not hearing appeals.	
10. Are there concerns there <u>could</u> be a differential impact due to <i>sexual orientation</i>?	NO	No evidence to support a differential impact on grounds of religion or belief.
What evidence exists for this?		
11. Are there concerns there <u>could</u> be a have a differential impact due to <i>religion or belief</i>?		No evidence to support a differential impact on grounds of religion or belief.
	NO	
What evidence exists for this?		
12. Are there concerns there <u>could</u> be a differential impact due to <i>age</i>?		No evidence to support a differential impact on grounds of age.
	NO	
What evidence exists for this?		
13. Are there concerns that there <u>could</u> be a differential impact due to <i>being transgendered or transsexual</i>?	NO	No evidence to support a differential impact on grounds of religion or belief.

What evidence exists for this?		
14. Are there any other groups that would find it difficult to access/make use of services, or who might experience unfavourable treatment, as a result of the function/ policy/ service change (eg people with caring responsibilities or dependants, those with an offending past, or people living in rural areas)?		If yes, which group(s)?
	NO	
What evidence exists for this?		
15. Are there concerns there <u>could</u> be a differential impact due to <i>multiple discriminations</i> (eg disability and age)?]	NO	
What evidence exists for this?	The procedure has been shared with the BWF, the DWF, the LGBT forum and the trade unions. The main concerns were about the procedure being applied to all new entrants to Medway, the length of the probationary period and Members not hearing appeals.	

Conclusions & recommendation		
16. Could the differential impacts identified in questions 7-15 amount to there being the potential for adverse impact?	N/A	
17. Can the adverse impact be justified on the grounds of promoting equality of opportunity for one group? Or another reason?	N/A	

Recommendation to proceed to a full impact assessment?		
NO	This function/ policy/ service change complies with the requirements of the legislation.	
	What is required to ensure this complies with the requirements of the legislation? (see DIA Guidance Notes)	None
	Give details of key person responsible and target date for carrying out full impact assessment (see DIA Guidance Notes)	

Planning ahead: Reminders for the next review		
Date of next review	2 years time.	
Areas to check at next review (eg new census information, new legislation due)	Check whether any particular groups have experienced: i.difficulties in accessing or making use of the policy; ii.the application of the policy has been fair and consistent across the council.	
Is there <i>another group</i> (eg new communities) that is relevant and ought to be considered next time?	Check that the function/policy/service continues to be accessible and fairly applied to members of the Council's workforce, including any additional demographic groups, including any additional demographic groups.	
Signed (Assistant Director) 	Date 11 September 2013	