

EMPLOYMENT MATTERS COMMITTEE

7 SEPTEMBER 2016

REVIEW OF THE PROBATIONARY POLICY

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Summary

The report seeks agreement to amend the current Probationary Policy by removing the right of appeal against a decision to extend the period of probation.

1. Budget and Policy Framework

1.1 The Probationary Policy is in the current suite of policies that lay in the Council's policy and budget framework and the Committee's terms of reference. Therefore, this is a matter for the Employment Matters Committee.

2. Background and Proposed Revision

2.1 Under current arrangements, a manager can agree (in consultation with their member of staff) to extend a period of probation where that member of staff has yet to meet the required standard. The member of staff can formally appeal that decision made by their manager with the appeal being heard by the Grandparent with support from HR. The staff member is afforded the right to representation from either a Trades Union representative or workplace colleague.

2.2 The right of appeal at this stage is regarded as unnecessary as the extension would be there to afford the member of staff with an extra period of time to reach the required standard.

2.3 The manager is required to complete formal probationary meetings with their member of staff at 12 weeks and 20 weeks within the initial period of probation and any performance issues can be identified with corrective actions put into place to provide the member of staff with every opportunity to satisfy the probationary period.

2.4 To mitigate any perceived detriment with the introduction of this change, Managers will be reminded of their responsibility to hold these periodic probationary meetings and to ensure that any performance

issues are appropriately documented and correct action measures agreed.

2.5 The alternative to the manager introducing an extension to a staff member's probationary period would be to proceed to a formal probationary review meeting where the arrangements at 2.3 are implemented.

2.6 Under the current position where a Grandparent and HR team member have been involved at any appeal hearing against an extension to a probationary period they are excluded from any involvement in hearing a formal probationary review, with this causing a burden in identifying other appropriate panel members.

3. Consultation

3.1 Consultation on these changes has taken place involving the Trade Unions and the employee forums using the agreed consultation protocol, within the period 4 July 2016 to 3 August 2016.

3.2 No responses were received.

3.3 The report was shared with both Legal and Finance and there was no comment from either.

4. Risk Management

4.1 It is important that all eligible staff and their managers are made aware of these changes.

Risk	Description	Action to avoid or mitigate risk	Risk rating
Failure to follow agreed policy	That managers do not follow the requirement to complete periodic probationary review meetings.	Remind managers of this requirement through e-mail, a reference at Service Managers meeting and continued support from the HR Business Partners	E4

5. Diversity Impact Assessment (DIA)

5.1 A Diversity Impact Assessment is attached at Appendix 2 to the report.

6. Financial and legal implications

6.1 It is not envisaged that there will be any additional financial implications with the implementation of this Policy.

6.2 Implementation of this Policy enables the Council to comply with its various statutory obligations and is within the Council's powers. It is essential that a fair and consistent approach is to be applied to all staff in order to minimise successful legal challenges.

7. Recommendations

7.1 That the Committee approves the revised Probationary Policy set out at Appendix 1, which removes the right of appeal against a decision to extend a period of probation.

7.2 That managers with staff working through a period of probation are reminded of the importance of completing the agreed periodic reviews.

Lead officer contact

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Background papers

None

Appendices:

Appendix 1 – Proposed revised Probationary Procedure

Appendix 2 – Diversity Impact Assessment