

Medway Council Probationary Procedure

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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~~ Trade Union 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 and 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

5.2.4 **Scope and Rules of Probationary Service**

- 5.2.1 A new entrant to the Council will normally serve a period of probation of at least 6 months. Newly Qualified Social Workers will be subject to a probationary period of 12 months in line with the Assessed and Supported Year in Employment scheme (ASYE).
- 5.2.2 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.
- 5.2.3 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 on the Probationary Review form. ~~and will be placed on the individual's personal file.~~ (Any other notes made during formal assessments should also be attached to the forms).
- 5.2.4 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. **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.~~

~~5.3.1 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.~~

5.3.1 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 will be informed that their probationary period has been successfully completed.

5.4. 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.~~

5.4.1 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.

5.4.2 All the above should be confirmed to the employee in writing using the template letter attached to this policy.

5.4.3 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.

5.4.4 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. Extension to Probationary Period

5.5.1 Managers have the discretion, in consultation with the employee and with the support of their HR Consultant, to extend a period of probation. The extension of probation ~~must~~ will be confirmed in writing to the employee. ~~It should be noted that a~~ The manager should work on the principle of “no surprises” and the employee should have been informed at either their probationary review meetings or via other supervisory meetings (such as 1-2-1’s) that their performance had not yet met the required standard and that an extension to the probationary period was an option under consideration. ~~not wait for the 6 months to expire before recommending an extension to the probationary period.~~

- 5.5.2 When recommending extending the probation review period, the manager 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~~ will 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.~~
- 5.5.4 An employee who, as a result of a programme of corrective action/support, reaches the required standards ~~should~~ will 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. **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 an HR Consultant. 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 an 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 their right to appeal 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.~~

5.6.8 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.

5.6.9 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 and their right to appeal the decision.

~~5.7.0~~ **Termination of Employment**

5.7.1 If the Hearing Officer finds that, in all the circumstances, 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~~ will be informed of this in writing and ~~would~~ will 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 Head of HR and Organisational Change. 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 more senior manager (Assistant Director or above) not involved in the decision to dismiss. Under normal circumstances the appeal will be heard within 20 days of receipt of the written grounds for appeal. Written notification of the outcome of the appeal will be sent to the employee (and their representative) within 5 working days from the date of the appeal.

~~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