



Medway Council

Probationary Policy

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1.0 Policy

- 1.1 An aim of the Council's Workforce Strategy is to attract and retain a skilled, flexible and efficient workforce that is committed to the achievement of the Council's goals, values 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.
- 2.2 Those staff on temporary contracts who apply for any permanent position or are made permanent will not have to serve a probationary period upon starting their permanent role.

3.0 Principles

- 3.1 These probationary guidelines are designed to help and encourage all employees to achieve and maintain satisfactory standards of performance, 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 Trade Union Representatives and employees and assist the Council in operating effectively and efficiently.
- 3.2 Accordingly, the aim is to ensure that standards are achieved or, where appropriate, 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 that any probationary matter is dealt with fairly, effectively and concluded without undue delay.

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. This includes those who have previously been employed at Medway Council but have had any formal break in service.

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

5.2.0 **Scope and Rules of Probation**

- 5.2.1 A new entrant to the Council will serve a period of probation of at least 6 months. Newly Qualified Social Workers will serve a probationary period of 12 months in line with the Assessed and Supported Year in Employment scheme (ASYE).
- 5.2.2 It is the line manager's responsibility to ensure that the Probationary Policy is followed and that timescales are adhered to.
- 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 be undertaken on **12 and 20 weeks**, with the addition of an initial assessment at induction and a final review at 12 months. The assessments will be recorded on the Probationary Review form. (Any other notes, such as from 1:1's and supervisory meetings used during formal assessments should also be attached to the forms).

Performance Assessment

- 5.2.4 The early appraisal of performance during the probationary period will allow the manager to detect areas of concern and take corrective action recorded on the Probationary Review form, which must:
- Identify clearly the areas where improvement is required and set time and standard targets.
 - Record and discuss any issues relating to absence and/or conduct.
 - 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.
 - Any programme of corrective action must be carefully followed and documented after each monitoring meeting. This will include the employee's progress (or failure to achieve targets) which must be confirmed to the employee in writing.

5.3.0 **Satisfactory Probation**

- 5.3.1 At the end of a successful probationary period, managers will forward a signed Probationary Review Form to Human Resources, confirming successful completion of the probationary period. Upon receipt of the documentation from the probationer's manager, the employee will receive a letter from HR Services that their probationary period has been successfully completed.

5.4.0 Unsatisfactory Probation

- 5.4.1 Unsatisfactory performance during the probationary period must not come as a surprise to the employee and be clearly documented during the reviews including a plan of improvement.
- 5.4.2 If attempts to correct any concerns have not proved successful, the manager will seek HR guidance on what the next course of action should be.
- Proceed to a Probationary Hearing
 - Extend the probation (up to 3 months)
- 5.4.3 The manager's decision must be confirmed to the employee in writing, using the templated letter supplied with this policy, explaining why this decision has been reached.
- 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.

5.5.0 Extension to Probationary Period

- 5.5.1 Managers have the discretion, in consultation with the employee and with the support of an HR Consultant, to extend a period of probation. The extension of probation will be confirmed in writing to the employee. The manager should work on the principle of "no surprises" and the employee must have been informed at either of their probationary review meetings or via other supervisory meetings (such as 1:1s) that their performance had not yet met the required standard and that an extension to the probationary period was an option under consideration.
- 5.5.2 When extending the probation review period, the manager must 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 be for a period of up to 3 months.
- 5.5.3 Any decisions made at the probationary meeting will be recorded in writing, a copy given to the employee, and monitored by the manager concerned.
- 5.5.4 An employee who, because of a programme of corrective action/support, reaches the required standards will be informed in writing that they have satisfactorily completed the probationary period. All paperwork in relation to reviews completed and signed by the manager will be passed to Human Resources.
- 5.5.5 The extension can be ended sooner if no significant progress has been achieved.

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 will be arranged (the Hearing can be arranged at any time during the probationary period).
- 5.6.2 A more senior manager should hear the case advised by an HR Consultant. In cases of Gross Misconduct or in circumstances where the nature of the employee's role requires, the suspension process may apply (please refer to the Disciplinary procedures for further information on suspension).
- 5.6.3 The employee also has the right to be accompanied by a Trade Union Representative or workplace colleague. The Hearing will be held in accordance with the framework of the disciplinary procedures and will be arranged by HR Services.
- 5.6.4 The format of the Hearing is as follows:
- The parties shall be advised of the procedure to be adopted at the Hearing.
 - The Hearing will be conducted by a manager with authority to act, supported by an HR Consultant.
- 5.6.5 When an employee is required to attend a Probationary Hearing, they shall receive at least 10 working days' notice of the Hearing date unless an earlier date is mutually agreed.
- 5.6.6 When an employee is required to attend a Probationary Hearing there will be prior written notice outlining the reason(s) for the Hearing, indicating what action 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.
- 5.6.7 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.
- 5.6.8 In the event of the unauthorised absence of the employee on the date of the Hearing, reasonable efforts will be made to try to contact the employee to establish the reason for the absence. If the reasons are not considered genuine the hearing can be conducted in the employee's absence. If it transpires the reasons are genuine and unavoidable (e.g. where the employee has been hospitalised and has not been able to inform their manager), the Hearing shall be rearranged as soon as possible, giving another five working days' notice.
- 5.6.9 In these circumstances the employee will also be informed that if they fail to attend the hearing again, 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

- 5.6.10 Both the manager and employee can present documents in support of their case. Any documents to be presented will be circulated with the notification of the Hearing letter.
- 5.6.11 Minutes shall be taken during the Hearing. All notes of proceedings and records shall be kept confidential.
- 5.6.12 The employee shall be advised of the decision and rights of appeal at the conclusion of the Hearing or as soon as practicable thereafter. 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, following the Probationary Review Hearing, the decision is to dismiss the employee, the employee shall be advised of the decision and right of appeal at the conclusion of the Hearing or as soon as practicable thereafter. The dismissal will be with immediate effect and the probationary notice period will be paid in lieu of notice – PILON, including any outstanding leave.

5.8.0 Appeals process

- 5.8.1 An employee has the right to 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 coco@medway.gov.uk. 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, for example:
- It is alleged that the probationary procedure has not been properly applied, setting out examples where these alleged failings have occurred.
 - 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, and why this is believed to be the case.
- 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 (Head of Service or above) who has not been involved in the decision to dismiss. Under normal circumstances the appeal will be heard within 15 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.

5.8.5 The employees' contract will be terminated following the Probationary hearing, if dismissal was the outcome. The hearing will confirm the last day of service plus the decision regarding the contractual notice period. The Appeal hearing and outcome will conclude after the employees confirmed end date.

Documents

- [Probationary period review form](#)