

## PROBATIONARY POLICY AND PROCEDURE

### POLICY STATEMENT

*The purpose of the probationary period of employment is to assess the suitability of employees for the posts to which they have been appointed. The procedure sets out fair and equitable processes for such assessments to be made by managers and also for employees to be able to raise any concerns that they might have. The intention is to give each individual every opportunity to succeed and provide a clear process where there are concerns.*

### PROCEDURE

#### SCOPE

1. This procedure applies to all employees of Slough Borough Council. It excludes school based staff who are under the control of Governing Bodies.

#### KEY PRINCIPLES

2. The probationary period is stated in the employee's contract of employment. Normally, all contracts for new permanent employees state that the contract will be subject to the satisfactory completion of a probationary period of six months. However, where a new employee is on a fixed term contract, the probationary period will be proportionate according to the length of the fixed term contract (please see below). Where an employee is on an annually renewed fixed term contract due to statutory requirements, the probation period will be six months.

<b>Length of Fixed Term Contract</b>	<b>Length of Probationary Period</b>
Less than 12 months	3 month probationary period
12 months +	6 months probationary period

3. Where an employee is on a fixed term contract where the probationary period is three months, the probationary assessment meetings should take place during the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> month of employment. The manager would be required to follow the same principles of the first, second and final assessment meetings as detailed in this policy and should complete the appropriate probationary assessment forms. If deemed necessary, the probationary period may be extended for an appropriate period as per paragraphs 34 to 36.
4. Where an existing Slough Borough Council employee is appointed to a new role once they have already completed a probationary period with the Council, a formal probationary period will not apply. However, the employee's performance will be monitored closely during the first six months (or proportionate period if on a fixed term contract) and during this period the employee will be expected to demonstrate their suitability for the post. *This probation policy does not therefore apply to staff who fall within this category. In these circumstances the manager and employee*

*should hold regular one to ones and supervision meetings and where concerns about the employee's performance are identified these should be addressed through the Council's Capability Policy and Procedure.*

5. Where a new employee has joined Slough Borough Council with previous local government service, they will be expected to complete a full probationary period. The length of this probationary period will be determined by the type of contract the employee is on as per paragraph 2.
6. If an employee changes job within their probationary period, whatever the reason for the change, he/she will be expected to complete a further full probationary period in the new post.
7. Managers are expected to:-
  - complete a planned induction for the new employee in accordance with the induction process;
  - explain the targets, performance and conduct standards expected of the employee;
  - identify the required training, coaching and support that the employee requires through agreeing a personal development plan;
  - undertake probationary assessment meetings to give feedback on the employee's progress to highlight where standards are/are not being met and to take action, wherever possible, to help the employee meet the required standards;
  - in addition to the probationary assessment meetings regular one to one and supervision meetings should be held to review the performance of the employee.
  - ensure that assessment reports are completed, and signed by employee and manager giving a full record of performance assessments, work attendance, the issues raised by the employee and the actions to be undertaken;
  - give advance warning to the employee where job performance is not on track and where there are issues of attendance and conduct to be addressed;
  - consider all the options available including making reasonable adjustments to ensure that a disabled employee is not disadvantaged in the application of this procedure, and where it can be clearly shown that performance issues are linked to changes in an individual's disability or condition then the employee will be eligible for placement on the redeployment scheme for a period not exceeding two months from date of notice
  - assign a buddy if appropriate.
8. The employee is expected to:-

- raise any queries or concerns about his/her job, or the reasons for any performance issues during regular supervision and at probationary assessment meetings;
  - co-operate with arrangements for training needed to equip him/her with the skills and knowledge required to perform the job;
  - attend any probationary / one to one meetings to which they are invited.
9. As per paragraph 2, the probationary period will normally be set for a specific period and appointments cannot be confirmed prior to the end of any agreed probationary period. This does not mean that there can be no termination of contract before the end of the probationary period. The contract can be terminated earlier where it has been clearly identified at an assessment meeting that the employee is not suitable for the post either through difficulties in job performance, work attendance or in cases of serious misconduct. Prior warning will be given to the employee before this occurs.
10. If gross misconduct is alleged, suspension from duty may be appropriate and an investigation should be carried out. Please refer to appendix 3 for examples of gross misconduct and misconduct. Following this it may be necessary to bring forward the final assessment meeting and if gross misconduct is substantiated then the dismissal will be without notice and take immediate effect. Please refer to paragraphs 44 and 45.
11. The probationary period may also be extended but only in circumstances where there is a high degree of likelihood that the extension will lead to a confirmation of the appointment or in such circumstances where the manager has not been able to make an assessment.

## **PROCESS**

### **Induction and Personal Development Plan**

12. The manager is responsible for ensuring that a thorough and effective planned induction is completed in accordance with the induction process. The manager and the employee must also agree a personal development plan and complete the appropriate form; the initial plan should be done by the end of the first week of employment though this should be updated and expanded as the probationary period progresses.

### **Supervision 1:1 Meetings**

13. From the start of the employment and in addition to the probationary assessment meetings, regular supervision 1:1 meetings should be diarised, to ensure proper support, guidance and training is given. A record should be kept of progress achieved and the actions agreed which will then feed into the probationary assessments.

### **Probationary Assessment Meetings**

14. It is always good practice to diarise the probationary assessment meetings at the start of employment.

Normally the assessment meetings will take place as follows:-

- First assessment meeting – 6-8 weeks from start of employment;
  - Second assessment meeting – 12-15 weeks from start of employment;
  - Final assessment meeting – 20-22 weeks from start of employment.
15. In situations where the circumstances warrant it, additional assessment meetings can be arranged by the manager. The employee can also request an assessment meeting to take place.
16. Where an employee is on a fixed term contract where the probationary period is three months, the probationary assessment meetings should take place during the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> month of employment. The manager would be required to follow the same principles of the first, second and final assessment meetings as detailed in this policy and should complete the appropriate probationary assessment forms. If deemed necessary, the probationary period may be extended for an appropriate period as per paragraphs 34 to 36.

#### **First Assessment Meeting (6-8 weeks)**

17. The manager should arrange this meeting and make a fair and objective assessment of the employee's suitability for the job. The job description, person specification, induction checklist and personal development plan should be used at this assessment meeting. The meeting should discuss:-
- job performance;
  - conduct;
  - work attendance;
  - training and development;
  - actions.
18. This meeting should be a two-way discussion with the manager providing feedback on progress and identifying any concerns and with the employee raising any issues of training, support and any other concerns. A list of actions should be agreed.
19. A probationary assessment form must be completed (Appendix 1). The employee will be given the opportunity to make comments on the form regarding the assessment. Once completed, the form should be signed and dated by the manager, the employee and countersigned by the immediate line manager above. The form should be sent to HR for the personal file. The employee's personal development plan (PDP) should be updated.
20. If the employee's performance is satisfactory, the employee should be informed of this.
21. If the employee's performance is unsatisfactory, the employee should be informed of this and given the opportunity to respond to the matters being raised. The manager and employee should discuss the improvements required and identify any support or training required. Whilst every opportunity will be given for the employee

to improve, the employee should be informed of the consequences if these improvements are not achieved which may be that the employment will not be confirmed. This should be noted by the manager on the probationary assessment form.

22. In relation to those on fixed term contracts, where the probationary period is three months, if at this first assessment meeting the performance has not been satisfactory and where support and training have been identified this should be carried out before the final assessment meeting.

### **Second Assessment Meeting (12-15 weeks)**

23. This assessment should follow the same format as the first assessment meeting (see paragraphs 17 to 21 above).
24. If the employee's performance is satisfactory the employee should be informed of this.
25. Where it was identified at the first assessment meeting that the employee's performance had not been satisfactory and at the second assessment meeting the required improvements have not been achieved, the employee must be informed of this. The employee should be given the opportunity to respond to the matters being raised. The manager and employee should discuss the required standards and the improvements that must be achieved by the final assessment meeting. Any further support or training should be identified. The training identified should be carried out before the next assessment meeting.
26. Whilst every opportunity will be given for the employee to improve, the employee should be informed of the consequences of not achieving the required standards which may be that the employment will not be confirmed. This should be noted by the manager on the probationary assessment form.
27. If the employee's assessment had previously been satisfactory, but has now deteriorated, the manager should discuss the reason(s) for the deteriorating performance with the employee. The manager and employee should discuss the required standards and improvements that must be achieved by the final assessment meeting and agree the remedial actions required to meet the satisfactory level. Whilst every opportunity will be given for the employee to improve the employee should be informed of the consequences of not achieving the required standards which may be that the employment will not be confirmed. This should be noted by the manager on the probationary assessment form.

### **Final Assessment Meeting (20-22 weeks)**

28. This assessment should follow the same format as the previous assessment meetings.
29. Where the employee's assessment is on track and the likely outcome of the meeting will be to confirm the appointment, the final assessment meeting should go ahead as planned on a one to one basis between the manager and the employee.
30. A final probationary assessment form (appendix 2) must be completed and the employee given the opportunity to make comments. The completed form should be

signed off by the manager, the employee and countersigned by the immediate line manager. A signed copy of the form should be sent to the employee with a covering letter confirming the appointment. This should also be copied to HR to be included on the employee's personal file. The employee's probationary reports should be used to start the appraisal process and the manager and the employee should have a discussion about standards and targets as part of the appraisal process.

31. Where the employee's assessment is not on track and/or there are serious issues to be raised which are likely to result in the appointment not being confirmed then the employee should be informed and given at least 5 working days written notice of the final assessment meeting so that he/she can be accompanied by a trade union representative or a work colleague. This may mean that the date already diarised for this meeting may need to change. This can be extended by up to 5 working days if representation is not possible within the 5 day timescale. If concerns have been identified these should have been discussed at previous assessment meetings and remedial action should have been put in place for the employee to meet the required standards. It should not come as a surprise to the individual at the final assessment meeting that there are concerns over the employee's performance.
32. In these circumstances there should be a two way discussion between the manager and the employee giving the employee the clear opportunity to state his or her case in relation to the matters raised.
33. If the outcome of the assessment meeting is that the employee's contract is not being confirmed the employee should be made aware of this and the decision should be followed up in writing which will also give the employee notice of termination. The employee will have the right to request for this decision to be reviewed by a panel consisting of the Assistant Director or a nominated senior manager, and a HR representative. The employee must write to the AD or senior manager giving the clear reasons for requesting such a review within 5 working days of receiving the letter of termination. If this wish is expressed then a review meeting will be arranged within 10 working days of receipt of the letter requesting a review.

### **Extension of Probationary Period**

34. In exceptional circumstances the probationary period may be extended for a short period, where the employee's assessment has been unsatisfactory but there is a high degree of likelihood of an improvement to an acceptable standard. An extension may also be appropriate where circumstances have made it difficult for the line manager to make an assessment. Prior to agreeing any extension, this should be discussed with the HR Business Partner.
35. The extension of a probationary period should not normally exceed three months. The employee must be informed in writing of the period of the extension and the reason(s) why it has been given. Where an extension has been given the manager and employee should discuss the matters raised and identify remedial action that will be put in place to enable the employee to meet the required standards. This agreement should be detailed on the final probationary assessment form which includes an action plan which will clearly identify the areas to be improved. A copy of this should be given to the employee.

36. During this extension period, discussions should continue through regular one to one supervision and through further assessment meetings. At the end of the extended probationary period a final assessment meeting must take place and the decision made to either confirm or terminate employment.

### **Review Meeting**

37. As per paragraph 33, the employee can if he/she so wishes request for any decision on not confirming the appointment to be reviewed by a panel consisting of the Assistant Director or a nominated senior manager, and a representative from HR. In certain circumstances it may be deemed suitable for an Assistant Director or a senior manager from another department to review the decision. The employee must state in writing the clear reasons for requesting such a review within 5 working days of receiving the letter of termination. The request should make it clear upon which of the following grounds the employee is requesting the review and provide any evidence/documentation to support the request:
- the decision was based on evidence that did not support the conclusion;
  - a failure to follow procedure had a material effect on the decision;
  - proper account was not taken of any matters of fact referred to at the original assessment meetings;
  - the action taken was too severe or inconsistent with previous decisions;
  - where new relevant evidence relating directly to the original concern(s) has become available.
38. The review meeting will be arranged within the 10 day period referred to in paragraph 33 above.
39. Witnesses should only be called if relevant to the case. They should only be present to give evidence and be questioned. Witnesses should be informed of the need to keep matters strictly confidential. Details of proposed witnesses should be communicated to both party's in advance of the review meeting. It is each party's responsibility to arrange the witnesses release from work so they can attend. It is the employee's responsibility to speak for themselves.
40. A summary of the manager's reasons for the dismissal should be given to the employee 5 working days before the review meeting and the employee should also submit any documents he/she wishes to refer to 5 working days before the review meeting.
41. The review will be heard by the panel outlined in paragraph 36 above. A proper opportunity will be given for the employee to state his/her case and the employee can be accompanied by a trade union representative or work colleague. The employee's line manager, or the manager who made the decision not to confirm the employee in post, will present the management case.
42. A decision will then be made from the following options:-
- uphold the decision to terminate the employment;

- extend the probationary period for a defined period in accordance with paragraphs 34 to 36 above; This extension would normally not be longer than 3 months. The line manager will continue to assess performance during the extended period. If the line manager's assessment at the end of this period is not to confirm in post, this recommendation will again be considered by the same panel that carried out the review. If their decision is to terminate employment there will be no further right of appeal.
- allow the existing probationary period to continue where this has not come to an end;

43. A letter confirming the outcome of the review meeting should be sent to the employee within 5 working days. A copy of this letter should be forwarded to HR. There is no further right of appeal.

### **Early Termination of Contract prior to the end of the Probationary Period**

44. There may be situations during the probationary period where the contract may be terminated earlier. This is where it has been clearly identified at an assessment meeting that the employee is not suitable for the post either through difficulties in job performance, work attendance or in cases of serious misconduct. Prior warning will be given to the employee before this occurs. If gross misconduct is substantiated at an assessment meeting then the dismissal will be without notice and take immediate effect.

45. Where this occurs the employee has a right for the decision to be reviewed in accordance with the processes stated in paragraphs 37 to 43.

**Template letters to assist managers are available on SBCInsite (link to follow)**

## **RELATIONSHIPS WITH OTHER PROCEDURES**

### **Disciplinary Policy and Procedure**

46. Misconduct and gross misconduct will be dealt with under this probationary policy during the probationary period. The examples of actions, which may constitute misconduct and gross misconduct, are given at Appendix ?. This is not an exhaustive list and is dependent upon the circumstances of the case. In addition, managers should make sure, as far as is reasonably practicable, that employees are aware of any specific rules or standards of behaviour within their particular area of work which, if breached, could constitute misconduct or gross misconduct.

### **Capability Policy and Procedure**

47. Any issues stemming from capability and competence will be dealt with under this probationary policy during the formal probationary period.

### **Sickness Absence Policy and Procedure**

48. All aspects of reporting absence will apply during the probationary period. Any reviews of sickness absence and any actions arising will be incorporated into the supervisory meetings and assessment meetings under this probationary policy and procedure.

### **Grievance Policy and Procedure**

49. If the subject of the grievance concerns the application of the probationary procedure this should be dealt with under the assessment meetings or the review meeting process. If employees wish to raise other grievances during the probationary period then informal grievances should be raised through supervisory meetings and assessment meetings. If the employee has grounds for continuing with his/her grievance then this should be pursued as a formal grievance. No extension of the probationary notice of termination will be granted in these circumstances.

### **Dignity at Work Code of Practice**

50. This covers issues such as harassment and bullying and will apply during the probationary period.

**Probationary Assessment Form: First Assessment / Second Assessment (please circle/delete as appropriate)**

**Date:** ..... **Assessment Period:** .....

**Employee Name:** ..... **Directorate/Section:** .....

**Job Title:** ..... **Start Date:** .....

**Job Performance:**

**Conduct:**

**Training & Development:**

**Work Attendance:**      **Number of days absent:** .....      **Punctuality:** Good / Not Satisfactory (comments below)



**Probationary Assessment Form: Final Assessment**

**Date:** ..... **Assessment Period:** .....

**Employee Name:** ..... **Directorate/Section:** .....

**Job Title:** ..... **Start Date:** .....

**Job Performance:**

**Conduct:**

**Training & Development:**

**Work Attendance:**      **Number of days absent:** .....      **Punctuality:** Good / Not Satisfactory (comments below)

**Managers Overall Assessment:**

Exceeds Job Requirements:  Meet Job Requirements:   
Still Requires Training & Coaching:  (details under Action Plan) Significant Concerns Identified:  (details under Action Plan)  
**Employment to be:** Confirmed:  Probationary period to be extended until: .....  
Not Confirmed: (details provided above)  (Action Plan below to be completed)

**Action Plan**

Issue	Action	Support / Training Provided	By When

**Employees Comments:**

**Name of Manager:**

**Signed:**

**Name of Employee:**

**Signed:**

**Name of Countersigning Manager:**

**Signed:**

## **APPENDIX 3 (Extracted from Disciplinary Policy and Procedure)**

### **EXAMPLES OF MISCONDUCT AND GROSS MISCONDUCT**

Examples of misconduct and gross misconduct that may lead to disciplinary proceedings include, but are not limited to, the following:

#### **Misconduct**

- any actions which could bring SBC into disrepute or which impact negatively on the employee's position (this may include actions outside of work);
- absence from duty;
- unauthorised employment;
- neglect of duty;
- racial, sexual, religious, or disability discrimination;
- breaches of the Council's Dignity at Work Code of Practice including harassment and bullying;
- offensive or abusive behaviour;
- drunkenness or being under the influence of drugs other than for medical purposes.
- refusal or deliberate failure to follow a reasonable management instruction;
- sleeping on duty;
- improper disclosure of information or breach of confidentiality;
- breaches of health & safety;
- damaging or misusing or losing by theft Council property;
- refusal or failure to comply with any SBC policies and procedures and codes of conduct, including those governing the use of information technology, commercial practices, financial regulations, fraud and corruption.

#### **Gross Misconduct**

- theft including fraud and deliberate falsification of records; this may include such things as timesheet and expense claims' irregularities and undertaking paid private work at a time the employee should be working for the Council;
- serious breaches of safety rules;
- serious incapability through alcohol or use of illegal drugs on duty, buying or selling drugs on Council premises;
- fighting or other physical assault, threats of violence;
- maltreatment or neglect of those in Council care;
- serious acts of discrimination, bullying or harassment and breaches of the Dignity at Work Code of Practice;
- disclosing any serious matter which should be kept confidential (or concealing it if it should be reported);
- serious breaches of Council's codes of conduct, Council's procedure rules or financial regulations;
- sleeping on duty in a care environment unless expressly permitted;
- improper use of an employee's position for their own or another's private advantage, or an attempt to do so;
- bringing the Council into serious disrepute;
- gaining employment with the Council by misrepresentation, lies or deception;
- serious deliberate damage to property;
- breaking a law at (or even away from) work which makes employees unfit for the work they do, or which may seriously damage the Council's reputation.