



MALDON DISTRICT
COUNCIL

Probation policy and procedure

July 2017



Maldon District Council
Probation policy and procedure

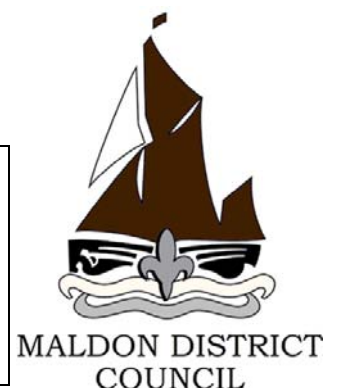
Document Control Sheet

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Summary of purpose	The purpose of this Policy and procedure is to provide information and guidance for employees of Maldon District Council on the Council's Probation process. To provide a framework to judge the suitability of an employee, to discuss any shortcomings and agree action to help the employee achieve the required standards.
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This document is due for review by the date shown above, after which it may become invalid. Users of the strategy or policy should ensure that they are consulting the currently valid version of the document.

If you would like this information in large print, Braille or another language, please contact Human Resources.



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Section One – Policy and Procedure Overview

1 Policy Statement

Maldon District Council seeks to promote good employment relationships and practices, and this policy aims to ensure that all new employees, who are new to the employment of the Council, have a probationary period during which they will be introduced to the main duties and responsibilities of their post and the performance standards expected of them.

The purpose of this policy is to ensure that there is a fair and systematic approach in place to ensure expected standards are established and understood, performance is monitored, with areas of improvement addressed, and employees are given appropriate training and support to meet these standards.

The probation procedure should be used as a tool to ensure that employees are given every opportunity to prove their suitability for the post to which they have been appointed.

The Council's standard period of probation is 24 weeks. Extensions to the probationary period may exceptionally be given if this is appropriate.

Employees dismissed during their probation period will be given one month's notice in line with the Terms and Conditions of Employment.

Where an employee exceeds the Council's set Key Performance Indicator target for sickness during their probationary period, a meeting will be held to discuss options which may include extension of probation or dismissal.

This policy is mandatory for all Managers to undertake and follow with all new employees as directed by Human Resources.

2 Procedure Overview

2.1 The Council's standard period of probation is six months.

2.2 Assessment reviews will take place at 4 weeks, 12 weeks and a final assessment review at 24 weeks. Progress reviews may happen in the intervening time, for new employees

2.3 The outcome of the probation period is either:

- To confirm the appointment of the new employee.
- To extend the employee's probation period if the circumstances warrant this extension. An extension may be implemented in circumstances where the employee's performance during probation has not been entirely satisfactory but it is thought likely that an extension to the probationary period may lead to an improvement, or where the employee or line manager has been absent from the workplace for an extended period during probation, for example. The extension can only be for a further 3 months, thereafter a decision needs to be made as to whether to dismiss or confirm the appointment.

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- To dismiss the employee if an employee's performance while on probation has been unsatisfactory despite support and it is thought unlikely that further training or support would lead to a satisfactory level of improvement. A decision to dismiss may be taken at any time during the probation period if this is considered appropriate.
- To dismiss the employee because they have behaved inappropriately or have breached their contract of employment through breaching the councils policies and procedures.
- To dismiss the employee due to unacceptable levels of absence due to sickness during the probation period; the Council's Key Performance Indicator target will be considered.

3 Scope of this Policy

3.1 This procedure applies to all Council employees, except:

- Officers employed under the JNC for Chief Executives and the JNC for Chief Officers Conditions of Service.
- Existing employees who have six months continuous service with the Council and have already successfully completed a six month probationary period are exempt from the probation policy. Existing employees in this instance will be managed in their new role through the Performance Management Framework using the tool Performance Conversations.
- This policy does not apply to those employees who have been redeployed or moved internally to a new post within the Council unless the employee is new to the Council and is already subject to the Probation policy and procedure.

3.2 All new appointments to the Council will be subject to the successful completion of a 24 week probationary period regardless of any previous local government service.

3.3 Employees engaged on fixed term/temporary contracts of six months or less are not subject to a probation period, although they would be required to serve a probation period if offered a permanent contract. Managers should give serious consideration to requiring employees to serve a probationary period if there is a likelihood that the fixed term/temporary contract will be, or is, extended beyond the initial six month period. Employees engaged on fixed term/temporary contracts for more than six months are required to undertake probation. Following completion of probation they will be given confirmation of their fixed term appointment.

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4 Links to other Policies/Procedures

- 4.1 There may be a need to operate another policy while the probation procedure is being followed. These procedures will normally run simultaneously however, consideration may be given to suspending one of the procedures following consultation with Human Resources.
- 4.2 Other procedures to follow may include:
- Induction Policy and Procedure
 - Managing Attendance Policy and Procedure
 - Managing Organisational Change
 - Improving Performance Policy and Procedure
 - Performance Management Framework

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Section Two – Procedure

1 Roles and Responsibilities

1.1 Line Managers are expected to:

- Ensure that the employee is properly informed at the start of his/her employment about the standards expected during probation
- Ensure the Council's Core Values are fully explained and how they relate to our every day work
- Properly monitor a new employee's performance and progress during the probationary period addressing any areas of improvement as early as possible
- Diary all assessment review meetings at the outset of the probation period
- Provide appropriate training, support and guidance to the employee during the probation period
- Follow the probation policy and procedure correctly and undertaking all assessment reviews to the timescales set
- Notify Human Resources of the employee's progress by completing the formal review forms and raising any issues or concerns, seeking relevant advice, guidance and support

1.2 Employees are expected to:-

- Take responsibility for demonstrating their suitability for the role during the probationary period by undertaking the duties and responsibilities of their role to the agreed standards
- Abide by all of the Council's policies and procedures
- Identify any learning and development needs and discuss with the line manager
- Identify any areas of difficulty/improvement needed and discuss with the line manager
- Attend work unless they are not well enough to do so
- Comply with the reporting sickness absence procedure; Managing Attendance Policy & Procedure
- Inform their line manager if they have a disability should this disability affect their ability to fulfil their role or maintain regular attendance should this not have already been disclosed on the medical questionnaire completed at recruitment stage.
- Advise their line manager if they are taking medication which may impair their ability to undertake their duties

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1.3 Human Resources will:

- Provide advice and guidance in the operation of this policy, attending meetings as appropriate
- Issue appropriate letters to the employee in accordance with the line manager assessment process
- Maintain accurate sickness absence data and provide details of sickness absence and management information to assist managers in undertaking their role
- Provide assistance to Managers in using the Performance Management Framework, Performance Conversations for existing staff that have already completed six months satisfactory probation period.

2 The Procedure

Progress Meetings

- 2.1 The process of probation should include regular progress meetings between the line manager and the employee.
- 2.2 These meetings should be held regularly throughout the probation period and will allow the employee's performance and progress to be monitored.
- 2.3 Progress meetings should be planned and scheduled at the outset of the employee's employment. At each meeting, the manager should aim to:
- highlight areas where the employee is doing well;
 - explain clearly and in precise terms any areas in which the employee is falling below the required levels;
 - explore the possible reasons for any failure to meet the required standards;
 - discuss and agree whether or not any specific training or coaching is required;
 - discuss any other relevant matters such as timekeeping, attendance, general conduct or attitude;
 - invite the employee to comment on issues such as the extent to which he or she has integrated into the team/service and how well he or she is getting on with colleagues; and
 - give the employee an opportunity to ask questions or raise concerns about any aspect of his or her employment.

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Formal Assessment Reviews

- 2.4 Whilst these regular progress meetings will be held during the probation period, formal assessment reviews should be held at the following intervals:
- Formal 4 week review
 - Formal 12 week review
 - Formal 24 week review (final assessment review unless extension of probation is needed)
- 2.5 During these formal assessment meetings the line manager should discuss with the employee their performance against the standards expected, identify additional support and learning and development needed and plan for the next review meeting. The probation assessment forms at Appendix 1 should be used to record this discussion and a copy given to the employee.

Area of Improvement Identified

- 2.6 If there are areas of improvement identified, the probation performance improvement plan at Appendix 2 should be completed by the line manager, in discussion with the employee, and a copy given to the employee. This should indicate what should be done, by whom, how and in what timescale so that the employee will be aware of what is expected of him or her by the time of the next review. These forms should be discussed at each subsequent review meeting.

Sickness during Probationary period

- 2.7 Employees are required to comply with the reporting sickness absence procedure during the probationary period, detailed with Managing Attendance Policy & Procedure. Sickness absence records are maintained by the Human Resources department and will be provided to the line manager.
- 2.8 Employees may be dismissed due to unacceptable levels of absence due to sickness during the probationary period. Where an employee exceeds the Council's set Key Performance Indicator target for sickness during their probationary period, a meeting will be held to discuss options which may include extension of probation or dismissal.
- 2.9 Whilst the Managing Attendance Policy & Procedure does not apply to employees who are in their probationary period, (as the issue of attendance will be addressed within the probation monitoring period), probationers must comply with the notification requirements detailed within it and managers must continue to apply the policy's principles of good attendance management

Early Dismissal during Probationary Period (prior to 24 week assessment meeting)

- 2.10 It is the Council's policy to allow the employee to complete the designated period of probation rather than terminating employment before the probation has come to an end. This is to give the employee a full opportunity to come up to the required standards. However, if there is clear evidence, before the 24 week assessment meeting, that suggests the employee is unsuitable for the role, and appropriate support has been provided to the employee to meet the required standard, the line manager should consult Human Resources. One of the options will be early dismissal before the 24 week assessment meeting.

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- 2.11 A meeting will be arranged with the employee. The line manager will chair this meeting.
- 2.12 The purpose of this meeting is to review the employee's performance and come to a decision about their continuing employment.
- 2.13 The employee has the right to be accompanied by a recognised trade union representative or a work colleague where appropriate. Human Resources will also attend this meeting. Five working days' notice of this meeting should be given to the employee if possible however for serious offences within the first two months the meeting could take place immediately.
- 2.14 Employment may be terminated at any stage during the probationary period, on the employee giving or receiving one months' notice in line with the Terms and Conditions of Employment.

Irregularities discovered during the Probationary Period

- 2.15 If, during an employee's probation, it is suspected or established that the employee does not have the qualifications, experience or knowledge that he/she claimed to have at the time of recruitment, the matter will be discussed with the employee to establish the facts. If the evidence suggests that the employee misrepresented his/her abilities in any way, a meeting will be held with the line manager. The employee will have the right to be accompanied by a recognised trade union representative or work colleague and Human Resources will also be in attendance. The outcome of this meeting may be that the Council will terminate the employment with immediate effect (giving one week's pay in lieu of notice or their notice period as determined by the line manager. The employee will have the right to appeal against this dismissal in writing.
- 2.16 If the employee is an existing employee who has been transferred or promoted into a different role, the Council's Managing Capability and Under Performance Policy must be followed in full.

Formal 24 Week Review – Final Assessment Review

- 2.17 At the end of the probationary period, the manager should conduct a "final progress review" of the employee's performance and suitability for the job.
- 2.18 It is extremely important that the final review meeting is held on or before the end of the agreed probationary period. If the meeting does not take place by this date, technically the employee's appointment will be confirmed by default.
- 2.19 The final review will allow both the line manager and the employee to:
- identify and discuss any areas in which the employee requires further training or development;
 - discuss standards achieved;
 - check how the employee feels about his or her employment in general; and
 - explain how performance will be managed in the future.

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Satisfactory Completion of Probation

- 2.20 If the employee's performance is satisfactory, the line manager should complete the probation 24 week/final assessment review form and the manager and employee should sign the form and return to Human Resources who will issue a letter of confirmation of appointment to the employee.

Unsatisfactory Completion of Probation

- 2.21 If the employee's performance has not been to the standard required, the line manager should discuss the matter with Human Resources in the first instance.

Extension of Probationary Period

- 2.22 It may be appropriate to extend the employee's probation period and this will be at the Council's discretion. This will be limited to one extension and the total period of extended probation will usually be no longer than three months.
- 2.23 An extension may be implemented in circumstances where the employee's performance during probation has not been entirely satisfactory but it is thought likely that an extension to the probationary period may lead to an improvement, or where the employee or line manager, for example, has been absent from the workplace for an extended period during probation.
- 2.24 Before extending an employee's probationary period, the line manager will consult with Human Resources. If an extension to the probationary period is agreed, the Council will confirm the terms of the extension in writing to the employee, including:
- the length of the extension and the date on which the extended period of probation will end;
 - the reason for the extension and, if the reason is unsatisfactory performance, details of how and why performance has fallen short of the required standards;
 - the performance standards or objectives that the employee is required to achieve by the end of the extended period of probation;
 - any support, for example further training, that will be provided during the extended period of probation; and
 - a statement that, if the employee does not meet fully the required standards by the end of the extended period of probation, his/her employment will be terminated.
- 2.25 If the employee has not fully met the required standards by the end of the extended probationary period, his/her employment will be terminated in accordance with the procedure below.

Ending Employment in the Probationary Period

- 2.26 If following the completion of the probation assessment, an employee's performance continues to be unsatisfactory, and either an extension of probation is not appropriate, or an extension of probation has been given and performance standards are still unsatisfactory, it may be necessary to terminate employment.

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- 2.27 If during the probationary period serious issues are brought to the attention of the line manager it may be appropriate to terminate the employment with immediate effect.
- 2.28 Before a dismissal can take place the line manager needs to get agreement with a Group Manager.
- 2.29 A meeting will be arranged with the employee. The line manager will chair this meeting.
- 2.30 The purpose of this meeting is to review the employee's performance during the probation period and come to a decision about their continuing employment.
- 2.31 The employee has the right to be accompanied by a recognised trade union representative or a work colleague. Human Resources will also attend this meeting. Five working days' notice of this meeting should be given to the employee.
- 2.32 Where the employee is dismissed, the period of notice to be served during the probationary period is one months' notice.

Appeals

- 2.33 The Council's Disciplinary Procedures and Appeal arrangements do not apply during the probationary period.

Existing employees

- 2.34 Employees that have already completed six months satisfactory probation with the Council are exempt from this policy. The Manager will in this instance follow the direction of the Performance Management Framework setting SMART objectives, identifying competencies and holding Performance Conversations with the employee, in line with the new position held by the employee for a period of six months.
- 2.35 Where the employee is failing to meet the objectives set, advice should be sought from Human Resources. Like the probation procedure, the Council would expect that satisfactory completion of a clear Performance Conversation, agreed with the employee at the outset is completed within the six month period and provided to Human Resources as evidence of this. Managers failing to comply with this could result in disciplinary action being taken against them.
- 2.36 Should the employee not meet with the expectations of the position, the Improving Performance Policy and Procedure will be followed.

3 More Information

- 3.1 For more information please contact Human Resources.