



Probation Procedure

Document Control

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Document Distribution

This document will be distributed to all employees of Cherwell District, South Northamptonshire and Stratford-on-Avon District Councils.

Revision History

Version	Revision date	Summary of revision
1.0	October 2014	Draft document
2.0	October 2014	Feedback on draft document from HR team and Head of Transformation
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1. Introduction

- 1.1 To ensure that all new employees to the Councils meet and maintain the required standards of attendance, timekeeping, conduct and performance they will be subject to a standard probation period.
- 1.2 The probation period will last six months, during which the line manager is required to monitor the progress of the new employee. The new employee is responsible during this period to demonstrate their suitability for the post. If the employee is deemed unsuitable during this period then the employment contract may be terminated.
- 1.3 The Councils aim to ensure that the probation procedure is undertaken and applied in a fair and consistent manner.

2. General principles

- 2.1 During the probation period a series of review meetings will ensure regular assessment of performance and two-way communication between the line manager and the employee.
- 2.2 The review meetings must take place at set intervals following the employee's start date (one month, three months and five months) to allow timely remedial action including advice, instruction, training and/or guidance to be provided if required. If any issues arise during the normal course of employment however they should be dealt with immediately and not left until a formal review meeting.
- 2.3 An appropriate record of the review meetings should be kept using the probation report form (Appendix A) setting out any areas where improvement is needed. A copy of this form should be given to the employee and a copy sent to Human Resources for the personal file.

- 2.4 Probation is a two way process and the new employee has a duty to ensure they raise and seek to take action to resolve issues. The new employee also has a responsibility to actively ensure review meetings are undertaken and recorded.
- 2.5 Confirmation of appointment is dependent upon the satisfactory completion of the probation period. In addition to successful probation review meetings, the probation period is only deemed to be completed once the employee has completed all relevant induction requirements (see induction procedure for further information).
- 2.6 If, at any time during the probation period, the employee's conduct, performance, attendance or timekeeping is not satisfactory and it is evident that the required standard will not be reached before the end of the probation period the line manager, in consultation with Human Resources, has the ability to dismiss the employee with one week's written notice (see section 6).
- 2.7 The Councils will, however, not dismiss a new employee without first giving them an opportunity to improve, except in the case of gross misconduct.
- 2.8 Minor disciplinary matters will be dealt with under the probation procedure; however the Councils' disciplinary procedure will be invoked in cases of alleged serious or gross misconduct.
- 2.9 If at any time during the probation period the employee has a concern about the process they can contact Human Resources or their trade union representative.
- 2.10 If at any time during the probation period the employee feels they are not suitable for the role, they must give one week's notice to terminate their employment.
- 2.11 For Chief Executive appointments (and other relevant senior officers) confirmation of employment will be reported to the relevant committees by the Leader.

3. Scope

- 3.1 All new employees to the Councils (including those joining with continuous service) are required to work a probation period of six months. Probation does not apply to casual workers or volunteers.
- 3.2 Employees transferring to a new job between any of the three partner Councils who have already satisfactorily completed a probation period will not be subject to a new probation period. They will however be formally reviewed by their line manager for the initial three months in the new post. If performance is not at a satisfactory level the capability policy will apply.

4. Purpose of probation

- 4.1 A probation period provides:
 - a) A positive way of supporting and guiding an employee through the initial months of their employment, providing a formal opportunity to give advice, guidance and support where improvements are required.

- b) Time during which an employee can demonstrate through performance, conduct, timekeeping and attendance, their suitability for the role.
- c) An opportunity to assess the employee's capability, reliability and suitability and take necessary action at the earliest opportunity if the required standards are not being achieved.
- d) An opportunity for formal performance reviews at which training needs can be identified and appropriate timely development activities arranged.

4.2 During the probation period the line manager will ensure that all employees receive the help and support they need to develop the appropriate skills, performance and attitudes to enable them to satisfactorily complete their probation period. The line manager will:

- Provide a planned induction to the authority (see induction procedure for further guidance).
- Ensure that the employee fully understands the standards expected in the role.
- Provide guidance, training and encouragement to help the employee adapt to the new work environment.
- Conduct regular reviews of the employee's progress through the probation period, placing importance on effective, well planned probation review meetings.
- Issue warnings at the earliest opportunity if the necessary standards are not being met, stating clearly what improvement is necessary.
- Give the employee the opportunity to improve before deciding whether or not to confirm their appointment, except in cases of gross misconduct.

5. Probation review procedure

5.1 The probation review procedure consists of three probation review meetings:

Meeting 1	To be completed one month after commencement of employment
Meeting 2	To be completed three months after commencement of employment
Meeting 3	To be completed five months after commencement of employment

5.2 Using the job description and person specification as a guide, the line manager and employee should discuss and complete each section of the probation report form allowing for feedback in each area.

5.3 The line manager must discuss the employee's performance, conduct, attendance and time keeping highlighting good performance and achievement wherever possible.

5.4 If the required standards are not being achieved in any particular area, then the employee should be deemed as "not satisfactory."

5.5 Probation period progressing satisfactorily

If the employee is deemed to be progressing satisfactorily then the line manager must ensure this is indicated on the probation report form before signing, providing the employee with a copy, and submitting to Human Resources for the employee's personal file.

5.6 **Probation period progressing unsatisfactorily**

If the employee is deemed to be progressing unsatisfactorily then further action must be taken by the line manager to assist the employee in improving in the identified areas. This action should include the following:

- Setting of clear objectives to be achieved either before the next probation review meeting or sooner if necessary.
 - Setting the standards of performance that are required in respect of the job duties.
 - Confirming the measurements against which the employee's performance will be assessed.
 - Identifying any assistance and/or training requirements.
 - Agreeing a mechanism for the employee to discuss their progress.
- 5.7 The line manager should clearly explain the consequences of underperforming to the employee. It should be explained to the employee that a continued failure to achieve the required standards could ultimately lead to his or her employment being terminated.
- 5.8 The agreed objectives should be clearly and fully documented on the probation report form before signing, providing the employee with a copy, and submitting to Human Resources for the employee's personal file.

6. **Probation Review Hearing**

- 6.1 Where it is clear that an employee has failed to reach the required standards of performance, conduct or attendance required for their position they will be required to attend a probation review hearing in order to reach a decision about their employment status.
- 6.2 It is not necessary to wait for the expiry of the probation period, or for the next probation review meeting, to convene a probation review hearing if the employee has been made aware of the concerns and given the opportunity to improve.
- 6.3 The line manager must seek agreement from the Head of Service (CDC/SNC) or Chief Executive (SDC) prior to convening a probation review hearing. In addition to this advice and guidance should be sought from Human Resources
- 6.4 The employee must be given at least five working days' notice of the probation review hearing.
- 6.5 When giving notice of the hearing, the employee must be informed in writing:
- a) That they are required to attend a hearing under the probation procedure.
 - b) The reason for the hearing and full details of the concerns that are being reviewed as good cause for the non-confirmation of employment.
 - c) The time and place of the hearing.
 - d) The right to be represented or accompanied by a trade union representative or fellow worker.

- e) That, upon request, reasonable adjustment will be made to the hearing arrangements for employees with a disability.
 - f) That they will have the right to appeal any decision made at the hearing.
- 6.6 The purpose of the meeting is to enable the line manager to review the case for non-confirmation of employment and to consider any views expressed by the employee before a decision is made.
- 6.7 At the probation review hearing the line manager will be supported by a member of Human Resources. At the meeting the line manager must:
- Give the reasons for considering non confirmation of employment.
 - Discuss the evidence / provide examples of the problem.
 - Allow the employee and/or their representative to respond to the concerns and to ask any questions.
 - Ensure that due consideration has been given to issues of equality and diversity and any other issues pertinent to the individual case.
- 6.8 After a brief adjournment the line manager will state the outcome of the hearing. The manager should state clearly the decision that has taken place and reasons for the decision.
- 6.9 If non confirmation of employment is considered appropriate this will be communicated in writing to the employee. The letter will contain the reasons for the non-confirmation of employment, the date employment will end and the employees right of appeal.
- 6.10 **Please note: in the event that a probation review hearing is required, this must be confirmed in writing to the employee within their original six month probation period.**

7. Appeals

- 7.1 An appeal against termination of employment should be submitted in writing to the HR Manager within five working days of receipt of the dismissal letter.
- 7.2 The appeal should include a statement as to why the employee wishes to challenge the decision made.
- 7.3 Appeal hearings will normally take place within ten working days of receipt of the employee's written notice of appeal. The hearing will be chaired by an independent manager, supported by a member of Human Resources.
- 7.4 Employees should note that an appeal hearing is intended to focus on specific factors which the employee feels have been dealt with unfairly or which have received insufficient consideration.

8. Keeping records

- 8.1 It is in the interests of all parties that clear, comprehensive and accurate written notes are kept during the probation period. In the event that a new employee's

performance, conduct and / or attendance do not reach the required standard, it is essential that there is sufficient evidence to support non-confirmation of employment.

8.2 The probation report form provides a guide, however additional notes or evidence may be attached if required.

8.3 Written notes should provide:

- evidence that probation review meetings have taken place
- clearly defined improvement targets and objectives
- details of any issues causing concern
- evidence of any support, guidance and training provided
- evidence that the employee has been given opportunity to improve
- the employees comments

8.4 Written notes should be a factual representation of the probation review meetings and any outcomes.

8.5 A copy of the written notes should be given to the employee in addition to Human Resources for the personal file.

9. Pay awards and probation periods

9.1 Please refer to the separate pay and incremental progression policies of your employing Council.