

Annex A: PROBATION POLICY AND PROCEDURE

1. PURPOSE

1.1 The purpose of the probation procedure is to ensure that all new employees have the opportunity to become familiar with the duties and tasks of their post and demonstrate the required standard of performance, attendance and behaviour expected of them. The probation period allows managers to ensure that newly appointed employees will be able to meet the objectives and targets required of the post. Where probation is not satisfactory, managers will not agree to permanent employment with the Council.

2. SCOPE

2.1 All employees (including temporary appointments) commencing with Dacorum Borough Council will be subject to a probationary period of 26 weeks regardless of previous Local Government Service.

2.2 Where an employee is on a temporary contract of less than 26 weeks the probation period will span the length of the contract. If the temporary contract were to be extended, the probation period would continue until 26 weeks' service was completed.

3. PRINCIPLES

3.1 The commitment to equality of opportunity will be observed during the operation of this procedure. This will ensure that employees are treated fairly without discrimination. The manager will consider reasonable adjustments to the operation of the procedure for employees who are classified as disabled under the Equality Act.

3.2 An employee whose performance, attendance or behaviour is unsatisfactory during this procedure may, following due process, have their employment terminated.

3.3 The competencies within the High Performance Environment need to be consistently demonstrated otherwise performance is deemed as unsatisfactory.

3.4 Staff who are entitled to join the Assisted Lease Car Scheme are not permitted to do so until they have successfully completed their probation period and are permanent employees. Staff are also excluded from a car or bicycle loan until they have successfully completed their probation.

3.5 Employees will be given every assistance to demonstrate their performance, attendance and behaviour. If improvements are required during the probationary period, employees will be advised and given further specific assistance.

3.6 Employees must have completed a satisfactory probation period before they are able to apply for any internal posts including 'acting up' and 'secondment' opportunities.

3.7 During an employee's probationary period any issues such as attendance, poor performance or behaviour (including misconduct) will be dealt with under the probation procedure.

4. ROLES AND RESPONSIBILITIES

4.1 **Managers** are responsible for:

- Clearly setting out the new employee's roles and responsibilities within their post, including explaining what is expected under the Council's High Performance Environment competencies.
- Setting realistic and reasonable standards of performance which are consistent with others in the team, and explaining those to the employee.
- Assessing training needs and implementing where appropriate.
- Providing adequate support to the new employee, as well as regular and structured feedback (both positive and negative) on performance and behaviour.
- Taking appropriate action under this policy if performance, attendance, or behaviour is unsatisfactory.
- Allowing the employee the opportunity for improvement within the set timescales.
- Carrying out the reviews in a timely fashion and ensuring that the outcomes of the meeting are recorded on the Employment Information System (EIS).

4.2 **Employees** are expected to:

- Be aware of the performance, attendance, behaviour standards expected of them and be committed to achieving them.
- Raise their manager's awareness if they need additional support in order to meet required performance standards (i.e. coaching, training, development).
- Identify skills/development areas to pursue and undertake any appropriate training.
- Comply with the High Performance Environment Competencies and achieve set objectives.

5 Human Resources (HR)

5.1 The HR team is responsible for advising and supporting managers and employees on the application of this policy.

PROCEDURE

6. For Employees Performing at a Satisfactory Level

6.1 There will be three probation meetings within the 26 week period. It is recommended that probation reviews are held after 6 weeks, 12 weeks and 24 weeks. The manager will assess performance, attendance and behaviour.

6.2 The outcome of these reviews should be recorded on EIS (from the employee's details screen click on 'Probation Details' on the menu on the left of the screen). The final review meeting (24 weeks) must be completed before permanent employment can be confirmed.

6.3 The manager will feed back positive and/or negative issues, with examples where possible, re-affirming that a satisfactory standard must be reached for all of the essential duties.

6.4 The manager will confirm employment in writing.

7. For Employees Performing at an Unsatisfactory Level

7.1 Where the employee's performance/attendance/behaviour is not satisfactory, the manager must firstly contact HR for advice/guidance on applying the policy. These meetings can be held at any time during the probation period.

7.2 The same manager should attend all meetings where possible.

7.3 The employee should be notified in writing of the formal meeting and informed that they may be accompanied by a work colleague or Trade Union representative.

7.4 First Formal Probation Review Meeting

- Meet with the employee to re-affirm the required standards, provide the employee with the opportunity to respond and seek possible reasons for the unsatisfactory review;
- Draw up an improvement action plan which will set goals/targets and identify with the employee any training and/or support needed;
- Inform the employee that the second formal probation review meeting will be in two to four weeks. (These timescales can vary at the managers discretion.); and
- Confirm the outcome of the meeting in writing and place a copy on personal file.

7.5 Second Formal Probation Review Meeting

- Meet again with the employee to re-affirm the required standards, provide the employee with the opportunity to respond and seek possible reasons for the unsatisfactory review;
- Amend the improvement action plan to reflect performance and capture goals/targets; and
- Inform the employee that if there is no improvement over the next two to four weeks, a Final Formal Probation Review Hearing will be arranged with a Group Manager or higher level of management to determine whether the employment is to be terminated. (These timescales can vary at the managers discretion). ;or
- Where there has been significant improvement, inform the employee of this and confirm permanent employment if they have completed the 26 week probation period. If an employee has completed less than 26 weeks, then revert back to paragraph 6.1.

7.6 Final Formal Probation Review Hearing

7.7 The Hearing will be chaired by a member of the Leadership Team, supported by HR.

7.8 The employee must be given at least five working days' written notice of the Hearing. The notice must specify the alleged unacceptable performance /attendance/behaviour to enable the employee to prepare his/her response. Any relevant documents to be used in evidence must be supplied to the employee at this stage together with details of any witnesses the manager will be calling. Any documentary evidence which the employee wishes to submit together with names of witnesses they wish to call should be made available to the Chair no later than two days prior to the Hearing.

7.9 The procedure during the Hearing will be as follows:

- The line manager briefly summarises the position to date including details of action taken to assist the employee to reach the required standard;
- The employee should be asked to comment on his/her progress and general performance;
- The line manager should then state whether or not the employee has reached The required level;
- The Chair will allow the opportunity for all parties to ask questions and then;
- The meeting will adjourn so that the Chair can deliberate. It may not be possible to decide on an outcome on the same day, so the Chair may decide to confirm in writing within 5 working days.

7.10 Possible Outcomes

- Performance/attendance/behaviour is considered by the Chair to be of an acceptable level and the employee is confirmed in post; or
- A formal extension (not exceeding six months) to the probation period is given. Following this extension there will be another Final Formal Probation Review Hearing before the same Chair; or
- Performance/attendance/behaviour is of an unacceptable level. The employee is dismissed. The employee should be given his/her contractual notice period, and, if it is not considered appropriate for him/her to remain at work, then a payment in lieu of notice will be arranged.

7.11 The outcome will be confirmed in writing within five working days of the Hearing date.

7.12 EIS will need to be updated to reflect the decision.

8. APPEAL

8.1 The only right of appeal under probation is against Dismissal. This will need to be submitted by writing to HR within ten working days of the date of the dismissal notification letter. The written request must clearly state the reason for appeal. The appeal will be heard by the next level of management, not previously involved with the case.

8.2 This is the final stage of the Probation Procedure.

9. OTHER FACTORS

9.1 Extending Probationary Period

Where it is felt appropriate to extend the probationary period beyond 26 weeks in order to meet the required standards, the extension can be up to a further 26 weeks, but will not exceed one year in employment. The employee must be advised of the extension in writing before the expiry of the original probationary period. The decision to extend may be because the manager feels that the required standard could be attained in the near future with some additional training/support. This is likely to occur when an employee commences the unsatisfactory stage late in the probation period i.e. after 16 weeks.

9.2 Early Probation Hearing

If shortly after joining (less than 6 weeks), it is considered that an employee is unsatisfactory, or if it can be shown that poor performance was due to the fact that the probationer had misled the recruitment panel and they clearly are unable to demonstrate the necessary skills to do the job, it would be necessary to convene an early Final Formal Probation Review Hearing. The outcome of the hearing may be dismissal.

9.3 Capability and Attendance Issues relating to a Disability

Consideration must be given to whether the employee's capability or poor attendance is due to a disability and if this is the case, what reasonable adjustments may be put in place to assist the employee in being able to reach the required standard of performance or attendance. Further specialist advice should be sought from Occupational Health and HR.

9.4 Absence during the Probationary Period

The Council's annual sickness absence target should be used to determine whether the absence is acceptable. Managers should seek Occupational Health advice via HR before deciding **not** to make a probationary employee permanent. Consideration may be given to extend the probationary period. Each case should be considered individually and reasonable adjustments must be considered to ensure that staff have been given every opportunity to succeed.

The Council's target is 8 days per full time equivalent employee per annum. This target will be adjusted for employees who have a disability. If an employee has had more days off (pro rata) in their probation period than the Council's sickness target, employment may be terminated.

9.5 Allegations of Harassment and Bullying or a Grievance raised against the Manager

If the employee raises an allegation of harassment and bullying or a grievance against the manager who is leading on the probation procedure, the probation case may need to be suspended so that the allegation can be investigated. Alternatively, it is preferable, dependent on the allegations, to allow the probation procedure to continue and allocate the case to another manager.

9.6 Misconduct (including Gross Misconduct)

In certain circumstances of misconduct occurring during probationary service, employment may be terminated prior to the end of the probationary period. In these cases a brief period of suspension may be necessary whilst an investigation takes place. After the investigation a Formal Final Probation Review Hearing will take place to consider the outcome of the investigation and the manager will make a decision on whether to terminate the employee's employment.