



Probationary Periods Policy

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Revision History

Revision Date	Version Control	Summary of changes
September 2019		New policy giving detail for managing probationary periods
December 2019		Suggested amendments made
September 2020		Final version agreed following TU consultation

Key Signatories

Approvals Creation and Major Change

Name	Title	Approved
Appts & Staffing		

Approvals Minor Change and Scheduled Review

Name	Title	Approved
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Approval Path

Major Change

Originator
 Owner
 TULG
 CMT
 Appts & Staffing Committee

Action

HR
 Head of Paid Service
 Consultative Group
 Corporate Approval
 Council Approval

Minor Change

HR
 TULG
 Director

Submission
 Consultative Group
 Delegated Approval

Document Review Plans

This policy/ procedure will be reviewed on a 3 yearly basis unless it has:

- A monetary value included within it, in which case an annual review will be required, and/ or
- A legislative change is required as directed by government.

Distribution

The document will be distributed through ASTUTE as a MANDATORY policy and will also be available on the Intranet.

Security Classification

This document is classified as SEC 1 Routine with access restricted to Tamworth Borough Council Staff and business partners.

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1 Introduction

- 1.1 Tamworth Borough Council (TBC) believes that effective induction and probationary processes are critical for recruitment and retention of talent in the organisation. A good induction, supported by a well-managed probationary period can enable employees to settle into the organisation and their role, understand their accountabilities and deliver on their objectives and performance standards.

2 Scope

- 2.1 This policy applies to all new appointments within TBC, including temporary and fixed term appointments. Casual employees are not subject to a probationary period.

3 Roles and Responsibilities

- 3.1 TBC recognises its obligation to help, advise, train and supervise employees during their probationary period. Equally, it is expected that employees make every effort to learn their new jobs, adapt and conform to the standards, behaviours and requirements of TBC.
- 3.2 The review of an individual's performance during the probationary period is a two-way process which should enable the employee and the manager to discuss the work and the working relationship through one to one meetings.
- 3.3 The roles and responsibilities include;

Line Managers:

- Ensuring that an induction is carried out with the employee so they understand their role in the organisation, how it contributes to the wider achievements of the organisation and the standards expected.
- Ensuring that employees have access to the information, instructions and resources necessary to do their job.
- Providing appropriate support and assistance, including reasonable adjustments, under the Equality Act, to enable employees to fulfil the duties and responsibilities of the post.
- Making sure that the employee's performance is assessed and monitored through regular meetings with the employee and that feedback is provided.
- Holding probationary review meetings with the employee, during the first week to set objectives, standards and expectations; and at 8, 16 and 24 weeks of employment to discuss their performance.
- Highlighting at the earliest opportunity, areas of performance, conduct or attendance which need improvement and consider whether assistance and training is necessary or whether the employee needs to be informed formally of concerns and agreeing an improvement action plan (Appendix 4).
- Ensure that the employee understands what the probationary period means and that they are clear on how their progress in respect of performance, conduct and attendance will be reviewed and assessed during this period.
- Recommend whether the employee can be confirmed in post or not.
- Making sure all correspondence regarding the probationary review meetings is copied to HR to be placed on the employee's personal file.
- Making reasonable decisions on the basis of facts in front of them.

- Implementing the policy and procedure consistently in line with current legislation and best practice.

Employees:

- Maintaining the required standards of performance by meeting the objectives and competency requirements of the role.
- Role modelling the organisation's values and behaviours.
- Seeking information and clarification, as required, to achieve the required performance standards.
- Learning their new role and adapting and conforming to the standards of attendance and conduct expected by Tamworth Borough Council.
- Complying with all policies and procedures.
- Participating fully in any supervision, induction, training, coaching, mentoring, occupational health support, offered to help them improve performance.

4 Key Principles:

- 4.1 New employees cannot transfer to a new post during their probationary period unless it is a promotion opportunity.
- 4.2 The probationary period will last for six months for all new appointments. Where there are serious concerns, as outlined in section 7, a decision regarding ongoing employment may be brought forward.
- 4.3 Managers are required to take action as soon as any concerns arise, rather than waiting for the review periods.
- 4.4 Written records should be produced and retained for all one to one meetings and formal review meetings. A copy of these records should be given to the employee and a copy forwarded to HR.

5 Performance Standards

- 5.1 Performance will be assessed against specified criteria:
 - Quality of work compared with established standards,
 - Quantity of work compared with established standards,
 - Amount of supervision needed compared with that normally required,
 - Range of work undertaken compared with the duties specified on the job description,
 - Working relationships towards other employees and people the employee comes into contact with,
 - Level of attendance, punctuality and general conduct and behaviour.

6 Sickness Absence

- 6.1 Satisfactory attendance is a key criterion in assessing the overall suitability of employees as part of the probationary process. Employees will be informed of this and what the expected attendance standards are (as outlined in the Managing Attendance Procedure). The procedure will run concurrently with the Probationary Period procedure.

7 Serious Concerns

- 7.1 If at any time during the probationary period, there are serious concerns about the employee's suitability and capability to undertake the role e.g. where the employee demonstrates serious incapability or is found to have committed gross misconduct or there are other serious reservations, the Probationary Hearing may be brought forward (see Section 11). HR must be consulted at the earliest opportunity.
- 7.2 If, during an employee's probation, it is suspected or established that the employee does not have the qualifications, experience or knowledge that they 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 their abilities in any way the Probationary Hearing will be brought forward.

8 Procedure

8.1 Week One meeting:

The line manager should meet with the new member of staff on their first day and during the first week of employment to:

- Work through the induction,
- Discuss their job description,
- Clarify responsibilities and establish priorities,
- Set out the performance standards and assessment criteria that will be used to evaluate the new employee's performance during their probationary period,
- Set SMART (Specific, Measurable, Achievable, Realistic, Time-bound) objectives and targets,
- Explain the process that will be followed during the probationary period, including a programme of regular meetings with the line manager and key review dates,
- Identify any initial training that the employee will need in order to carry out their duties and to make arrangements for such training to take place. Time must be allocated to undertake mandatory e-learning and e-induction.

8.2 Review Meetings:

Supervision meetings should continue regularly throughout the probationary period and the frequency will depend on the role and performance of the employee. Managers should seek HR advice at an early stage if they have concerns about the employee's conduct or capability to perform the job. If the employee is progressing to a satisfactory standard, monthly meetings should be sufficient. If there are concerns, weekly or fortnightly meetings should take place.

The aim of each review meeting is to:

- Review the employee's conduct,
- Review the employee's performance,
- Review the employee's attendance record or health concerns affecting performance,

- Identifying training or developmental needs,
- Provide feedback and discuss any work plans/requirements for the job,
- Identify how the manager can assist the employee to meet their objectives, including any reasonable adjustments,
- Discuss any concerns or issues which could be affecting the employee or impacting on their work.

8.3 If at any stage during the probationary period, an employee appears to be having difficulties in achieving the required standard of performance, attendance or conduct, the line manager must meet with the employee to explain their concerns and offer practical support through an action plan (Appendix 4) to help the employee achieve the necessary standards, as well as referring them to other support mechanisms e.g. The Listening Centre, Occupational Health (if under-performance is linked to a health issue). The line manager must explain to the employee that if they do not achieve the required standard they will not be confirmed in post and that their employment may be terminated. Managers must document any concerns and confirm these to the employee in writing at all stages of the process.

8.4 First Probationary Assessment Report (8 weeks in post):

After 8 weeks in post a formal review will take place between the employee and their manager, it is not anticipated that a HR representative will attend this meeting but guidance is available from HR if required.

The manager will meet with the employee to discuss performance and prepare an initial assessment, which will either indicate that the employee is making satisfactory progress or will identify areas of concern that need to be addressed with more support. If the report identifies that the employee is not reaching the required standard, they will be given written confirmation of:

- The performance gaps,
- What they need to do to demonstrate their suitability for confirmation of appointment,
- Timescales for improvement,
- Any support to assist them in achieving the required standard of performance will be identified, and
- Formal notification that if they fail to achieve the required standard by the date of their Final Probationary Assessment Report, their employment may be terminated.

The 8 week review report (Appendix 2) must be completed in a timely manner and forwarded to Human Resources.

8.5 Second Probationary Assessment Report (16 weeks in post):

After 16 weeks in post, a second formal review must take place. If, at this stage performance is satisfactory, the employee should be advised by his/her manager.

If despite the steps taken in the first formal review, or issues come to light between the first and second review, the employee has not met the required standard, the manager will give written confirmation of:

- The performance gaps,
- What they need to do to demonstrate their suitability for confirmation of appointment,
- Timescales for improvement,
- Any support to assist them in achieving the required standard of performance will be identified, and
- Formal notification that if they fail to achieve the required standard by the date of their Final Probationary Assessment Report, their employment may be terminated.

The 16 week review report (Appendix 2) must be completed and forwarded to Human Resources.

8.6 Final Probationary Assessment Report (24 weeks):

At the end of 24 weeks in post, it is critical that the manager meets with the employee and make a final assessment on whether the employee has satisfactorily completed the probationary period. If the decision is to confirm the employee in post, this will be communicated to the employee and the Final Probationary Assessment Report (Appendix 3) completed and sent to Human Resources, recommending confirmation in post. Human Resources will write to the employee confirming their appointment in post and eligibility for Health Shield membership.

If the employee is failing to reach the necessary standard, HR should be invited to attend the meeting. The employee has a right to representation by a Trade Union Representative or work colleague.

9 Failure to meet the required standard:

- 9.1 If the employee's progress during the probationary period is unsatisfactory the manager should contact HR at the earliest possible opportunity to discuss their concerns and agree a suitable course of action.

There are two options available to the manager:

- 1) The first option involves agreeing to extend the probationary period with the employee. Extensions are exceptional and only used where the employee's performance is borderline and there are sound reasons for concluding that they will be able to achieve the required standard with appropriate support within the extended period. Extensions can only be agreed with the prior approval of Human Resources.
 - 2) The second option involves the manager recommending that the contract of employment ceases. This would be appropriate where it is clear that the individual has failed to meet the requirements of the job, is not improving and has no prospects of meeting the requirements.
- 9.2 Under normal circumstances, the probationary period is adequate to assess all aspects of the employee's suitability for continuation of employment. It may however be necessary to extend this period for a further 3 months (maximum) in exceptional circumstances. For example,

- where the individual has been absent due to medically certified sickness or injury for a significant proportion of the probationary period (i.e. above 15%) but this level of absence is unlikely to recur,
- where there has been a change in job requirements or circumstances part way through the period, or
- where the individual has notified the Council of a change in the personal/domestic circumstances which may temporarily affect work performance during the probationary period.
- if a requirement of the role has not been met e.g. an apprentice not obtaining their driving licence when driving is required for the job)

If an extension is agreed, the manager will meet with the employee. The employee has the right to be accompanied by a Trade Union Representative or a work colleague. At the meeting, the manager will discuss:

- The reasons for the extension,
- Any further assistance or training required during the extension period,
- The period of the extension, the expected performance standards and how the performance will be monitored,
- That if performance still fails to meet expectations at the end of the period of extension, the employment may be terminated.

At the end of the review period, if performance has reached the required standard, the employee will be notified that the probationary period has been satisfactorily completed.

Where performance fails to meet the expected standard, the employee will be invited to attend the Probationary Hearing. They have a right to be accompanied by a Trade Union Representative or work colleague and must be informed that the outcome of the hearing could be their dismissal.

10 Probationary Hearing:

- 10.1 The employee will be invited to attend the Probationary Hearing which will be chaired by an Assistant Director or Executive Director. The employee has the right to representation by a Trade Union Representative or by a work colleague. In exceptional circumstances employees may request to be accompanied by someone external to the organisation but this request must be made in advance and under no circumstances should this include family or members of the employee's household. A reasonable adjustment may be needed for an employee with a disability, for example, the provision of a support worker or advocate with knowledge of the disability and its effects.
- 10.2 A member of Human Resources Department will be present to provide technical advice. The Chair will determine the outcome of the hearing. The manager who has been responsible for taking the employee through the procedure will present the management case at the hearing and the employee will have the right to present their case.
- 10.3 The purpose of the Probationary Hearing is to assess the continued under-performance of the employee. Therefore, it is important that full details of the performance issues which are the subject of the hearing, a copy of the Probationary Period Procedure and other documentation that will be referred to is made available to the employee at least 7 calendar days in advance of

the hearing. Any documentation which the employee intends to rely on at the hearing must be disclosed to the manager who will be presenting the management case and the Chair at least 3 calendar days before the hearing.

11 Procedure to be followed at a Probationary Hearing

- The Chair of the hearing should introduce all parties present at the hearing explaining the roles of all present.
- The Chair will explain the purpose for the hearing is to consider whether the employee should be confirmed in post and outline the format.
- The Chair will ask the line manager to present management's case regarding the employee's overall performance. This will outline all the relevant facts including; the actions taken, support given, all the options that have been considered e.g. transfer or demotion. Relevant documentation/evidence should be referred to.
- The Chair may ask for any points for clarification at this point.
- The Chair will then ask the employee or their representative to outline the employee's case.
- The Chair and their HR advisor may then ask questions to the employee and ask both parties if they have any questions for one another.
- Both parties should then be given the opportunity to summarise their case – no new information can be submitted at this point.
- The Chair will adjourn the meeting whilst they consider the information presented to them.
- Once the decision has been made, the Chair will recall the parties and inform them of the decision.

After consideration of the facts presented, the Chair will consider:

- Seriousness of mistakes/failings,
- Impact of mistakes/failings on the organisation and team,
- Employee's response,
- Support given to the employee,
- Any underlying causes,
- Special mitigating factors.

The Chair will determine:

- The employee has reached a satisfactory standard of performance and the procedure will cease.

or

- The employee has not reached a satisfactory standard of performance, and may determine,
 - A demotion/transfer,
 - A further monitoring period is set of no more than 3 months with clear guidance on what improvement is expected,
 - Dismissal with contractual notice.

However, this list is not exhaustive.

12 Equality Act

- 12.1 If any aspect of the Probationary Period procedure causes the employee difficulty on account of any disability or timings of meetings due to religious observance or caring commitments, this should be raised for appropriate arrangements to be made.

13 Right of Appeal

- 13.1 Appeals against dismissal, transfer or demotion should be addressed to the Head of Human Resources and Organisational Development within 14 calendar days of receipt of the written determination.
- 13.2 If the employee feels that the procedure has not been applied correctly, they have a right to redress via the Grievance Procedure.



Part 1 – Details		
What Policy/ Procedure/ Strategy/Project/Service is being assessed?	Probationary Periods	
Date Conducted	August 2019	
Name of Lead Officer and Service Area	Jackie Noble HR	
Commissioning Team (if applicable)	N/A	
Director Responsible for project/service area	Anica Goodwin	
Who are the main stakeholders	Employees	
Describe what consultation has been undertaken. Who was involved and what was the outcome	CMT TULG	
Outline the wider research that has taken place (E.G. commissioners, partners, other providers etc)		
What are you assessing? Indicate with an 'x' which applies	A decision to review or change a service	<input type="checkbox"/>
	A Strategy/Policy/Procedure	<input checked="" type="checkbox"/>
	A function, service or project	<input type="checkbox"/>
What kind of assessment is it? Indicate with an 'x' which applies	New	<input checked="" type="checkbox"/>
	Existing	<input type="checkbox"/>
	Being reviewed	<input type="checkbox"/>

	Being reviewed as a result of budget constraints / End of Contract	<input type="checkbox"/>
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Part 2 – Summary of Assessment

Give a summary of your proposal and set out the aims/ objectives/ purposes/ and outcomes of the area you are impact assessing.

To provide a framework for monitoring and managing performance during probationary periods.

Who will be affected and how?

All employees - This policy provides guidance on the process.

Are there any other functions, policies or services linked to this impact assessment?

Yes No

If you answered 'Yes', please indicate what they are?
All employees

Part 3 – Impact on the Community

Thinking about each of the Areas below, does or could the Policy function, or service have a direct impact on them?

Impact Area	Yes	No	Reason (provide brief explanation)
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of age
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of disability and explicitly references reasonable adjustments
Gender Reassignment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of gender reassignment
Marriage & Civil Partnership	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of marital status
Pregnancy & Maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of pregnancy and maternity

Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of race
Religion or belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of religion or belief. It explicitly references religious observance when organising meetings.
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of sexual orientation
Sex	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of sex
Gypsy/Travelling Community	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Caring/Dependent responsibilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of those with caring responsibilities
Those having an offending past	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Children	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Vulnerable Adults	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Families	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those who are homeless	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those on low income	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Drug or Alcohol problems	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Mental Health issues	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Physical Health issues	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Other (Please Detail)	<input type="checkbox"/>	<input type="checkbox"/>	

Part 4 – Risk Assessment

From evidence given from previous question, please detail what measures or changes will be put in place to mitigate adverse implications

Impact Area	Details of the Impact	Action to reduce risk
<i>Disability</i>	Reasonable adjustments not in place which hinders performance or attendance	Reasonable adjustments identified and put place

Part 5 - Action Plan and Review

Detail in the plan below, actions that you have identified in your CIA, which will eliminate discrimination, advance equality of opportunity and/or foster good relations.

If you are unable to eliminate or reduce negative impact on any of the impact areas, you should explain why

Impact (positive or negative) identified	Action	Person(s) responsible	Target date	Required outcome

Date of Review (If applicable)