

APPENDIX 4



East Herts Council

Probation

Policy Statement

**Policy Statement No 46 (Issue No 1)
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Contents page will be added once finalised.

1. Purpose and Scope

- 1.1 A probationary period allows a new employee, or an employee who is new to a particular post, an opportunity to establish their suitability for the post with guidance and support from their line manager. The employee will be assessed against the criteria for performance, conduct and attendance established during recruitment and induction (this will include the Job Description (including Competencies expected for the role), Code of Conduct and the standard sickness absence triggers will also be considered pro-rated to the review period).
- 1.2 This procedure does not form part of any individual employee's contract of employment with East Herts Council.
- 1.3 Concerns with performance, conduct or attendance of new staff will be dealt with under this procedure. The relevant sections of the following East Herts Council policies will **not** apply to employees during their probationary period:
 - Managing Performance Policy
 - Disciplinary Policy
 - Absence Management Policy
- 1.4 East Herts Council is firmly committed to meeting its responsibilities under the Equality Act 2010. Where issues with an employee being able to carry out the full performance requirements of a role or levels of absence are found to be related to a disability, the council will give full consideration to making reasonable adjustments as recommended by relevant medical advisers and in consultation with the employee. The employee may be referred to an Occupational Health Adviser or other specialist adviser at any stage of the following procedure so that the council can take their recommendations fully into account when deciding on an appropriate course of action.

2. Different Types and Lengths of Probationary Period

2.1 New employees

2.1.1 All new employees - with the exception of those who are offered fixed-term or temporary contracts of less than 3 months where the contract will definitely expire without renewal - will normally be subject to a probationary assessment period before confirmation of their employment with the council (or, in the case of fixed-term/temporary employees having their contract extended).

New employee on contract of 0-3 months	No probationary assessment if the contract will definitely expire without renewal, but must have a 'probationary' performance assessment towards the end of the contract before a decision to extend the contract can be made.
New employee on contract of 3-6 months	3 months probationary period with up to 3 months extension
New employee on contract of 6+ months	6 months probationary period with up to 6 months extension in total

2.1.2 Heads of Service may, at their discretion, decide to attach a longer or shorter probationary period and/or extension to any individual contract of employment. In addition, Heads of Service may decide to attach a probationary period to a contract of between 0-3 months.

2.2 Extensions of short-term contracts

2.2.1 An employee who is initially employed by the council on a short fixed term contract should not be offered an extension to their contract of more than 3 months without undergoing a performance appraisal/assessment by their line manager. The aim is to ensure proper quality control, i.e. to ensure that people who have not been properly assessed are not given significant extensions to their contract.

2.3 Existing employees taking up a new job within East Herts Council

2.3.1 Where the employee has not undergone a probationary assessment and has not therefore been confirmed in their previous post with the council they will be managed under this procedure. The relevant sections of the following East Herts Council policies will **not** apply to such employees during their probationary period:

- Managing Performance Policy
- Disciplinary Policy
- Absence Management Policy

2.3.2 Where an employee has been

- working for the council in a position and under a contract in relation to which they have previously undergone a probationary assessment and been confirmed in post, and
- that employee is offered a new position which is different to their previous position in terms of duties and responsibilities s/he will - unless decided otherwise at the discretion of the Leadership Team member - be subject to a 6 months performance review period in relation to the new post. This means that s/he will have a full performance appraisal in accordance with the PDR Scheme.

In the event of any problems with performance, conduct or attendance arising during or at the end of the employee's

probationary assessment period, the following procedures will apply:

- Managing Performance Policy
- Disciplinary Policy
- Absence Management Policy

2.3.3 The performance review period may be extended in such instances while the employee is subject to the relevant stage of the above policies. At each stage of the above policy a review period is set for improvement. If those expectations for improvement are not met by the end of the review period then the matter will be referred to the next stage of the policy and the probationary review period extended accordingly. The employee will not be confirmed in their new post until the matter has been resolved and the relevant policy is no longer live. An employee's salary increment will be withheld until the probationary period has been successfully completed.

3. Criteria for Assessment

- 3.1 **Performance:** East Herts Council management should clarify with the employee the performance criteria against which the employee will be assessed. These criteria may be as specified in any or all of the following documents: competencies profile, performance objectives, job description, person specification, or as specified orally or in writing by the line manager in any other format. During the induction stage (as soon as practicable but within the first month) the line manager must provide the employee with clear written objectives for the probationary period so that these can be assessed and reviewed during the probationary period, these can be developed through the progress meetings as appropriate.
- 3.2 **Conduct:** All employees are expected to act at all times in accordance with East Herts Council's Code of Conduct.

3.3 **Attendance:** Expectations with regard to attendance are set out in and the council's Absence Management Policy. The short-term absence triggers will be applied on a pro-rata basis to the probationary period. This means for full-time staff the triggers will be 5 days or more in the 6 month period or 3 spells in 3 months. Where these triggers are met, the employee's probationary period will normally be extended to allow a four month review period in line with the absence management policy.

4. Progress meetings

4.1 A key part of the probation procedure is for managers to hold regular progress meetings with the employee (121s). These should be a two-way process and provide both with the opportunity to discuss progress on a one-to-one and confidential basis. These meetings should be held at least once a month and 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 whether there are any issues with 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 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.

- 4.2 The manager must take a record of these meetings and send a copy to the employee to ensure expectations and progress are clear.

- 4.4 At the end of each progress meeting, the manager should agree an action plan with the employee so that his or her progress can be monitored during the next few weeks and the employee is aware of what is expected of him or her by the time of the next review. Where any concerns have arisen about the employee's performance, attendance, or conduct, the manager should discuss these with the employee and build expectations and reasonable support into the action plan.

5. End of the Probationary Period

- 5.1 Towards the end of the probationary period (or the end of the extended period if the probationary period has already been extended) the employee will normally be invited to a probationary appraisal meeting, the employee will be required to undertake a self-assessment in preparation for the probationary appraisal meeting and the line manager will then complete a line manager assessment form using the a modified version of the PDR/Appraisal form for Probation.

- 5.2 If the meeting is for whatever reason not held before the end of probationary period this does not mean that the employee's probation is confirmed by default. The employee will not be deemed to have passed their probationary period unless and until that is confirmed to the employee in writing.

- 5.3 At the probationary appraisal meeting the employee's line manager will discuss their assessment against the Criteria for Assessment in section 3 above. The employee will have the opportunity to make any submissions around the Criteria for Assessment that they consider necessary.

- 5.4 At the conclusion of the probationary appraisal meeting the line manager may recommend one of the following to the Leadership Team member using the probation appraisal form:
- a) Confirm the employee in post and inform HR who will issue a letter of confirmation of appointment to the employee.
 - b) To extend the probationary period in accordance with the extension provisions set out in the policy. Please see section 6 below.
 - c) Terminate the employee employment on the grounds that the employee has failed to successfully complete the Probationary Period. Please see section 8 below.
- 5.5 There may be circumstances in relation to the performance/conduct/attendance where the line manager may request that it is appropriate for a member of Leadership Team to invite the employee to a probationary review hearing before the end of the probationary period in which case such a hearing will be called in accordance with this section. In these circumstances the line manager will not normally hold a probationary appraisal meeting and will instead write a report to the appropriate Leadership Team member setting out their concerns (with evidence) and recommend that a formal probationary hearing is held.
- 5.6 Where dismissal is determined it will be with notice except in cases of gross misconduct where the employee will be dismissed without notice. The decision to dismiss will be confirmed in writing to the employee and inform them of their right to appeal

6. Extension of the Probationary Period

- 6.1 There will be circumstances in which a member of Leadership Team, in consultation with the line manager, may decide to extend an employee's probationary assessment period without either a probationary appraisal meeting or a Formal Probationary Review Hearing having taken place. Extensions can be made in relation to any or all of the criteria i.e.

Performance, Conduct and/or Attendance. Extensions may also be required due to the opportunity to assess being delayed i.e. due to absence or other delays. In these circumstances the line manager will write a report to the relevant Leadership Team member recommending an extension with the reasons for this and the Leadership Team member will consider the reasons and whether an extension is appropriate. If the Leadership Team member authorises this extension they will then ask HR to write to the employee to extend the probationary period with these reasons set out.

- 6.2 As attendance will be reviewed in line with the councils absence policy, probations will as stated above normally be extended to allow the sickness absence of a probationary employee to be reviewed for four months. Where an employee subsequently passes probation but has been subject to a absence review period they will then continue to be managed/supported by the councils absence management policy.
- 6.3 The Leadership Team member may decide to extend an employee's probationary assessment period for more than one extension period (up to a total of 6 months).
- 6.4 Where a Leadership Team member decides to extend an employee's probationary assessment period, there will be no obligation on the line manager to wait for the expiry of the extension period before referring the matter to a Leadership Team member to consider holding a Formal Probationary Review Hearing to consider the possibility of dismissing the employee.
- 6.5 An employee's first salary increment is subject to satisfactory completion of the probationary assessment period or any extension. Where an employee's probationary period is extended, no increment will be payable until they have been confirmed in post. No increment will be backdated except in circumstances where extension was as a result of the line manager's unavailability or unforeseen circumstances relating

to the management of the employee's department or the organisation rather than as a result of reservations about the employee's performance, conduct or attendance. Backdating of an increment in such circumstances will be at the discretion of the Leadership Team member.

- 6.6 Withholding of a first increment until such time as satisfactory completion of the probationary assessment period will also apply to existing employees taking up a new role within the Council (see section 2.3 above).

7. Grievances arising during the Probationary Period

- 7.1 Where an employee has a grievance relating to their employment during their probationary assessment period, the council's normal Grievance Procedure will apply.

8. Probationary Review Hearing

- 8.1 A Formal Probationary Review Hearing may take place in any of the following circumstances:

(i) Where during the probationary assessment period the line manager is of the opinion that problems with a probationary employee's performance, conduct or attendance are of a kind or degree to warrant consideration of termination of employment before the end of the probationary assessment period.

(ii) Where after the probationary appraisal assessment the line manager recommends that dismissal of the employee should be considered.

(iii) In circumstances as set out in section 6.4 above.

- 8.2 The line manager will prepare a report detailing the grounds of the concern(s) and providing, where available, written details

relating to the investigation and any relevant discussions with the employee to date.

- 8.3 The hearing will be conducted by an appropriate member of the Leadership Team.
- 8.4 The employee will be given a minimum of 5 working days' advance notice of the hearing. S/he will be informed of the purpose of the meeting and the nature of the allegations or concerns. S/he should be advised of his/her right to be accompanied by a trade union representative or work colleague at the hearing.
- 8.5 The line manager (or other relevant manager who has conducted the investigation) will attend the hearing to present details of the allegations/concerns to be considered.
- 8.6 The employee will be given the opportunity to state his/her case before a decision is reached.
- 8.7 Following the hearing, the Leadership Team member will consider his/her decision and the action to be taken. The following courses of action will be available to the Leadership Team member, although they do not preclude other action:
 - (a) To dismiss the employee with notice or payment in lieu of notice. In cases of gross misconduct, the employee will be dismissed without notice or payment in lieu of notice. The decision to dismiss will be confirmed in writing to the employee, explaining the reasons for the dismissal and informing them of their right to appeal.
 - (b) To issue a warning, advising the employee of the expectations with regard to future conduct/performance/attendance, a specified review period if considered appropriate, and the potential consequences of failing to meet these expectations. The Leadership Team member may decide at this stage to

extend the probationary period of employment. In such a case, the probationary review appraisal will take place at the end of the extension period rather than at the end of the initial probationary review period.

- (c) To determine that the employee should be appraised with a view to confirming them in post. This will be appropriate where the problems with a probationary employee's performance, conduct or attendance are not substantiated and are not of a kind or degree to warrant termination of employment **or** do not warrant a warning and review period as set out in (b) above. Where the probationary review appraisal has not been completed this will be required before confirmation in post is confirmed in writing and the Leadership Team member will be required to sign off the Line Managers probationary appraisal of the employee in line with.

9. Appeal

- 9.1 The employee will have the right of appeal only in the event that a decision to dismiss is made, there is no right of appeal against any extension decision.
- 9.2 An employee who wishes to appeal must lodge the appeal in writing with the Head of HR and OD setting out the grounds of the appeal, no longer than 5 working days after the employee has been notified in writing of the decision to dismiss. The appeal will normally be heard by the Chief Executive or another member of the Leadership Team if they have not been involved in the original decision to dismiss.

10. Policy Review and Amendment

- 10.1 This policy shall be reviewed in line with legislation and best practice to reflect the best possible level of support and management.