

MANAGING PROBATIONARY EMPLOYEES POLICY & PROCEDURE

Introduction

1. The Authority is committed to supporting its employees at all stages of their working lives. It is recognised that starting a new job can be a challenging time and it is especially important that new employees are supported during their first days and months with the Council.
2. This policy and procedure is designed to provide a framework for managers to provide the guidance, support and encouragement which allows probationary employees to achieve and maintain the standards of conduct, attendance, competence, work performance and customer service which the Authority expects from all its employees.

Scope of Procedure

3. This Procedure covers all probationary employees excluding employees on the complement of locally managed schools.
4. A probationary employee is someone (temporary or permanent) who has recently joined the Authority and is serving their probationary period as allowed for in the contract of employment, for example, the first six months of employment up to a maximum of 12 months (unless extended in exceptional circumstances).

General Principles

5. The probationary period allows both the employee and his/her manager to assess suitability for the position to which they have been recruited. It is an opportunity for managers to provide the necessary guidance, support and encouragement to help the employee develop the skills and knowledge required to do the job to an acceptable standard.
6. All probationary employees should receive a full and thorough departmental induction and be invited to a Corporate Welcome event within the first four months of employment. (Contact the People Management (PM) Learning & Development Team for details or visit the learning and development section of the document library on the intranet site).
7. Probationary employees should be clear about their objectives and required standards of performance and behaviour (via the induction procedure and separate appraisals).
8. Probationary employees will be expected to achieve the required standards and will be advised of any shortfall and given an opportunity to improve within the probationary period.

9. If a probationary employee does not meet the required standards despite the appropriate support or action being put in place they may be dismissed, with notice, within the probationary period (except for cases of gross misconduct which may result in dismissal without notice).
10. Employees should be notified in writing at the satisfactory conclusion of the probationary period.

Roles and Responsibilities

11. Line managers/supervisors are responsible for managing the performance of all employees, including probationers. This will include ensuring that a full induction to the job is followed and that regular performance appraisals are conducted at the recommended periods (as a minimum). It also includes taking swift action when problems with performance or behaviour are identified. Managers are also responsible for keeping appropriate records and for notifying the PM HR Team of the conclusion of a satisfactory probationary period.
12. Employees are responsible for adhering to the Authority's procedures, codes of conduct, etc to attend work regularly and to raise any concerns regarding their work or working conditions, with their manager at the earliest opportunity.
13. The PM HR team will provide advice and support during the probationary period, write to the employee to confirm the conclusion of a satisfactory probationary period and will monitor the application of this policy.

Performance Appraisal during the Probationary Period

14. Line Managers must set clear objectives for the employee at the start of the employment and provide any support agreed at that time. Regular formal appraisals of performance and review of objectives should take place by the end of months 1, 3 and 5 (for probationary periods of 6 months) with additional reviews at 9 and 11 months for probationary periods up to 12 months. This is a minimum requirement – it may be appropriate to meet with the employee more regularly than this.
15. A written record of each appraisal meeting should be made and agreed with the employee who should receive a copy. A copy should also be placed on the personal file. This will usually contain agreed objectives, problems identified, support (eg training), agreed timescales. If problems are identified (eg, with attendance, performance or conduct) the appropriate remedial action should be put in place and the employee should be cautioned that failure to improve within the required time scale may result in further action being taken which may include dismissal.

Dealing with unsatisfactory performance or conduct during the probationary period

16. If performance or conduct does not improve despite appropriate support being provided, or in cases considered as gross misconduct, the manager should liaise with the PM HR team regarding the appropriate action to be taken.

17. In all cases where the continuing employment of the employee is in jeopardy, where action such as withholding salary increments, or where they should be given the opportunity of formally responding to the issues being raised against them, the following procedure should be followed:

Step 1 – Write to the employee notifying them of the issues of concern and inviting them to a formal meeting to discuss the matter. The employee should be given a reasonable opportunity to consider their response prior to the meeting (a minimum of 14 calendar days notice is suggested) and advised of their right to be accompanied by a recognised trade union official¹ or work colleague.

Step 2 – Hold a meeting to discuss the issues. The meeting will be chaired by the Departmental Head of Service or his/her nominated representative accompanied by an appropriate officer (eg from PM HR Team). The employee must take all reasonable steps to attend the meeting. If s/he cannot attend, s/he must advise of the reasons as soon as possible. If the reason is outside the employee's control and unforeseeable at the time the meeting was arranged (eg illness), another hearing will be arranged. If the Trade Union official or work colleague cannot attend, another date can be arranged, provided it is not more than 14 calendar days after the original date. Failure to attend the meeting without good reason may result in a decision being taken in the employee's absence and the procedure being brought to an end.

After the meeting, the employee must be informed of the decision in writing within 14 calendar days of the date of the letter and advised of their right of appeal.

Step 3 - If the employee wishes to appeal, s/he must do so in writing to the Departmental Director within 14 calendar days, who will set up a formal appeal meeting at which the employee has the right to be accompanied by a recognised Trade Union Official or work colleague. The Director or his/her nominated representative, accompanied by an appropriate officer (eg the PM HR Team, but not the same officer who was involved in the Step 2 meeting) will hear the appeal and inform the employee in writing, of his/her decision. This meeting does not have to be arranged before the dismissal or disciplinary action takes effect. The Appeal Meeting and decision is final and there is no further right of appeal within the Council.

Grievances during the probationary period

18. An employee who wishes to raise a grievance during his/her probationary period should refer to the Authority's Grievance Procedure.

¹ The official must hold written certification from their Union that they have experience of or have received training in acting as a companion at disciplinary hearings. This may take the form of a card or letter.

Extending the Probationary Period

19. In most cases, new employees and managers will have sufficient time within the probationary period to assess the suitability for the post. However, the probationary period may be extended in some circumstances, including:
- Where the employee has improved and has the potential to reach the required standards but the review period extends beyond the probationary end date. If the extension takes the employee beyond their salary incremental date, consideration may be given to delaying or withholding the payment of the increment (the procedure set out in paragraphs 16 & 17 should be followed).
 - Where problems only become apparent later in the probationary period and the review process cannot be completed within the original timescale.
 - Where the employee has been absent for a significant proportion of the probationary period (for example, due to maternity leave, accident, long term illness or disability) and there has not been an opportunity to make a fair assessment. Note: Attendance is a factor to consider during the probationary period.
 - Other substantive or operational reasons, for example, the job has changed significantly as a result of restructuring, etc.
20. Advice should be sought from the PM HR Team prior to agreeing an extension to the probationary period.

Right of accompaniment

20. Employees should be offered the right to be accompanied by a trade union official or work colleague at any meeting where a caution is likely to be issued or where the extension of the probationary period is being discussed.

Training and Support

22. Managers of staff should be offered appropriate training and support in performance appraisal, managing discipline and grievances, etc as part of a Corporate Development Programme. Contact the PM Learning & Development Team for further information.

Monitoring this Policy & Procedure

23. The application of this policy and procedure will be monitored by People Management. All departments must ensure that they advise the PM HR Team of all formal and informal action taken under this procedure.

Ensuring Equality Of Treatment

24. This policy must be applied consistently to all employees irrespective of race, colour, ethnic or national origins (including citizenship), language, disability, religion,

belief or non belief, age, sex, gender reassignment, sexual orientation, parental or marital/civil partnership status, pregnancy or maternity.

If you have any equality and diversity concerns in relation to the application of this policy and procedure, please contact a member of the HR Team who will, if necessary, ensure the policy/procedure is reviewed accordingly

If you require this information in an alternative format (for example large print), please contact PMP, Extension 6100 or email PMPBusinessSupportUnit@carmarthenshire.gov.uk.