

Managing Probationary Employees

Policy and Procedure

Effective from 3rd January 2023

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1. INTRODUCTION

This policy explains the Authority's process for managing probation periods.

All new employees to the Authority are subject to a probation period of a minimum of 6 months. For newly qualified social workers this will be a minimum of 12 months before their appointment is confirmed unless otherwise stated in the contract of employment.

Probation periods give the Authority the opportunity to assess a new employee's suitability in the role they have been appointed to and for the employee to demonstrate their ability to effectively perform their duties, have the opportunity to become familiar with the main duties and tasks of their post and demonstrate the standard of performance, behaviour, attendance and conduct expected of them.

New employees will have an initial appraisal shortly after starting their employment and will be set objectives and targets that are appropriate for the role, to assist them in reaching the required level of performance and behaviours to be confirmed in the role after 6 or 12 months.

2. Scope of the Procedure

This Procedure covers all probationary employees excluding employees on the complement of locally managed schools

A probationary employee is an employee (temporary or permanent) who has joined the Authority within the last 6 months or in the case of Newly Qualified Social Workers or Qualified Practitioners, 12 months

Newly Qualified Social Workers or Qualified Practitioners will be classed as being within their probationary period until successful completion of undertaking the assessed and supported year in employment (ASYE) process.

3. Roles and responsibilities

- 3.1 Directors and Heads of service are responsible for ensuring effective implementation and awareness of the procedure.
- 3.2 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 employees of the conclusion of a satisfactory probationary period.

- 3.3 Employees are responsible for adhering to all of the Authority's policies and 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.
- 3.4 HR will provide advice and support during the probationary period and monitor the application of this policy.

4.0 Procedure

4.1 The probation policy should be explained to the new employee during their individual service area induction programme.

The line manager should explain the responsibilities of the job, arrange for any necessary training to take place and set objectives for the first 6 months in the role (12 months for those on a 12 month probationary period) (See Letter 1.)

These objectives will be set and agreed in an initial appraisal shortly after starting their employment, will be appropriate for the role, and designed to assist the employee in reaching the required level of performance to be confirmed in the role after 6 months.

4.2 The line manager should advise the new employee that there will be at least two probation review meetings during the 6 month probation period. (4 meetings for those who are subject to a 12 month probation period)

The date of the first probation review meeting should be agreed as part of the induction process.

As good practice during the first month of employment it is recommended that time is set aside every week to discuss:

- How the job is going?
- Any problems which have arisen?
- Any identified training needs?
- Any organisational issues which are not clear?
- How the employee is settling into the job and team?

Review attendance and working hours/timekeeping?

4.3 It is expected that managers will deal with any concerns about work performance or conduct as they arise and not wait until the probation review meetings. Dealing with problems at an early stage means that they are more likely to be dealt with successfully.

5.0 FIRST PROBATION REVIEW MEETING – at two months

5.1 If a probation period is to be of any value, it must be properly managed. The first probation review meeting must be held during the second month of employment. The purpose of the meeting is to review performance against targets/objectives set, conduct, timekeeping, sickness absence and attendance. Constructive feedback should be given to the employee highlighting both achievements and any areas where they are not performing to the required standard. Examples must always be provided.

5.2 Where all aspects are satisfactory, the line manager should inform the employee of this fact and agree a date for the final or further probation review meeting to be held during month five (where the probationary period is 6 months) or month 11 (where the probationary period is 12 months) (See Letter 2.)

5.3 Where there are concerns regarding any aspect of performance or behaviours against targets/objectives set, conduct, timekeeping, sickness absence or attendance, the line manager must:

- Discuss the areas of performance or/and behaviour that need improvement.
 - Explain the standards required.
 - Devise a performance development plan which sets objectives and targets and identifies any additional support, training or guidance needed.
 - for 6 month probationary periods set the final probation review meeting for a further three months (5 months after the start date)
 - for 12 month probationary periods set a further review meeting at four months and eight months with a final probation review set for no later than 11 months.
 - Advise the employee that failure to meet the required standards may result in termination of employment.
- (See Letters 3, 4 and 5.)

Please note that in respect of sickness absence during probationary period. This will be managed in accordance with this policy and not the sickness absence policy.

6.0 FINAL PROBATION REVIEW MEETING at no later than 5 months/eleven months for 12 month probationary periods

6.1 The final probation review meeting must be held during no later than the fifth month of employment (no later than 11th Month for 12 month probationary periods, (See Letter 6.) The purpose of the meeting is to review performance against targets/objectives set, conduct, timekeeping, sickness absence and attendance levels. Constructive feedback should be given to the employee highlighting both achievements and any areas where they are not performing to the required standard. Examples must always be provided.

6.2 If at this meeting it is evident that the employees' performance against targets/objectives set, conduct, timekeeping, sickness absence or attendance levels are still causing concern, the line manager can take the decision to extend the probationary period (following advice from HR). If this is not appropriate following HR advice they must advise the employee that they will be invited to attend a meeting to discuss the termination of their employment.

6.3 Any support or assistance identified will continue to be offered during the whole of the probation period up to the date of confirmation in post or decision to dismiss.

6.4 if performance and conduct is at the required standard at this point appointment can be confirmed.

7.0 POSSIBLE OUTCOMES AT THE END OF THE PROBATION PERIOD

At the end of the probation period of there are three possible outcomes:

- Confirm the appointment
- Extend the probationary period
- Dismiss the employee

7.1 CONFIRMING THE APPOINTMENT

If the employee demonstrates that all aspects of their performance and conduct are satisfactory the line manager should write and confirm their appointment on or around the 6 month date following their appointment. (or 12 months if the employee is subject to a 12 month probationary period, See Letter 7.)

7.2 EXTENDING THE PROBATION PERIOD

In some circumstances it may be necessary to extend the probation period beyond the 6 month period. These circumstances include:

- It has not been possible to fully assess performance due to the employee's sickness or other authorised absence.
- There have been concerns regarding performance but the manager has evidence to suggest that performance is likely to improve with an extension to the probation period.

Probation periods may usually be extended for 1 to 3 months beyond the 6 month probation period. Any decision to extend the probation period should be made by the line manager at the final probation review meeting. The line manager will inform their Head of Service of the decision and obtain advice from their HR Adviser. (See Letter 8.) In exceptional circumstances it may be appropriate to extend the probation by a further 3 months thereby extending the probation period to 12 months in total. HR advice will need to be sought in relation to this.

Where an employee is absent for a substantial part of their probation period, for example, due to sickness, the line manager may consider recommending extending the probation period for up to 3 months and manage the absence via the Probationary Policy and not the Sickness Absence Policy. This will enable the employee's actual work performance in the job to be assessed over a reasonable length of time. Each case should be considered on its merits where the length of absence is extensive during the probationary period. Prolonged absences may prevent a fair assessment as to whether an employee is able to perform consistently to the required standard.

In circumstances where the probation period is extended the employee must be advised during this meeting that if their performance fails to meet the required standard at the end of this period, their employment will be terminated. This must be confirmed in writing.

7.3 DISMISSING THE EMPLOYEE

Where the employee's performance against targets/objectives set, conduct, timekeeping, sickness absence or attendance levels are not satisfactory and the line manager does not consider that an extension to the probation period would be beneficial, the employee should be invited to attend a meeting with the Departmental

Head of Service or nominated representative, to discuss the termination of their employment. (See Letter 9.)

The employee should be informed that they may be accompanied by a work colleague, or recognised trade union representative. The purpose of the meeting will be to explain the reasons for their proposed dismissal (i.e. unsatisfactory performance) and the employee will have the opportunity to respond if they wish. Also present at this meeting will be a HR Advisor.

The decision to dismiss must be confirmed in writing within 2 working days. If this is not practical, this time limit can be extended by mutual agreement and the employee should be given one week's notice (See Letter 10.)

This meeting will take place either at the end of the probation period or at the end of an extended period of probation.

8. 0 APPEALS AGAINST DISMISSAL

If the employee wishes to appeal, they must do so in writing to the Departmental Director within 14 Calendar days. A formal appeal meeting will be arranged 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 a HR Advisor will hear the appeal and inform the employee in writing of the decision. This meeting does not have to be arranged before the dismissal takes effect. The appeal meeting and decision is final and there is no further right of appeal within the Authority

9.0 NOTICE PERIODS

One week's notice period, from either an employee or the Authority, will be required in writing, during the probation period to terminate employment, in accordance with the Authority's Terms and Conditions of Employment, or where there is a separate provision in an employee's terms and conditions document.

10. ENSURING EQUALITY OF OPPORTUNITY

All employees are required to adopt a positive, open and fair approach and ensure the Authority's Equality and Diversity Policy is adhered to and applied consistently to all irrespective of race, colour, nationality, ethnic or national origins, disability, religion and belief or non-belief, age, sex, gender reassignment, gender identity and gender expression, sexual orientation, pregnancy or maternity, marital or civil partnership status.

In addition, the Welsh Language Standards ask us to 'ensure that the Welsh language is treated no less favorably than the English language' and this principle should be adopted in the application of this guidance.

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 publication in an alternative format, please contact CHR@carmarthenshire.gov.uk

TEMPLATES

Letter 1 First Probation Review

Letter 2 Advising of Outcome of First Formal Review Meeting – Satisfactory Progress

Letter 3 Advising of Outcome of First Formal Review Meeting – Unsatisfactory Progress

Letter 4 Progress Review – Improvements Made

Letter 5 Informal Stage Review – No Improvements Made

Letter 6 Invite to Final Formal Review Meeting

Letter 7 Outcome of Final Formal Review – Confirmed in Role

Letter 8 Outcome of Final Formal Review – Extension

Letter 9 Outcome of Final Formal Review – Formal Probation Hearing

Letter 10 Outcome of Probation Hearing

