

Probation Policy

Draft

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1. Policy Statement

- 1.1 All new employees of Epping Forest District Council (EFDC) are covered by this policy/procedure with the exception of the Chief Executive (Head of Paid Service), Chief Officers, Monitoring Officer, Deputy Monitoring Officer, section 151 Officer, Deputy section 151 Officer (whether or not the post is designated a Chief Officer) and casual staff, for who separate arrangements apply. However the principles of this policy will apply.
- 1.2 Recruiting employees is a costly process for the Council and probationary periods are recognised as a valuable management tool when used correctly. There is a generally held view that successful probationary periods lead to new employees performing well in their new role, as it places a clear responsibility on managers to induct new starters properly and iron out any issues early on.
- 1.3 A probationary period with a final review in the sixth month exists for most new recruits to the Council with the aim of:
 - Helping new employees integrate effectively in the work environment
 - Helping the new employee to assess the suitability of the role with the benefit of first-hand experience
 - Supporting new employees through the challenge of starting a new job
 - Supporting new employees to feel comfortable and valued in their role
 - Providing an opportunity for the Line Manager to determine if the new employee is suitable for the position.
- 1.4 It is the Council's intention that every employee be given the opportunity to meet the required standards of the role and as such, any decision relating to continued/confirming employment should wait until the end of the probationary period. However, in cases where, within 4 weeks of commencing employment there is clear evidence to suggest that the employee is wholly unsuitable for the role and it is clear that further training or support is unlikely to achieve the required improvement, consideration can be given to terminating the employment.
- 1.5 Early termination of employment should ensure that there are no health, disability or work-related issues which may be affecting the employee's performance and for which the Council, as employer, has the responsibility to address.
- 1.6 It is the Council's policy to operate probationary periods for all employees who are new to the employment of Epping Forest District Council.

2. Scope

- 2.1 This policy/procedure applies to all newly appointed employees regardless of previous local government service (except those posts set out in para 1.1).
- 2.2 Employees that are transferred or promoted within the Council are not subject to the probationary period provided they have completed 6 months service with the Council.

- 2.3 Employees engaged on fixed term/temporary contracts of 6 months or less are exempt, although they would be required to serve a probation period if offered a permanent contract. Managers should give serious consideration to requiring employees to serve a probationary period if there is a likelihood that the fixed term/temporary contract will be, or is, extended beyond the initial 6 month period. Employees engaged on fixed term/temporary contracts for more than 6 months are in scope of this policy.
- 2.4 Employees who have been assimilated or redeployed to a new post within the Council are not subject to a probation period. These employees are subject to procedures outlined within the Council Redundancy policy.
- 2.5 Employees who are part of an organisation which transfers to the Council under TUPE terms are also not expected to undertake a probationary period.
- 2.6 This policy/procedure does not apply to Apprentices, where their specific training agreement modifies part, or all of this policy.
- 2.7 Other policies/procedures may apply during and following the probationary period. These policies/procedures will normally run simultaneously, however, consideration may be given to suspending one of the resulting policies/procedures following consultation with HR.

Other policies/procedures to follow may include:

- Managing Sickness Absence
- Disciplinary
- Grievance

3. Legal Context

- 3.1 Probationary periods are recognised as a valuable management tool when used correctly. There is a generally held view that successful probationary periods lead to new employees performing well in their new role, as it places a clear responsibility on managers to induct new starters properly and iron out any issues early on.
- 3.2 There is a common misconception that employers have carte blanche to treat new employees however they like during a probationary period. However, no service is necessary for an employee to bring a claim alleging, for instance, they have been discriminated against; dismissed for some reason related to health and safety or because they have 'blown the whistle'.
- 3.3 In terms of notice, a new employee who has been employed for more than one month but less than two years is entitled by law to at least one week's notice of termination whether or not there is a probationary period or that period has been successful (our contractual notice is actually 4 weeks).
- 3.4 There is no provision in law for the length of a probationary period. Where an employee has less than two years continuous service with the Council at the date of termination then they do not have the right to bring a claim for unfair dismissal to an employment tribunal.
- 3.5 New employees in a probation period are entitled to the national minimum wage, statutory sick pay and rights under the Working time Regulations 1998, including

annual leave entitlement, in the usual way. New employees whose contract terminates while they are on probation, or on its expiry, are entitled to be compensated for holiday accrued during the annual leave year, but untaken on termination.

- 3.6 New employees in a probation period are entitled to family-related rights in the same way as other staff, including time off for antenatal and adoption appointments and family-related leave and pay (provided that they otherwise qualify).

4. Equality

- 4.1 See Equality In Employment ([link](#))

5. Roles & Responsibilities

It is recognised that all parties involved in this process have a responsibility to ensure that this it is carried out according to the Councils policy and in line with legal requirements. These roles and responsibilities are as follows:

- 5.1 Directors are responsible for:

- Chairing Probationary Appeal Hearings to consider evidence presented by an Assistant Director
- Making decisions based on evidence presented as to the outcome of the probationary appeal.

- 5.2 Assistant Directors are responsible for:

- Chairing probationary review hearings to consider evidence presented by a manager making recommendations for dismissal on the grounds of a failed probation period.
- Issuing sanctions, including dismissal with notice to new employees who do not reach the required standards and following a probationary review hearing.
- Chairing a discussion meeting to consider management evidence where early release (within the first 4 weeks of engagement) is being considered.
- Confirming outcome of early release (within the first 4 weeks of engagement) meeting where it is agreed that the new employee is not suitable for the role.

- 5.3 Line Managers are responsible for:

- Ensuring that the new employee is supported through the induction process from their first day of employment in their new role.
- Ensuring that the new employee is properly informed at the start of their employment about the standards expected during probation.
- Ensuring that the new employee's induction provides them with the necessary information and guidance, together with relevant training, feedback and support, in order to help them attain the required standard in the new job;
- Ensuring that the new employee is given "SMART" objectives

- Ensuring that any reasonable adjustments required for a new employee with a disability are in place, and the probation process provides the opportunity to assess these adjustments with the individual.
- Ensuring that 1, 3, 5 and 6 month probationary reviews take place with the new employee and a written record of the outcomes are recorded on the appropriate review form (See 1, 3, 5 & 6 month review forms).
- In addition to the probationary reviews, undertake monthly 1-2-1 meetings during and after the probationary period.
- Ensuring that they properly monitor a new employee's performance and progress during the probationary period with regular one to one meetings.
- Providing necessary training, support and guidance to the new employee during the probation period.
- Contacting HR for further guidance, where, within 4 weeks of commencing employment there is clear evidence to suggest that the new employee is wholly unsuitable for the role and it is clear that further training or support is unlikely to achieve the required improvement in performance.
- Following the probation policy/procedure correctly and to the timescales set.
- Ensuring that copies of correspondence relating to probationary period are sent to HR for retention on the employee's personal file.
- Discussing any potential performance issues during the probation period with HR.

5.4 New employees can expect:

- To be given a fair and reasonable opportunity to demonstrate their suitability for the role
- To receive necessary support, training and guidance
- To be given written confirmation of permanent appointment/fixed term appointment having displayed the required standards upon completion of the probationary period
- The right to a hearing chaired by an Assistant Director (or suitable Officer) who will review performance where the manager is recommending termination due to failed probationary period.
- The right to be accompanied/represented at an Assistant Director review hearing to consider terminating employment due to failed probationary period.
- The right of appeal against the decision, where not agreed between employee and manager only, to dismiss the employee and end employment early (within the first 4 weeks)
- The right of appeal against the decision to dismiss the new employee for failing the probationary period.
- The right to be accompanied/represented by either a union representative or work colleague at an appeal hearing against the decision to dismiss the new employee for failing the probationary period.

5.5 New Employees are expected to:

- Take responsibility for demonstrating their suitability for the role during the probationary period.
- Read and understand all policies/procedures that are required as part of the induction process
- Attend all mandatory and developmental training
- Fully participate in the induction process

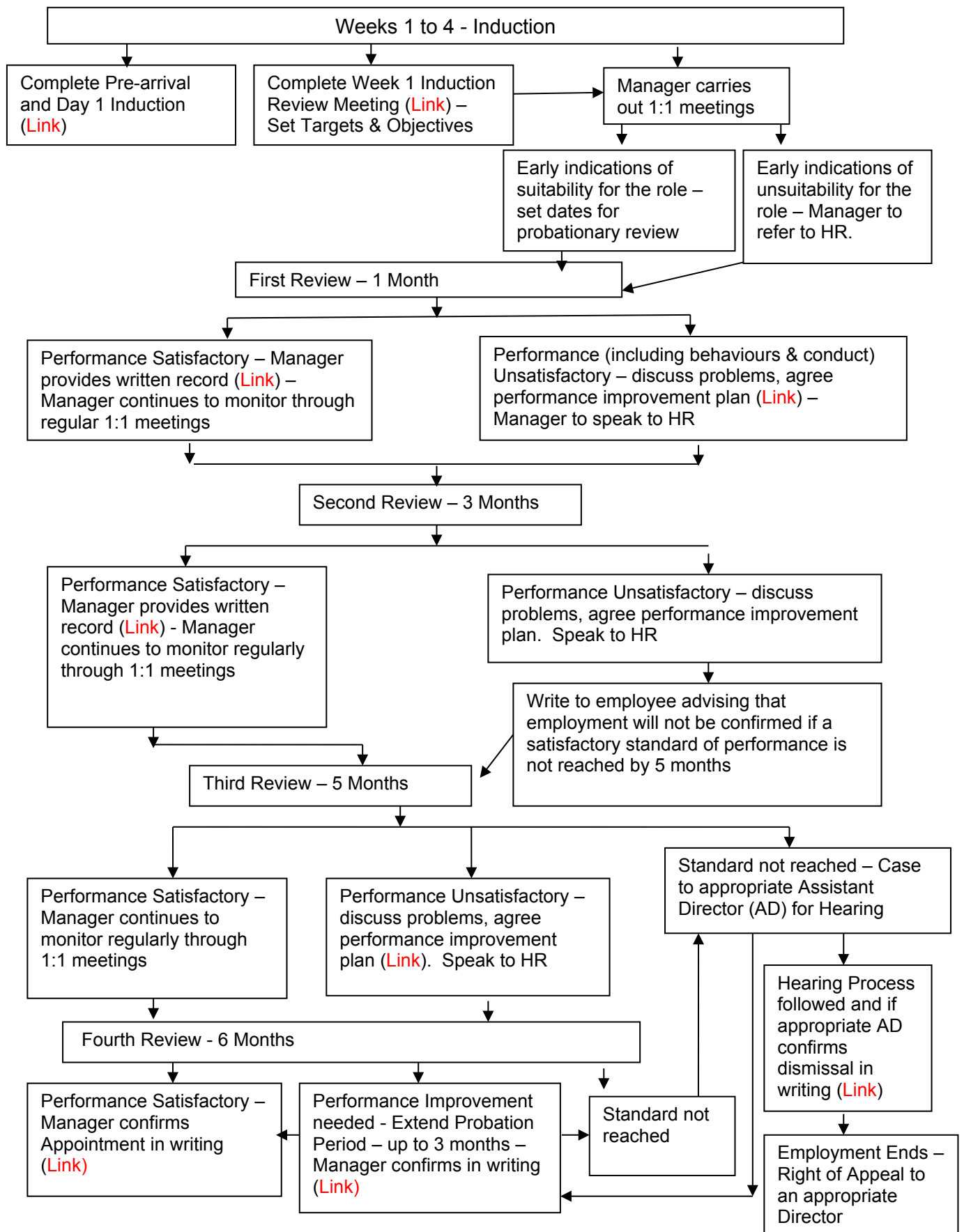
5.6 HR are responsible for:

- Providing advice and guidance to managers on the probation policy/procedure.
- Providing advice and guidance where within the first 4 weeks of employment managers raise concerns about the suitability of the employee.
- Providing support to the chair of a Probationary Review Hearing, and where practicable will not have had any previous involvement in the case
- Providing support to the chair of a Probationary Appeal Hearing Panel, and where practicable will not have had any previous involvement in the case.
- Ensuring the probationary policy is reviewed on an annual basis and that it remains in line with current employment legislation.

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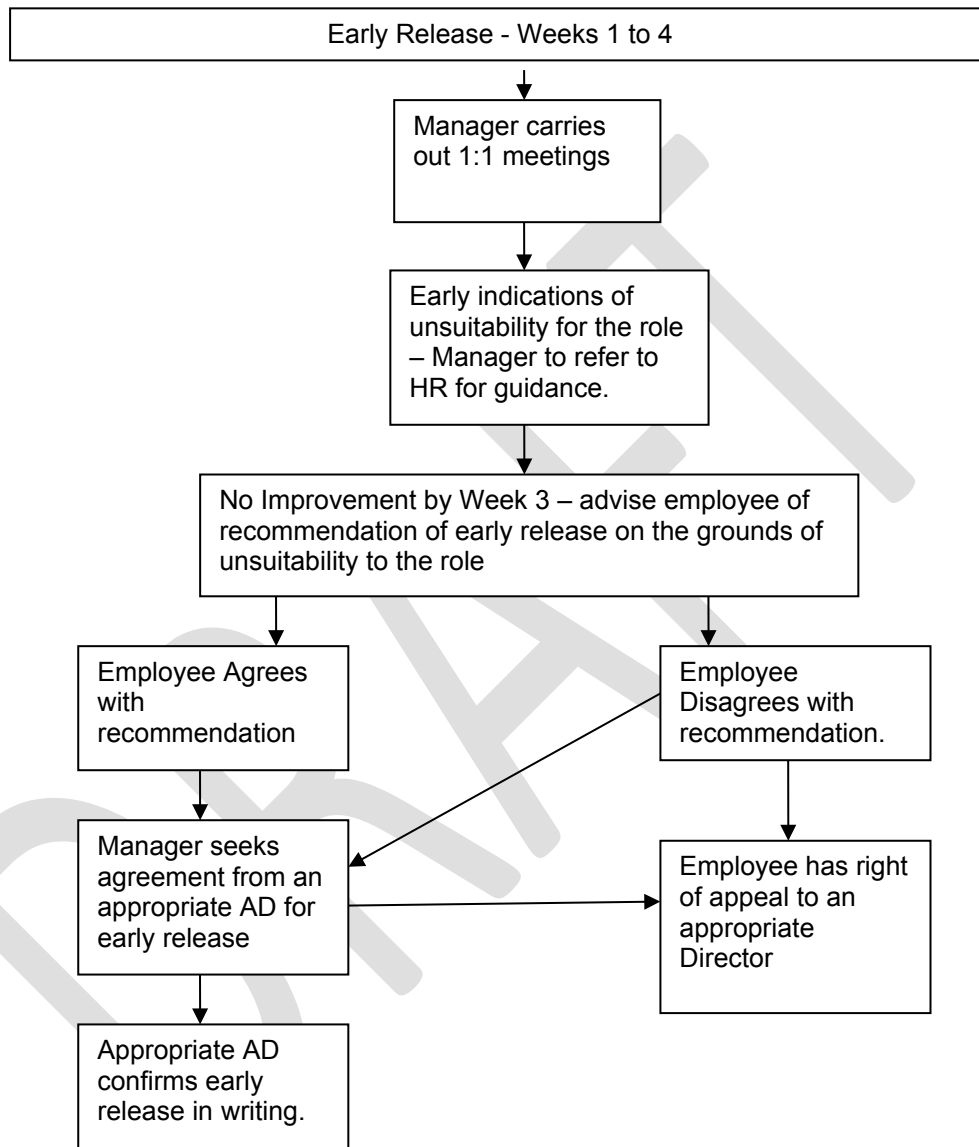
6. Procedure

6.1 Probation Period

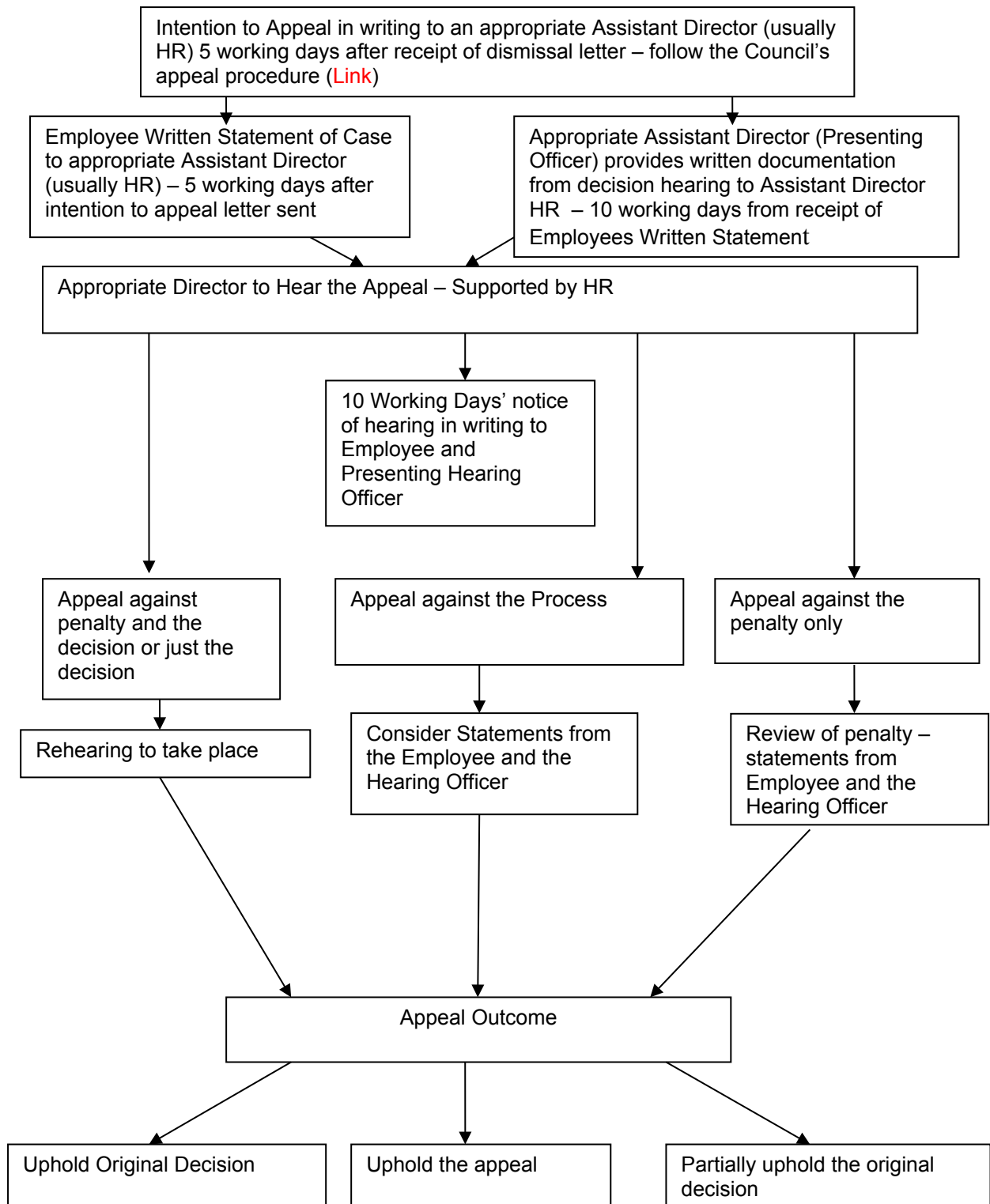


6.2 Early Release

When early indications, (i.e. within the first four weeks of employment), points towards that the new employee is not suitable for the post recruited to:



6.3 Appeal Process



7. Definition of Terms

Appeal	<p>A probationary employee, who has received written confirmation that their employment will not be confirmed, has the right to appeal that decision. An appeal must be sent to the Assistant Director, HR (or appropriate Officer) within 5 working days of receipt of the written confirmation.</p> <p>A probationary employee has the right to be accompanied by either a companion of their choice or represented by a recognised trade's union representative to a subsequent Hearing.</p>
Apprentices	Apprentices are not subject to a probationary period under this policy. Their training agreement will detail the terms relating to probation.
Assimilated	Employees who are assimilated into a post will be existing employees of EFDC and as such are not subject to a probationary period under this policy. (See Assimilation Policy – Link)
Attendance	All staff are expected to meet an acceptable level of attendance as detailed in the managing sickness absence policy, which can be found on the EFDC intranet (Link to policy)
Conduct	There is an EFDC Code of Conduct, all staff are issued with a copy and are expected to read and abide by the Code during their employment.
Disability	Disability is an impairment that may be cognitive, developmental, intellectual, mental, physical, sensory, or some combination of these. (See Equality in Employment Policy – Link)
Dismissal for Failed Probation	Every effort will be made by the line manager to support, feedback and train an individual to ensure that they reach the required standards. Where, despite every effort, performance, behaviour/conduct and/or attendance do not meet the required standards a new employee will be dismissed with a minimum of 4 weeks' notice.
Equality Impact Assessment	<p>An equality impact assessment is a process designed to ensure that a policy, project or scheme does not discriminate against any disadvantaged or vulnerable people.</p> <p>An equality impact assessment has been carried out for this policy and can be found at Link</p>
Feedback/one to one meetings	Managers will provide regular feedback on a one to one basis every four weeks during the probationary period.

Final Review	<p>A final review meeting will take place at 6 months. Where concerns have been raised about performance, this meeting will be chaired by an Assistant Director (or suitable Officer). Where performance is satisfactory and following confirmation from an Assistant Director, the manager will confirm the employee in post.</p> <p>If performance is not satisfactory extension to the probationary period can be made or a dismissal could take place.</p>
Fixed Term Contract	<p>A contract issued on the basis that it will terminate at a future date when a specific 'term' expires – e.g. the completion of a particular project or task, the occurrence or non-occurrence of a specific event (covering for an employee who is on sick or maternity leave, for example)</p>
Induction	<p>The purpose of induction is to ensure that employees are integrating well into or across the organisation for the benefit of both parties.</p> <p>Induction will take place in the first four weeks of employment and will cover 1st day introductions, ICT Systems, Health & Safety, Facilities along with any role/work place specifics</p>
Probation Period	<p>A period of time at the commencement of employment during which management assess a new employee's ability and suitability for the role.</p> <p>The probationary period will normally last for a period of 6 months. However, where there are concerns raised about performance, behaviour/conduct the probationary period could be extended for up to 3 months longer</p>
Redeployed	<p>An example of a redeployee is a permanent employee whose job function has been abolished because of restructuring, amalgamation or closure, outsourcing, downsizing or changes in services and operations etc. Redeployees are not subject to a probationary period under this policy (See Redeployment Policy – Link)</p>
Reasonable Adjustments	<p>Equality law recognises that bringing about equality for disabled people may mean changing the way in which employment is structured, the removal of physical barriers and/or providing extra support for a disabled worker (or job applicant). This is the duty to make reasonable adjustments which will be considered in conjunction with any advice/guidance received from occupational health (See Reasonable Adjustment Guidance – Link)</p>



Our People

Representative	<p>A representative/companion can accompany a probationary employee at either a (dismissal) hearing or an appeal hearing.</p> <p>A representative/companion may speak on behalf of the employee, but is not permitted to answer questions for the employee.</p>
Review	Reviews will take place at fixed points during the probation period and will usually be following 1 month, 3 months, 5 months and a final review at 6 month.
'SMART' Objectives	A line manager will set objectives that are SMART: S pecific, M easureable, A chievable, R ealistic and T imely.
Support	Support can take many forms, and could include working alongside a mentor, work colleagues passing on their knowledge and insights into the role/organisation, coaching etc.
Temporary Contract	An employment situation where an employee is expected to remain in a position only for a certain period of time. Temporary employees may have the opportunity to achieve permanent employment status after the time period has lapsed, Temporary workers may also be referred to as seasonal employees or temps
Trade Union Representative	<p>EFDC currently formally recognise GMB and Unison unions and you can be represented by a trained union representative either at a final review meeting (6 months) or an appeal hearing.</p> <p>Although EFDC does not have a recognition agreement with other unions this does not preclude you from being represented by another union.</p>
Training	A new employee will be expected to undertake the standard induction programme, as well as training identified to support the individual to reach the required standards set by the manager.
TUPE	TUPE = Transfer of Undertakings Protection of Employment Regulations 2006. The TUPE Regulations preserve employees' terms and conditions when a business or undertaking, or part of one, is transferred to a new employer. Employees who transfer under TUPE are not subject to a probationary period.

<p>Values & Behaviours</p>	<p>Trust</p> <ol style="list-style-type: none"> 1. We will be open and honest in our dealings with each other, our residents and customers. 2. We will listen, share information and trust in each other. 3. We will give and receive constructive and consistent feedback to each other. 4. We will take responsibility for our actions, learn from our mistakes and support each other. <p>Performance</p> <ol style="list-style-type: none"> 1. We will continually develop our skills and be willing to learn. 2. We will strive to achieve excellence in everything we do. 3. We will communicate clearly and use plain English. 4. We will take pride in our work and lead by example. <p>One Team</p> <ol style="list-style-type: none"> 1. We will encourage each other and build good working relationships. 2. We will recognise everyone is different and value each other's contributions. 3. We will work together to help everyone understand and achieve the council's goals. 4. We will keep a sense of humour, and set out to make each day enjoyable. <p>Customer</p> <ol style="list-style-type: none"> 1. We will listen, try to understand and respond to what is important to our customers. 2. We will maintain positive and caring attitudes 3. We will accept that everyone has different needs and offer realistic solutions wherever possible. 4. We will keep our customers informed of any changes and decisions that affect them. <p>Innovation</p> <ol style="list-style-type: none"> 1. We will give people the confidence to suggest new ideas. 2. We will encourage and support creative thinking, learn from the experience of others and share best practice. 3. We will try new ideas and review existing ways of doing things. 4. We will accept that not every new idea will work.
<p>Written Record</p>	<p>Throughout the probation period managers should keep a written record of meetings that record performance against objectives along with any improvement plans that have been put in place. Without written records it will be difficult to prove a case where performance has not met the required standards.</p>

8. Toolkit

- Managers How to Guides
- Staff How to Guides
- Template Letters
- Template Forms

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