



Probationary Policy

1. What is ‘Probation’?

Probation is process of regularly reviewing the overall standards of a new employee in areas such as work performance, conduct, behaviour and attendance during the specified probationary period, in order to establish if they are suitable to work for Wirral Council. The organisation believes that the use of probationary periods increases the likelihood that new employees will perform effectively in their employment.

2. Who does the policy apply to?

This Policy applies to all new appointments to the local government service.

3. What is the length of probation?

All new appointments to the local government service are subject to a probationary period of six months in the case of all employees.

Where there are professional standard to be achieved for roles such as social workers, teachers, the probationary period will reflect the requirements specified by the professional body.

In certain circumstances probationary periods may be extended.

4. Right to be accompanied

(Where appropriate page 6) An employee has the right to be accompanied by a Trade Union Representative or workplace colleague at their final probation meeting and at the probationary review meeting, where an employee has not been confirmed in post. A Human Resources representative will also be present.

5. Commitment to Equality

Please identify which, if any, of the following Equality Duties this policy addresses:

Eliminate unlawful discrimination, harassment and victimisation

To advance equality of opportunity

To foster good relations between different groups of people

6. Supporting Documentation

Probationary Report form	Probationary report form for recording interview details
Probationary Period – Raising Concerns	Letter advising of required areas of improvement
Probationary Period - Extension	Letter advising of required areas of improvement and extension of probationary period
Probationary Period – Non conformation of appointment	Letter of confirming unsuccessful completion of probationary period and non confirmation to post
Probationary Period - Satisfactory Completion	Letter for satisfactory completion of the probationary period

7. Related Policies

- Attendance Management Policy and Procedure
- Performance Management Policy and procedure
- Disciplinary Policy and procedure
- Grievance Policy and Procedure
- Dignity at Work Policy

6. Consultation

Trade Unions have been consulted on the revised Probation Policy and Procedure .

7. Communication and Awareness

This policy is considered:

Internal
[For Members, Officers and Contractors]



External
[For our Residents, Customers and Service Users]



All managers must be aware this Policy and Procedure. It is an integral part of a manager's job to manage performance and address issues of underperformance.

Where there are concerns about performance that may be dealt with under this policy and Procedure, managers must also ensure employees are aware of this them.

All employees and managers are expected to comply with the terms of this Policy and Procedure.

8. Monitoring and Review

The table below sets out the ownership and review schedule for this policy. However it may be necessary to review as and when required, for example, due to legislative changes or if an issue arises around its effectiveness.

Document Ownership	
Policy owned by:	Head of Human Resources & Organisational Development
Policy written by:	N/A
Date policy written:	N/A
Policy due for 1st review:	October 2016

Version Control Table			
All changes to this document are recorded in this table.			
Date	Notes/Amendments	Officer	Next Scheduled Review Date
Oct 2016	<ul style="list-style-type: none"> Revised Probationary Policy and procedure 	Sue Blevins/Marria Saleemi	October 2019



Probationary Procedure

1. What is 'Probation'?

Probation is process of regularly reviewing the overall standards of a new employee/or new post in areas such as work performance, conduct, behaviour and attendance during the specified probationary period, in order to establish if they are suitable to work for Wirral Council. The organisation believes that the use of probationary periods increases the likelihood that new employees will perform effectively in their employment.

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In certain circumstances probationary periods may be extended.

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5. Roles and Responsibilities

5.1 Manager

On appointment to a post a manager should:

- i. Ensure the employee is made aware of their role and the standards expected of them, and provide them with any appropriate induction and training.
- ii. Notify the employee that they are being assessed through a probationary period.
- iii. Set clear standards which will be monitored during the Probationary period.
- iv. Undertake regular face to face reviews/supervision of new employees and set up a monitoring system whereby regular informal reports are produced about new employees standards and performance on at least monthly basis. The manager

should make and keep a note of the date, time and conclusions reached at all meetings arranged under this Procedure.

- v. Identify any concerns about the employee's failure to meet the required standards and feedback to the employee in order for them to improve and identify any additional training or support required.
- vi. In the case of disability, ensure that any potential reasonable adjustments which may support the employee are discussed and considered
- vii. Where appropriate If there is clear evidence prior to the end of the period of probation that suggests there are significant concerns about the employee's ability to undertake the role, the manager will discuss with situation with a member of the Human Resources Department with a view to bringing the probationary period to an end at an earlier date.
- viii. Conduct the final probation meeting on or shortly before the date on which the employee's probationary period comes to an end.
- ix. a) Confirm the employee's appointment to the post, **only** if the manager is satisfied as to the employee's suitability for the post,

or

b) Confirm the employee has not achieved the probation standards expected, and despite regular supervision and or additional training/support, the employee has not improved and therefore a decision has been made not to confirm in post either during or at the end of the probationary period. In these circumstances the manager should be confident that they have acted reasonably and that all alternatives have been explored, e.g. an extension of the probationary period to allow more time for improvement. NB managers may seek advice from more senior manager when considering non confirmation in post
- x. Where a decision has been made not to confirm the employee in post, the manager will meet with the employee, giving five working days' notice of the meeting in writing. The manager will set out clearly the reasons why the employee has not successfully completed the probationary period and will give the employee the opportunity to present his/her case including any mitigating circumstances.
- xi. If the employee's probationary period is unsatisfactory the manager should advise the Resources Team who will arrange to terminate the employee's employment.
- xii. When an employee has not been confirmed in post, the manager will inform the employee of the right to a review of their probationary period. This will be by a more senior manager. A request for a review should be made by the employee, in writing, to the specified senior manager, within seven working days of receipt of the decision.
- xiii. If the employee requests for a review of their probationary period when not confirmed in post, a **senior manager** should review all of the documentation that has been considered by the manager who decided not to confirm the employee in the post. A meeting should be held with the employee to allow them to put forward

evidence to support their case. The **probation review meeting** should be arranged within ten working days of receiving the request from the employee. The employee may be accompanied at the meeting by a Trade Union Representative or workplace colleague and a Human Resources Representative will also attend the meeting. Possible outcomes of meeting could be: confirm in post, extend probationary period, not confirm in post.

NB: The manager is responsible under this Procedure for ensuring that all new employees are properly monitored during their probationary period. If any problems arise, the manager should address these promptly. This will ensure that the employee is aware that some aspect of standards or performance during the probationary period is unsatisfactory and should prevent the problem from escalating.

5.2 Employee

- i. To demonstrate, during the probationary period, that they are suitable for the post.
- ii. To listen to feedback, engage in the regular review meetings and identify/seek support to improve identified areas of concern.
- iii. To request a review of their probationary period where they have not been confirmed in post, if they wish to do so. This should be in writing to the specified senior manager within ten days of receipt of decision.

5.3 Trade Union / Workplace colleague

Where appropriate, a Trade Union representative / work colleague can support and/or represent an employee at the final probationary meeting, where concerns have been raised during the probationary period.

5.4 Human Resources

The role of HR to provide advice and guidance to managers on policies, procedures and legislation to address concerns identified during the probationary period, including attendance at relevant meeting convened by the manager e.g.

- Final probation meeting, where concerns have been previously raised with the employee.
- Probationary review meeting, with a more senior manager

6. Equality Act

When considering probationary periods and the extension of probationary periods for new employees, managers must be aware of the Equality Act 2010 and the potential implication on the employment of the new employee. It may be necessary, during the probationary period to taken an employee's disability into consideration when considering poor performance. This should also be taken into consideration when deciding if to extend the probationary period.

The Equality Act 2010 outlines the protected characteristics, which are

- Disability

- Sex
- Race
- Age
- Gender Reassignment
- Sexual Orientation
- Religion and Belief
- Pregnancy and Maternity
- Marriage and Civil Partnership

NB Managers should seek advice from HR if you have concerns on the management of probation and the application of the Equality Act.

7. Notice periods during Probation

During probation, the employer may terminate the employee's contract of employment by giving one week's notice.

Once the probationary period has been completed, the notice periods will be as defined in the employee's contract of employment.

Probation Procedure Appendices

Appendix 1 – Standard Documentation

Standard Documentation	
<u>Probationary Report form</u>	Probationary report form for recording interview details
<u>Probationary Period – Raising Concerns</u>	Letter advising of required areas of improvement
<u>Probationary Period - Extension</u>	Letter advising of required areas of improvement and extension of probationary period
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<u>Probationary Period - Satisfactory Completion</u>	Letter for satisfactory completion of the probationary period
<u>Probationary Period - Flowchart</u>	Flow chart outlining the probationary process

Appendix 2

Guidance for managers undertaking Probationary Meetings

Planning a probationary meeting

The manager should ensure that the meeting is held in a suitable private venue free from interruption. The employee should be informed of the interview in advance and given the reason for the meeting.

Purpose of probationary meetings

The meeting should be sensitively-handled, with the aim of:

- Seeking the view of the employee of how they feel they are progressing
- Provide feedback and if required:
 - highlight any concerns/issues about performance/conduct/ attendance
 - Seek to identify and training and support required for the employee
 - Agree an action plan confirming support to be delivered, expectation of future standards expected and timescale for review of progress made

Undertaking a Probationary Meeting

1. Use open and probing questions to encourage the employee to engage in the probationary meeting such as

- How do you feel you are progressing?
- What support do you feel may help you?
- What can you do to improve your performance?

2. Encourage the employee to elaborate on any generalities in their answers or statements which may conceal details of the problem (e.g. by not letting such statements as 'I'm worried about the lack of planning in my department' pass without encouraging the employee to explain why he or she is worried about it, and how the supposed lack of planning is apparent).
3. Being alert to factors possibly contributing to the problem (e.g. the employee's relationships with colleagues, fears of inadequacy, failure, lack of promotion or career development, or redundancy, insufficient training, domestic problems).
4. Explore possible solutions and agree an action plan with the employee, including for example: appropriate training, supervision or shadowing, monitoring outcomes, and subsequent discussion of progress.

Possible Outcomes of a probationary meeting

Option 1 – Confirm in post

Option 2 – Extend the Probationary Period

The organisation reserves the right to extend an employee's period of probation at its discretion. This will be limited to one extension and the total period of probation will normally be no longer than 12 months.

An extension may be implemented in circumstances where the employee's performance, conduct behaviour or attendance during probation has not been entirely satisfactory but it is thought likely that an extension to the probationary period may lead to an improvement. In circumstances where the employee has been absent from the workplace for an extended period during probation it may be appropriate to extend the probationary period.

Before extending an employee's probationary period, the manager must consult with the HR Employee Relations Team. If an extension to the probationary period is agreed, the organisation will confirm the terms of the extension in writing to the employee, including:

- the length of the extension and the date on which the extended period of probation will end;
- Specify the reason/reasons for the extension
- Provide details of how and why this has fallen short of the required standards;
- the standards that the employee is required to achieve by the end of the extended period of probation;
- any support, for example further training, that will be provided during the extended period of probation; and
- Issue a letter the confirming the outcome, including failure to meet required standards may result in the termination of their contract of employment

Option 3 - Confirm that the termination of the contract

Confirm in writing that the employee has failed to reach the require standards in the agreed timeframe, and that as a result their employment is terminated on the ground of ***Unsatisfactory completion of Probationary Period.***

In some cases it may be appropriate to offer alternative employment to an individual, where the reasons for failure to meet expect standards is related to an equality issue such as a disability e.g. an employee with dyslexia who has not been provided with access to suitable technology to assist in improving performance.