



**1. Scope of this policy**

- 1.1 This policy applies to all new entrants to Rutland County Council regardless of previous local government service. The procedure and how the Council adopts the policy may be subject to change from time to time.
- 1.2 The Probation period is 6 months from commencing employment and is applicable to permanent, temporary, fixed term employees. Excluded are casual contracts and employees on Apprenticeship and Social Care ASYE programmes where the period of probation is aligned to specific training requirements. Where reasonable adjustments need to be made for an employee with a disability, a probationary period cannot meaningfully begin until the adjustments are in place.
- 1.3 The purpose is to provide an opportunity for the employee and the Council to assess objectively the suitability of the employee for the post. This is a supportive process in order to help an employee reach the required level of performance, but also provides a process to follow when a newly appointed employee may be experiencing difficulties and not meeting the required standard.
- 1.4 In cases where an employee changes posts within their probation period, any outstanding time will transfer to the new appointment.
- 1.5 If an employee commences their maternity leave within their probation period, the probation period will be 'stayed' and any outstanding time will re-commence upon their return from maternity leave.
- 1.6 An employee on probation is covered by employment law. This gives them the right to bring a claim of discrimination against the council if they feel that they have been discriminated against on the grounds of having a protected characteristic.
- 1.7 The Council will withhold incremental progression in instances where the probation period is extended, or the formal process as outlined in paragraphs 4 and 5 are being followed
- 1.8 The policy recognises the importance of:
  - providing all new employees with the opportunity to become familiar with the main duties and tasks of their post,
  - providing any relevant support and assistance to an employee during their initial first months of employment,
  - providing an opportunity for the employee to demonstrate that they meet the appropriate standards of performance and conduct.

## 2. Management of the Induction and Probationary Period

- 2.1 This period is designed to be a positive, supportive and a structured process that ensures that any employee new to a role, receives thorough feedback in respect to their performance and has the opportunity to discuss training and development needs at an early stage in their employment.
- 2.2 A thorough and effective induction programme is essential for all new starters and should commence from day one of employment. The length of an induction period should be proportionate to the complexity of the job and be sufficient to allow the employee to become familiar with their new role and the organisation – by way of a guide this is likely to be up to 3 months.
- 2.3 The induction programme should cover:
- All aspects of the role, including relevant policies, procedures and working practices
  - The performance, behaviour, expectations and standards required
  - Full details regarding the probation period and dates of relevant meetings that will take place,
  - Details of how any issues regarding poor performance or conduct will be dealt with during the probation period.
- 2.4 Regular 'My Conversation'/supervision sessions should take place during the probation and induction period to discuss performance and ensure that the employee remains fully supported and to allow any issues that arise to be dealt with promptly and effectively. Managers are advised to keep some written notes of those discussions to enable clarity and consistency of message and feedback.
- 2.5 Within the probation period, the line manager should meet with the employee upon completion of their initial induction period to discuss performance to date. During this meeting the manager will:
- Ask the employee to provide a view on how they have performed, what went well, what didn't go well and so on
  - Provide feedback on the employee's performance and conduct, providing evidence to demonstrate any concerns the manager may have
  - Discuss any situations that arose during the period that were beyond the employee's control, but which may have affected their performance in any way
  - Re-affirm the expectations of performance and conduct for the remaining part of the probationary period.
- 2.6 If the performance and/or conduct is not satisfactory:
- The required standard/improvement must be made clear to the employee
  - A support plan can be put in place to set out the targets for improvements
  - Identify any training or other support that is necessary
  - Agree some timescales over which the improvement is expected
  - Agree dates and times for review.

**Serious concerns** - if at any point during the employee's probation period, the line manager considers that there are serious concerns regarding an employee's performance or conduct then it may be necessary to refer the employee immediately to a Formal Probation hearing to consider termination of employment. This may be done at any point during the probation period provided

there is sufficient evidence to demonstrate the manager's concerns and that attempts have been made to manage the concerns and support the changes required. A minimum expectation is that discussions have taken place regarding the concerns, these have been confirmed to the employee in writing and opportunity given to improve.

### 3. End of the Probation Period

3.1 Shortly before the end of the probation period, the line manager will hold a Final Probation meeting with the employee to discuss their performance, conduct, and overall suitability for the job. The purpose of the meeting is to allow the employee and their line manager to discuss all aspects of the probation period.

3.2 Possible outcomes:

(a) The performance has been **satisfactory**.

- The line manager should complete the Completion of Probation form indicating that the probationary period has been satisfactory - a copy should be provided to the employee
- HR will confirm this in writing to the employee.

(b) The performance is **not satisfactory**. If the employee has not met the standards required or performance has deteriorated during the course of the probation period, the line manager must decide:

- whether an extension to the probationary period would enable the employee to demonstrate an improvement. E.g. where it is considered that the employee just falls short of the required standards and an extension would be beneficial to the employee.
- to refer the matter to a Formal Probation Hearing which may lead to the employee's dismissal.

If HR do not receive any notification (by the end of the probationary period), the employee will by default have completed their probationary period. It will not be possible to then extend the probation period.

### 4. Extending the Probation Period

4.1 In exceptional circumstances the Manager may grant an extension to the probation period. Extensions will normally be limited to 1 instance and the entire probation period will not normally exceed 9 months.

4.2 An extension may be granted in circumstances where the employee's performance or conduct during probation has not been entirely satisfactory, but it is thought likely that an extension may lead to an improvement. Where this is considered appropriate, the extension to the probationary period must be confirmed in writing to the employee and must specify the date on which the extension will end, along with the reasons for the extension.

4.3 The line manager must draw up an Improvement plan which will set targets for improvement that are reasonable and achievable and will also identify any training and/or support required.

- 4.4 At the end of the extension period the Line Manager will meet with the employee to review the employee's performance in line with the Improvement plan.
- 4.5 If following the extension period the employee's progress is acceptable, the employee will be advised in writing that they have passed their probation period.
- 4.6 If the employee's progress is not acceptable, the matter will be referred to a Probation Hearing.
- 4.7 Advice on the procedure for extending the probation period should be sought from HR.

## **5. Formal Probation Hearing**

- 5.1 At least five working days' notice should be given to the employee to attend a formal hearing. The written notification should include:
  - the reason for the hearing
  - the employee's right to be accompanied by a work colleague or recognised Trade Union representative
  - the potential outcome of the hearing is dismissal.
- 5.2 Employees also receive copies of any relevant documentation that will be used as evidence at the hearing. Employees will be given an opportunity to provide evidence.
- 5.3 The hearing will be chaired by the employees Head of Service/ or equivalent. A more senior officer would chair meetings where the employee is at Head of Service/equivalent or above. An HR representative will also attend to provide policy and procedure advice. A note taker may also attend.
- 5.4 The following outcomes are available to the chair of the hearing:
  - There is insufficient evidence regarding unsatisfactory performance - the employee has therefore passed their probation period. The employee should receive written confirmation of this
  - A formal extension of up to 8 weeks may be granted in exceptional circumstances (if this option has not already been exhausted previously) and where it is considered that the required standards may be attained in the very near future. Following this extension there will be a further Formal Probation Hearing with the same panel, where possible.
  - The employee's performance and behaviour are of an unacceptable level. The employee should be dismissed.

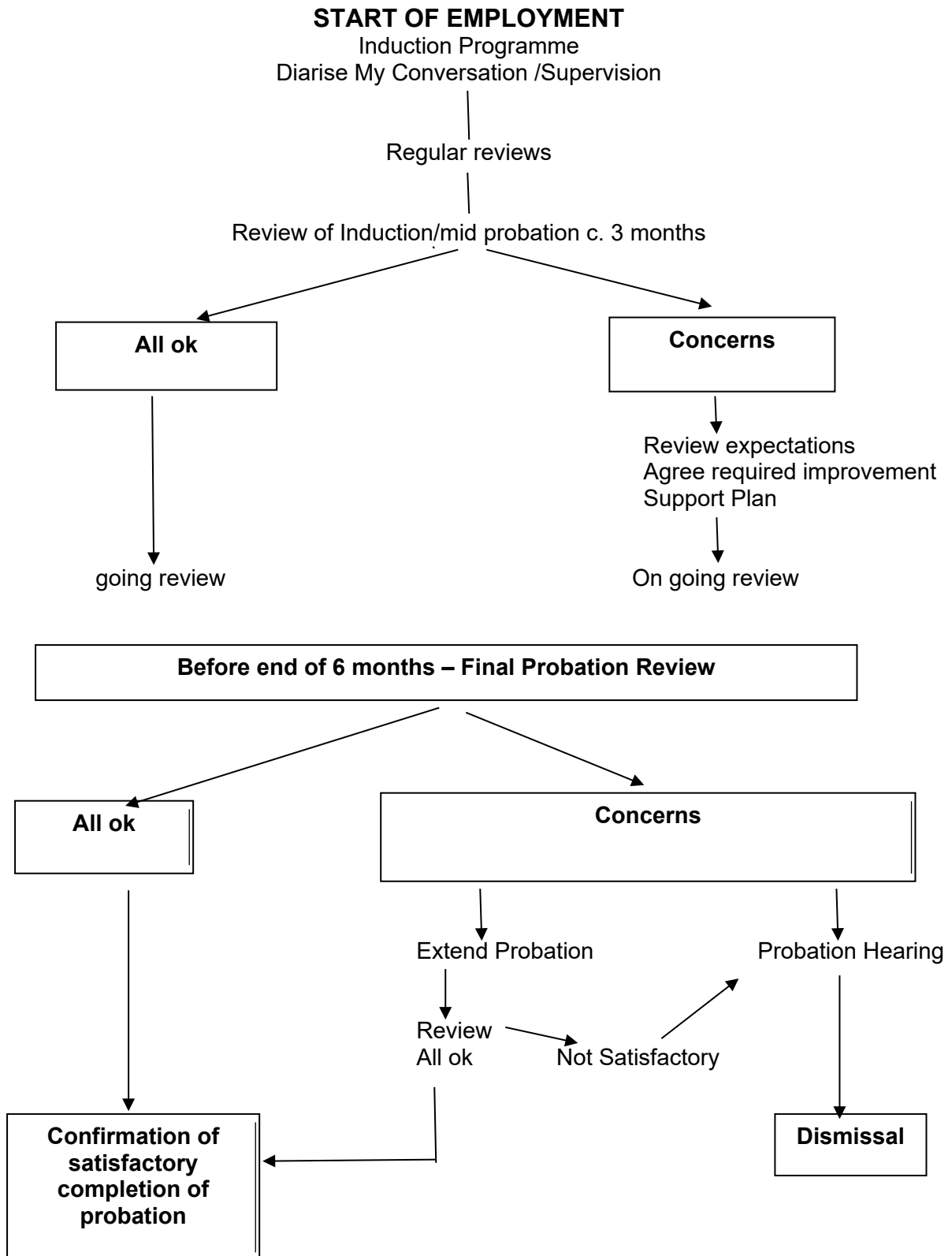
## **6. Dismissal**

- 6.1 If the decision is made that the employee should be dismissed, the Chair will dismiss the employee with notice in accordance with their contract of employment.
- 6.2 The employee will be notified in writing of the outcome of the hearing, including the reason for the decision to dismiss and the date of termination of their employment. The letter will also include details of the employee's right to appeal.

## **7. Appeal against dismissal**

- 7.1 The appeal should be made in writing and sent to the relevant Director; a copy should also be forwarded to HR.
- 7.2 The appeal should be received within 5 working days of the date of the dismissal letter. The grounds for the appeal must be fully stated in the appeal letter.
- 7.3 The appeal will be chaired by at least a Head of Service level (the 'Appeal Manager') who has not been involved in the decision to dismiss. A more senior officer would chair an appeal where the employee is at Head of Service/equivalent or above. HR advice to the panel will be provided by an HR representative.
- 7.4 The member of staff may be accompanied by a representative (workplace colleague or recognised Trade Union representative) who may present on their behalf, at the panel.
- 7.5 Options/decisions available to the Appeal Manager are:
- Overturn the decision and confirm the appointment (i.e. the probationary period is ended).
  - Overturn the decision and extend the probationary period to a maximum of 8 weeks (if this option has not already been exhausted previously) and where it is considered that the required standards may be attained in the very near future. Following this extension there will be a further Formal Probation Hearing with the same panel, where possible,
  - Confirm the decision to dismiss.
- 7.6 The Appeal Manager may advise the member of staff verbally of the decision on the day of the meeting and then follow up in writing. This should be done within 7 working days of the appeal meeting.
- 7.7 In the event of dismissal the effective date of the dismissal will be as originally advised.
- 7.8 In the event that the dismissal is overturned, the employee is reinstated from the date of the dismissal and pay and continuity of service will be reinstated.
- 7.9 The decision of the appeal is final and there will be no further right of appeal.

# PROBATION POLICY – FLOW CHART



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