Probationary Period
Policy and Procedure
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The Policy

The Aim of the Process

New employees look for information, support and guidance to help them become quickly established as an effective member of the workforce. The first 6 months are particularly important and this period forms the basis of the normal probationary period. Line managers have a responsibility to provide information on the job requirements, the ethos of the service, job specific guidance, support for social integration and feedback on how the new employee is contributing to the service.

Once the probationary period is successfully completed the employee should have a clear notion of their career prospects, training and development needs, and an ability to meet a substantial proportion of service needs and service standards.

Recruiting employees is a costly process for the Council. There is clear evidence that the induction process of an organisation can be critical in ensuring new recruits remain with their new employer and how they perform. A probationary period with a final review in the sixth month exists for most new employees to Leeds City Council with the aim of:

- helping new staff integrate effectively into the work environment
- making new recruits feel comfortable and valued in their role and to support them through the challenge of starting a new job
- providing an opportunity for the employing department to determine if the employee is suitable for the position

The aim of the Probationary Period Policy and Procedure is to provide a framework within which employees are helped to reach and maintain acceptable standards of performance, conduct and attendance. It aims to deal fairly and consistently with employees during their probationary period. It is recognised that there will be occasions where an employee does not reach the required standards for the post during the probationary period and in these circumstances the appointment will not be confirmed.

During the probationary period the Council has a responsibility through the line manager to provide the necessary training and information that will equip the probationer to undertake all aspects of their role to an acceptable standard.

Reviews of the probationer’s progress should form part of the normal supervisory processes. These reviews should aim to build on the initial recruitment process and incorporate recommended induction practices. The appropriate level of management to do this will depend upon the particular service and its precise management arrangements. In addition the systems that are put in place need to be robust so that continuity is maintained in situations where individual managers change.

Those Departments that operate an Appraisal System should consider how this interfaces with the probationary processes to avoid duplication. Your Local HR service can advise you further on this point.
Key Principles

The following principles will apply in all cases:

- Managers should receive training and support in the use of this procedure.

- Appointments will be made subject to the satisfactory completion of a six month probationary period.

- Managers will use their best endeavours to treat all staff in a supportive, fair and equitable manner and to adhere to the Council’s Equal Opportunities and Health & Safety Policies at all times.

- Disabled Employees may require adjustments to support them in their new role. These should have been discussed as part of the recruitment process but in any event need to be discussed at the beginning of the probationary period.

- During the probationary period new employees will undertake training appropriate for their new role. If further supervision and/or training are identified as necessary by the line manager s/he should try to arrange this as quickly as possible, so that the employee has an adequate opportunity to improve.

- If at any stage it becomes clear to the line manager that an employee will not be able to reach the standard required, even after further instruction and/or training, then the contract of employment may be terminated in accordance with this procedure. This can be at any point during the six month probationary period with notice according to the terms of the contract. However the contract should not usually be terminated unless and until an appropriate programme of monitoring, support, guidance and training has been completed without achieving satisfactory results. Any action taken to terminate the contract of employment needs to comply with the requirements of holding a Final Review Meeting and Formal Hearing as specified later in this Procedure.

- The Council may in its absolute discretion extend the probationary period by a further three months with specific objectives for the end of that monitoring period. Local HR should be informed of the intention to extend and be consulted where this is deemed appropriate.

- If the probationary period is interrupted by maternity/parental/adoption leave, it will be extended by an equivalent period to ensure completion of a full 6 months probation, to ensure that a fair assessment is carried out.

- An employee has the right to appeal against the decision not to confirm their appointment, subject to that appeal being made within the specified time limit (see Section 4 on Appeal Against Dismissal Procedure). The submission of an appeal does not in itself extend the period of employment.
Scope of Procedures

All new employees joining the Council with the exception of:

- Staff who are specifically covered by separate policies, for example (but not limited to) teachers employed in schools, all staff of locally managed schools, and those employed by Education Leeds
- Staff who were employed by another local authority immediately prior to obtaining employment with Leeds City Council and who have continuous service
- Existing employees who are promoted or who have changed roles within Leeds City Council
- TUPE transfer
- Casual employees
- The Chief Executive and officers on the Chief Officers’ Conditions of Service
- Employees who transferred to Education Leeds and Leeds Homes, who transfer back to the council and have not had a break in their service
- Employees or Trainees on Training/Apprenticeship where their specific training agreement modifies part, or all, of this procedure.

For Council employees specifically excluded, managers (or Members in the case of the Chief Executive) are encouraged to set an initial plan for the new employee and to review progress. Although this procedure doesn’t apply it is still recommended that the initial stages of employment are managed as recommended in the informal stages of this policy. Trial periods for redeployees under the councils managing workforce change policy are not considered to be probationary periods.

Representation

All employees will have a right to be accompanied by a trade union official or work colleague at the Final Review, Formal Hearing and Appeal stages of the Procedure. Both the Council and its trade unions wish to encourage the use of the informal procedure, including 1:1 meetings between the employee and their Supervisor to resolve any problems at an early stage. Such meetings do not preclude the employee seeking advice in advance from their union, Local HR or other appropriate advisers.

If an employee wants to be accompanied by a trade union representative or work colleague (at the meetings referred to above), it is the employee’s responsibility to arrange this. Once appointed, the employee should notify their line manager / Local HR service of whom they have chosen and the Local HR service will liaise with the representative to cooperate regarding arrangements for evidence, witnesses and meeting dates.

Notification and Postponements at Formal Stages

Employees should be notified in advance of any Final Review meetings, Formal Hearings or Appeal Hearings (see relevant Section). The minimum specified period of notice (5 working days for Final Review Meetings and 10 working days for Formal Hearings and Appeal Hearings), should be given to allow the employee time to arrange for a trade union official or work colleague to accompany them, and to prepare in advance of the meeting.
An employee who cannot attend a meeting should inform their Local HR service in advance whenever possible. The employee can suggest another date as long as it is reasonable and is not more than five working days after the date originally proposed by the employer. This five day time limit may be extended in special circumstances by mutual agreement.

Where an employee fails to attend a meeting held as part of this procedure without good reason the meeting may be held in their absence, and any successful complaint to an employment tribunal may result in reduced compensation.

If the employee has a good reason for non-attendance of a meeting (e.g. fails to attend through circumstances outside their control and unforeseeable at the time the meeting was arranged) the employer should arrange another meeting. A decision may be taken in the employee’s absence if they fail to attend this re-arranged meeting without good reason.

**Responsibility for reviewing this Policy and Procedure**

It will be the responsibility of the Chief Officer - Human Resources to formally review this procedure after one year using the Council’s negotiating and consultation processes. Thereafter it should be reviewed every three years, although reviews at other times may be necessary in the light of changes to legislation and Council policy.

**Further Guidance**

Anyone using this Policy should have regard to the separate guidance document.
The Procedure

Setting an Initial Plan for the New Employee

A good induction process can contribute to a good and rewarding probationary period. It should involve both the Employee and their Supervisor meeting as soon as possible after the employment has started (normally within the first week of employment). The supervisor is expected to:

- Organise an induction programme, in accordance with corporate and departmental requirements which takes account of the probationer’s learning needs.
- Go through the job description to ensure the employee understands the tasks and responsibilities of the job.
- Explain clearly the expected standards of performance and conduct.
- Consider any reasonable adjustments required for a disabled employee to assist them in performing well in the role.
- Where appropriate establish and set out the employee’s targets and dates for achieving these. These need to be service specific, realistic, achievable and measurable.
- Agree what actions will be undertaken to assist the employee to reach and maintain the required standards of work and any set targets. For example this could include training, supervision or mentoring. Obtain the employee’s commitment to reaching the required standards and targets.
- Agree who will be responsible for each action.
- Agree regular dates during the probationary period to meet and discuss progress and any problem areas for either party.

The employee needs to be clear that failure to meet and maintain the required standards and any targets set during the probationary period would ultimately result in a decision being taken not to confirm their appointment or to extend their probationary period in exceptional circumstances. Although this aspect needs careful and tactful handling, the employee needs to understand that it will not be just a ‘rubber stamping exercise’. Equally, supervisors need to recognise their responsibilities to assist and support the employee during the process.

It will assist new employees that they have a written summary of this meeting. They cannot always quickly absorb all the information that is presented to them during their induction. Equally should problems occur in the future then aspects covered as part of their induction programme may need to be referred to. A pro forma may be used to record the initial meeting and the probationer’s progress. An example is given in Appendix A. Alternatively the standard supervision recording process in place in your
department can be used. There is no need to duplicate the process.

Reviews

During the probationary period regular review(s) should be held as part of the normal induction and supervisory processes of the Council. In areas where normal supervision is not held on a monthly basis, there should be at least 2 review meetings in between the induction meeting (detailed above) and the final review meeting. Each probationer should have a final review meeting in the first week of the 6th month of employment.

Regular Reviews

The frequency of these reviews will depend upon the nature of the job, the progress of the employee and the supervisory arrangements already in place for the service. The Supervisor is likely to be meeting with the employee frequently at the start to help with their progress. Where problems are identified this could lead to additional help and support being required.

The review should focus on the overall job performance including the achieving of the previously set targets. Conduct, attitude, time keeping and attendance record should also be covered. Where the employee is performing well then they should be told this and where problems are occurring further guidance should be given.

In the case of problems the line manager must be specific with the probationer about the areas for improvement and any additional support or training that will be provided to help the probationer come up to standard. This should be recorded for future reference on the pro-forma at Appendix A. Advice on preparing and conducting reviews is given in Appendix B.

After the meeting a summary of the main points of discussion should be recorded together with any items for action, either by the employee or the Supervisor. The second part of the pro-forma in Appendix A (Questions 3 to 7) should be used to record this discussion with a copy given to the employee.

In cases where performance, attendance or conduct is clearly unsatisfactory a review should be held as soon as possible and in some cases (dependent on the nature of the issue) the final review meeting and potential formal hearing could be held earlier than the end of the 6 month period.

Final Review Meeting

The Local HR Service will monitor probation and alert managers when a final review is due.

In the majority of cases the purpose of this meeting will be to confirm the employee’s positive progress during their probationary period, inform them that there will be a recommendation to HR that they be confirmed in post and discuss any continuing development needs.

The meeting must be held no later than the beginning of the sixth month to allow action to be taken prior to the completion of the probationary period after 6 months. If the probationary period has expired and the final review meeting has not taken place then the employee will automatically be confirmed in post.
The employee should be notified in advance of their Final Review Meeting, and informed of his/her right to be accompanied by a trade union official or work colleague with a minimum of 5 working days notice to arrange this and prepare in advance of the meeting. The employee and their representative must be given copies of any documentation to be discussed at the final review meeting. This advance notice will allow the employee to think about their performance and any questions they may wish to raise.

If the employee has reached and maintained the required standards then the manager will confirm the appointment in writing to their Local HR service. The Local HR service will then issue a letter to the employee confirming that they have successfully completed their probationary period and they are confirmed in post.

Where the employee has not reached or maintained the required standards the manager should discuss with the employee:

- their progress
- provide examples where the standard has not been reached
- review the support and training that has been provided during the probationary period.

Following the meeting the line manager will consider the information discussed and either decide to extend the probationary period or refer the case to a formal hearing.

A summary of the discussion and the line manager’s decision will be given by the line manager to the employee, and any representative, within 3 working days of the meeting.

If the line manager is of the view that an extension of a probationary period may be appropriate s/he needs to consult with their Local HR service and discuss and agree this with the Head of Service or other senior officer within the Department. If an extension of the probationary period is not either deemed appropriate or authorised then arrangements will be made by the line manager in consultation with their Local HR service for a Formal Hearing to take place.

**Potential Attendance Issues**

Poor attendance during the probationary period may constitute a failure to perform adequately and could prompt the calling of a review meeting earlier than the sixth month final review. Although poor attendance will be managed through this process and not the attendance management process, during the probationary period the attendance management process should be referenced to provide good advice on duty of care and any issues that may require reasonable adjustments under the DDA. Probationers must still have return to work interviews after every period of absence and although they won’t enter the formal stages of the managing attendance process, attendance should be discussed and documented at review meetings.

**Potential Conduct Issues**
Any minor issues relating to the conduct of the employee should be discussed with the employee as part of the informal monitoring process and raised at the probationary reviews. Where the conduct of an employee is considered by their manager to be beyond a minor issue and of an unacceptable standard, a Formal Hearing as described below should be convened.

**Formal Hearing**

The Formal Hearing will be conducted by the Head of Service (or other Officer with the power to terminate the employee’s employment). The officer chosen (Hearing Officer) should not have conducted any of the previous probationary reviews. A representative from the Local HR service will be present to advise the officer conducting the hearing. The employee will be entitled to be accompanied by a trade union official or work colleague at the meeting.

The employee is entitled to receive notice in writing at least 10 working days before the hearing. The notice will set out clearly:

- the date, time and place for the hearing
- a copy of this procedure
- details of the purpose of the Hearing
- details on the right of accompaniment
- who will be conducting/assisting with the Hearing
- details of any failures to meet and maintain required standards and any targets set
- copies of any documents to be referred to by management
- confirmation that the employee will have the opportunity to produce any relevant documents to help resolve the issues
- potential outcome(s) from the meeting especially where dismissal is an option employees should be very clear in advance of the meeting that this may be the case
- A contact name/number

The employee should confirm their attendance and the name of any representative and the names and statements (if appropriate) of any witnesses at least 5 working days before the Hearing.

In many cases it will be good practice for the employee and/or their representative to liaise with the manager presenting the case (who in most cases will be the line manager who has worked with the employee through the process to this point) and with HR. The purpose of this meeting will be to, prepare for the Hearing, discuss issues regarding documents and witnesses, and to see whether any procedural points can be resolved prior to the Hearing.
Procedure for the Formal Hearing

The aim of the Hearing will be to review the employee’s performance, conduct and attendance against the previously agreed plan and discuss both strengths and weaknesses. Whilst the Hearing will need some degree of formality it should be conducted in a sensitive, understanding and constructive atmosphere. The employee and their representative should be given the opportunity to raise any issues which they think may be relevant and will help resolve any difficulties they are experiencing.

The officer hearing the case will introduce all parties. S/he will ensure they understand the procedure being followed for the Hearing and which Council Procedure is being used. S/he will also remind the employee that they have a right to be accompanied by a trade union official or work colleague.

Either party will have the opportunity to raise any procedural points

The Management case will state their case and make reference to any documents submitted and call witnesses as necessary.

The employee or their representative may ask questions of each witness as they are called, as may the officer(s) hearing the case.

The employee or their representative will have the opportunity to state their case, again with the provision to call witnesses as necessary. The officer presenting the Management case may ask questions of each witness, as may the officer hearing the case.

Each party will then sum up. The management representative will normally sum up first followed by the employee or their representative. No new evidence will be introduced at this summary stage.

The parties will then withdraw to allow the Officer hearing the case assisted by any advisers to reach his/her decision. If during this adjournment there are further points to be clarified with either party, then both parties and any representative should be called back.

The Officer hearing the case will ensure that a written decision is provided to the employee within 3 working days.

Outcomes of the Hearing

The Officer hearing the case may decide one of the following outcomes.

- the employee has reached the required standards and they should be confirmed in post;
- the employee has nearly met the required standards and the probationary period should be extended by a further period of up to three months;
- the employee has failed to meet the required standards and their employment will be terminated.

Where a decision is made to extend the probationary period a revised action plan should be put in place by the line manager and a copy should be given to the employee within five working days of the hearing officer’s decision. The employee should be notified of any review and monitoring arrangements during this extension period. If a plan cannot be agreed it will not be possible to offer an extension to the contract. At the conclusion of the extension period (or earlier if performance does not improve) the Officer conducting the
original Hearing (or alternative if this is not practicable), will consider evidence from both parties on progress. At this stage the officer may decide one of the following outcomes:

- the employee has reached the required standards and they should be confirmed in post;
- the employee has failed to meet the required standards and their employment will be terminated

The outcome of any meetings should be confirmed in writing to the employee within five working days. Where the decision is made to terminate employment, the letter should inform the employee of their date of dismissal (if the hearing is held prior to the end of the probation period) and also of their right to appeal against this decision.
Appeals Against Dismissal

Any appeal against dismissal must be made in writing to the Departmental Chief Officer within 10 working days of receiving the written decision of the Hearing Officer and should set out the basis of the appeal. Such an appeal will not delay the date of the dismissal. The Hearing will be held within a reasonable timescale which as a general rule should be held not more than 20 working days after receipt of the written notification of appeal. The appeal will be heard by the Departmental Chief Officer, or an officer nominated by them who, wherever practicable is more senior than the officer who conducted the Formal Review Hearing.

The aim of the Appeal Hearing will be to:

- Review the reasonableness of the decision to not confirm in post;
- Review the fairness of the process followed.

The officer hearing the Appeal may decide to:

- Reinstate the employee with an extension to the probationary period and a new action plan.
- Confirm the person in post
- Confirm the original decision to dismiss.

Where an employee is re-instated with an extension to their probationary period, a new or revised action plan should be put in place by the line manager and a copy should be given to the employee within five working days. The employee should be notified of any review and monitoring arrangements during this extension period. At the conclusion of the extension period (or earlier if performance does not improve) the Officer conducting the original Appeal Hearing (or alternative if this is not practicable), will reconsider evidence from both parties on progress. At this stage the officer may decide one of the following outcomes:

- the employee has reached the required standards and they should be confirmed in post;
- the employee has failed to meet the required standards and their employment will be terminated

The outcome of the appeal should be confirmed in writing to the employee within five working days and give the reasons for the decision.

The employee has no further right of appeal within the Council.

If the decision made is to reinstate for a further period of review, pay will be backdated to the date of dismissal.
Probationary Period - Employee’s Progress Record

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1. Initial Meeting (normally as part of Induction Process)
   Date of Meeting:  

2. Details of any required performance standards/targets discussed (attach copies if appropriate)

3. Review Meeting (normally part of supervisory process)
   Date of Meeting:  

4. Summarise aspects of performance and/or conduct which are at, or above the required standards/targets

5. Summarise aspects of performance and/or conduct which are below the required standards/targets

6. Details of any action, support, training already given and any that has been discussed with the employee and is now planned to help the employee achieve the required level of improvement:
   Include timescales set for improvement

7. Any additional comments regarding progress, good or poor Conduct, Attitude, Suitability for permanent employment

| Employee’s Signature: | ________________________________ |
| Supervisor’s Signature: | ________________________________ |
Guidance Notes On Review Meetings

Preparing for Review Meetings

Although Review Meetings will be held as part of the normal supervisory processes, preparation by both parties is the key to ensuring that the meeting is as effective as possible. Supervisors should:

- Wherever possible fix a mutually convenient time which gives both parties an opportunity to prepare;
- Wherever possible set out the room to allow for a friendly and relaxed meeting;
- Use their best endeavors to ensure there are no interruptions
- Read and review the job description, standards, targets and action plan set, notes of any previous meetings and the personnel file (if applicable);
- Review in advance results achieved against objectives set and overall performance. Evidence of any good and poor performance should be available;
- In advance of the meeting consult staff who work closely with the employee;

When it comes to the meeting itself:

- ensure the employee understands this meeting is part of the review process of their probationary period;
- get the employee to assess his/her performance first;
- use open-ended questions to get a discussion going (see list of possible questions);
- listen actively to what is being said;
- probe if details are missed or if s/he speaks in generalities;
- summarise the main points of the discussion from time to time;
- make the assessment known and discuss any points arising from it;
- praise for work well done;
- in a constructive way, point out areas for improvement and the reasons why. Give examples to demonstrate areas of concern ;
- ask for feedback on how you might support them in making these improvements;
- discuss how work areas can be improved and agree an action plan with clear indication of who is responsible for each area of action, including any required training and support;
- finalise the discussion by a quick overall summary – to be confirmed as specified in the Procedure
- End the interview on a positive note.
Possible questions to be used to help lead into relevant issues in a review meeting

- What particular aspects of your work interest you most?
- What particular parts interest you least?
- How effective do you think you have been in carrying out the main tasks you are responsible for?
- What tasks do you believe you have performed particularly well and why?
- Which tasks could have been performed more effectively and how?
- What were the reasons preventing you from being more effective in these areas?
- What areas, if any, are unclear in the job?
- What extra help or guidance do you feel you need to do the job more effectively?
- What learning/development programme could assist this development?