

# HR Policy

Probation

April 2013 – Amended April 2014



## Human Resources

## CONTENTS

<b>INTRODUCTION .....</b>	<b>3</b>
<b>OUR APPROACH .....</b>	<b>3</b>
<b>POLICY STATEMENT .....</b>	<b>3</b>
POLICY SUMMARY .....	3
<b>PROCEDURE .....</b>	<b>3</b>
<b>ROLES AND RESPONSIBILITIES .....</b>	<b>4</b>
LINE MANAGERS .....	4
EMPLOYEES .....	4
TIME CONSTRAINTS .....	4
<b>MANAGING THE ASSESSMENT PROCESS .....</b>	<b>5</b>
FACTORS TO TAKE INTO ACCOUNT IN ASSESSING PERFORMANCE .....	5
ASSESSMENT DISCUSSION .....	5
EXTENSION OF PROBATIONARY SERVICE .....	5
EARLY TERMINATION OF PROBATIONARY PERIOD .....	6
DISMISSAL OF PROBATIONARY EMPLOYEES .....	6
<b>APPENDIX 1 PROBATIONARY REPORT FORM .....</b>	<b>7</b>

## **Introduction**

Brent is dedicated to providing excellent publicly-accountable services that give real value for money. The council is a customer-focused body and is committed to improving service standards and customer satisfaction.

Brent uses probation periods to assess whether new, and in some cases, newly-promoted staff, have the skills necessary to carry out their job effectively.

## **Our approach**

Probation allows a period of monitoring and review to enable managers to set standards of performance and give appropriate support/training to new post holders. The process focuses on areas such as performance standards, conduct, attendance and timekeeping.

## **Policy statement**

### **Policy Summary**

Employment at Brent is subject to the satisfactory completion of a probation period during which time an employee's suitability for their post will be assessed. A probation period is usually 26 weeks in length although it may by exception be extended by a maximum of a further 13 weeks if the council considers that special circumstances have made it impossible to make a proper assessment during the 26-week period. In some cases a decision will be received that a post holder is unsuitable well in advance of 26 week duration of the probation period.

Probationary periods apply to:

- All employees recruited from outside of Brent Council.

This policy applies to:

- Employees of Brent not based in schools;
- Employees of Brent based in schools where either the school's delegated budget has been suspended or where the governing body elects to adopt this procedure.

The guidelines do not apply to employees of Brent based in schools where the school's delegated budget has not been suspended and where the governing body has not elected to adopt this procedure.

For newly-qualified Youth and Community workers and newly qualified Social Workers the probation period is one year.

## **Procedure**

For employees new to Brent, employment during the probation period will normally be terminated on one week's notice without recourse to the formal disciplinary or capability procedures if conduct, attendance or work performance is unsatisfactory.

For newly qualified social workers, Brent's usual probation policy does not apply. Newly-qualified social workers are subject to a one-year probation period, during which time they

must satisfactorily complete their ASYE (assessed and supported year in employment). Detailed guidelines adapted from the College of Social Workers are available from line managers, on-line through Brent's intranet and from Adult Social Services or Children's Social Care.

At the start of their employment, appraisal objectives should be set for probationers as would be done for all other employees. The initial objectives may include induction to the council, the service and their new role; these objectives may be modified following satisfactory completion of the probationary period.

## **Roles and responsibilities**

### **Line managers**

At the start of employment, managers should remind the employee that employment is subject to a probation period and check that the employee has signed the council's core contract which contains a model probation service clause.

As part of induction, managers must ensure that they:

- Communicate expected standards of work performance and key priorities for the post;
- Provide probationers with adequate supervision, guidance and appropriate training to enable them to achieve the required standards of performance;
- Monitor, assess and provide regular feedback. Where a probationer's performance, attendance or timekeeping falls short of expectations this should be communicated to them. Where appropriate, additional supervision, advice and training should be given to enable them to meet the required standards.

If an allegation of a disciplinary offence is made, it must be put to the employee and their response sought before deciding on the matter (the council's disciplinary procedure will not apply to probationers).

Advice should be sought from an HR manager if a manager is considering dismissal due to unsatisfactory performance.

### **Employees**

It is the employee's responsibility to advise their manager of the support and training they need to ensure achievement of performance objectives.

### **Time constraints**

The outcome of the probation assessment must be confirmed in writing to the employee. The final assessment must be timed to allow for the expiry of notice of dismissal on or before the end of the probation period in the event of unsuitability for the post.

Poor performers should be given an opportunity to improve before a final assessment is made. As a guide, it is recommended that formal assessments take place at the following intervals during the standard 26-week probationary period:

- First formal assessment at 8 weeks;
- Second formal assessment at 20 weeks;

There may be occasions where action to dismiss is taken in advance of these timelines and the absence of formal assessments.

## **Managing the assessment process**

Managers should meet regularly with probationers and keep a written record of formal assessment periods. A model form for formal assessments is at Appendix 1.

### **Factors to take into account in assessing performance**

- Work performance (output/quality of work);
- General attitude (conduct/relationships);
- Timekeeping/absence;
- Flexibility (commensurate with the role);
- Training needs.

In accordance with the Disability Discrimination Act 1995, if the employee has a disability which is causing problems with the employee's performance, it will be necessary to consider making reasonable adjustments relating to equipment, work allocation, work environment and the provision of extra support. The advice of HR should be sought in such cases it may be necessary also to consult with the Occupational health Service.

Absence and timekeeping problems caused by pregnancy shall not be taken into account in assessing performance.

### **Assessment discussion**

At each stage, the strengths and weaknesses of the probationer's performance should be discussed and noted together with ways performance could be improved.

An assessment should be made as to whether overall performance is satisfactory or unsatisfactory. Where prior to the final assessment managers are considering dismissal they should write to the employee prior to the meeting explaining why.

Where performance is unsatisfactory, draw this to the attention of the probationer: discuss weaknesses with the aim of establishing the reasons for poor performance and ways of improving that performance. This will include additional support and appropriate training to be provided by the manager.

The standards required and the consequences of failure to meet these standards, i.e. dismissal, should be restated. A senior manager should be made aware of the situation.

### **Extension of probationary service**

It is not normally appropriate to extend the probationary period. This should only occur where special circumstances have made it impossible to make a proper assessment, e.g. the absence of the manager for a significant period or a change of management leading to there being limited continuity for the purpose of supervision or an employee's absence, due to circumstances beyond their control, i.e. motor accident, breaking a limb etc. In other very exceptional circumstances probation may be extended if authorised by the HR Director.

In any event the HR Manager's advice should be sought before agreeing to extend a probationary period. An extension should be for a maximum of a further 13 weeks.

### **Early termination of probationary period**

If attendance or performance falls far short of acceptable standards and it is judged inappropriate to continue employment to the end of the probationary period, it is possible to terminate the probationer's employment before 26 weeks. Generally the probationer should be told of how their performance is unsatisfactory, have the opportunity to give an explanation and (except in cases of proven gross misconduct where this may be inappropriate) an opportunity to improve following receipt of support and appropriate training but this may not always be appropriate.

Where performance/attendance/timekeeping has not been satisfactory, the employee will be dismissed from the service of the council unless there are extenuating circumstances to justify an extension to the probationary period as stated in this policy. During the probation period employment will normally be terminated on one week's notice. However in exceptional circumstances the notice period may be extended.

### **Dismissal of probationary employees**

The manager dismissing the employee must have the authority under Brent's Constitution to dismiss the employee. The employee will have a right of appeal against the decision to dismiss.

An appeal may be lodged on one or more of the following grounds:

1. Procedure – where failure to follow the correct procedure had a material effect on the decision
2. The facts of the case – where the Hearing Manager came to the conclusion on a material point of fact, which no reasonable person could have reached
3. Sanction – where the decision to opt for dismissal rather than an alternative option was one that would not have been reached by any reasonable Hearing Manager
4. New evidence is available that could not have reasonably been raised earlier during the probation process and the absence of which had a material effect on the decision.

Appeals must be lodged within 5 days of the date of the letter notifying the employee of the decision to dismiss.

## Appendix 1 Probationary report form

### Employee Details

Name:

Dept.

Job Title:

Service Unit:

**Formal Assessment** At six months for all staff  
and 1 year for Newly qualified Youth & Community Workers only  
Date completed on:

Stage 1(8 weeks), Stage 2 (20 Weeks) \*please delete as appropriate (for Youth & Community Workers only Stage 3 will be at 32 weeks and Stage 4 at 44 weeks)

**Date completed:**

### A. Work Performance and General Attitude Assessment (Please tick appropriate boxes)

SATISFACTORY

UNSATISFACTORY

Output

☐☐

Quality of work

☐☐

Conduct

☐☐

Relationships with other people (both the public and other Council staff)

☐☐

Time Keeping

☐☐

### B. Additional Comments

Please use this section to make any general comments which you feel are appropriate.

### C.State number of days not at work due to absence and through sickness:

Absent Days:

Sick Days:

### D. Progress Assessment

I am satisfied with progress so far.

Yes/No\* please delete as appropriate

If dissatisfied outline future expectations.

Report Completed by

Position

Received by Employee

Date