

# Thanet District Council Probation Policy & Procedure

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<b>Policy</b>	<b>Probation Policy and Procedure</b>
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# Policy Statement

This Probation Policy and Procedure sets out Thanet District Council's ("the council's") expectations and requirements of employees, managers and the council itself, as well as the council's underlying probation principles.

This is important for ensuring that all parties are confident that a new employee is able to thrive in their new role at the council.

## 1. Introduction

Thanet District Council ("the Council") is committed to ensure that all employees are offered the equal opportunity of support and training to ensure that they are provided with every opportunity to gain the most out of their employment with the Council.

This policy sets out the expectations of newly appointed employees within the council and also the manager of the employee. It is good practice to provide all new employees that are employed into new posts within the council, with a period of planned induction and training, incorporating regular one-to-one meetings, setting targets and gathering feedback.

## 2. Scope and Audience

- 2.1. This policy and procedure applies to all new employees employed directly by Thanet District Council.
- 2.2. Within this policy the following definition applies:
  - The term 'manager' refers to the line manager
- 2.3. All employees recruited from outside Local Authorities have to serve a probationary period of 6 months.
- 2.4. A probation period is a trial period for a new employee, allowing the manager to assess objectively whether the new recruit is suitable for the role, taking into account their capability, skills, performance, attendance and general conduct in relation to the role.
- 2.5. A probation period also enables the new recruit to assess the suitability of the role in line with their aspirations and requirements.
- 2.6. The company believes that the use of probationary periods increases the likelihood that new employees will perform effectively in their employment.
- 2.7. Employees within their probation period should be given appropriate and adequate support to enable them to complete their probation satisfactorily.
- 2.8. The process of probation complies fully with the company's stated policies of non-discrimination and equality of opportunity.

## 3. Roles and Responsibilities

### Employees will:

- Follow the council's policies and procedures which sets out their expectations of them and behave in accordance with those behaviours and values of the council.
- Make themselves aware of the Council's Code of Conduct and what behaviour might

constitute misconduct or gross misconduct as set out in the Gross Misconduct & Summary Dismissal Policy, in the Disciplinary Policy and Procedure and the Bullying and Harassment Policy.

- All employees within their probation period are expected to engage with meetings and training that is provided to them and complete all relevant training for their role.
- Raise any concerns that they have about their own performance to assist the manager in identifying any further support or training that they may require.
- Follow and complete tasks required of them inline with their job description as set out by their line manager.

#### **Managers will:**

- Ensure that a new member of staff has suitable, clear, work related and developmental objectives during their probation period, against which performance and conduct can be measured.
- Ensure that new employees are provided with a team/department induction, training and development and support appropriate to their needs.
- Set out objectives that relate to the job description and record these on the “Probation Period Review Form”.
- Follow and apply this policy fairly and consistently throughout their team/department.
- Monitor the performance and conduct of their new employee.
- Meet with the employee to provide feedback and guidance to ensure the needs of the council and employee are being met.
- Ensure that the employee is made aware of any concerns during the probation period and provide written confirmation when an employee has successfully completed their probation, and save this to their personnel file.
- Raise any concerns and issues with HR in the first instance. Liaise and work with HR to ensure the best outcome for both the employee and the Council.

#### **HR will:**

- Monitor employment legislation and support the Council to review and amend this policy as appropriate.
- Provide support, guidance and training to the Council and its employees in the interpretation and application of this policy.
- Ensure a consistent and fair approach to the application of this policy throughout the Council.

## **4. Policy & Procedure Principles**

- 4.1. Throughout the probationary period, regular supervision and support is important and must be on-going. In addition, it is recommended that review meetings are held at regular intervals during the probation period. As a minimum, at least 2 meetings must be held and documented during the probationary period.
- 4.2. An initial discussion should be held within the first 4 weeks of the new employees start date, this will be the meeting where expectations and support is outlined to the employee.
- 4.3. It is important that time is set aside to carry out the discussions and that there is a detailed recording of the actions agreed at each stage. Individuals should have advance notice of at least 2 working days of such discussions.

- 4.4. Where applicable, both positive feedback and areas of improvement should be given on all elements of the job. If there are on-going concerns about performance and conduct these may need to be addressed immediately. However, records of any discussions and agreed targets must be documented.
- 4.5. Please discuss any concerns about performance with HR at the earliest opportunity after the employees start date. The Probation Review Form should be completed at each discussion and retained, with a copy saved to the Personnel file.
- 4.6. If performance and/or conduct is unsatisfactory, then a discussion must be had as soon as possible to highlight concerns to the employee, to ensure a fair opportunity to improve their performance or conduct. This can be an informal discussion or a first formal review meeting, this is at the discretion of the line manager and can be reflective of the severity of the unsatisfactory conduct and/or performance.
- 4.7. If after the first documented discussion there is no improvement, then the line manager can decide to move straight to a probation review hearing. In this instance advice should be taken from HR.
- 4.8. If at any point during the probation period the new employee is significantly under performing, subject to misconduct and/or gross misconduct, fails a DBS/BPSS check following guidance from Safeguarding, is absent without leave, or has unacceptable levels of attendance, the manager in consultation with HR may decide to move straight to a Probation Review Hearing.
- 4.9. In order for a probationary period to be ended, informal and/or formal meetings must have been carried out before moving to a probation review hearing, however the Council can invite an employee in their probation period to a Probation Review Hearing at any stage if it considers performance and/or conduct to be at an unacceptable standard. See Appendix 3.
- 4.10. This policy does not apply to those employees transferred or recruited from within Local Authorities (or other organisations listed within the Modification Order) who meet the requirement for continuous service. If there are concerns about these employees' performance and/or conduct, then managers should refer to the relevant policy.
- 4.11. Should you become employed following a period of time as an agency temp/worker or contractor this period of time will not count towards a probationary period or continuous service unless agreed by the head of service with a business case.
- 4.12. Existing employees who have moved internally and have successfully completed a probation period will not be subject to a further period. Any concerns of performance and/or conduct issues will be managed under the relevant policy.
- 4.13. The policy applies to all employees in their probation period, irrespective of working hours. It includes temporary and fixed-term contracts of any length. If a contract is shorter than the length of the probation period, the probation period will be for the length of time they are employed.

## 5. Induction

- 5.1. It is the manager's responsibility to devise an appropriate induction programme for all newly-appointed employees which will enable the employee in their period of probation to meet key contacts, understand their role and the standards expected of them, and understand how they contribute to the overall function and corporate aims of the business.
- 5.2. The manager must also ensure that the employee attends any mandatory corporate induction. This must be arranged with HR and the employee in their period of probation must attend the next available induction following their start date.

- 5.3. The manager should also discuss and agree an initial training and development plan based on the individual's personal needs, to ensure that they will be able to perform their new role effectively. This should be covered in the 4 weeks review.
- 5.4. An Induction Check-list can be found on TOM, the Council's intranet page, and within appendix 1 of this policy. This must all be completed and signed by each new employee and their induction manager - ensuring that all relevant issues, including those of critical 'Health and Safety (H&S)' are covered. Completed copies of the checklist should be retained on the employees personnel file, alongside any other relevant operational training, development and H&S compliance documents, for ongoing/ future reference.
- 5.5. The manager should ensure that sufficient time is given to the new employee to complete any mandatory training required.

## 6. Monitoring Performance

- 6.1. Review meetings should address any concerns with the new employee including but not limited to conduct and performance. Positive elements should be fed back and any training needs should be identified at this stage. Arrangements must be made by the manager to ensure these training needs are met.
- 6.2. During the probation period the manager will monitor the employee's:
  - Performance;
  - Conduct;
  - Timekeeping - arriving late and/or leaving early;
  - Attendance - including following the correct absence reporting procedure.
- 6.3. If any training needs are identified as part of a review meeting, appropriate training should be arranged to take place during the probation period or as soon as reasonably practicable.
- 6.4. A written record must be maintained of the probation review meetings. In order to move to a Probation Review hearing, there should be a record of at least 2 probation review meetings having been held.
- 6.5. All new employees employed by the council, even those with continuous service, should have a minimum of 2 informal review meetings within the first 6 months to set out expectations of the role and any concerns highlighted.
- 6.6. Following successful completion of a probation period, if a pattern of poor performance continues, e.g. a repeated inability to sustain improved performance for an extended period of time, the manager may proceed to the formal performance management procedure within the Performance Procedure and Policy. The manager should seek advice from HR if they feel this is required.

## 7. Confirmation of Appointment

- 7.1. If the manager is satisfied with the employee's performance and their fit for the role, this must be confirmed to the employee. The employee must be invited to a Probation Review Meeting, in the first instance to confirm this, this should then be followed up in writing. There is a template held by HR for the manager to complete and then save to the employees personnel file.
- 7.2. If there has been no probation review hearing held to confirm that they have been unsuccessful to meet the required standards of the role by the end of the 6 month probation period, it will be deemed that the employee has passed their probation period. Any conduct or performance concerns will then need to be managed through the relevant policy.

## 8. Probation Review Hearing

- 8.1. Employees who have not reached a satisfactory standard should be invited to attend a Probation Review Hearing, so that their ongoing employment can be decided. This discussion should take place to allow sufficient time for notice to be served in accordance with the employee's contract of employment (Statement of Particulars), in the event that a decision is made not to confirm the employee in post.
- 8.2. The employee will be entitled to notice in accordance with their Statement of Particulars, normally 1 week. The employee may be given pay in lieu of notice, any accrued but untaken annual leave, overtime, mileage claims or any other expenses that may be owed.
- 8.3. This Probation Review Hearing will be chaired by a manager with authority to dismiss, who has not previously been involved in the case. This is usually a Head of Service but delegated authority may be given by the Head of Service to another manager if appropriate.
- 8.4. The chair of the hearing will be accompanied by another manager not previously involved in the case and a member of the HR team may also be present, along with a note taker.
- 8.5. The employee will be invited to the hearing in writing and provided with reasonable notice of not usually less than three working days.
- 8.6. The employee's manager will prepare a report that will be shared with the employee and the panel in advance of the hearing outlining the steps that have been taken to date, both informally and formally, to address all issues including details of the support and training provided, where appropriate. They will present this report at the hearing.
- 8.7. The employee will have the opportunity at the hearing to respond to the evidence in the report and to set out any concerns about the assessment of their performance and/or the support they have received. The employee may be questioned by the manager and the hearing panel.
- 8.8. If appropriate, the chair of the panel may explore the option of redeploying the employee to another role within the Council.
- 8.9. The hearing may be adjourned if the chair decides that they need to gather any further information or give consideration to matters discussed at the hearing.
- 8.10. The outcome of the hearing will be confirmed in writing to the employee as soon as reasonably practicable. The outcome could be one of the following:
  - That there is insufficient progress but redeployment to another role or demotion is possible;
  - That there has been insufficient progress, but it is reasonable to extend the probation period (no more than 3 months), due to some improvement being made. In this situation, the Probation review hearing will be adjourned and reconvened at the end of this review period.
  - That there is insufficient progress and the employee should be given notice of dismissal.
- 8.11. In cases of dismissal, it will usually be on contractual notice, unless performance has been so negligent it may amount to gross negligence. Cases of gross negligence/gross neglect of duty will usually be dealt with under the Council's disciplinary policy.
- 8.12. Where there is a need for a second Probation Review hearing due to an extension of the probation period a final decision will be taken at this hearing to either confirm appointment or terminate their employment.
- 8.13. Employees will not normally be dismissed for performance reasons without a previous review meeting being held, except in cases of gross misconduct/gross negligence.

## 9. Appeal

- 9.1. An employee has the right to appeal the decision of any formal warning or dismissal made as a result of this procedure.
- 9.2. The submission of an appeal will not halt any arrangements or agreement's currently in place unless there are exceptional circumstances to warrant this.
- 9.3. Appeals must be made in writing to HR within five working days of receipt of the written confirmation of the warning or dismissal.



- 9.4. An appeal is not a re-hearing of the original case but instead should be based upon one or more of the following principles:
  - 9.4.1. The decision to dismiss or extend is disproportionate based on the evidence presented or is inconsistent with sanctions imposed on other new starters in similar circumstances;
  - 9.4.2. New evidence has come to light since the original hearing which needs to be considered;
  - 9.4.3. The Council has failed to follow its Probation Policy and Procedure
- 9.5. The appeal hearing will be chaired by a manager of the same level or above the chair of the original hearing, depending on the circumstances of the case. Another officer or manager not previously involved in the case will make up the panel. A HR representative will provide advice and guidance on policy and process, including on the appropriateness of the panel members.
- 9.6. The appeal hearing will be arranged in a timely and reasonable manner.
- 9.7. The employee will be given reasonable notice in writing of no less than three working days of the appeal hearing detailing who will be conducting the hearing, arrangements in relation to any documents to be forwarded prior to the hearing (if not already enclosed) and the employee's right to be accompanied by either a trade union representative or workplace colleague.
- 9.8. At the hearing, the employee will be asked to give their reasons for appealing, referring to any relevant evidence and the chair of the previous hearing may be asked to attend the hearing to explain the rationale for their decision.
- 9.9. Once all evidence has been considered, the hearing should be adjourned to allow the panel to consider the information put before them. If the panel requires further information or clarification prior to making a decision, this should be sought as a matter of urgency and the employee advised that there will be a delay in reaching an outcome.
- 9.10. Once a decision has been reached, the hearing should be reconvened or a letter written to the employee to inform them of the outcome.
- 9.11. The outcome of the appeal could be that the appeal is upheld or it is not upheld. This will be confirmed in writing within five working days of the hearing unless there has been a delay due to additional evidence or clarification being sought.
- 9.12. The decision of the appeal hearing is final and there is no further right of appeal.
- 9.13. If the employee is appealing against a decision to dismiss them, their dismissal date will be effective from the date in their dismissal letter, unless their appeal is upheld. The employee's employment will not continue whilst a decision regarding their appeal is reached. If the appeal is upheld, the employee will be reinstated with no break in their continuous service and their pay will be backdated to the date of dismissal.

## **10. Extending The Probationary Period**

- 10.1. Extending the probationary period should normally only be considered where there are exceptional circumstances outside the control of the employee, (e.g. absence through illness by the employee, or their manager), or where the employee's performance has improved, but not sufficiently to be confident of confirming their appointment.
- 10.2. The reasons for the proposed extension should be clearly outlined to the employee, including arrangements made to ensure careful supervision and the employee understands what is required and the timeframe for review.
- 10.3. Extensions of the probationary period should only occur where the manager is satisfied that such an extension (of no more than three months) will, with further training and support, lead

to successful completion of the probationary period, or as a suggestion at the Probation Review Hearing.

- 10.4. A new end date, clear action plan, including any necessary training and standards required to be achieved by the new expiry date, should be drawn up and confirmed in writing. Dates and times of further review meetings should be scheduled. Please speak to HR prior to this decision being made if extending the probation period.

## **11. Employees with disabilities**

- 11.1. The Council is committed to attracting, supporting and retaining employees with disabilities. Employees are encouraged to disclose any disability they have to their manager/HR before the start of their employment or as the condition/disability arises in order to access support.
- 11.2. Employees with a disability may be referred to Occupational Health for advice on what adjustments the Council can make to their responsibilities, equipment or workplace, to enable them to carry out the functions of their post, such adjustments to be made in consultation with the employee, and the effectiveness monitored over a period of time.
- 11.3. Employees with a recognised disability are able to request adjustments, and all requests must be taken seriously and be deemed reasonable to implement said adjustments.
- 11.4. Disability Leave is a form of reasonable adjustment in line with the requirements of the Equality Act 2010 and enables employees to take paid time away from work for pre-planned appointments or treatments, related to an employee's disability, that help maintain health and wellbeing. Please refer to the Absence Management Policy & Procedure for further information.
- 11.5. Please speak to a member of HR if you have concerns about performance and/or conduct which could be relating to a disability.

## **12. Redeployment**

- 12.1. Whilst an employee might be considered incapable of reaching the standards of their current role it may be possible that they are capable of undertaking another role within the organisation.
- 12.2. Consideration of redeployment to such alternative employment where appropriate, should be given at the earliest opportunity.
- 12.3. Consideration of redeployment is dependent upon the types of vacancies available at that time and the employee's individual skills and experience so cannot be guaranteed.
- 12.4. Where redeployment is offered it may be at the same or a lower grade of the employee's current position and there will be no salary protection.
- 12.5. At any stage during an employee's employment, they can apply for another role within the Council if they chose to. If they are successful in gaining another role within the Council, their contractual notice still applies.

## **13. Right to be accompanied**

- 13.1. An employee has the right to be accompanied by a fellow worker or trade union representative at any formal meeting or subsequent appeal, including the Probation Review Hearing.

- 13.2. The automatic right to be accompanied does not apply at any informal meetings of this procedure but if requested then it may be allowed, provided that it does not cause any delay to the process.
- 13.3. The Council reserves the right to refuse accompaniment by a person who is deemed to be unsuitable by the HR team. Examples of unsuitability would include someone who has a vested interest in the outcome of the process and anyone who has previously behaved inappropriately during a hearing.
- 13.4. If your trade union representative or workplace colleague is not available at the time arranged for the hearing, you may request an alternative hearing date provided that it is within a reasonable timeframe, which will be determined by the chair of the panel. A postponement will normally also be granted where, to do otherwise would seriously prejudice the ability of either party to present their case. A hearing will normally only be rearranged once and the chair of the hearing may determine an outcome on the evidence available without the employee being present if they are unable to attend a hearing that has already been rearranged.

## 14. Employee Records

- 14.1. A full confidential record of all notes, evidence and letters relating to informal meetings and the formal review hearing should be kept on the employees personnel file.
- 14.2. If an employee is dismissed at the Probation Review Hearing, their personal information will be held by the Council for the statutory period of 6 years.
- 14.3. Any discussions regarding performance and/or conduct may be taken into consideration in any subsequent performance or disciplinary case, within 6 months of the employee having passed their probation
- 14.4. Records of discussions and training, either formal or informal, can be used in order to;
  - Refute claims by the employee that they did not know that such performance was below what was expected of them.

## 15. Equality Statement

The Council is committed to promoting equality, valuing diversity and combating unfair treatment. The Council will endeavour to ensure equal access to its policies and procedures and will combat discrimination or less favourable treatment on the grounds of any irrelevant consideration, in accordance with the Equality Act 2010.