



# **SOLIHULL METROPOLITAN BOROUGH COUNCIL**

## **Probation Policy**

## Probation Policy – Jan 2012

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## Purpose:

A successful introduction to a new job is fundamental to the creation of a productive and positive working relationship between Employer and Employee. This policy determines the process and principles to be adopted during the first six months in a new role (the Probation Period).

The Policy places the onus on both the line manager and employee to productively participate in the process. It is aimed at setting up new employees for success regardless of their role or working hours.

## Scope:

The application of this policy applies to all employees who have a Contract of Employment with Solihull MBC (including non-teaching Schools based employees) but specifically **excludes Contractors, Teaching Staff employed under Standard Teachers pay and conditions, Agency Temporary workers or Supply Staff.**

**NB whilst excluded from scope in the application of the policy, some Teaching Staff will have line management responsibility for non-teaching staff. These Head Teachers/Teachers should be given training in the application of the policy where a training need is identified.**

The policy covers the following areas:

- Performance (against role requirements and targets/objectives)
- Conduct (including the meeting of contractual requirements)
- Compliance with Policies and Procedures (including any local arrangements)
- Attendance

## Principles:

1. All new employees (within the scope definition above) will serve a probation period of six months, (unless they have transferred from another Local Authority and have qualifying continuous service.)
2. This policy sets out clear responsibilities for all parties to the employment relationship for the purpose of providing clarity and guidance.
3. Line Managers are responsible for ensuring newly appointed employees are aware of their responsibilities, are provided with the necessary training and support and are given regular feedback throughout the probation period
4. Concerns regarding performance should be raised as early as possible

to give maximum opportunity for the employee to rectify any problems and respond to support and encouragement.

## **Responsibilities:**

### Employee:

- To respond to training and support put in place and input to regular reviews with their own views on how they are progressing.
- To be attentive to and respond to feedback.
- To comply with all reasonable requests, including attendance at meetings.

### Line Manager/Head Teacher/Member of Governing Body

- To follow the Induction Guidelines and put in place a structured plan to ensure the successful start to any new role.
- To provide clarity on what is expected throughout the probation period alongside continuous feedback and support. To ensure that the standards and objectives set are in the context of the Performance Development and Review Framework
- To conduct meetings during the probation period in line with this policy
- To respond promptly to any issues, concerns or deterioration in performance/conduct and seek advice from HR in the event of serious concerns
- To update HR regarding completion of the probation period

### Human Resources:

- To respond promptly to requests for advice or guidance from line managers
- To advise on policy interpretation and implementation as appropriate

### Recognised Trade Union Representatives or nominated work colleague:

- To accompany and advise an employee throughout any meetings called to review the probation period where requested.

- To participate in policy development.

## Procedure

The requirement to serve a probation period of six months is explicitly stated in the Contract of Employment and joining documentation.

Line Managers should complete the Induction Checklist detailed on the \*intranet for all new starters including attendance at off-the-job training events (some of which are a mandatory requirement)

\*( a copy is available on the schools Extranet for guidance for Headteachers)

Regular review assessments should take place throughout the probation period as a guideline, at the following intervals:

- 6 weeks
- 12 weeks
- 18 weeks
- 24 weeks

*More frequent reviews may be appropriate (e.g. where there is a cause for concern)*

Meetings held during the probation period to review progress should be development focussed using the standard documentation available on the intranet/extranet to ensure recording of progress. A summary of each meeting should be recorded and shared with the employee.

Line Managers should ensure that new employees are clear on their objectives and responsibilities, and what the standards of achievement are (both in terms of work performance and conduct). These should be recorded and shared.

It is helpful for individuals to understand how their role fits into the overall departmental/ school and organisational objectives so they are motivated to perform and achieve.

Where Managers feel additional input is needed (e.g. Training or personal development) they should seek assistance via either their HR Advisor or the Organisational Development Team.

Where serious concerns occur (e.g. a significant short-fall in performance, misconduct issues or a high level of absence) line managers should refer to the section “handling issues during probation”. Any concerns must be recorded and shared with the employee. Appropriate action plans put in place to support an improvement in the required area.

## **Successful Probation – next steps**

When an employee has successfully completed their probation period it may be appropriate to review their pay within the Performance and Development Review Framework. This will depend upon their start date. Where an employee has successfully completed their probationary period by 31<sup>st</sup> March each year, they will be included in the pay review for the relevant year. Any pay review is dependant upon achievement of performance objectives and assessment under Leadership and Core Qualities.

HR should be informed of the outcome of probation via the completion of the Induction Checklist.

## **How to Handle Concerns or Issues during Probation:**

Concerns and issues should be handled promptly and appropriate training and support given to the employee to rectify any issues.

Line Managers should seek advice and support as appropriate from HR or Organisational Development.

Wherever possible issues should be resolved informally with the appropriate feedback and support being put in place.

In the event that after support and training given, or that a serious issue of misconduct occurs, it may be appropriate to review the continuance of the probation period. Where it is appropriate to consider extending the probation period (see guidance on this further in this policy) this should be for no longer than 3 months.

The probation review process outlined below should be followed (unless there are exceptional reasons why this cannot happen – in this case Human Resources should be consulted). This is separate from the regular reviews referred to earlier in this policy.

## **Probation Review Process**

The following process is both structured and complies with statutory provisions (including ACAS guidelines) and should be followed where:

- A manager has sufficiently serious concerns about an employees conduct or capability during the probation period that it is in question whether the probation period should continue or
- Following action and/or development plans an employee has failed to respond to support and training by the end of the development period or

- A conduct issue arises which places a question on whether the probation period should continue.

#### Raising Concerns with the Employee:

- The employee should be made aware of the areas of concern at the earliest opportunity. This should be in a meeting where the concerns are discussed and evidence put forward.
- Evidence must be supported by documentation where this is relevant. The Individual should be encouraged to put forward their own point of view and any mitigating circumstances that may be affecting their performance, attendance or conduct.
- Where the Manager still believes it is in question that the probation period should continue (or be confirmed) the individual will be notified that a probation review meeting is to be called.

#### Extending the Probation Period:

Six months should be an adequate period of time to effectively assess an employee's suitability for the role. It is therefore only in exceptional circumstances that an extension (of no more than 3 months) should be contemplated. The following are examples of when this may be appropriate

- Following the highlighting of concerns to the employee, and a period of development, there is a realistic chance that the employee will reach the required standards by the end of an extended probation period. This would have to be evidenced by an improvement already having been identified.
- Some unforeseen absence or issue has interrupted the probation period. Examples of this may be absence from work, lack of availability of support or training.
- Where a line manager finds it necessary to extend the probationary period this should be discussed with the employee and the reasons for the extension made clear, together with clear objectives and timescales. For further guidance on extending the probation period please refer to your HR Advisor.

#### Setting up a Probation Review Meeting:

The individual should receive at least 5 working days notice prior to the Probation Review Meeting in writing. This letter should also include the following:

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- documentary evidence to support the decision to call a probation review meeting;
- a copy of the probation policy;
- an explanation of the right to be represented by either a Trade Union representative or work based colleague.
- the range of outcomes from a probation review meeting:
  - Continuance of the probation period.
  - An extension of the probation period.
  - Termination of employment (with notice).
  - Termination of employment (without notice – only in the event gross misconduct is alleged).

*It may be appropriate to ask the employee to refrain from attending work (on contractual pay and benefits) between notification and the meeting itself. Whilst this does not pre-empt the outcome of the meeting, it gives the employee an opportunity to prepare themselves. Line managers should seek guidance from HR on this point*

### **Conducting a Probation Review Meeting**

- The employee's line manager's manager should hear a probation review meeting. For school based staff, because termination of employment is a possible outcome, a member of the Governing Body should also be present (who should not be a member of staff). It is possible for the Governing Body to delegate the running of the meeting to the Head Teacher. Any rationale and decision in this respect should be fully documented.
- Wherever possible the person chairing the meeting should be impartial and not have had any involvement in the reviews or assessments to date of the employee under probation.
- A probation review meeting should take place in a private office, with sufficient time allowed for full consideration of all the evidence and adjournments if necessary.
- Where a valid reason is given, in advance of a probation review meeting, the meeting may be rescheduled (within 5 working days of the original meeting date) In some circumstances it may be appropriate to hold the Probation Review meeting in the absence of the employee (e.g. in cases of unauthorised absence) – please refer to the section "Absence from or requests to postpone meetings".



- The outcome of a probation review meeting should be confirmed in writing normally within 5 working days of the meeting. The outcome should set out the employees right of appeal against any decision made, explaining time-scales and to whom an appeal should be sent.
- Where the outcome of the meeting is termination of employment (with notice) it may be appropriate to make a payment in lieu of notice.

## **APPEALS PROCEDURE:**

Employees have the right to appeal against the outcome of a probation review meeting. Any appeal must be submitted within 5 working days of receipt of the decision. The grounds for appeal must be clearly set out in writing. A Manager more senior to the Manager hearing the case, who has had no previous material involvement in the case, should hear appeals. For Schools, a member of the Governing Body, who has not previously been involved in the case, should hear appeals.

Appeals should normally be heard within 15 working days of receipt of the written notification.

Employees have the right to be represented at an appeal meeting by a Trade Union representative or a work based colleague.

The appeal hearing should be structured and allow for adjournments if necessary.

The outcome of an appeal hearing should be confirmed in writing making it clear there is no further internal right of appeal. This should occur normally within 5 working days of the hearing.

The form contained within this policy should be used for appeals (Appendix 1)

## **Absence from or Requests to Postpone Meetings**

Where an employee presents a valid reason for non-attendance at a scheduled probation review meeting it may be appropriate to reschedule the meeting. Whether it is appropriate to reschedule will depend upon the circumstances. Advice should be sought from HR in these situations. Examples of valid reasons may be:

- Non availability of Representative
- Certificated Sickness Absence

- Pre-booked leave

This is not an exhaustive list.

Where an individual fails to give a valid reason for non-attendance, or does not turn up for a review meeting, it may be appropriate to run the meeting in the employee's absence. This would be in exceptional cases and the opportunity to either present the case in writing, or via a representative should be offered to the employee in a letter prior to the meeting taking place where this is possible. Clearly this would not be possible in the event of a failure to turn up for the meeting.

### **Absence during the probation period:**

Employees who experience ill health during probation will be offered support and where appropriate Occupational Health guidance.

Where an employee's attendance is a cause for concern this may trigger a probation review meeting, dependent upon a number of factors:

- If appropriate obtain Occupational Health advice
- Whether it may be more appropriate to extend the probation period to give further opportunity to demonstrate the required standards (notwithstanding the guidance outlined above concerning extension of the probation period)
- Whether the employee has co-operated with policies and requirements (e.g. reporting absence, provision of medical certificates)

In circumstances where an employee's absence is on-going and there is no evidence of a return to work at a point within the probation period to enable them to demonstrate the required standard, a probation review meeting may be called.

If the employee is not well enough to attend a meeting the opportunity to either send a written submission, or a representative exists as outlined earlier in this policy.

### **Handling Complaints or Grievances submitted during Probation:**

Any complaint received in writing during the probation period should be treated seriously and investigated thoroughly with the outcome being communicated to the employee.

If there is a clear connection between a complaint received and any issues

concerning performance or conduct, which have become the subject of the probation review process, consideration should be given to dealing with the grievance first before commencing the probation review process.

Grievances should be investigated by a suitably trained Manager.

Once the employee has submitted a written complaint, an investigation will commence. It may be appropriate to hold a meeting with the complainant to seek further clarification prior to initiating an investigation. Once the investigation is complete the employee should be informed of the conclusions in a meeting where they have the opportunity to be represented by either a Trade Union representative or work based colleague.

### Grievance Meeting

A grievance/complaint meeting should be heard by the employee's line manager's manager (or Head Teacher) provided this manager has played no part in any investigation.

A grievance meeting should take place, with sufficient time allowed for full consideration of all the evidence and adjournments if necessary.

The outcome of a grievance meeting should be confirmed in writing normally within 5 working days of the meeting. The outcome should set out the employee's right of appeal against any decision made, explaining time-scales and to whom an appeal should be sent.

### Appeal Process:

Should a written appeal against a grievance outcome be received, a meeting will be convened and run by a Manager who is more senior than the Manager hearing the grievance (who should not have played any previous material part in the grievance to date.)

The meeting should be convened normally within 15 working days of receipt of the written appeal and the right of representation offered.

An appeal meeting should take place in a private office, with sufficient time allowed for full consideration of all the evidence and adjournments if necessary.

The outcome of the appeal meeting should be confirmed in writing normally within 5 working days of the meeting. It should be made clear that there is no further internal right of appeal.

## APPENDIX 1

### **Solihull Metropolitan Borough Council Appeal against outcome of Probation Review Meeting**

I wish to submit an appeal against the outcome of a Probation Review Meeting

#### **PERSONAL DETAILS**

Your Name:	
Your Job Title:	
Your Contact Address:	
Your Contact Telephone No:	
Union/ Representative (if known)	

#### **DETAILS OF ACTION TAKEN**

Type of Action taken: (e.g. dismissal etc)	
Name of Line Manager/ Headteacher/ Chair taking decision	
Date of receipt of written decision	

**GROUND OF APPEAL.** Please provide further detail for your grounds of appeal  
(continue on another sheet if necessary)

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Grounds for appeal (continued)

**Your Signature** \_\_\_\_\_ **Print Name:** \_\_\_\_\_

**Date of Signature** \_\_\_\_\_