



WEST DEAN PARISH COUNCIL

PROBATIONARY POLICY & PROCEDURE

INTRODUCTION

All new employees to West Dean Parish Council are required to satisfactorily complete a 6-month probationary period before they can be confirmed in a role. This is not required for internal appointments (i.e. employee moves to a different job within WDPC) where they have continuous service, providing they have already completed their probationary period. It does, however, apply where there has been any break in continuous service.

The purpose of this initial review period is to assist WDPC in determining whether or not to confirm a new employee in the role. It provides a framework so that managers can assess a new employee's performance, and to identify and provide any support that is necessary.

In addition to this procedure, WDPC has a number of other arrangements in place to support employees to achieve the high standards of performance and conduct expected of them, and to reach their full potential. These include the WDPC Managing Performance policy, and a comprehensive training and development programme. All new employees must have a performance appraisal and development discussion as part of their job induction process, during which the standards of performance and any immediate training needs identified will be discussed. This will support a new employee in the early stages of their career with West Dean Parish Council and help them complete the probationary period without any problems.

RESPONSIBILITIES AND EXPECTATIONS

Employees are responsible for:

- Engaging with the induction and probationary period process and reaching the required level of performance
- Familiarising themselves with the organisation's rules, policies and procedures, particularly those relating to security, equal opportunities, conduct, discipline and grievance.
- Ensuring that they understand the probationary procedure.
- Ensuring that they are familiar with the standards and requirements of the job role, both those specified within the job description and how their role fits into the wider team and further organisational contribution;
- Ensuring that they take an active part in the probation review meetings.
- Undertaking any learning and development activities agreed with the manager; this includes all mandatory training modules and familiarity with specified policies such as health and safety and safeguarding.
- Reporting any disabilities or reasonable adjustments that may be required.

Clerk or nominated representatives are responsible for:

- Ensuring the employee is aware of this probation policy and procedure.
- Explaining the expected standard of performance, how performance will be monitored, and expected standards of conduct to the new employee.
- Completing probation reviews as appropriate for the new employee.
- Ensuring probation documentation is completed in a timely manner.

- Notifying the employee of any probation review meetings in advance so that both parties have time to prepare.

The Staffing Committee Members

- The Staffing Committee Members are responsible for establishing procedures in relation to the dismissal of staff or extension of the probation period.
- The Staffing Committee members may delegate the function of extension of the probation period to the Clerk where this is appropriate.
- The decision to delegate this function should be fully documented, and the Staffing Committee members may use a standing order for this purpose.
- Where the function has been delegated to the Clerk, the Clerk cannot delegate this function to another person or persons.
- The Clerk has the right to attend and offer advice at all relevant proceedings/meetings, and any advice given should be considered by the Staffing Committee Members.

PROCEDURE

The Clerk or nominated representative will set review dates with the new employee and provide them with a copy of this policy, with regular monitoring by the line manager in first 6 months.

The Clerk or nominated representative will meet the employee on the review dates set to discuss their performance and will record their assessment on the Probationary Period Review form. The Clerk or nominated representative must ensure that, where improvement is necessary, the employee understands the areas in which they need to improve, and the standards that are expected of them. A copy of each form will be given to the employee and should be kept on the employee's personnel file.

The Clerk or nominated representative will ensure that any support, development opportunities, or training activities that are recorded on the form as being necessary, are provided.

Where concerns have been highlighted about the employee's performance through the monthly reviews, they should be notified and support provided, where possible, to enable them to meet the required performance standard.

DISABILITIES

Employees with disabilities should be monitored using the same procedure as for all other staff. However, in line with the Equality Act 2010, the need for any reasonable adjustments or more favourable treatment required by disabled employees must be considered at any time during the probationary period. In circumstances where a disability only becomes fully apparent once an employee has started in post it may be necessary to defer the probationary assessment until after all reasonable adjustments have been considered and implemented where appropriate. Occupational Health advice should be sought at the earliest opportunity.

Reasonable adjustments which are required to enable an employee to perform in their post must be implemented promptly. In all cases where the probation assessment needs to be deferred until all reasonable adjustments have been implemented, the Clerk or nominated representative should seek advice from a Human Resources specialist and inform the Chair of Staffing Committee. The Chair of Staffing Committee will invite the employee to a meeting, at which they may be accompanied by a work colleague or trade union representative, giving at least five working days' notice. The probation assessment can only be deferred once up to a maximum of one month. The employee has a responsibility to declare any disability and reasonable adjustments that may be required at the earliest opportunity after commencing employment. It is permissible to extend the probation period for a further time in line with the extension guidelines below.

THE FINAL REVIEW (6 months)

Between the 5th and 6th month the Clerk or nominated representative must consider whether:

- The employee's appointment should be confirmed; (6th month review to be held by the Clerk or nominated representative)
- with the employee's agreement, the probation period can be extended (final review to be held by staffing committee members); or
- the employee's contract should be terminated (final review to be held by staffing committee members).

If the Clerk or nominated representative considers that the employee's conduct and/or performance is unsatisfactory after the 5-months, they will immediately inform the Clerk (if not already involved) and the Chair of Staffing Committee that they consider the employee's performance review to be unsatisfactory and will send the Staffing Committee copies of the employee's probationary review forms. HR advice should also be sought.

The Clerk will write to the employee to invite them to attend a meeting before the end of the probationary period (i.e. 6 calendar months from the employee's start date) to discuss their performance with the Staffing Committee Members. A HR representative may attend the meeting to provide advice to the Staffing Committee Members if this is required. The Clerk will also attend the meeting. The letter will explain that a possible outcome of the meeting is that the Staffing Committee Members decide not to confirm the employee in the role (i.e. they will be dismissed) or the probation period is to be extended. A minimum of five working days' notice will be given of the meeting, and the employee has the right to be accompanied by an appropriately trained and elected trade union representative or work colleague. It is the responsibility of the employee to notify their representative of the date and time of the meeting. If the employee, or their representative, cannot attend on the date arranged, they can suggest one other meeting date as long as this is within five working days of the original date of the meeting. A copy of this letter should be kept on the employee's personnel file.

The purpose of the final review is to assess the employee's progress over the whole of the probation period and to reach a decision as to whether:

- the employee's employment should be confirmed.
- the probation period should be extended (in exceptional circumstances and with the employee's agreement)
- the employee should be dismissed.

OUTCOMES AT THE FINAL REVIEW

6.1 Confirmation of appointment

If the Clerk or nominated representative considers the employee's performance to be satisfactory, or better, at the final 6-month review, the Clerk or nominated representative will write to the employee to confirm that they have successfully completed their probationary period and therefore confirmed in the role. A copy of this letter should be kept on the employee's personnel file. The employee will then be subject to West Dean Parish Council's managing performance and other HR policies and procedures.

6.2 Extension of probation period

There may be circumstances where the Staffing Committee Members consider that the employee has not had sufficient opportunity to demonstrate the required performance and therefore decide it is appropriate to extend the probationary period for the following reasons:

- Through the employee's sickness or other authorised absence, it has not been possible to assess performance.

- The employee has not performed satisfactorily but the manager has evidence to suggest that performance is likely to improve with a further period of probation and support.

If the Staffing Committee conclude that the probationary period should be extended (with the employee's agreement), the following must be discussed with the employee and confirmed in writing:

- the reason for the extension
- details of any training that will be provided during the extension period.
- the performance standards expected and the way in which it will be monitored.
- if performance still fails to meet expectations at the end of the period the employment will be terminated.

The probation period should not normally be extended by more than two months. During the extended probationary period, the Clerk or nominated representative will carry out reviews every month.

Following the extended probationary period the Clerk will arrange a further meeting, and the appointment should be confirmed, or contract terminated in accordance with sections 6.1 and 6.3 as appropriate.

6.3 Termination of employment

Where it becomes clear that the probationary period will not be successfully completed, the Clerk/Staffing Committee will inform the employee of the Committee members' decision (i.e. not to confirm the employee in the role) and write to the employee, normally within five working days of the meeting. If the decision is made not to confirm the employee in the role, the letter will give the employee formal notice of the date on which their employment will end by virtue of failure to successfully complete a probationary period and explain how they can appeal against the decision. A copy of this letter should be kept on the employee's personnel file. Dismissal will be with notice pay and may be actioned as a payment in lieu of notice.

It is not the intention of this procedure that probationary employees should face dismissal as a result of allegations of minor misconduct which would not lead to the dismissal of any other employee. However, persistent acts of minor misconduct may lead to dismissal.

All employees must act in accordance with the values and behaviours of West Dean Parish Council; termination will be considered where non-compliance is consistently demonstrated during the probationary period. Confirmation of termination of employment will be provided in writing to the employee.

The employee has a right of appeal in accordance with Section 8 of this procedure.

TERMINATION OF EMPLOYMENT BEFORE THE COMPLETION OF THE PROBATIONARY PERIOD

If work performance, attendance or conduct falls short of acceptable standards with the effect that it is not appropriate to continue employment it is possible to terminate employment at any point during the probationary period.

In all cases the employee must be invited to attend a meeting to be told how their performance, attendance or conduct is unsatisfactory and have the opportunity to give an explanation. As dismissal will be considered, the process as outlined in section 5 and 6 must be followed.

APPEAL

If the employee wishes to appeal, they must write explaining the grounds for their appeal to the Clerk or nominated representative of the Staffing Committee within five working days of receipt of the letter giving notice.

The grounds of appeal should relate to one or more of the following:

- **The procedure:** An appeal can be lodged on the grounds that the probation procedure was applied unfairly or inaccurately.
- **The facts:** An appeal can be lodged where the employee believes that the facts of the case did not support the decision made; that the facts considered were not relevant; that the facts were not substantiated; or where there are new facts/evidence which needs to be considered that has come to light subsequent to the hearing
- **The decision:** An appeal can be lodged where the employee feels that the sanction received is disproportionate to the charges found considering the evidence/mitigating circumstances presented.

The Clerk will arrange for Council members (not involved in the original decision or nominated members of the Staffing Committee) to meet with the employee to hear the appeal. A minimum of five working days' notice will be given of the meeting. The employee has the right to be accompanied by a trade union representative or work colleague to the meeting. If the employee, or their representative, cannot attend on the date arranged, they can suggest another date which should be within five working days of the original date of the meeting. A copy of this letter should be kept on the employee's personnel file.

The Clerk will inform the employee of the Council Members' decision and confirm it in writing normally within five working days of the meeting (A copy should be kept on the employee's file). There is no further right of appeal under this procedure.

COMPLIANCE

Failure to follow this policy and procedure may impact on good employee relations and the reputation of West Dean Parish Council as a good employer. In addition, it may result in West Dean Parish Council breaching employment legislation and incurring financial penalties.

Managers who fail to manage in accordance with this policy will be investigated and this may lead to formal action under the appropriate managing performance or disciplinary policy and procedure.

IMPACT ON WEST DEAN PARISH COUNCIL'S PRIORITIES

The policy provides clear statements about Staffing Committee Members, the Clerk, manager and employee responsibilities to ensure that the conduct of all West Dean Parish Council employees is of a high standard. This process supports West Dean Parish Council in delivering excellent service and enables West Dean Parish Council to effectively meet its key priorities.

TRAINING AND AWARENESS REQUIREMENTS

The Clerk and employees will be informed about this policy and procedure via appropriate communication channels.

MONITORING

The Staffing Committee Members are responsible for ensuring the implementation and review of this policy and procedure.

REVIEW

This document will be reviewed after four years unless circumstances demand a review before then e.g. change in legislation.

APPENDIX 1: PROBATIONARY PERIOD REVIEW FORM

Please complete a new form for each review

NEW EMPLOYEE'S DETAILS

Name: _____ Workplace: _____

Job title: _____

Date: _____

<i>(please tick)</i>	Improvement required	Satisfactory	Excellent
Quality and accuracy of work			
Efficiency			
Attendance			
Time Keeping			
Work relationships (teamwork and interpersonal communication skills)			
Competency in the role			

Please provide evidence to support the ratings given above. Please refer to specific areas and provide examples.

If improvement in some areas is required, please complete the table below:

In what area(s) is improvement required? <i>(e.g. customer service, punctuality, report-writing etc.)</i>	What standards of performance or conduct are required? (i.e. what is expected of the employee?)	By when?	What support / training / development will be provided? (if applicable*)
			<i>* May not be applicable if related to conduct e.g. punctuality</i>

My current assessment is that:

☐ I consider the employee's performance to be satisfactory, or better.

- ☐ I consider the employee's performance to be currently unsatisfactory, and measures have been put in place to support them to improve.
- ☐ I consider the employee's underperformance to be so significant, that it will be referred to the Staffing Committee Members for consideration prior to the conclusion of their probationary period.

To be completed at the 5/6-month review:

- ☐ The employee's probationary period has been successful, and their appointment is confirmed.
- ☐ The employee's performance is unsatisfactory and will be referred to the Staffing Committee Members for consideration.

Manager's Name

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Manager's Signature:

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Date:

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Employee's Name

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Employee's Signature:

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Date:

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