

Probationary Procedure

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Version: 2.4 (published)

Last updated: August 2024

Document History

Version	Date	Notes	Prepared by
1.0	December 2004		
2.0	March 2016	Updates to bring in line with current practice and employment law.	K Ilett
2.1	November 2020	Probationary period reduced to 6 months. New provisions included for agency workers to transition to permanent employees (section 12). Inclusion of ASYE appendix. General update.	H Ginty
2.2	April 2021	Appendix 1 - Clarity on AYSE right of appeal included	H Ginty
2.3	May 2022	Amends to Appendix 1. Clarification on process to extend probation, and duty to notify Social Work England	H Ginty/L McNeill
2.4	August 24	Amends to no longer having online induction	S Gray

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1. Purpose

- 1.1 This procedure has been developed to make sure that employees who join Luton council are given every opportunity to succeed in their role. This means providing employees with support in the early weeks, so that they know how they are doing and so that questions or concerns can be sorted out quickly.
- 1.2 The procedure provides the council with an opportunity to assess the performance, conduct and attendance of new employees and provide clear direction and support enabling employees to achieve and maintain an acceptable standard of performance.

2. Scope of the procedure

- 2.1 This procedure is applicable to all new employees commencing service with Luton Council, with the exception of
 - All staff on Teachers' Terms and Conditions.
 - Chief Officers or those on JNC Chief Officer related posts.
 - Casual workers.
- 2.2 Employees on fixed term and temporary contracts are covered by this procedure.
- 2.3 Agreement for the implementation of this procedure has been reached through negotiation with the recognised Trade Unions and forms part of the employee's contract of employment.

3. Length of probation

- 3.1 The probationary period is normally six months.
- 3.2 There are some limited situations where the probationary period may be extended (sections 4.6, 4.7 and 7.2). There are also some very limited situations where the probationary period may be reduced (section 12).
- 3.3 In accordance with National Conditions of Service, Youth Workers have a probationary period of one year. Progress reviews and assessments will take place at intervals which will be communicated to these employee at the beginning of their employment. Employees newly engaged under the Assessed and Supported Year in Employment (ASYE) scheme that gives newly qualified social workers extra support during their first year of employment will also be subject to a probation period of one year, details are at appendix 1.

4. General principles

- 4.1 Employees must be made aware that they are on probation and the implications of this for their continuing employment with the Council.
- 4.2 The probation process should work alongside the induction process to help create a positive and supportive working environment, allowing new employees to settle into the council and learn the key elements of the job within a reasonable and realistic timescale.
- 4.3 Managers are responsible for providing clear direction to new employees about the standards expected of them. Employees must be advised when these standards are not being met, and given the opportunity to improve, with additional support where appropriate.
- 4.4 In circumstances where problems arise during the probation period, the manager should raise these with the employee in a timely manner.
- 4.5 The rules governing the probationary period are applicable for six calendar months.

- 4.6 Under normal circumstances no extension of the probationary period beyond six months will be permitted. If there are extraordinary circumstances (e.g. maternity leave or injury), which prohibit the full probationary period from being completed, an extension may be considered. The extension will be to allow the employee sufficient opportunity to achieve the standards expected of them. The duration of the extension will equate to the balance of the probationary period still to be served at the point it was interrupted by the event.
- 4.7 Similarly, it is recognised that life events can sometimes impact on performance and following discussion with HR, where the manager and HR reasonably believe that an extension of time will be effective in allowing the employees to achieve the required standards, then an extension of up to a further eight weeks may be granted. The terms of any such extension should be set out in writing to the employee and should be noted within the Probationary Report. No further extensions will be granted.
- 4.8 Where reasonable adjustments need to be made for disabled employees, a probationary period cannot meaningfully begin until the adjustments are in place.
- 4.9 Any discussions about performance and actions agreed must be recorded in writing and kept with the Probationary Report (appendix 2).
- 4.10 Employees have one right of appeal against a decision to terminate their employment during probation.
- 4.11 Employees who have successfully passed probation in one role at the council who then move to a different role will not be subject to a further, formal probationary process in their new role. It will still be necessary to ensure that an effective induction for the new employee is carried out, that objectives are set, and that performance is reviewed.

5. Process

- 5.1 Managers should ensure that an induction programme is in place prior to the new employee starting.
- 5.2 At the start of the probationary period the manager should discuss the following with the new employee
- What the employee is expected to achieve in their job during the probationary period and thereafter
 - Details of the core values of the council and behaviours expected of the employee
 - The standards of regular attendance expected from the employee
 - The standards of customer service expected from the employee
 - Any training and development required to help the employee to do their job
 - How any problems with performance will be addressed
 - When the probationary review meetings will take place
- 5.3 All new employees should be given a local/departmental induction on joining their department. In conjunction with this they should attend the Corporate induction dates for which can be found on the intranet. Managers must ensure employees are aware of statutory and mandatory training relevant to their role and arrange for this to take place as soon as practicable.
- 5.4 Managers are not required to conduct formal check-ins during the probationary period, however, as part of day-to-day management, managers and supervisors should ensure that they have regular check-in style conversations with their new employee to ensure that they are settling in, to discuss any issues around wellbeing, to congratulate them on their successes, provide immediate feedback on their progress against the required standards,

advise them of any concerns and discuss how these can be addressed. The provision of regular constructive two-way feedback ensures that employees have opportunities to raise any questions or concerns they may have. Relevant information from these conversations should be recorded at the next probationary review.

- 5.4 In addition, formal, documented probation reviews are to be carried out by the manager. Progress should be formally reviewed at weeks four, 10, 16 and 22 and recorded on the Probationary Report Form (Appendix 2). Managers should discuss with employees progress as well as any problems and identify where any additional support or training would be appropriate. Any action taken should be recorded in writing on this form. The Probationary Report Action Plan (Appendix 3) can be used to record details of agreed objectives and outcomes.
- 5.5 The probation period does not conclude until the end of six calendar months from commencement in the post. Managers should confirm verbally, as well as on the probation report form the successful completion of the probationary period at the final review meeting. Following the probation period, discussions between the manager and employee around performance, job role, wellbeing, ambitions etc will continue on a regular basis under the council's check-in scheme.

6. Capability Issues

- 6.1 Where an employee is not working at the required standard, they should be made aware of this. They should be given the opportunity to improve, with additional support where necessary. Managers should have this discussion with their employee at the earliest opportunity and not wait for the next formal probation review.
- 6.2 If after a reasonable time frame the employee has not reached the required standard, it may be necessary to terminate the contract with the required notice. In these cases the procedure at 9.1 should be followed and advice and support should be sought from Human Resources.

7. Sickness Absence

- 7.1 The Sickness Absence Procedure does not apply to employees in their probationary period; however the general principles contained within the policy do apply. Managers are advised to give careful consideration to sickness absence levels and discuss the reasons for the absence(s) with the employee. The opportunity to improve attendance levels must be given to the employee (where this is both practical and realistic). However, if after this process, no or insufficient improvement is forthcoming it may be necessary to terminate the contract with the required notice. In these cases the procedure at 9.1 should be followed and advice and support sought from Human Resources.
- 7.2 Where a significant period of absence occurs preventing adequate opportunity to achieve required standards for the job, an extension of the probationary period may be considered. The duration of the extension will equate to the balance of the probationary period still to be served at the point it was interrupted by the sickness absence.
- 7.3 At the successful conclusion of the probationary period, the councils Sickness Absence Procedure will apply, and any absence incurred during the probationary period will roll forward as part of the employee's 12 month absence record.

8. Disciplinary Issues

8.1 Following reasonable investigation the line manager, with input from HR if required, will need to decide whether to:

- Continue probation with no additional action;
- Continue probation with clear and closely monitored targets
- Instigate disciplinary action

8.2 When disciplinary action is considered appropriate, managers should contact Human Resources before instigating the procedure outlined at 9.1.

8.3 Disciplinary action may result in

- dismissal with notice; or, where the allegation amounts to gross misconduct, summary dismissal
- a disciplinary warning being issued and probation continued with clear and closely monitored targets
- no further action taken

9. Probation Hearing – capability, disciplinary and dismissal

9.1 Step One: Statement of grounds of action and invitation to meeting.

- The employee will be advised in writing of the details of the alleged conduct or characteristics or other circumstances which have led to action being contemplated.
- The employee will be invited to attend a meeting in order to discuss the matter.
- The meeting will be chaired by the manager of the line manager or other appropriate officer of the council.

Step Two: The Meeting

- The meeting must take place before action is taken, except in the case where suspension is appropriate.
- The employee must have reasonable opportunity to consider their response to the matter before the meeting.
- The employee must take all reasonable steps to attend the meeting. If the employee is unable to attend the meeting for a valid reason, then the manager must rearrange the meeting.
- The employee should be allowed to answer any allegations that have been made; this includes presenting documents, calling witnesses and asking questions.
- The employee has a right to be accompanied by a trade union representative or work colleague.
- If the representative/work colleague is not available at the time proposed for the meeting, it should be rearranged to an alternative time put forward by the employee provided that the alternative date is reasonable and not more than five days after the original date. If the employee is unable to attend the meeting after two attempts, then the meeting will go ahead in their absence.
- After the meeting the employee will be informed of the decision within five working days.

Step Three: Appeal

- Employees have one right of appeal against a decision.
- This appeal must be made in writing to the appropriate Service Director within five working days of receiving written notification of the decision, setting out the reason(s) for the appeal.
- The employee will be invited to attend an appeal meeting and must take all reasonable steps to attend.
- The appeal will be heard by an appropriately designated manager from the employing department and a representative from HR.
- After the meeting the employee must be informed of the final decision within five working days.

10. Notice Periods

10.1 Termination of the contract by the employer will be with contractual or statutory notice; whichever is the greater, except where disciplinary action results in summary dismissal

11. Annual Leave

- 11.1 The usual system for the request and approval of annual leave will apply to employees within their probationary period.
- 11.2 Managers should advise employees that entitlement is proportionate to number of completed month's service during a leave year.
- 11.3 Employees leaving the authority will be required to refund any holiday paid in excess of this entitlement.

12. Special circumstances – agency workers

- 12.1 Where an agency worker is recruited onto the permanent workforce, the probationary period may be reduced where all of the following criteria apply
- There is no significant break between the person working for the council as an agency worker and their appointment to the permanent workforce into the same role (i.e. a break of no more than four weeks)
 - There is evidence that regular satisfactory performance reviews have been undertaken by the council during the time they were an agency worker (for example notes of one to one meetings, supervisions, case reviews etc.)
 - A reference is obtained from the agency confirming the level of sick absence in the period during which the employee provided agency cover, and this level of absence is acceptable to the council.
- 12.2 In such a case, with Service Manager approval, the probationary period for the employee can be reduced by the length of time that they undertook agency work for the council. For example, if the person had been an agency worker with the council for four months, they would be required to complete a two month probationary period. Should the period of agency work in the role exceed six months there will be no requirement to serve a formal probationary period as long as the criteria in (12.1) are met and Service Manager approval is obtained.
- 12.3 Managers will need to liaise with HR Payroll and Transactions Team to ensure that the offer letter sent to the employee accurately reflects the reduced probationary period.
- 12.4 Where the probationary period has been shortened, managers must arrange a series of reviews with the employee to take place within the shortened probationary period. These

reviews should be recorded on an adapted version of the Probationary Review Report (appendix 2).

- 12.5. Irrespective of the length of the probation period, managers should ensure that all new employees go through departmental and corporate inductions.
- 12.5 Where the information in (12.1) does not exist or cannot be obtained, the employee will be subject to the normal probationary period.

13. Further information

- 13.1 At all stages either the line manager or the employee may seek professional advice and support from Human Resources.

APPENDIX 1 - Probation for newly qualified social workers on ASYE employment

This appendix should be read in conjunction with the probation procedure. The principles set out in the probation procedure apply to all Newly Qualified Social Workers (NQSWs) who join the council under an Assessed and Supported Year in Employment (ASYE).

This appendix does not apply to NQSW's who are already working within the council and have completed their probation in a previous LBC post. In line with other employees throughout the council who transfer internally, there is no requirement to repeat the probation period (see 4.11). However existing employees who move into an ASYE post will be required to meet the ASYE standards within the required 12 month period in line with their contract. For these employees, any issues relating to disciplinary or performance will be managed via the the council's disciplinary or employee performance procedure.

For all other employees on an ASYE programme:

- NQSWs joining the council under an ASYE programme will complete a 12-month probation period.
- The wording in NQSWs contracts specifies that the appointment is subject to satisfactory completion of a 12-month probation period during which they must pass their ASYE.
- All NQSWs will be subject to reviews of progress at three months, six months and nine months before undertaking a final assessment at 12 months.
- As there is overlap of documentation, the line manager will only be required to complete the ASYE paperwork. The probationary review paperwork at Appendix 2 does not need to be completed. However at the three and six month assessments, managers are required to assess and discuss with the employee the employee's timekeeping and attendance record which are not a standard part of the ASYE assessment.
- If performance in these areas is not satisfactory at three months or six months, consideration should be given to setting up a probationary hearing. One of the possible outcomes of such a hearing is dismissal.
- Once the NQSWs attendance record is signed off at 6 months, in line with other employees, they will be covered by the provisions of the council's Sickness Absence Procedure.
- Any disciplinary issue that arises during the ASYE period will be dealt with in line with sections eight and nine of this procedure.
- The three, six and nine-month review reports must be completed and capture strengths, areas for development and highlight any practice concerns to the NQSW. There should be no surprises at any stage of the process and candidates should be treated fairly and openly with constructive feedback. There should also be clear evidence of follow up during the supervision and review processes.
- Where a NQSW has completed part of their ASYE with another organisation, their probation will last up to the end of the ASYE programme (at least six months) with Luton.
- If the recommendation is that the employee should not be confirmed in post because the outcome of the ASYE process is 'fail', then HR should be advised and a probationary hearing (see section nine) should be arranged.
- Under-performance during the 12-month probation period, which raises safeguarding practice concerns, may result in a probationary hearing (see section nine) and the consequent termination of employment for the NQSW at any stage during the probation

period. Managers are not required to wait until the end of the process to take action where there is sound evidence of poor practice.

- The council has a duty to notify Social Work England of any social worker who is dismissed during their ASYE period or whose professional practice is of significant concern.
- At the end of the ASYE probationary period, if an NQSW has not met the required standard, the probation period and their ASYE may be extended for a maximum of 6 months for further monitored assessment of performance. Improvement targets set need to be clear, fair, objective, measurable and explained so the employee is fully aware of these and knows the potential implications of not meeting them. Extensions of probation, will be made on an exceptional basis, will be confirmed in writing and will require the agreement of the line manager and Service Director. Where an extension is agreed, the HR advisor for the service should be advised.
- If an NQSW wishes to appeal against a decision to dismiss, the appeal process outlined in section 9.1 of this procedure should be followed. The decision of any appeal hearing is final.

APPENDIX 2 – Probationary report

Employee Name:

Section/Department: Date Appointed:

The assessment necessary to complete this form should be made during a meeting with the employee who should sign the form at the appropriate place to indicate understanding of the comments and any action plan and targets and the possible consequences of failure to meet these. A copy of the form should be given to the employee after each review.

Departmental and corporate induction must have been carried out and any training necessary for the employee to undertake their role must be provided. During their six month probationary period employees are not subject to the council’s full disciplinary, sickness absence or employee performance procedures and thus employees failing to reach standards required in any area of work, attendance or conduct can be dismissed with notice by following the probation hearing process. You must contact HR Advice & Support **before** taking such action. Full notes of any such action should be made on this form.

Please rate items 1-9 as appropriate:

A = Very Good

B = Good

C = Satisfactory

D = Poor

Date	4 th Week	10 th Week	16 th Week	22 nd week
1. Meeting job requirements				
2. Standard of work (quality, quantity and consistency)				
3. Initiative (takes initiative appropriately/seeks guidance to initiate)				
4. Relationship with colleagues				
5. Relationship with manager(s)				
6. Other relationships (Examples stakeholders, partners/clients/customers/external suppliers)				
7. Demonstrates corporate values (Collaborative, Ambitious, Respectful, Empowering, Supportive)				
8. Timekeeping				
9. Sickness record: a) No. of working days absent during period b) No. of periods of absence during period Please add extra information on sickness record if required.				

Please answer “yes” or “no” to the following questions.

If the answer to any question is “yes”, please give appropriate information in the relevant section below.

	4th Week	10th Week	16th Week	22nd Week
10.) Has it been necessary to discuss with the employee a) Any recurring deficiency in the performance of his/her duties? b) Any misconduct?.				
11.) Has it been necessary to give a) Any additional training or coaching support? b) More than normal supervision				

Employees who are not meeting the required standards of work or conduct at any stage during their probationary period should be set aims and objectives with reasonable target dates which will enable them to overcome any of these difficulties. These must be discussed with the employee to ensure that they understand the aims and objectives, the reasons for setting them, as well as the consequences of failing to achieve them. These may be set at any time but details of them must be entered on the probationary form as well as the employee’s personal file. Appendix 3 can be used to record these details

4th Week Review

Manager’s comments:

Action Plan and Targets Set (Where appropriate, use Appendix 3.)

Manager’s signature _____ Date _____

I understand the above comments, action, plan and targets which have been discussed with me. I understand that failure to achieve these targets to the agreed standards will jeopardise my continuing employment with the Council.

Employee’s signature _____ Date _____