



## Probationary Procedure for new employees

### College Governance Status

This policy was first issued in June 2006. It has been adopted by the Governing Body. It is reviewed whenever new NYCC guidance or Government legislation becomes available.

| Review dates  | By Whom                   | Approval date |
|---------------|---------------------------|---------------|
| October 2009  | NYCC, Staff and Governors | 23.11.09      |
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|               |                           |               |

Signed by the Chair of Governors:

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## Probationary Procedure for new employees

### Introduction

1.0 All employees new to North Yorkshire County Council, including those joining from other Local Authorities and public services organisations, will normally undertake a six month probationary programme. This does not include staff employed under Teachers' Pay and Conditions of Service where a separate national scheme applies. In addition, those transferred by TUPE or Statutory Transfer Orders will not be subject to probationary arrangements. A probationary period is a one off event and staff will only be subject to one probationary period whilst in continuous employment with North Yorkshire County Council.

If existing employees who are part way through their probationary period move into a new position within NYCC their probation period moves with them and their new line manager will continue with the planned review meetings. If at the five month review meeting there has been insufficient time to measure performance the line manager may consider extending the probation period for up to three months.

### PROBATIONARY PERIODS

|                                     |   |
|-------------------------------------|---|
| Local Government Services           | 6 months  |
| Soulbury                            | 6 months  |
| JNC for Youth and Community Workers | 6 months  |
| Apprentices                         | 12 months   |
| Newly Qualified Teachers            | Must be assessed against the Induction Standards and complete the induction period satisfactorily; an NQT must:<br>(a) Meet all the Induction Standards.<br>(b) Continue to meet the standards for the award of QTS, consistently and with increasing professional competence |

1.1 During the probationary period and as part of the induction process the employee will meet regularly with their line supervisor or manager for the following reasons:

- to confirm standards of behaviour, conduct and performance expected, including attendance, and discuss any questions and concerns
- to ensure that the employee receives appropriate support, training and guidance to carry out their duties to the expected standards
- to assess their performance in the post
- to enable the manager and employee to assess the suitability of the post

### 1.2 **Developing Performance and Capability**

Employees in probationary periods are not subject to the Developing Performance and Capability Procedures because as part of the probationary and induction period they will receive regular feedback on their performance and any issues identified will be dealt with under the Probationary Procedure.

### 1.3 **Disciplinary**

Where conduct is unacceptable during the probationary period, this procedure, rather than the Disciplinary Procedure, should be applied. Managers will be expected to carry out a full and fair investigation in the event of allegations of misconduct being made.

#### 1.4 Attendance

Managers will be expected to actively manage both short and long term sickness absence in line with the guidance in the Attendance Management Procedure but any issues identified in relation to attendance will be dealt with under the Probationary Procedure.

Where an employee is unable to attend work due to sickness absence for a substantial part of their probationary period the line manager may consider an extension to the probationary period for up to three months.

#### 1.5 Right to be accompanied

Employees have the right to be accompanied by a trade union or professional association representative or colleague at any formal meetings held to address serious performance issues that have arisen during their probationary period. An example of where this may be appropriate is where poor health is the main factor under consideration or there is an investigation into a conduct related matter. This right will not apply in the case of informal discussions between the employee and line manager or at the normal review meetings.

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### Procedure

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2.0 During the probationary period, a series of planned review meetings should take place between the new employee and their line manager. It is the manager's responsibility to schedule these meetings and ensure they take place. The suggested timetable for this is\*:

- Within the first week of appointment;
- On a monthly basis as part of one-to-one supervisory meetings;
- A review of progress at the one month meeting;
- A review of progress at the three month meeting;
- A review of progress at the five month meeting;
- A review at six months leading to a decision on whether or not to confirm the appointment as permanent.

Managers are responsible for conducting structured, planned meetings and to ensure accurate records are kept must complete a probationary review meeting record form. At the end of each meeting, the individual should be provided with a copy of the pro-forma to ensure they are fully aware of all the points which have been discussed. These meetings are in addition to normal day-to-day supervision.

\* Apprentices will follow their established review pattern and processes over a twelve month period.

The review meetings will include the following:

- Discuss the induction programme and training
- How induction and probation will be undertaken and assessed;
- Identify other training needs and solutions where appropriate;
- Discuss and clarify duties and responsibilities of the post;
- Discuss standards of conduct, performance and attendance expected and the implications of them not being met;
- Discuss and agree guidance, support and information about progress;
- Discuss and agree targets, success criteria and required outcomes;
- What to expect at the next meeting as the process progresses.

2.1 Where necessary, and especially if concerns have arisen, additional meetings may take place to provide support to the employee and may be requested by either the manager or the employee.

- 2.2 At the three month meeting, if the manager decides, based on evidence, that progress is not sufficient to meet the required standard they must ensure the employee is made fully aware of this. They must discuss the employee's requirements with them and provide additional training, support and guidance, as appropriate. It may be opportune at this point to advise the employee that an extension may be needed to pass the probationary period or, that it may not be passed at all if their performance does not improve.
- 2.3 Where the review of progress at the five month meeting indicates the need for an extension this would normally be for up to three months. In the case of Social Workers who are undertaking the Assessed and Support Year in Employment (ASYE) programme the probationary period may be extended up to twelve months in line with the period of assessment. Where an extension of the probationary period is required, the matter should be discussed with a representative of the HR Services team. A letter to confirm the extension must be issued to the employee and copied to their personal file. (Extension of probationary period letter)
- 2.4 Appointments may be ended at any time during the probationary period under exceptional circumstances e.g. persistent lack of improvement, deterioration in performance from an already inadequate base, or a serious disciplinary issue (following an investigation). Managers should seek advice from HR as appropriate.

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### **Confirming appointment - the six month review meeting**

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- 3.0 Where the manager is satisfied that the employee's performance is of the required standard at the six month review meeting, they will confirm the employee's appointment, in writing, and copy this information to their wisdom (personal) file. Confirmation of Appointment Letter.

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### **Proposal not to confirm appointment**

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- 4.0 Where an employee has not met the level of performance, conduct or attendance required to pass their probationary period, either during the six months or any extension, despite additional support being provided throughout that period, the following process will take place.

#### **Step 1**

- 4.1 In preparation for a meeting/Hearing\*, the manager must set out in writing the reasons for their proposal and any evidence to be considered at the hearing. A copy will be given to the employee with an invitation to attend a meeting. Reasonable written notice should be given to the employee and they should be informed that they are entitled to be accompanied by a trade union representative or work colleague. The manager may be accompanied by a representative from the HR Services team. Invite to Probationary Review Meeting letter.

#### **Step 2**

- 4.2 At the meeting/Hearing\* the manager will discuss the proposal to end the appointment and consider points raised by the employee. At the end of the meeting, the manager/Chair of the panel will normally inform the employee of the decision but may, exceptionally, defer a decision for up to five working days to allow for further consideration/clarification to be made. The decision will be confirmed in writing, normally within five working days of the decision being taken. Where the decision is not to confirm the appointment the employee must be informed, in writing, that they will be dismissed on grounds of capability/misconduct. They should be issued with their notice and informed of the date the dismissal will take effect. (Probationary Review Meeting – Outcome) The letter must also provide details of their right to appeal against the decision to dismiss them. The employee will be given ten working days within which to submit an appeal from the date of receipt of the letter of dismissal.

☞ **\*In schools Step 2 will be more formal due to statutory processes using the hearing and appeals procedure. In schools the Governing Body may choose to delegate authority to take action up to and including dismissal to:**

- the Headteacher
- the Headteacher and one or more governors
- one or more governors

**Where authority is delegated to one or more governors, the Headteacher may attend to offer advice at all relevant proceedings and such advice must be considered by the governor(s) to whom the delegation has been made.**

**The Director of Children and Young People's Service (or a representative) may attend and offer advice at all proceedings relating to the possible dismissal of any employee. Such advice must be considered by the governing body or any person or persons to whom such functions have been delegated when reaching any such decision. Panels/Headteachers will normally be advised by a Human Resources Adviser.**

### **Step 3**

- 4.3 Where the employee wishes to appeal they must inform the manager, in writing, and the manager must arrange for an appeal hearing to take place. The employee must receive reasonable written notice of the hearing and may be accompanied by a colleague or trade union representative. This hearing will be chaired by a different manager (Where schools adopt NYCC Policies, Appeal panels will be made up of School Governors\*) who may be advised by a representative from HR Services. (NYCC Hearing and Appeals Procedure).
- 4.4 The employee will normally be advised, in writing, of the appeal decision within five working days of the appeal hearing. Where the appeal is not upheld the employee's dismissal will be confirmed. (Appeal Hearing Outcome Letter). Notes of the meeting must be taken and placed on the personal file in Wisdom.

☞ **\*Appeals Panels in schools must comprise of a minimum of two non-staff Governors. A panel of three governors is recommended. There must not be fewer Governors on the Appeals Panel than on the Hearing Panel.**

**The Director of Children and Young People's Service (or a representative) may attend to offer advice at all proceedings relating to the possible dismissal of any employee. Such advice must be considered by the governing body or any person or persons to whom such functions have been delegated when reaching any such decision. Panels will normally be advised by a Human Resources Adviser.**

