



Probationary Policy

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History of most recent Policy Changes – Must be completed

Date	Page	Change	Origin of Change (e.g. TU request, change in legislation etc)
11 August 2016	2	Removed the sentence: "Where employees join directly from the Council's employment agency, unbroken service with the agency will count for continuous service."	Obsolete reference to the Employment Agency
1 October 2012	4	Addition to policy to cover employees who commence maternity leave during their probationary period	Legal advice
1 December 2011	All	Revised procedure	Simpler format required

Policy statement

Managers will implement probationary periods transparently and flexibly to confirm whether employees have the skills and ability to undertake their jobs. Employees will be provided with appropriate training and support and given regular feedback.

Purpose of policy

A probationary period gives a new employee and their manager the opportunity to determine whether they are competent at the job.

Scope

Applies to:

- All new starters to the City Council including those with previous continuous local government service.

It does not apply to:

- Teachers who have their own nationally agreed scheme,
- Staff in Locally Managed Schools, where separate arrangements will apply.
- Employees who are already with the authority but who move into new posts.

Procedure for managers

N.B. please ensure you read the key points below

- Ensure employees are given a thorough induction into both corporate and directorate issues at an early stage of the probationary period.
- Hold regular meetings for a discussion with the employee to review progress. Frequency will vary according to the situation.
- Document the discussions and whether progress is satisfactory. This may be important later if problems arise. A minimum of six to eight weeks from the start date should allow the employee to demonstrate competence/likely competence.
- Hold a formal probationary meeting within the first 12 weeks in addition to the regular meetings which have taken place to assess overall progress.
- Seek advice from HR Advisors if you have emerging issues of concern.
- Confirm in writing the outcome of the probationary period to the employee.

If progress is not satisfactory

- Identify and communicate this to the employee at the earliest possible stage.
- Clearly state the standards/targets you wish the employee to reach.
- Support improvement – this may include training, targets and timescales. A minimum of four weeks would be reasonable to allow improvement to be demonstrated. Reviews may be held during this period.
- Document the above and give the employee a copy.
- If there are ongoing concerns following training and support, arrange a formal meeting. The employee is entitled to be accompanied at the meeting by a Trade Union representative or a work colleague.
- Review training and support, and give the employee clear objectives and a timescale within which to improve, usually not exceeding the end of their probation period.
- Extend the probationary period if there is a belief that the employee will be able to reach the required standard within a reasonable additional time period. The whole probationary period is unlikely to be more than 12 months. It is advisable to discuss any proposed extension with the HR Advisor as we cannot extend without good cause.
- Confirm in writing details of the extension and that if the required standard is not reached then the appointment will not be confirmed.
- Send a copy of the outcome of that meeting to HR.
- Hold regular reviews during that period to check that training and support is adequate.

Conclusion of probationary period

At the end of the review / probationary period the employee should be told either that:

- a) a satisfactory standard has been reached and appointment will be confirmed

OR

- b) there is insufficient improvement and the appointment will not be confirmed.

A copy of the probationary report should be sent to HR Employee Life Cycle for retention.

HR advice must be sought before any decision to terminate employment is confirmed.

Key points

Length of probation

The standard probationary period is 26 weeks for both full and part-time employees.

Disabled employees

Where reasonable adjustments need to be made for disabled employees, a probationary period cannot meaningfully begin until the adjustments are in place.

Notice during probation

During the probationary period the Council need give only one week's notice for the termination of a contract of employment.

Change in post

In cases where an employee changes posts within their probationary period, any outstanding time will transfer to the new appointment.

Maternity Leave

If an employee commences their maternity leave within their probationary period, the probationary period will be stayed and any outstanding time will re-commence upon their return from maternity leave.

Legal requirements

An employee on probation is covered by employment law. This gives them the right to bring a claim of discrimination against the council if they feel that they have been discriminated against on the grounds of having a protected characteristic (ie being a member of a recognised equality group). For this reason it is important that managers manage probation periods fully and appropriately.

If there is a decision to terminate employment, managers should ensure that they have followed the 3-stage procedure required by law:

- writing to the employee to outline the problems
- meeting with the employee to discuss them
- informing the employee of their appeal rights.

Appeals will be heard by senior officers, not elected members.

Disciplinary matters

The disciplinary procedure may be followed during the probation period, but appeals against sanctions and dismissal will be heard by senior officers, not elected members.

[Disciplinary policy and procedure](#)

Grievances

The grievance procedure may be followed during the probation period, but appeals will be heard by senior officers, not the joint appeal panel.

[Grievances procedure](#)

Termination of contract due to staff reductions

Managing change provisions will apply.

Suspension

In some cases it may be appropriate to suspend an employee during their probation. Please see the section on "suspension" in the disciplinary procedure.

[Disciplinary policy and procedure](#)

Further information

Sample letters are available which should be amended /tailored appropriately. They do not cover all eventualities so please seek additional advice and guidance from HR.