



people policies

Probation Policy





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Policy

Scope of the policy

1.1 Newly appointed employees to Bristol City Council are subject to a probationary period of employment of six months. The procedure applies to all new full-time, part-time and permanent and fixed-term employees of the Council, including apprentices.

1.2 The policy does not apply to employees who have come into the Council as a result of a TUPE transfer, teachers who have their own nationally agreed scheme, staff in schools, or employees who are already with the authority but who move into new posts.

1.3 The policy applies equally to newly appointed qualified Social Workers but aligns to the **ASYE programme**, with the probation period lasting 12 months in total and interim probation reviews held at 3, 6 and 9 months, supplemented by regular supervision meetings.

Purpose of the policy

2.1 The probationary period exists to ensure that every new entrant to the Council's employment is capable of carrying out the role to which they have been appointed and ensure that all *reasonable* development needs of the individual during their probation period are identified and addressed.

2.2 In the cases where capability or conduct issues arise, the procedure exists to ensure that fair, equitable and consistent processes are applied across the Council in respect of any termination of employment within, or at the end of, the probationary period.

2.3 The positive management by the line manager of the new entrant during the probationary period sets the tone for future performance management, for positive on-going relationships and assists in improving the overall standards and morale of the workforce.

2.4 This policy is closely aligned with the Council's values: Ownership, Respect, Curious, Dedicated and Collaborative.

2.5 Managers will conduct at least monthly one-to-one meetings with formal probation reviews after two, four and six months' employment. At the six-month final review the employment shall be confirmed, unless the contract is to be terminated or in exceptional circumstances the probation period is extended

Managers' responsibilities

- Explaining the purpose, process and importance of probation
- Ensuring new employees know how, and from whom, to seek information and guidance to help them fulfil their duties
- Ensuring concerns are raised with the employee at the earliest opportunity
- Seek **HR Consultancy** advice where substantial issues become apparent

Employee responsibilities

- Abiding by the **Code of Conduct for Employees**, the standards set and all reasonable instructions given by management
- Understanding the purpose of probation and the standards of performance, conduct and behaviour expected from them
- Cooperating with their colleagues and line manager and raising any concerns or difficulties they encounter at the earliest opportunity
- Completing any training which is provided as identified in the employee's objectives
- Seeking further clarification on any aspects of their role of which they are unsure
- Seek advice from a trade union representative, HR or staff-led group if they have concerns about the way in which the procedure is being applied

The review process

3.1 Managers should commence monthly one-to-one meetings with employees as soon as they start employment.

3.2 The manager should raise any concerns with the employee at the earliest opportunity and does not need to wait for a scheduled one-to-one or probation review meeting.

3.3 Managers should schedule each of the formal 2, 4 and 6 month reviews at the commencement of employment. The aim of the review process is to assess the employee's ability to carry out the duties of their role. The key issues to be addressed during the review will depend on the level and type of role, factors which the manager should consider include:

- Quality of work
- Speed of working
- Attitude and motivation
- Conduct, timekeeping and attendance
- Any training needs

3.4 Where employees have a disability or a disability becomes apparent, the line manager should consider any reasonable adjustments requested by the employee. Please refer to our **Reasonable Adjustments Policy**. It may also be useful to create a **Health and Wellbeing plan**.

Interim review meetings - 2 & 4 months

4.1 The first review meeting should take place within one week of the employee having completed two months' service and the second meeting within one week of the employee having completed four months' service.

4.2 At these review meetings, the manager should evaluate the employee's performance and discuss the key issues with the employee. In particular, the manager should consider whether any improvements in the employee's performance are required. If improvements are required, the manager should discuss with the employee how these improvements could be made, putting in place any additional support, guidance or training where relevant and ensure the

areas of improvement are understood by the employee.

4.3 Once a review has been completed, the manager should complete the probation review form. A copy of the form must be sent to HR Employee Life Cycle for storing on personnel files.

4.4 If an employee feels the targets are unreasonable or their progress is being unfairly judged, they may request a peer review from an independent manager at the same level. The request should be submitted to the relevant **HR Consultancy** team who will facilitate the request. The peer can then either decide that the plan and assessment is fair, and let the employee know this, or work with the manager to make the targets more reasonable or SMART. A peer review can only be requested once at either the first (2 months) or second (4 months) review stage.

The final review meeting

5.1 The final review should take place before the employee has completed six months' service. If the meeting is delayed for any reason this should be discussed with the Directorate HR Consultancy team.

5.2 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, whether exceptionally the probation period should be extended or whether the employee should be dismissed.

5.3 Where dismissal or an extension of the probationary period is contemplated, the manager must write to the employee at least 5 working days prior to the final review meeting to inform them in advance of the reasons why this is the case. The manager must also inform the employee that they have a right to be accompanied at the final review meeting by a trade union representative or work colleague, should they so wish. It is the responsibility of the employee to arrange representation.

5.4 The meeting should be a discussion between employee and manager, supported by an HR Consultant where dismissal is contemplated. An assessment will be made by the manager whether performance, conduct and attendance are considered satisfactory and whether the employee should be confirmed in post.

Outcomes of the final review

Confirmation of appointment

6.1 Where the appointment is to be confirmed, the employee should be formally notified. The manager should complete the final probation review form and send a copy to HR Employee Life Cycle.

Extension of probation period

6.2 It may be appropriate to extend the probationary period in the following exceptional circumstances:

- Through the employee's sickness or other authorised absence it has not been possible to assess performance
- An extension has been agreed as a reasonable adjustment
- 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

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

6.4 Where the manager concludes that the probationary period should be extended, the following should be discussed with the employee:

- The reason for the extension
- Details of any training or support that will be provided during the extension period
- The performance standards expected
- That if performance still fails to meet expectations at the end of the period the employment will be terminated.

6.5 The probation period should not normally be extended by more than three months.

6.6 Before the end of the extended period of probation the manager should again consider whether the employee should be confirmed in post or whether the employee's contract should be terminated and schedule another final review meeting.

6.7 Where, following the extended probationary period the employee's performance has sufficiently improved in order to establish the employee is capable of carrying out the role, the appointment should be confirmed and the employee formally notified.

6.8 If the manager considers that the employee's performance is still unsatisfactory, they must write to the employee at least 5 working days prior to a final review meeting to inform them in advance of the reasons why progress has not been satisfactory. The manager must inform the employee that they have a right to be accompanied at the final review meeting by a trade union representative or work colleague, should they so wish. It is the responsibility of the employee to arrange representation.

Termination of employment

6.9 If at the final review meeting the decision is made that the employee has not successfully completed the probationary period, the manager shall inform the employee that the employee's contract will be terminated. Confirmation of termination of employment will be provided in writing to the employee, with the reasons explained, along with details of their right of appeal against termination of employment by virtue of failure to successfully complete a probationary period. During the 6 month probationary period the Council the employee is entitled to one week's notice of the termination of the contract of employment. However, if the probation is extended beyond 6 months the notice period shall be one month or the same as the period of notice the employee needs to provide, whichever is greater.

Termination of employment before the completion of the Probationary Period

7.1 If work performance, attendance or conduct falls significantly short of acceptable standards with the effect that the manager is of the view the probation period will not be completed successfully it is possible to terminate employment at any point during the probationary period.

7.2 Allegations of misconduct or gross misconduct should be investigated promptly and thoroughly and where a formal investigation is necessary, for example allegations relating to fraud or safeguarding, the **Code of Conduct for Investigations** must be followed.

7.3 During an employee's Probationary Period where (serious) conduct issues have occurred, these matters will be dealt with under the Probationary Policy. If appropriate, the employee will be notified of the allegations and that a formal meeting will take place in accordance with the procedure set out above for final review meetings

7.4 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 discuss and give an explanation. As dismissal will be considered, the manager must inform the employee of their right to be accompanied by a trade union representative or work colleague, should they so wish. The invitation to the meeting must be in writing, by letter or by email, explaining the reasons for the meeting and must give at least 5 working days' notice to the employee.

7.5 Where it is decided the probationary period has not been completed successfully the manager shall inform the employee that the employee's contract will be terminated. Confirmation of termination of employment will be provided in writing to the employee along with details of their right of appeal as detailed in the section above.

7.5 Where minor misconduct is proven that does not necessitate the termination of employment a disciplinary sanction can be given as detailed in the **Disciplinary Policy and Process**. The sanction must be confirmed in writing along with details of their right of appeal.

Appeals process

8.1 Where an employee's contract is terminated, the employee will be advised of their right to appeal the decision.

8.2 The appeal must be made in writing to the relevant HR Business Partner, within 5 working days of receipt of written confirmation of the decision.

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

a) The procedure. An appeal can be lodged on the grounds that the probation procedure was applied unfairly or inaccurately.

b) 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

c) The decision. An appeal can be lodged where the employee feels that the decision to dismiss them is disproportionate to the reasons given for dismissal taking into account the evidence/mitigating circumstances presented.

8.3 The appeal should be heard as soon as possible. The appellant will be given 5 working days' notice of the appeal hearing along with any documents which management will present at the appeal. The appellant must provide their own documents at least one working day before the hearing.

8.4 The appeal is to be heard by a more senior manager who will be advised by a HR Consultant. The decision maker will review whether the original decision was reasonable having reviewed the grounds for appeal and shall have discretion to go into as much detail as they consider necessary in order to give a fair hearing to the appeal, within the grounds of the appeal. The decision at appeal shall be either to uphold the original decision to dismiss, to confirm the employee in employment or in exceptional circumstances to reinstate back in post, with continuation of the probationary period and process. This decision shall be final and will be confirmed in writing.

Additional guidance and support

This policy provides you with an overview of the purpose of the policy and the roles and responsibilities of those for whom it is intended. It also provides guidance in the Process section on the application of the policy. There are other documents which provide more detail and helpful guidance that should be read in conjunction with the policy and these are listed below.

Additional guidance

Health and Wellbeing plan

Assessed and Supported Year in Employment (ASYE)

Associated policies

Code of Conduct for Employees

Reasonable adjustments policy

Code of Conduct for Investigations

Disciplinary Policy and Process

Letters and forms

Final Probation Review Form

Interim Probation Review Form

Probation outcome letter (successful)

Probation outcome letter (failed)



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The audience of this document is made aware that a physical copy may not be the latest available version. The latest version, which supersedes all previous versions, is available on The Source.

Those to whom this policy applies are responsible for familiarising themselves periodically with the latest version and for complying with policy requirements at all times.

History of most recent policy changes – must be completed

Version	Date	Change
1.01	01/11/2021	New policy adopted

