

# Probation Policy v0.4

October 2023

## Table of Contents

<b>1</b>	<b>Purpose</b>
<b>2</b>	<b>Scope</b>
<b>3</b>	<b>New qualified social workers and qualified practitioners</b>
<b>4</b>	<b>General principles</b>
4.1	Managers responsibility
4.2	Employees responsibility
4.3	Important documents and steps during probation
<b>5</b>	<b>Disability and long-term condition</b>
<b>6</b>	<b>Hybrid working and probation</b>
<b>7</b>	<b>Probationary notice periods</b>
<b>8</b>	<b>Probation review meetings</b>
<b>9</b>	<b>Formal review meeting</b>
<b>10</b>	<b>Probation Extensions</b>
<b>11</b>	<b>End of probation</b>
11.1	Passing Probation
11.2	Probation Dismissals
<b>12</b>	<b>Final Probation Meeting</b>
<b>13</b>	<b>Summary Dismissals</b>
<b>14</b>	<b>Appeal on probation dismissals</b>
14.1	Appeal Hearing for Officers and Senior Officers
14.2	Grounds of Appeal
14.3	Purpose of Appeal Hearing
<b>15</b>	<b>Other considerations</b>
<b>16</b>	<b>Link to other policies</b>

## 1. PURPOSE

The purpose of this probation policy is to provide guidance for managers to support new employees settling into their role. The probation period is an opportunity to manage any concerns and issues that may arise from the beginning of the new role and to provide reasonable adjustments for employees who have or are found to have a long-term condition or disability before or after starting their employment with Haringey. It is important to be fair, consistent, and reasonable when managing the probation period and to provide all developmental opportunities to new employees to enable them to effectively fulfil the requirements of this role.

## 2. SCOPE

This policy applies to all new employees and apprentices employed by the Council regardless of the length of their contract of employment. Although this policy applies to fixed term contract employees, a successful completion of the probationary period does not indicate permanent employee status. This is because employees are only considered permanent once a contract has been agreed that is permanent in nature.

All new employees are subject to satisfactory completion of the probationary period of six months. For employees completing the Assessed and Supported Year in Employment (ASYE) the probation period is 12 months (**See section 3 New Qualified Social Workers and Qualified Practitioners**). Employees who have previously worked in some other capacity such as an agency worker or contractor are still subject to the probationary period.

Employees who have completed a probationary period and are redeployed or appointed into another post in the Council, will not be required to complete another probation period. However, they will be offered a support and development period of 3 months to adjust into their new role.

## 3. NEW QUALIFIED SOCIAL WORKERS AND QUALIFIED PRACTITIONERS

Employees who are currently completing the Assessed and Supported Year in Employment (ASYE) scheme are subject to an extended probation period of 12 months. These employees are only considered to have passed their probation when they have successfully completed their ASYE training. The line manager will be required to complete the ASYE documents instead of the Council's probation forms.

Where Newly Qualified Social Workers and Qualified Practitioners (NQSW) have completed part of the ASYE with another organisation, the employee's probation will last up to the end of the ASYE programme or a period of 6 months (whichever is longer). If the employee is failing the ASYE, this will result in failing their probation potentially resulting in a dismissal. The employee completing ASYE will have a 'My conversation' meeting with their manager at the 6-month point to support with their development plan.

## 4. GENERAL PRINCIPLES

### 4.1 Managers responsibility

- To complete the Induction review document new starter checklist with the new employee. This must be completed before any probation performance review including formal probation review.
- To provide local induction to the role and schedule the corporate induction within the first 6 weeks of the new employee's start date.
- To provide the support, guidance, and training for the new role as part of the induction and probation process.

- To set out the standards of work performance and ensure that the employee performs at the required standard.
- To extend the probation, where necessary, by notifying the new employee in writing and during the probation meeting which should include the reason the probation is being extended and provide an improvement plan.
- To assess and review the employee during the probation period.
- To ensure that reasonable adjustments are applied to the role for employees who have a known or potential disability or long-term condition.
- Provide supervision during and after probation.
- To monitor progression and provide regular feedback (more frequent meetings with employees completing Assess and Supported).

#### **4.2 Employees responsibility**

- To engage with the process.
- To perform at the expected standard.
- To attend scheduled training when booked.
- To raise any challenges or difficulties at work and raise any further training and support required.
- To state any reasonable adjustments needed at work.
- To notify the manager of any disability or long-term condition at the beginning of employment or when the condition(s) commence during the employment. Brief details should be provided of the condition(s) and any reasonable adjustments that could be considered needed at work to remove any disadvantage to their work or performance.

#### **4.3 Important documents and steps during probation**

There are important documents and tasks that the manager and the new employee are required to complete to be able to successfully pass the probationary period, the documents/steps are:

- New starter checklist completed – This needs to be saved locally and in the employee's HR central file so it should be sent to HR Operations via HALO to be saved.
- Probation forms – These need to be saved locally and in the employee's HR central file.
- Corporate induction (to be attended with 6 weeks of employment).

### **5. DISABILITY AND LONG-TERM CONDITION**

Employees who have a known disability or long-term conditions during probation will still have the same probation procedure as all other employees. However, reasonable adjustments will be considered during this time to support the employee performing the role. Managers should refer the employee to Occupational Health for further advice when a disability or a long-term condition is reported.

The Occupational Health referral should seek the view as to whether the employee may be considered disabled and to understand what reasonable adjustments could be considered to support the employee. If appropriate, employees can refer themselves to access to work for further support at work.

### **6. HYBRID WORKING AND PROBATION**

Some roles in the council operate in a hybrid way, so it is important for the manager to adapt probation review meetings and other steps in the process to be able to support such employees. The probation review meetings can be on MS Teams and/or face to face to provide flexibility to conduct the probation review meetings regularly. Both manager and employee must follow the [health and safety procedure for home working](#) on the intranet to ensure all safety measures are covered during probation for hybrid working employees.

Employees who are working in a hybrid way must be given equal opportunity for training, development and be offered support including accessing their representatives such as trade union. Wherever possible training and induction activity should be in person if it is critical to their role. All new employee, regardless of their work location, should be given the right local induction during probation and this includes having regular communication with their colleagues and manager. As far as possible the employee should be kept well informed of activities and developments within the team and the Council as a whole, and aware of where they can access further information if needed/wanted.

## 7. PROBATIONARY NOTICE PERIODS

The notice period during probation is 1 week unless the employment is terminated because of gross misconduct or some other fundamental breach in the contract, in which case there is with no notice and the dismissal takes place with immediate effect. If the employee's employment is terminated by the Council under this Policy, instead of working, the employee will be paid the notice period in lieu.

## 8. PROBATION REVIEW MEETINGS

The probation review meetings are a requirement during the probation period to ensure that the new employee is given the support and training opportunities to learn the role and the duties required. These meetings can be used to address any areas of performance, conduct or attendance that are not up to the standard required for the role.

Probation review meetings should take place regularly to ensure both manager and employee have ample opportunity to review progress and share any concerns or development needs.

Schedule meetings	Timings	Expectations
Welcome Meeting and Induction	1 <sup>st</sup> day of employment	Start the New starter checklist, including local induction, ensure the employee completes the mandatory training and set expectations.
Month 2	4 - 6 weeks	Complete the New starter checklist and the local induction. Review if the mandatory training has been completed. Check on how the employee is doing and their understanding of the role and duties. Give feedback on initial performance.
Month 3	8 - 10 weeks	This meeting should focus on the employees' development within the role and any reasonable adjustments needed to support them. The manager should continue to give feedback, especially if there are any concerns regarding

		performance. Managers can consult with the Employee Relations team if they require support.
Month 4	12 - 14 weeks	The focus of this meeting is to continue to support the employee, give feedback and if applicable, discuss any concerns. If appropriate in consultation with the Employee Relations Team, the manager may extend the probation period.
Month 5	18 - 20 Weeks	The focus of this meeting is to continue to offer support to the employees, give feedback and if applicable, discuss any concerns. If applicable. If an extension to probation is likely to be needed, it should be applied during this period and confirmed to the employee in consultation with the Employee Relations team.
Month 6	26 <sup>th</sup> Weeks	This will be the final probation review meeting; the manager will assess performance and other areas that are required to be achieved to successfully pass probation. During this meeting the manager will inform the employees that they have passed their probation unless there has been an extension applied to the probation in the previous month or a need has arisen within the month to warrant a probation extension. Concerns should only be initially identified during this meeting in exceptional circumstances.

If necessary, managers can hold additional review meetings in addition to the above if a performance issue is identified; the employee should be informed as soon as possible in the event there is concern about performance. The employee should fully understand the areas of concern, the expected improvements the manager needs to see and within what timescale. If the improvement is not seen within the time expected the manager can proceed to a formal review meeting.

## 9. FORMAL REVIEW MEETING

The manager can schedule a formal review meeting if they have set the standards for an employee, where the employee continues to perform below the expected standard. This meeting can be scheduled at any stage during the probation period, but it is advisable that the manager acts as soon as concerns arise. This review period will be a minimum of 1 month to maximum of 3 months and extension of probation will apply.

If appropriate due to circumstances outside of the probation normal process, the formal review meeting can also be combined and treated as a formal investigation meeting for alleged misconduct or gross misconduct. The process for investigation that under the disciplinary policy, however the process will be managed under this probation policy. The estimated time for the investigation will be provided by the Employee Relations team and automatically the probation will be extended to cover the investigation period. If appropriate, the employee may be suspended on full pay whilst the investigation is being completed.

## 10. PROBATION EXTENSIONS

Extension of probationary period may be considered in circumstances where there are concerns around performance. Probation extensions should be for a minimum of 1 month and maximum 3 months extensions, up to a maximum probation period of 12 months. If probation is extended, a clear improvement plan must be communicated in writing to the employee with the associated support for them to meet the required standard.

The circumstances for extension of probation are as follows:

- The manager has been unable to make a fair assessment of the employee's performance due to period(s) of absence from work including but not limited to sickness.
- The new employee has demonstrated a degree of improvement in their performance however it has not been sufficient to confirm successful completion of probation during the 6 months and an extension is necessary.

This should not be used in cases where the employee has not made significant progress during the original probation review period and where it is likely that, even with an extension, they will not be able to achieve the required standard to pass the probation. The manager must discuss the extension of probation with the Employee Relations Team at the earliest opportunity to ensure that fair and supportive management of probation is offered to the employee. The manager has the responsibility to send a letter as a notification to the employee when there is an extension of probation, including a reason for the extension and they should inform the employee as soon as possible.

## 11. END OF PROBATION

At the end of the probation, there are two outcomes:

### 11.1 Passing Probation

It is important for all the checklists to be completed before passing the probation period, including completion of mandatory training; failure to do so will result in an extension of the probationary period. When the employee has successfully completed their probation period, the manager will confirm in writing to the employee. The manager will be required to confirm with the HR operations team that the employee has passed their probation and the letter should be saved in the employee's HR centralised file.

### 11.2 Probation Dismissals

If it becomes apparent that dismissal is a likely outcome, the line manager must consult with the Employee Relations Team before proceeding with the final probation meeting. Employees who have been through a formal probation review and have not satisfactorily fulfilled the requirements during probation period (include those who have had a probationary period extension) or in a case of misconduct or gross misconduct, will be invited for a final probation meeting. The line manager in consultation with the Employee Relations Team will schedule the final probation meeting. The employee will receive at least 5 working days' notice for the meeting and will have the right to be accompanied at the meeting by either a trade union representative or a work colleague. Any request to be accompanied by, for instance, relative or partner should be considered sympathetically where the employee is not a trade union member. Requests for legal representation will generally be refused.

## 12. FINAL PROBATION MEETING

The purpose of the meeting is to review the probation case and to make a final decision on the employee's employment. If the decision is to dismiss the employee, the line manager will advise the employee that the decision is on the grounds of failing the probation period and provide information on how to appeal the decision. The employee will receive a written confirmation of the outcome of the final probation meeting within 3 working days. Payments will be made in lieu rather than the employee working the notice period. The employee can be dismissed at any point during the probation period as long as there is a fair and reasonable process.

## 13. SUMMARY DISMISSALS

If the outcome of the final probation meeting is to dismiss as a summary dismissal due to a gross misconduct or exceptional circumstances that would prevent the employee from working in their role. This type of dismissal is without notice or payment in lieu of notice. Further information is provided in the practice notes.

## 14. APPEAL ON PROBATION DISMISSALS

### 14.1 Appeal Hearing for Officers and Senior Officers

The employee may appeal the outcome of the final probation meeting if it results in dismissal of employment. Appeals will be reviewed by another member panel.

### 14.2 Grounds of Appeal

Employees have no right to appeal against extension of probation, however they should be informed of the reason for the extension, they can only appeal in cases of dismissal. The grounds of appeal should be as follows:

- The dismissal procedure was unfair.
- Any part or the overall process of the probation was unreasonable.
- The evidence presented in the final probation meeting was not substantiated and/or there was no good reason for the dismissing officer to accept it.
- The decision at the final probation meeting is unduly harsh.
- New evidence to be presented by the employee that was not reasonably available at the meeting. Reasons to be provided why it was not presented before.
- Failure to implement reasonable adjustments during probation which directly or indirectly resulted in the dismissal.

Appeals must be submitted no later than **5 working days** after the date of the final decision/dismissal letter. Details on how to appeal will be provided in the outcome letter. The decision of the appeal panel is final. A member of the Employee Relations team will provide HR advice to the panel. The employee is entitled to be represented at the appeal hearing by a workplace colleague or Trade Union Representative. Any requests to be represented by, for instance, a relative or partner should be considered and any reason for refusal communicated to the employee.

### 14.3 Purpose of Appeal hearing

The purpose of the appeal hearing is to review the outcome of the final probation hearing. The possible outcomes are to confirm the decision, or to withdraw the dismissal. The decision is final. In the event that



an employee has less than 12 months service and is reinstated, the extension of a probation period will apply if the maximum has not been applied.

## 15. OTHER CONSIDERATIONS

Any attempts to hinder the probation process will be considered a conduct issue and dealt with appropriately under the probation policy. Should an employee choose to resign to circumvent the formal probation process, they may be required to serve a 1-week notice period. In this case, all efforts should be made to conduct and conclude the formal probation process before the end of their notice period.

Where it is not possible to hold a face-to-face meeting under this procedure. the Council will conduct the process remotely. The employee and their representative will have to access to the [MS Team guidance](#) on the intranet to be able to conduct the meeting and hearing remotely. Their rights will not be affected, and the Council will ensure that the procedure remains fair and reasonable. This should only be used by agreement and access issues need to be taken into consideration.

If the employee has a disability that may have an impact on their ability to participate fully in this process, they should inform their line manager who will discuss with the Employee Relations team around reasonable adjustments. Probation concerns will be dealt with sensitively and with due respect for the employee involved. Any information communicated during the probation policy must be treated as confidential.

## 16. LINK TO OTHER POLICIES

Disciplinary policy (In relation to misconduct and gross misconduct definitions)

Induction

Dignity at work

Reasonable Adjustments and Access to work

## Document Control

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