

Probation Policy

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Probation Policy and Procedure

1 Introduction

- 1.1 The purpose of this policy is to provide clear guidance to support managers with welcoming and settling in new employees into the Council, as well as outlining the new employee's responsibilities as part of the probationary period.
- 1.2 The Council recognises that starting a new job can be challenging and we are committed to ensuring that all new employees are fully supported during their probationary period and feel part of the organisation.
- 1.3 A Probationary period forms part of the onboarding experience and plays an important part of the start of a new employee's career with Haringey Council. The effective management of probation contributes to the development of the employee in line with our Council values.
- 1.4 It provides an opportunity to address and manage any concerns or issues that may arise from the beginning of employment and to provide any reasonable adjustments for new employees who have or are found to have a long-term condition or disability before or soon after commencing employment with the Council.
- 1.5 It is important to be fair, consistent and transparent when managing the probationary period and to provide development opportunities to enable the new employee to effectively fulfil the requirements of their role.
- 1.6 This policy applies to all new employees and apprentices directly employed by the Council on a permanent, fixed-term or temporary contract. It does not apply to any agency workers, contractors or consultants working for the Council.
- 1.7 Teachers and employees working in schools have their own local management and policies to follow.
- 1.8 Any concerns with the performance of agency workers should be raised with Matrix, the Council's temporary resourcing provider.

2 Principles

- 2.1 During the probationary period managers must ensure that they provide training, support and tools to help new employees carry out their job to the required standard.
- 2.2 Meetings held with the employee during probation where performance is discussed, should be followed up in writing. If discussed within the formal probation meeting this must be recorded on the probation review document.
- 2.3 The probationary period provides the opportunity for both the manager and new employee to assess objectively if the new employee is suitable for the role.
- 2.4 The manager and new employee have certain responsibilities that they must adhere to as part of the probationary period, as outlined in appendix A. The Employee Relations team will provide advice and guidance on managing the probationary period.

3 Duration of Probation

- 3.1 All new employees are subject to a four (4) month probationary period which can be extended up to a maximum of six (6) weeks in the event of any concerns regarding performance, conduct or ability to fulfil the role. Employees who transfer to the organisation under TUPE are not subject to a probationary period unless they are within probation with their previous employer, in which case this will continue. Further information on ASYE can be found at section four (4).
- 3.2 Employees who have completed a probationary period within Haringey (including within Haringey community schools and voluntary controlled schools) and are later redeployed or appointed into another role in the Council are not required to complete another probationary period. In these instances, a three (3) month period of support and development will be offered to help the employee adjust into the new role and for redeployees there will be a trial period. Further guidance on redeployment can be found in the [Organisational Change policy](#).
- 3.3 New employees who previously worked as an Agency Worker or Contractor at the Council are still subject to a probationary period effective from the first day of employment directly with the Council.
- 3.4 Any possible extension to the probationary period should be discussed with the Employee Relations team in the first instance. Further information can be found at section seven (7).

4 Assessed and Supported Year in Employment (ASYE) Scheme

- 4.1 Employees who are completing the ASYE scheme are subject to a twelve (12) month development review period. The first four (4) months of employment will be probationary period, following this period, any concerns relating to disciplinary or capability should be addressed through the usual processes.
- 4.2 The manager is required to complete ASYE documents instead of the Council's probation forms. Support on how to complete these can be found as follows: Adults [ASYE \(skillsforcare.org.uk\)](#) and Children's [ASYE Programme](#)
- 4.3 Where a Newly Qualified Social Worker (NQSW) has completed part of the ASYE with another organisation, the employee's probation will last four months in line with new employee's probationary period, extended up to a maximum of 6 weeks in the event of any concerns relating to conduct, capability or suitability.
- 4.4 If an employee is failing the ASYE, this could be reason to end employment during the probationary period, managers should seek advice from the Employee Relations team.
- 4.5 If the ASYE period is extended, and the employee is outside of the probationary period (4 months plus 6 weeks, maximum), a formal capability process must be followed.
- 4.6 At the end of probationary period, and no later than 6 months service, the manager should hold the first formal 'My Conversation' meeting.

- 4.7 If a Newly Qualified Social Worker is dismissed during their ASYE period or whose professional practice is of a significant concern the Council has a duty to notify Social Work England. In this instance, the Principal Social Worker should liaise with the Employee Relations team.
- 4.8 Where an allegation has been made against a person in a position of trust (PIPOT) it is a requirement to refer and follow the protocol and practice guidance available on the internet.

5 Probation Review Meetings

- 5.1 The probation review meetings are a pivotal part of the probationary period; these ensure that the new employee is provided with support and training required to learn the role and carry out the duties to the required standard. In addition, they provide an opportunity for the new employee to raise any concerns and the manager to address any areas of performance, conduct or attendance that do not meet the required standard.
- 5.2 Managers are expected to hold four (4) probation meetings using the [Probation Review Form](#) to ensure that there is sufficient opportunity for both the manager and the employee to review progress and raise any concerns or development needs.
- 5.3 If required, managers can hold additional review meetings if a performance issue has been identified. If this is the case the employee should be informed as soon as possible. The employee should fully understand the areas of concern, the expected improvements the employee is required to make and within agreed timescales. In the event improvement is not seen within the set timescale the manager can proceed to a formal review meeting and should seek advice from the Employee Relations team prior to doing so.
- 5.4 Meetings held with the employee during probation where performance is discussed, should be followed up in writing. If discussed within the formal probation meeting this must be recorded on the probation review document.

6 Review of Performance

- 6.1 In the event it is necessary to discuss performance outside of the probation meeting cycle, this will be set as an additional review meeting. The purpose of this meeting will be to put in place targets and support to improve performance which will then be reviewed as part of the probation cycle meetings.
- 6.2 A formal review meeting can be scheduled at any stage during the probationary period; however, it is advisable that the manager acts as soon as concerns arise. The review period will be a minimum of two (2) weeks and an extension of probation may be applied if deemed necessary. Reviews must be carried out regularly to assess improvement. In the event an improvement is seen to the required standard, the probation process continues as usual.

7 Extending Probation

- 7.1 Extending the probationary period may be considered in circumstances where there are concerns around performance, conduct or attendance.
- 7.2 Circumstances that would warrant an extension of probation are as follows:
- The manager has been unable to make a fair assessment of the employee's performance due to the absence of the employee.
 - The employee has made progress towards achieving the expectations of their role but are not on track to achieve all expectations within the initial four month probationary period.
 - Where there has been a delay in implementing reasonable adjustments or there has been insufficient time to assess the effectiveness of the reasonable adjustments to performance, it may be necessary for the manager to discuss with the employee, an extension of probation to ensure full support for the employee to successfully pass probation.
- 7.3 The manager must discuss the extension of probation with the Employee Relations team at the earliest opportunity to ensure that a fair and supportive management of probation is offered to the employee.
- 7.4 Probation extensions can be up to 6 weeks, making the full probationary period a maximum of four months plus 6 weeks.
- 7.5 The probationary period cannot be extended beyond six months in total. The employee must also be advised that failure to improve may result in termination of employment.
- 7.5 If a probation is extended, a clear and detailed improvement plan must be discussed at the formal probationary review meeting and communicated in writing to the employee. The employee must also be given the opportunity to seek clarification on any queries they may have with the improvement plan. The manager must also write to the employee, as soon as possible, notifying them of the probation extension, the duration of the extension, the reason for the extension and providing a copy of the improvement plan.
- 7.6 The manager should continue to hold meetings with the employee on a weekly or fortnightly basis to review progress against the improvement plan and ensure support is in place.
- 7.7 In the event an employee is not making progress during the review of the initial four-month probationary period and is unlikely to achieve the progress within the four-month probationary period, an extension of probation would not be appropriate and a final hearing will be arranged.
- 7.8 There is no right to appeal against an extension to the probationary period.

8 End of Probation

- 8.1 There are two outcomes at the end of probation, which are as follows:
- Passing Probation
 - Probation Dismissal
- 8.2 Passing Probation:
Before passing probation, employees must have completed all mandatory training, failure to do so will result in probation period being extended. The manager must ensure checklists are completed and that all probation meetings have been documented on the correct forms.
- 8.2.1 Upon successful completion of the probationary period the manager is required to confirm this verbally during the final probation review meeting and update the [Probation Review Form](#) to this effect. A copy of the probation review form must be submitted to the HR Operations team via [HALO](#), in order for Human Resources to write to the employee to confirm that they have passed their probationary period and save a copy to employee file.
- 8.3 Probation Dismissal:
If dismissal is a likely outcome, the manager must consult with the Employee Relations team prior to proceeding with the final probation meeting.
- 8.3.1 Employees who have been through a formal probation review and have not satisfactorily fulfilled the requirements during the probationary period or in a case of misconduct or gross misconduct will be invited to a final probation hearing. Employees must be given at least five working days notice for the meeting. This must be discussed with the Employee Relations team who will provide the template letter.

9 Final Probation Hearing

- 9.1 The purpose of this hearing is to review the probation case and make a final decision on the employee's ongoing employment with the Council.
- 9.2 The chair of this meeting will be the head of service or above and will decide if dismissal is appropriate based on the content of the probationary review documents. The manager can attend the meeting and answer any questions on the probationary review documents.
- 9.3 The employee must be provided with a minimum of five working days notice of the scheduled hearing date. They are responsible for submitting any documents that they intend to rely upon to the Employee Relations team at least two working days before the meeting date.
- 9.4 If the decision is to dismiss the employee, the Chair of the hearing must inform the employee. The employee will be advised in writing within five working days that the dismissal is on the grounds of failing the probationary period and provide information on how to appeal the decision.
- 9.5 Payment of the one week notice period will be made in lieu rather than the employee working their one week notice.

- 9.6 The manager must submit a [leavers notification](#) via HALO immediately for the employee to be made a leaver on the payroll system and avoid any overpayment of salary, clearly stating the last working day and last day of service. Payment will be made in lieu of notice and any outstanding leave accrued but not taken will also be paid. Any overpayments will be recovered.
- 9.7 If any of the parties are not available at the scheduled time for the meeting, the probationary period may be extended to allow for the probation hearing to be rescheduled. The employee must contact the Chair of the panel at least two working days before the hearing date to advise that they are unable to attend. The employee must prioritise this meeting, as it can only be rescheduled once. If the hearing has already been rescheduled and the employee fails to attend, the Chair may conduct the meeting in the employee's absence.
- 9.8 All parties of the probation hearing must inform the Chair or Employee Relations team of any reasonable adjustments; these must be received a minimum of two working days before the hearing date.
- 9.9 It is recommended that the probation hearing is held in person, however in exceptional circumstances it may be agreed to be conducted virtually and this must be mutually agreed by all parties. In the event reasonable adjustments are requested, these will be considered. Further information on reasonable adjustments can be found [here](#).
- 9.10 The Council has the right to record and use a voice recorder to ensure the accuracy of the hearing notes. A copy of the transcript will be available for the employee, as well as a copy being saved to the employee's file. In the event the employee does not wish to have the probation hearing recorded, a written request must be sent to the Chair at least two working days prior to the hearing. In this instance the manager is required to assign an appropriate note taker. If the employee wishes to review the recording from the probation hearing, the employee and representative can review the recording at the Council offices where a member of the Employee Relations team will be present. The recording cannot be copied or recorded on another device.
- 9.11 An employee has the right to be accompanied at a final probation hearing. The statutory right is to be accompanied by a workplace colleague, a trade union representative or an official employed by a trade union.

10 Summary Dismissals/ Gross Misconduct

- 10.1 In the event of an occurrence which could be considered gross misconduct, a final probation meeting will be held and the outcome can be dismissal without notice.

11 Probation Dismissal Appeals

- 11.1 The employee may appeal the dismissal outcome on the basis of one of the following grounds:
- The dismissal procedure was unfair
 - A 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.
- Submission of new evidence presented by the employee that was not reasonably available at the meeting. The employee must provide valid reasons why it was not presented before.
- Failure to implement reasonable adjustments during the probationary period which directly or indirectly resulted in dismissal.

11.2 The appeal must be submitted within ten working days upon receipt of the outcome letter, this should be submitted via [HALO](#). If an employee does not have access to HALO the appeal should be emailed to humanresources@haringey.gov.uk .

11.3 For Officers, the chair of the appeal panel must be a manager more senior than the manager who made the decision to dismiss.

11.4 Appeals for Chief or Deputy Chief Officers must be heard by a Member panel and not by an Officer panel. The Employee Relations Team will liaise with the Committee Services team to arrange the date, time and venue for the hearing and will confirm the names of the Members who will form the panel. The process and timescales for Member hearings will normally be the same as for Officer panel hearings but will be subject to the diary commitments of Members.

11.5 An employee has the right to be accompanied at an appeal hearing. The statutory right is to be accompanied by a workplace colleague, a trade union representative or an official employed by a trade union.

11.6 If an employee is unable to attend the appeal hearing the Chair may reschedule the hearing on one further occasion. A new date will be given within five (5) working days, failure to attend may lead to the hearing being held in their absence.

11.7 A member of the Employee Relations team will provide advice to the appeal panel.

11.8 There are two possible outcomes:

- To uphold the dismissal decision confirmed at the final probation hearing
- To overturn the dismissal

11.9 The outcome of the appeal will be communicated to the employee in writing within five working days. The decision of the appeal panel is final.

12 Other Considerations

12.1 Fixed term contracts

12.1.1 Employees on a fixed term contract are subject to a probation period, passing probation does not mean the employee is a permanent employee, the fixed term contract remains in place.

12.2 Probationary Notice Period

12.2.1 The notice period for either party during the probationary period is one week.

12.2.2 In the event that employment is terminated on the grounds of gross misconduct or due to a fundamental breach in the contract there is no notice and the dismissal is with immediate effect.

12.2.3 If the employee's employment is terminated by the Council under this policy, the employee will not be required to work their notice period and will be paid the notice period in lieu.

12.3 Local Induction

12.3.1 Each service will confirm arrangements with regards to local induction including where this will take place. Some training could be required to be in person for all new employees.

12.4 Pregnancy and Probation

12.4.1 Following an employee declaring that they are pregnant, the manager must schedule a meeting to discuss any adjustments that may be needed to support the employee, a [workplace risk assessment](#) and any other assessments must be carried out to ensure support during pregnancy.

12.4.2 An employee who is pregnant during their probationary period is entitled to time off for antenatal appointments. Entitlement to paid maternity/ parental leave is based on eligibility. Further information can be found [here](#).

12.4.3 An employee who is pregnant will still be subject to the probationary period in the usual way, it may be necessary to put in place adjustments following the risk assessment being completed. Whilst pregnancy related sickness would not be taken in to account for absence purposes, it may be necessary to extend probation due to not being able to complete the necessary training, this should be discussed with the employee and a clear plan be made to enable the employee to be successful in the role and pass probation. Any performance issues unrelated to pregnancy should be managed in the usual way

12.5 Sickness and Probation

12.5.1 If the absence from work has meant the employee has not been able to complete sufficient training or demonstrated the ability to perform the role, the probationary period may be extended. If it is felt that the employee will not pass probation, the probationary period will not be extended and a final probation hearing will be arranged.

12.5.2 It may be necessary to consult Occupational Health in the event of an underlying health condition to ensure all reasonable adjustments have been considered to support the employee. The manager should contact the Employee Relations team prior to making a referral.

12.6 Declaration of Disability and Long term Conditions

12.6.1 When an employee declares a disability or long term condition, the manager must refer to the [reasonable adjustments and access to work guidance](#) in order to provide support to an employee in case any reasonable adjustments are required for the role.

12.7 Resignation during probation

12.7.1 If an employee chooses to resign to avoid the formal probation process, they are required to serve a one week notice period. All efforts should be made to conduct and conclude the formal probation process before the end of the employee's notice period.

12.7.2 If an employee attempts to hinder the probationary review process, this will be discussed with the individual and where appropriate, a formal review meeting will be arranged.

13 Support for employees

13.1 The following resources are available to an employee to access for support / advice.

13.2 Trade Union

If the employee is a member of a Trade Union, they can contact them for support and advice during their probationary period. The Trade Union representative can attend final hearings to accompany the employee. Further information can be found [here](#).

13.3 Employee Assistance Programme (EAP)

This is a telephone service which can be accessed 365 days a year and offers counselling services covering a variety of topics related to personal, work -related, health or legal issues. This is a confidential service; an employee will only need to declare which directorate they work in. This service is available to employees who are on a permanent, fixed term or temporary contract. Further information can be found [here](#).

13.4 Occupational Health (OH)

A manager can refer the employee to Occupational Health for further support in managing any physical or mental health during the formal probation procedure, subject to an employee's consent. Where appropriate, it may be beneficial for the manager to conduct a [stress risk assessment](#) to ensure that any risk related to stress can be managed.

13.5 Mental Health First Aiders (MHFA)

These are colleagues across the Council that have been trained to support employees. Further information can be found [here](#).

13.6 Virtual Meeting or Hearing

For employees requesting a virtual meeting or hearing information can be found on the [intranet](#) on how to use Microsoft teams and additional training can be provided. This is subject to all parties agreeing.

13.7 Neurodiversity at Work

Neurodiversity recognises the natural variations in how people think and process information, encompassing conditions such as autism, ADHD, dyslexia, and dyspraxia. As an employer we have a duty to make reasonable adjustments to remove barriers which may prevent neurodivergent colleagues from thriving in the workplace. If this is something you wish to discuss, please raise this via HALO.

13.8 Staff Networks

We have several staff equality networks including a Disability & Illness Staff Equality Network which provides peer to peer support for employees. A full list of our networks can be found on our [intranet](#).

14 Further References

Parental Leave Policy
 Reasonable Adjustments Guidance
 Induction Policy

Appendix A - Manager and New Employees' Responsibilities

No.	Manager Responsibility	New Employee Responsibility
1	Follow the probation policy and procedures correctly and ensure all review forms are completed in line with the timescales.	Engage fully with the process.
2	Prepare the new starter checklist before your new employee commences employment.	Perform at the required standard
3		Attend scheduled training.

	Complete New Starter Checklist with employee. Once fully completed save locally and provide employee with copy.	
4	Provide local induction on employee's first day and schedule Corporate Induction within the first six weeks of start date.	Raise any challenges or difficulties at work and any further training and support required.
5	Provide support, guidance and training for new employee as part of the induction and probation process.	Inform manager of any reasonable adjustments needed at work.
6	Clearly set out the standards of work performance and ensure employee performs at the required standard.	Raise with the manager if reasonable adjustment is not adequate
7	If probation needs to be extended this must be discussed with the Employee Relations team prior to decision being made. The employee must be notified during the probation meeting and followed up in writing including the reason for the probation being extended.	
8	Assess and review new employee during probation period.	
9	Ensure where possible any reasonable adjustments are applied to the role for new employee if there is a known or potential disability or long-term condition.	
10	Provide supervision during and after probation.	
11	Monitor progress and provide regular clear feedback. If completing ASYE more frequent meetings/ supervision are needed with new employee.	

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