

Introduction

It is the Council's policy that all newly appointed employees are subject to a probationary period of six months, or eight months if extended.

This policy will allow both the employee and their manager to assess objectively whether or not the employee is suitable for the role. The Council believes that probationary periods increase the likelihood that new employees will perform effectively in their employment.

The manager / head teacher is responsible, under this policy, for ensuring that all new employees are properly monitored during their probationary period, addressing any issues promptly.

Aims of Policy

To provide a clear framework for managers / head teachers and new employees in assessing capability, reliability and suitability for a post, as well as informing them of what is expected of them during this time.

Scope

This policy applies to all employees of the Council, with the exception of those employees working in maintained schools under the direct control of a School Governing Body.

School Based Employees

Newport City Council commend this policy to individual Governing Bodies for adoption. If adopted by a Governing Body, the policy will apply to all employees under the direct control of that Governing Body, with the exception of those employed under the terms and conditions of the School Teachers' Pay and Conditions Document.

To be read in conjunction with

[Capability Policy](#)

[Wellness at Work Policy](#)

Principles

A probationary period will apply to all new employees of Newport City Council, including those who have joined from another local authority area. Reference to the length of the probationary period will be included in the letter of appointment and this will normally be for a period 6 months.

The probationary period is complementary to the induction process. During this period, line managers will be responsible for assessing the employee's performance and liaising with and supporting the employee to ensure that they are reaching, or are capable of reaching, the required performance standard to undertake the job.

Employees must be made aware of the purpose of a probationary period, have a clear understanding of what is expected of them and receive constructive feedback on their performance.

Managers should ensure employees are aware of any concerns as soon as possible and action should be taken to improve the employee's performance promptly. Where improvement is required, an action plan with objectives, specific time limits and development solutions will be agreed. It is important that objectives are Specific, Measurable, Agreed, Realistic and Timely.

Where performance issues cannot be resolved within a reasonable period of time, this process will ensure that employment is terminated through a fair and transparent process.

Employees should be made aware of the expectations of the role and that failure to reach the required standard within the probationary period may result in the termination of their employment. No employee should be dismissed without attending a Probationary Period Hearing, where they will have the right to be accompanied by a work colleague or trade union representative.

The Council is an equal opportunities employer and, as such, managers will ensure that application of the probation procedure is fair and consistent, making sure that decisions are objectively taken and are non-discriminatory.

Internal appointments

Internal candidates who move to a new post within the Council will **not** be subject to a probationary period. This includes those employees transferring from a temporary to permanent contract in a post for which they have already completed a probationary period.

It is expected that internal candidates in a new post will be monitored and supported in line with the guidance set out in the Council's [Capability Policy](#), to successfully manage any development issues which arise. Managers should refer to the Capability Policy for specific guidance during this transitional period.

POLICY

Commencement of Probationary Period

Managers are expected to meet with the new employee to welcome them and discuss the employee's role as part of their induction process.

During the induction process managers **must** ensure that employees are:

- aware of the probationary process and policy;
- provided with any training and information about the Council and service's policies and procedures;
- supported in a way that is appropriate for their role;
- aware of how their role supports the Council's Corporate Plan;
- aware of the conduct expected of them; and
- provided with opportunities to discuss any issues or concerns about their role or responsibilities.

Manager's must ensure that all employees are given every assistance to maintain/reach the required standard of performance. Managers should ensure that fair levels of performance are identified with new employees and that reasonable timescales are identified to achieve this. Where development needs are identified as necessary during the probationary period, these must be addressed by ensuring that the appropriate development is given and the outcome reviewed.

At the end of the induction process, new employees should not only be aware of the specific policies and procedures appropriate to their role but also be effective in their use of them. They should also be aware of the support available, so that they feel confident to raise issues and concerns with managers and colleagues.

Probationary Review Meeting

During the probationary period, the manager/Head teacher should schedule a Probationary Review meeting with the employee on a **monthly basis** to discuss their performance against the objectives set. This will include targets, development needs and general comments about attendance and conduct, together with any specific action points. Probationary Review meetings can be combined with established supervision meetings and check-ins. As the review meetings are informal meetings between the employee and manager, the employee does not have the right to be accompanied by a Trade Union representative or a work colleague, other than in exceptional circumstances.

Review meetings will be recorded in the Trent check-in system.

If a manager/Head teacher determines that an employee's performance is **not** meeting the required standards, they must discuss their concerns with the employee during the Probationary Review meeting. The following points should be covered during the meeting:

- Determine with the employee whether they are aware of what is expected of them and that their performance is not meeting the required standard;
- Advise the employee of the areas of concerns (provide specific examples);
- Discuss and explain the required standard of performance and how underperformance has an effect on the team / Service Area;
- Ask the employee whether there is any explanation/s for their underperformance;
- Discuss and offer appropriate support mechanisms; examples include increased supervision, coaching, mentoring, e-learning training, internal or external training and job shadowing;
- Determine whether any reasonable adjustments should be considered, where the issue of performance is due to the employee having a medical condition that may fall under the parameters of / be covered by the Equality Act 2010;
- Explain the potential consequences should an improvement not be achieved, including termination of contract;
- Agree timescales and deadlines for targets in relation to the areas of concern; and
- Record the discussion and details of the support provided in iTrent.

Whilst a Probationary Review meeting is an opportunity to review progress, it is important that managers/Head teacher discuss issues as and when they arise, before agreed review meetings, and take appropriate corrective action at that time, to address the employee's performance.

Absence during Probationary Period

If at any stage of the procedure an employee is absent due to sickness, advice may be sought from the Council's Occupational Health Adviser, to ensure that the probationary period is not unduly delayed. Human Resources will be able to advise whether it is necessary for medical advice to be sought. Employees must be aware that the probationary period will not cease due to their absence on sickness grounds. Management of the employee's sickness absence should be dealt with in accordance with the [Wellness at Work Policy](#).

The length of the probationary period must not exceed six months in total, or eight months if extended. Therefore, should an employee commence a period of long term sickness absence, their probation period will **not** be held in abeyance. Where the employee remains absent due to sickness when approaching the six-month review, the manager/Head teacher will call a Probationary Review meeting, at which point the decision may be taken to proceed to a Probationary Period Hearing or to extend the probation period by 2 months.

COMPLETION OF PROBATIONARY PERIOD

Satisfactory Performance (employee confirmation in post)

Where the performance of the new employee is satisfactory, confirmation that a successful probationary period has been completed should be given to the employee in writing.

The manager/Head teacher should send a copy of the letter of confirmation issued to the employee to Employment Services.

Unsatisfactory Performance (extension of probationary period)

Upon the completion of five months' service, if the manager/Head teacher is concerned the employee is not reaching a satisfactory level of performance, this should be confirmed to the employee. The manager/Head teacher should explain that if performance does not improve by the completion of sixth months' service, the probationary period may be extended by the manager/Head teacher or, in more complex cases, a Probationary Period Hearing will be arranged. It should be explained that during this hearing, consideration will be given to the employee's performance, conduct and attendance over the probationary period and termination of their employment is a potential outcome.

In cases where the employee is not attaining the required level of performance, but it is felt they could be capable of reaching the desired standard, a manager of no less than Tier 4, in consultation with the relevant Head of Service/Head teacher and Human Resources, may extend a probationary period by no more than 2 months, without holding a Probationary Period Hearing.

The employee will be asked to attend a final Probationary Review meeting, where they will be formally notified of the decision, which will be one of the following:

- Confirmation that they have passed the probationary period
- Confirmation of an extension to the probationary period

- Confirmation of the decision to proceed to a Probationary Period Hearing

The final probationary review meeting must take place before the employee reaches six months' service.

Written confirmation of the outcome should be given to the employee following the meeting.

Probationary Period Hearing

The Probationary Period Hearing will be chaired by the appropriate Service Manager (or their nominated representative) or, in the case of school based employees, the Staff Disciplinary and Dismissal Panel.

The employee should be notified of the date and arrangements for the hearing in writing, with a minimum of seven calendar days' notice. The manager must forward a copy of the Probationary Period Hearing Report and all supporting documentation to the employee and the Chair of Probationary Period Hearing/Staff Disciplinary and Dismissal Panel a minimum of seven calendar days prior to the date of the hearing. This should include:

- A copy of the employee's job description;
- Copies of the employee's check in records;
- Details of informal and formal training provided (together with any other support provided for the employee);

Should the employee wish to submit any documentation in support of their case, this must be provided to the Chair of the Probationary Period Hearing (with a copy to the manager)/Head teacher no less than 48 hours prior to the date of the hearing.

The employee must attend the Probationary Period Hearing and has the right to be accompanied at the hearing by a Trade Union representative or work colleague. If the employee fails to attend the meeting without prior notification and/or reasonable explanation, the hearing will proceed in their absence and a decision will be made based on all the information available at the time of the meeting. Where an employee's representative is unavailable to attend the hearing, one alternative date within seven calendar days of the original date should be arranged. Should the employee or their representative be unable to attend the re-arranged date, the hearing will be held in their absence. In this situation, written representations will be accepted.

The procedure to be followed in a Probationary Period Hearing is set out in the Probationary Period Hearing and Appeal Hearing process, following which the Service Manager (or their nominated representative) / Staff Disciplinary and Dismissal Panel will determine one of the following outcomes:

- The employee's performance is satisfactory and confirmation of successful probationary period will be given to the employee in writing. Where applicable, this should include details of any required further training.
- To extend the probationary period. In exceptional circumstances where the line manager has been unable to make a reasonable assessment of performance, the probationary period may be

extended. The length of the probationary period, including any extension, must not exceed eight months in total. During the period of extension, the line manager, in conjunction with the employee, will be required to hold a monthly review meeting, which should be recorded on iTrent. At the end of the extended review period, should the manager/Head teacher determine that the employee has failed to achieve a satisfactory standard of performance, the Probationary Period Hearing will be reconvened, and a final decision made in relation to the employee's probationary period.

- III. The employee's performance is unsatisfactory and confirmation is given to the employee that they have failed the probationary period resulting in termination of the contract of employment. The employee will not normally be asked to work a notice period and a payment in lieu of notice will be given, except in the case of gross misconduct*.

Appeal Procedure

An employee has the right of appeal against the decision to terminate their employment. An appeal must be made to the relevant Head of Service, who will chair the Probationary Period Appeal Hearing. Notification of intent to appeal must be made in writing within seven calendar days of the date of the dismissal decision letter and must state the employee's grounds for appeal.

School Based Employees

A school based employee has the right of appeal, against the decision to terminate their employment, to the Staff Discipline and Dismissal Appeals Committee of the Governing Body. Notification of intent to appeal must be made in writing within seven calendar days of the date of the dismissal decision, and must state the employee's grounds for appeal. The letter of appeal should be addressed to the Clerk to the Governing Body.

The procedure to be followed in a [Probationary Period Appeal Hearing](#) is set out in the [Probationary Period Hearing and Appeal Hearing process](#). The Appeal Hearing is a re-hearing of the case and the employee will have a right to be accompanied by a Trade Union representative or work colleague.

At the conclusion of the hearing, the Head of Service /Staff Discipline and Dismissal Appeals Committee will determine one of the following outcomes:

- To uphold the employee's appeal
- Not to uphold the employee's appeal.

Following the Appeal Hearing the employee will be [notified of the outcome in writing](#). The Appeal Hearing decision is final and there is no further right of appeal.

Early Termination of Probationary Period

It is anticipated that no employee's contract will be terminated prior to their six-month review. However, there may be occasions when an employee's performance causes such concern that immediate action needs to be taken. Examples include:

- New performance shortfalls are occurring in addition to those already identified and discussed with the employee;
- Clear evidence of worsening performance;
- No reasonable prospect of achieving the required standards;
- Serious conduct issues have occurred *

In these circumstances the manager should contact Human Resources and arrange for a formal Probationary Period Hearing as soon as possible, using the procedure outlined above.

** During an employee's Probationary Period where serious conduct issues have occurred, if following an initial fact find there are grounds to proceed, the employee should be notified of the allegations and that a formal investigation interview will take place. If the Investigating Officer is satisfied that the facts they have gathered are sufficient for formal action to be taken against the employee, these matters will be dealt with under the Probationary Policy. A formal Probationary Period Hearing will be arranged immediately at which they will be given the opportunity to respond to the allegations raised against them and present their case. The employee should be notified of the arrangements for the hearing, as per the Probationary Period Hearing procedure. Should the decision be made to terminate employment, the employee will have the right of appeal against this decision as per the Probationary Period Hearing Appeals procedure. In certain circumstances this process may exceed the standard probationary period timeframe depending on timescales of the investigation process.*

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Document Control

Version	Date	Author	Notes/Changes
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V1.1	22/01/2013	Human Resources	Service Area changed to People & Transformation.

V2	21/08/2014	Human Resources	Inclusion of further detail and guidance.
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V3.1	22/12/2021	Human Resources	Update to Wellness at Work Policy links
V4.0	31/07/2023	Human Resources	Corporate review, amendment to serious conduct concerns and new letter templates updated
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e.g. VI	Click to enter date.	Click to enter text	Click to enter text