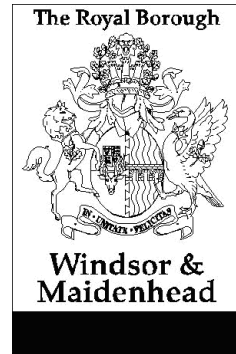


Report for:
ACTION



Contains Confidential or Exempt Information	NO – Part I
Title	Amendment to Notice Period for New Staff within their Probation Period
Responsible Officer(s)	Terry Baldwin, Head of HR; Alison Alexander, Managing Director and Strategic Director of Adult, Children and Health Services
Contact officer, job title and phone number	Terry Baldwin, Head of HR, 01628 79662
Member reporting	Cllr David Burbage
For Consideration By	Employment Panel
Date to be Considered	18 February 2016
Implementation Date if Not Called In	19 February 2016
Affected Wards	None

REPORT SUMMARY

1. This report proposes a change to the notice period applicable for new employees during their probation period. This recommendation is being made to comply with statutory notice periods for staff who are not confirmed as permanent within their probation period.

If recommendations are adopted, how will residents benefit?

Benefits to residents and reasons why they will benefit	Dates by which residents can expect to notice a difference
Value for money as unsuccessful employees will leave the Royal Borough after 1 weeks notice	On going

1. DETAILS OF RECOMMENDATIONS

RECOMMENDATION: That Employment Panel:

- i. Approve the recommendation to provide statutory notice of one week, which may be paid in lieu, for any employee dismissed during their probation period.

2. REASON FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

- 2.1 All new staff recruited in the Royal Borough are subject to a probationary period usually of six months duration, although this can be extended if required. The

purpose of the probation period is for the new employee to demonstrate that he or she is suitable for the post they have been appointed to.

- 2.2 The council's probation procedure for non schools staff provides guidance to managers at all stages of the process and a copy of this procedure is attached as appendix A to the report.

Notice Period during Probation

- 2.3 The notice provision in all standard contracts of employment state:
Your appointment is subject to a probationary period of 6 months (or 1 year for Y&C workers and NQSW). During this period, you are expected to establish your suitability for the position and to cooperate fully in the probationary review process. RBWM can terminate your employment if you fail or are failing your probationary period. Refer to the Probationary Procedure in the HR section on the Council's intranet.
- 2.4 For the majority of employees, the probation period results in confirmation of appointment to a permanent position. For those that are not deemed as suitable for permanent employment during their probation period, contractual notice is given to the employee, which is specified as one month irrespective of the grade of the employee. There is no right of appeal against the decision to terminate employment during the probation period.
- 2.5 Given that the decision not to confirm the employee as a permanent member of staff has already been taken, and there is no right of appeal, it could be detrimental to have that employee continue to work for the Royal Borough during their notice period. There is a risk of loss of attention to detail; demotivation of the employee and those who work with him/her; the impact he/she will have on colleagues, especially if the employee is in a managerial position, and even deliberate mistakes being made.
- 2.6 For these reasons, it is common practice for employers to dismiss someone during probation and then pay them in lieu of notice. In the case of the Royal Borough, this would mean paying one months salary in lieu of notice.

Practice across Berkshire Authorities

- 2.7 All Berkshire Authorities were asked to comment on the notice period they provide for employees who are terminated during their probation period. Four Authorities responded and confirmed they give contractual notice which in the main is one month. There are no authorities currently providing one weeks notice for staff dismissed during probation although Slough said they may review their current practice and move to providing one weeks notice to unsuccessful staff.

Statutory Requirements

- 2.7 The statutory provisions required by the Employment Rights Act 1996, state that employees, including those on a probationary period, are entitled to statutory notice of one week if they have been in continuous employment for one month and up to two years. The statutory notice period then increases to two weeks for 2 years service rising to 12 weeks maximum after 12 or more year's service.
- 2.8 The Royal Borough provides notice periods for different grades of staff as outlined in table one below:

Table one

Grade	Minimum Notice	Maximum Notice
Up to grade 11	One month	5 weeks for five years service, increasing by a

		week for every year of service up to a maximum of 12
Grades 11 to 13	Three months	Three Months
Senior Leadership Team (Heads of Service, Deputy Directors and Strategic Directors)	Four months	Four months

Number of staff dismissed during probation

- 2.9 A review of employees dismissed during probation since January 2014 has identified a total of six employees, including two in February 2016. It is therefore not a material number failing their probation period.

Options considered: Option 1

- 2.9 Continue with the current arrangement and continue to pay one months' contractual notice to all employees employed for three months or more whose employment is terminated during the probation period.
This option is not recommended

2.9 Option 2.

For all new contracts issued on or after 19 February to new employees, provide statutory notice of one week, which may be paid in lieu, for staff dismissed during probation. This allows for unsuccessful staff to exit the organisation quickly while minimising the cost to the authority.
This is the recommended option.

3. KEY IMPLICATIONS

3.1

Defined Outcomes	Unmet	Met	Exceeded	Significantly Exceeded	Date they should be delivered by
The council acts swiftly to remove those employees who are unsuitable during their probation period.	n/a	Any employee starting from 19 February onwards and dismissed during probation leaves after 1 weeks notice	n/a	n/a	19 February 2016

4. FINANCIAL DETAILS

Financial impact on the budget

- 4.1 There are no additional financial implications resulting from this recommendation. If approved, the recommendation will result in a small salary saving for any employee dismissed during their probation period

5. LEGAL IMPLICATIONS

- 5.1 The council is required to provide the minimum contractual notice periods of one week for every year of service up to a maximum of 12 weeks, as set out in the Employment Rights Act 1996. The council already meets or exceeds its statutory obligation and the recommendation in this report is in line with statutory requirements.

6. VALUE FOR MONEY

- 6.1 The recommendation to provide one weeks' notice for staff dismissed during probation does not add to the overall costs for the council and will provide a small reduction in salary costs, thus providing value for money.

7. SUSTAINABILITY IMPACT APPRAISAL

- 7.1 None.

8. RISK MANAGEMENT

- 8.1

Risks	Uncontrolled Risk	Controls	Controlled Risk
The Royal Borough is not an attractive employer to new recruits		New recruits will be reassured of the support and training available to them to help them pass their probation. The number of staff dismissed during probation is very low.	

9. LINKS TO STRATEGIC OBJECTIVES

- 9.1 The recommendation regarding notice periods during probation links to the following:

Residents First

Value for Money

Equipping Ourselves for the Future

- Equipping Our Workforce

10. EQUALITIES, HUMAN RIGHTS AND COMMUNITY COHESION

- 10.1 No EQIA was undertaken, as notice periods during probation is a statutory requirement.

11. STAFFING/WORKFORCE AND ACCOMMODATION IMPLICATIONS

- 11.1 No impact on current staff.

12. PROPERTY AND ASSETS

12.1 None.

13. ANY OTHER IMPLICATIONS

13.1 None

14. CONSULTATION

14.1 CMT were consulted regarding the recommended approach.

15. TIMETABLE FOR IMPLEMENTATION

15.1 It is proposed to apply the change from 19 February 2016 for new employees to the Royal Borough

16. APPENDICES

16.1 Appendix 1 – Probationary period policy

17. BACKGROUND INFORMATION

17.1 None.

18. CONSULTATION (MANDATORY)

Name of consultee	Post held and Department	Date sent	Date received	See comments in paragraph:
Internal				
Cllr Burbage	Leader of the Council		10/2/16	
Alison Alexander	MD/CMT	03/02/2016	05/02/2016	
Simon Fletcher, Russell O'Keefe	Strategic Directors	05/02/2016		
External				

REPORT HISTORY

Decision type:	Urgency item?	
Non-key decision	No	
Full name of report author	Job title	Full contact no:
Terry Baldwin	Head of HR	01628 796992

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

PROBATIONARY PERIOD POLICY AND FORM

Covers:

- **Introduction**
- **Appointment**
- **Length of Probation**
- **Progress of Probation**
- **Mid-Point of Probation**
- **Months 5 and 6**
- **Form**
- **Example Letter**

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

PROBATIONARY PERIOD POLICY AND FORM

1. Introduction

All new staff recruited in the Borough will be subject to the following probationary procedure, except for staff on teachers' conditions of service who are subject to the Newly Qualified Teacher procedure.

The purpose of the probation period is for the new employee to demonstrate that he or she is suitable for the post they have been appointed to. The probation period is part of the recruitment and selection process. Please note that within Social Care this would include successful completion of the Induction and Foundation Training programmes.

The employee's line manager is responsible for ensuring that the new employee is given appropriate supervision, guidance and training, making sure that they understand the council's CREATE values. Regular 1-2-1 interviews should take place. (CREATE does not apply to schools).

Advice and guidance to any new employee and their manager at any stage of the probationary period is available from the HR Business Partner Team.

2. Appointment

On appointment the staff member should be provided with a full local induction programme. In addition a copy of the job accountabilities and a full explanation of his or her responsibilities and functions, and the management structure of the service concerned. The council's CREATE values should be explained and implemented.

2.1 Introductory Probation Meeting

In the introductory meeting the line manager should:

- a) Clarify the duties and responsibilities of the new employee in line with the job accountabilities.

This should include:

- Explaining key aspects of the role and structure of the service
- Skills/competences required/that must be acquired
- Standards of work expected (quality and quantity)
- Deadlines to be met

- Behaviour/conduct (including timekeeping and attendance)
 - Working relationships
 - Working environment
 - Training needs
 - Any other issues specific to the role/grade
- b) Explain how objectives will be monitored and measured and how frequently this must be done.
- c) Identify any potential training needs.
- d) Agree and set dates for further review during the probation period.

2.2 Objective Setting

- As part of the probation/induction period the employee will be set objectives of what should be achieved in the role within the employee's probationary period to ensure that they have a full understanding of the requirements of the post, the service etc. These objectives should be agreed soon after appointment in a discussion between the employee and line manager.
- The objectives should be specific to the activities of the new employee and should be clearly defined to avoid misinterpretation.
- The objectives should be clear and measurable. Line Managers should therefore indicate how the objectives will be measured and what indicators they will use to check whether objectives have been met.
- The objectives set during the probation period should be realistic and commensurate with the grade of the post. Some work may extend beyond the probationary period and in this case, it may be necessary to break the tasks/project down to set realistic objectives.
- The Line Manager shall give the employee the appropriate support/guidance (including training) necessary to help them achieve set objectives.
- The objectives will be linked to a reasonable timescale. The Line Manager shall arrange review meetings at appropriate points throughout the probation period to reflect the timescale of the objectives set.
- If this is the final meeting, objectives should match Appraisal Objectives (see Section 6).

3. Length of Probation

The probationary period should normally be for six months, but it may in some cases be extended.

4. Progress of Probation Period

The Line Manager should meet with the new employee regularly to have 1-2-1 discussions. If there are any concerns, the new employee should be informed as soon as possible and be given advice and assistance to rectify it, by clear instructions.

- When monitoring the employee's progress, the following points should be borne in mind:
- Work output – is the employee making steady progress in the amount of work they are undertaking?
- Work quality – is the employee making satisfactory progress in the production of work which is to an acceptable standard considering the employee's time and experience in the job?
- Work level – is the employee demonstrating that they are capable of performing at the level which is expected of them?
- Attendance – what is the employee's record for punctuality, attendance and sickness absence? Please consult the HR Business Partner Team if there is cause for concern.

4.1 Reviews

During the probation period, reviews should be taking place to ensure regular two way communication between the Line Manager and employee, allowing timely action to be taken in the early stages of the appointment. Formal reviews should be set up in advance so that both parties have time to prepare for them and to ensure that meetings remain free of interruptions.

Line managers are advised to hold frequent informal meetings, which should be documented in order to ensure a good working relationship and feedback on the employee's progress. The frequency of these meetings should be determined locally, according to the needs of the employee and service.

As part of the review line managers should:

- Praise good performance/achievements so far
- Review timekeeping/attendance, including sickness absence

- Discuss the employee's performance to date against the objectives set at introductory probation meeting
- Review/agree training/development needs, if necessary
- Provide constructive feedback on progress
- Identify aspects of performance/conduct that need improving and how
- Explore problems the employee has encountered in their role
- Provide guidance/support as appropriate, e.g., mentoring
- Introduce/agree any changes to the objectives set
- Set the next review meeting (if applicable)

It is the line manager's responsibility to ensure that reviews are conducted within the timescale described in the policy. If any issues or concerns are identified, managers should seek advice from HR.

Written documents are important in the probation period as it will provide very helpful information for staff development when the probation period is completed successfully. Equally, it will indicate clearly why an appointment is not to be confirmed in the case of an unsuccessful probation.

4.2 Dealing with Unsatisfactory Performance

Line Managers should seek advice from the HR Business Partner Team whenever an employee's performance/conduct gives cause for concern at the earliest opportunity.

Where issues with meeting the appropriate standard(s) are highlighted and/or needs for relevant training identified, appropriate opportunity/support should be provided to improve performance.

The line manager should meet with the employee to:

- Discuss any problems identified
- Explain what aspects of the work/conduct is not considered satisfactory
- Explain what objectives/standards are not met and the shortfall between standards and timescales expected of the employee and those achieved
- What remedial guidance and training will be provided
- Give clear early warnings of what may happen if required standards are not met
- Give clear indications of any necessary improvements
- Agree a course of remedial action and timescales
- Record the outcome of the meeting in writing and give a copy to the employee

5. Mid-point of Probation Period

At the mid-point of probation period (normally after 3 months) the Line Manager should meet with the new employee to discuss their progress in a formal meeting.

5.1 Purpose

To establish if there are any issues that need to be addressed, but also to act as a prompter to the Line Manager that the employee is now midway and a review needs to take place before moving forward into the 2nd phase of the probationary period process.

5.2 Expectations at mid-point

Within the initial 3 months the basics of the role should be under control. Ownership of the role, competence of the role and developing working relationships should be demonstrated.

5.3 Format of mid-point review

- The review should recap on the outcome of previous 1-2-1's, invite employee to talk about the past 3 months and review any issues and improvements that they have made (issues or concerns raised should be documented).
- The Line Manager should give feedback on performance over the past 3 months (providing specific examples if possible).
- Discuss issues raised (specific actions or outcomes should be documented).
- Set expectations for the next 3 months which will be reviewed at the next performance review (which should be in month 5).
- End on a positive note. At this point, please contact a member of the HR Business Partner Team if there are any issues or concerns to discuss, if not done so before.
- If, during this period, the Line Manager finds the new employee to not be suitable for the position, the Head of Service may dismiss the staff member at this stage, having first consulted the HR Business Partner Team and any trade union representative concerned. A notice of the termination of contract will be given in accord with the employment contract.

6. Months 5 and 6

If the new employee is successful in completing the probationary period, the Line Manager will notify the staff member in writing, copying in the Head of Service and the HR Business Partner Team. An example letter is included for your use, please send a copy to the HR Business Partner Team.

There is no right of appeal against being dismissed whilst on probation. If an employee has a concern that they are not being treated fairly during probationary period by the Line Manager, a grievance should be raised under the Borough's Grievance Procedure.

7. Probation Period Assessment Form

Employee Name:	
Job Title:	
Directorate:	
Service:	
Team:	
Manager:	
Date: 3 month/6 month review (delete)	

	Improvement Required	Satisfactory	Good	Excellent	Outstanding
Quality and accuracy of work					
Efficiency and work output					
Attendance					
Timekeeping					
Work Relationships (teamwork and communication skills)					
CREATE values and behaviours shown					
Where any areas require improvement give details below:					
Outline any plans to improve performance:					

Has the employee undergone any training? Does the employee require any further training or development to improve current performance?

Outline the employee's views on the job, work environment and working conditions:

Summary of the employee's overall performance including achievements:

Please confirm that objectives have been set to be reviewed in line with the appraisal cycle: (Value for Money, Residents first, Equipping ourselves for the future and Delivering together):

Is the employee's appointment to be confirmed (if final probation meeting)?

YES

NO

If NO, give details of the issues below:

Should the employee's probationary period be extended to allow time for improvement (if final probation meeting)?

YES

NO

If yes, please specify the date on which the employee will complete the extended period and specify the improvement required and how this will be achieved:

New probation completion date (If applicable)	
Employee's signature	
Manager's signature	
Date	

8. Example Letter

Please send a copy to the HR Team.

Private & Confidential

Dear

Re: Completion of probationary period

I am writing to confirm that you have successfully completed your 6 month probationary period and therefore I have pleasure in confirming your appointment as a permanent member of staff in the XX Service.

In all other respects your terms and conditions remain unchanged.

May we take this opportunity to congratulate you and wish you continued success in your career with RBWM.

Please confirm your receipt of this letter, by signing and returning to HR the enclosed copy.

Yours sincerely

I hereby accept the amended contract described above and on the conditions stated.

Signed

Date