

Notice of Meeting



Personnel Committee

Thursday, 14 February 2008 at 3.00pm

In the Members Boardroom, Market Street Offices

Date of Despatch of Agenda: 5 February 2008

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact David Cook, Policy Executive on (01635) 519475
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Further information and Minutes are also available on the Council's website at www.westberks.gov.uk

Agenda – Personnel Committee to be held on 14 February 2008 (continued)

To: Councillors Paul Bryant (*Chairman*), Adrian Edwards, Tony Linden, Quentin Webb, Keith Lock.

Agenda

Part I

- | | Page No. |
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| 1. Apologies for Absence To receive apologies for inability to attend the meeting (if any). | |
| 2. Minutes To approve as a correct record the Minutes of the meeting of the Committee held on 5 July 2007. | 1 |
| 3. Declarations of Interest To receive any declarations of Interest from Members. | |
| 4. Performance Capability Procedure To inform Personnel Committee of the recommended West Berkshire Council Performance Capability Procedure and associated advice notes for managers and employees. To seek a decision on the normal length of the 'period of improvement' where the employee is informed that he/she needs to improve his/her performance as part of formal performance capability proceedings. | 2 |
| 5. Induction and Probation Policy and Probationary Procedure To inform Personnel Committee of the recommended West Berkshire Council Induction and Probation Policy, Probationary Procedure, and associated guidance for managers and employees. To seek a decision on whether the Probationary Procedure should be subject to a review after 12 months to assess any impact upon the external recruitment of employees with continuous local government service. | 31 |

Andy Day
Interim Head of Policy and Communication

PERSONNEL COMMITTEE
MINUTES OF THE MEETING HELD ON
5 JULY 2007

Councillors: Paul Bryant (P), Quentin Webb (P), Jeff Beck (P), Tony Vickers (P)

PART I

30. APOLOGIES.

Apologies for absence received on behalf of Councillors Lock and Johnston.

31. MINUTES.

The Minutes of the meeting held on 10 May 2007 and 19 March 2007 were approved as a true and correct record and signed by the Chairman.

32. DECLARATIONS OF INTEREST.

There were no interests declared.

33. EXCLUSION OF PRESS AND PUBLIC.

RESOLVED that members of the press and public be excluded from the meeting for the under-mentioned item of business on the grounds that it involves the likely disclosure of exempt information as contained in Paragraphs 1 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information)(Variation) Order 2006. Rule 9.10.4 of the Constitution also refers.

PART II

34. SEVERANCE PAYMENT ON THE GROUNDS OF THE EFFICIENCY OF THE SERVICE

(Paragraph 2 -information identifying an individual)

The Committee considered an exempt report (Agenda Item 5) concerning a severance payment and premature retirement for an employee on the grounds of the efficient exercise of the Authority's functions.

RESOLVED that the Personnel Committee agreed the recommendations as set out in the exempt report.

(The meeting commenced at 8.20pm closed at 8.50pm)

CHAIRMAN

Date of Signature:

| | | |
|------------------------------------|---|---------------|
| Title of Report: | Performance Capability Procedure | Item 4 |
| Report to be considered by: | Personnel Committee | |

Purpose of Report:

To inform Personnel Committee of the recommended West Berkshire Council Performance Capability Procedure and associated advice notes for managers and employees.

To seek a decision on the normal length of the 'period of improvement' where the employee is informed that he/she needs to improve his/her performance as part of formal performance capability proceedings.

Recommended Action:

Personnel Committee is recommended to authorise the above procedure attached as appendix A.

Personnel Committee is asked to decide whether the normal length of the 'period of improvement' should be no longer than 13 weeks or whether it should be as short as 6 weeks, or as long as 20 weeks.

Reason for decision to be taken:

To ensure that all employees are encouraged to achieve and maintain acceptable standards of performance and to ensure fairness and consistency in the management of employee under performance.

To comply with the Statutory Dismissals Procedure where employment needs to be terminated.

Key background documentation:

N/A

The proposals will help achieve the following Council Plan Outcome(s):

CPO14 - Effective People

The proposals contained in this report will help to achieve the above Council Plan Themes and Outcomes by:

Providing a procedure and advice notes for managers and employees for managing employee under performance.

| | |
|--------------------------|------------------------------|
| Portfolio Member: | Councillor Anthony Stansfeld |
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Contact Officer Details

Name: Robert O'Reilly
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Implications

Policy: Employee Performance Management
Financial: n/a
Personnel: This scheme is being proposed by Head of HR
Legal: See above.
Property: n/a
Risk Management: n/a

| | | |
|--|--|------------------------------|
| Is this item subject to call-in? | Yes: <input checked="" type="checkbox"/> | No: <input type="checkbox"/> |
| If not subject to call-in please put a cross in the appropriate box (double-click on the box & click next to 'checked'): | | |
| The item is due to be referred to Council for final approval | | <input type="checkbox"/> |
| Delays in implementation could have serious financial implications for the Council | | <input type="checkbox"/> |
| Delays in implementation could compromise the Council's position | | <input type="checkbox"/> |
| Considered or reviewed by OSC or associated Task Groups within preceding 6 months | | <input type="checkbox"/> |
| Item is Urgent Key Decision | | <input type="checkbox"/> |

Executive Report

1. Introduction

- 1.1 A review of the Capability Procedure has been undertaken as part of the ongoing review of HR policies and procedures to ensure legal compliance and provide user friendly advice to managers and employees.

2. Background

- 2.1 The current Capability Procedure predates the Statutory Dismissals Procedure and does not reflect current best practice as it does not allow an employee to appeal against the decision to move to formal supervision.
- 2.2 The current Capability Procedure does not reflect the custom and practice that has developed around handling performance capability issues, potentially leaving the Council open to challenges of unequal treatment.
- 2.3 The current procedure offers the option of seeking redeployment to all employees whose performance does not reach a satisfactory standard by stage two, whether or not this course of action is likely to enable the employee to achieve and maintain the required standards. Except in cases of poor performance due to a disability, there is no legal obligation to offer redeployment to those who are incapable of performing their role.

3. Proposed Performance Capability Procedure

- 3.1 The proposed procedure, supported by advice notes for managers and employees would:

(1) Provide a structure for handling poor performance that supports employees in reaching acceptable standards where possible.

(2) Include the right of appeal against a move to formal supervision under the procedure.

(3) Include a search for alternative employment only where the manager believes that this would enable the employee to reach a satisfactory standard of performance. In such cases employees would be given a specified period of time in which to apply for vacancies. Such employees would apply for vacancies along with other applicants, and would need to prove that they were the most suitable applicant.

(4) Bring those authorised to act under the procedure, and timescales for the notification of formal meetings in line with the Disciplinary Procedure as far as possible.

- 3.2 A separate Sickness Absence Procedure is being developed to handle incapability due to ill-health, injury or disability.

3.3 The proposed performance capability procedure includes a proposed normal 'period of improvement' of 13 weeks, where the employee is required to improve his/her performance at stage 2. The appropriateness of various lengths of time was considered when drafting the new procedure, as outlined below:

(1) 6 weeks – this would facilitate a rapid resolution to the poor performance, but would be unlikely to give the employee a fair chance to improve as it would allow little time to arrange and deliver appropriate training and/or other support, or allow a reasonable period for assessment of improvement, especially where the employee's role is specialist or complex.

(2) 20 weeks – this would allow ample time for training, support and assessment. However if this were to become the normal period of improvement it would mean that employees who incapable of performing their role to an acceptable standard regardless of additional support and training would remain in post for nearly half a year. This could have a detrimental effect upon service, and upon colleagues.

(3) 13 weeks – the recommended duration provides a balance between supporting employees in achieving an acceptable standard and in limiting the effect upon morale and any potential effect upon service. The proposed procedure enables the manager to extend this in exceptional circumstances, and where at the end of the period of improvement he/she believes that the employee could reach an acceptable standard if the period of improvement were extended by a period, normally no longer than 6 weeks.

2. Recommendation

4.1 It is recommended that Personnel Committee approve the proposed Performance Capability Procedure and associated advice notes for managers and employees, for consideration and, having considered the points raised in section 3.3 above, to decide whether a suitable 'period of improvement' should normally be 13 weeks, or whether it should be 6 weeks or 20 weeks.

Appendices

Appendix A – Draft Performance Capability Procedure

Appendix B – Draft Performance Capability Procedure – Advice for Managers

Appendix C – Draft Performance Capability Procedure – Advice for Employees

Appendix D – Chairing a Hearing – Advice for Managers

Consultees

Local Stakeholders: n/a

Officers Consulted: A management consultation group was consulted. (Each directorate was invited to send a representative).

Corporate Board was consulted and the documents were sent to CMT for comment.

The procedure and advice for managers and employee went to Management Board on 24th January 2008.

Trade Union: Rosemary Culmer, David Pearson, Eddie Hunter.

Draft Performance Capability Procedure

| | | | |
|-------------------------|------------------|----------------|-----|
| Document Ref: | | Date Created: | |
| Version: | | Date Modified: | |
| Revision due | | | |
| Author: | Katie Penlington | Sign & Date: | |
| Chief Executive | Nick Carter | Sign & Date: | |
| Director CS | | Sign & Date: | N/A |
| Director C&YP | | Sign & Date: | N/A |
| Director E | | Sign & Date: | N/A |
| Head of Human Resources | Robert O'Reilly | Sign & Date | |

Change History

| Version | Date | Description | Change ID |
|---------|--------------|----------------------------------|-----------|
| Draft 7 | January 2008 | Performance Capability Procedure | |
| | | | |
| | | | |

Equalities Impact Assessment

| | | | |
|--------------------|--------------|--|------------------|
| Date of assessment | January 2008 | Name of person carrying out assessment | Katie Penlington |
|--------------------|--------------|--|------------------|

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1. Purpose

- 1.1. The purpose of this procedure is to encourage employees to achieve and maintain acceptable standards of performance and is designed to ensure fairness and consistency in the management of employee performance.
- 1.2. This procedure is used to manage performance that falls below the required standards because of lack of aptitude, skill and/or ability.
- 1.3. Where the investigation (stage one of the procedure) finds that the issue is one of incapability due to ill health or disability, or to misconduct, action under the performance capability procedure will stop and further action will be taken under another appropriate procedure if required.
- 1.4. *The Personnel Committee approved the performance capability procedure on dd/mm/yy .*

2. Applicability

- 2.1. This Procedure applies to permanent and temporary employees of West Berkshire Council.
- 2.2. This procedure does not apply to:
 - 2.2.1. The Chief Executive, the Section 151 Officer or the Monitoring Officer who are subject to Statutory Regulations (Seek further advice from Human Resources).
 - 2.2.2. Employees within their probationary periods. (For further details of procedures applicable to probationers contact Human Resources.)
 - 2.2.3. School based staff. These employees are covered by a separate procedure.

3. Roles and Responsibilities

- 3.1. Line managers are responsible for implementing this procedure within their service areas and carrying out the requirements of this procedure with employees.
- 3.2. Human Resources will provide managers with specialist advice on implementing the performance capability procedure.
- 3.3. Employees are responsible for complying with the requirements of this procedure.

4. Links with other procedures

- 4.1. Employees should be provided with appropriate information, support and advice during induction and probation to achieve the required standards of performance. Lack of capability during the employee's probationary period will be dealt with under the probationary procedure.
- 4.2. Concerns about the employee's performance should normally be discussed informally (See section seven below for further information) at one to one or supervision sessions under the Employee Performance Management Procedure.

5. Principles:

- 5.1. The employee will be advised of the deficiencies in his/her performance and given the opportunity to state his/her case and present relevant information at a performance capability hearing before any decision is made.
- 5.2. The employee will normally be given at least 10 working days notice of all formal meetings under this procedure.
- 5.3. The employee will have the right to be accompanied by a work colleague or trade union representative during all stages of the formal process.
- 5.4. No formal action will be taken against a trade union representative until the circumstances of the case have been notified to a regional officer of the trade union concerned.
- 5.5. If there are any disability or language issues affecting the employee or his/her representative, these will be reasonably addressed so that any formal proceedings can take place fairly.
- 5.6. Information relating to formal proceedings will be kept confidential as appropriate.
- 5.7. The time-scales within this procedure may be amended by mutual consent.

6. Authority to act under the performance capability procedure

| Performance incapability concerning | Stages 1 to 3 | Chair the appeal following a stage 2 meeting | Stage 4 | Chair the appeal following a stage 4 hearing |
|---|---|--|--|---|
| Corporate Director | Chief Executive | A Member | Panel of three Members | Panel of 3 Members not previously involved in the case |
| Head of Service | The Corporate Director | A Corporate Director not previously involved in the case | The Chief Executive or a Corporate Director not previously involved in the case | Panel of 3 Members |
| All employees except those listed above | The Line Manager, or where not appropriate another Officer at the level of the Line Manager or above, authorised by the Head of Service | The Head of Service | Head of Service unless previously involved in hearing an appeal at stage 2, in which case stage 4 will be heard by another Head of Service authorised by the Corporate Director. | A Head of Service not previously involved in the case, a Corporate Director, a Member |

7. Informal handling of performance capability issues:

- 7.1. Managers will normally try to resolve issues of minor incapability informally. Where this approach has been tried and has not succeeded in improving performance, or where the underperformance is more serious, formal action should be taken.

8. Formal Stage one - investigation

- 8.1. If an employee's performance is unsatisfactory, there will be an investigation to determine the reasons for the underperformance. This will normally be carried out by the employee's line manager.
- 8.2. The investigation will be sufficient to establish whether failure to perform at a satisfactory level is attributable to a lack of capability, skill or aptitude, or to sickness or disability, misconduct or other factors outside the employee's control. It will include at least one meeting with the employee.
- 8.3. The employee will be informed of the outcome of the investigation and whether or not further action is required under the performance capability procedure, or other relevant procedure, or will be handled informally.

9. Formal Stage two – support and training

- 9.1. Where the investigation concludes that further action is required under the performance capability procedure, the employee's line manager will arrange a meeting at stage two to explore whether there is any reasonable support or training that would assist the employee in achieving a satisfactory standard of performance.
- 9.2. At the meeting the manager will summarise the findings of the investigation, including any reasons given by the employee and will ask the employee whether he/she would like to add anything.
- 9.3. The manager will explain the need for improvement and specify the targets and standards that need to be achieved.
- 9.4. The manager will propose reasonable measures to assist the employee to achieve the required standards of performance. The measures may include any or all of the following (provided they do not adversely affect the efficiency of the service):
 - 9.4.1. Changes to working practices within the terms of the employee's job description;
 - 9.4.2. Increased supervisory support for a specified period of time
 - 9.4.3. Work shadowing a competent employee
 - 9.4.4. Modified workload or tasks for a specified period of time
 - 9.4.5. Further training in the area(s) of deficiency
 - 9.4.6. Other reasonable relevant support
- 9.5. The manager will inform the employee of the duration of the support period (This will not normally exceed 13 weeks) and of the arrangements for reviewing progress during this period.

- 9.6. The manager will advise the employee that failure to improve performance to the required standard within a reasonable period could ultimately lead to dismissal.
- 9.7. The outcome of the stage two meeting will be confirmed in writing to the employee, normally within five working days of the meeting.

10. Formal Stage three – review meeting

- 10.1. The success of the support and training stage will be reviewed at a meeting at stage three of the procedure, normally chaired by the employee's line manager.
- 10.2. At the review meeting the manager will review the improvement period and assess whether the employee's performance is now of an acceptable standard.
- 10.3. The employee will be given the opportunity to respond and comment upon the improvement period and his/her performance during this period.
- 10.4. The manager may decide that:
- 10.4.1. The employee has reached a satisfactory standard of performance and no further action is required under the procedure. The employee will be advised that satisfactory performance must be maintained and that if performance becomes unsatisfactory within 12 months of the review meeting decisions regarding support and the length of any support period may take into account the action already taken at stage two and three.
 - 10.4.2. The employee has made some improvement in performance, and the manager believes that the employee is capable of reaching the required standard of performance within a reasonable time. In this case the manager may extend the improvement period for a specified period, normally of no more than six weeks. The ongoing support programme will be discussed. At the end of the improvement period the review meeting will be reconvened; or
 - 10.4.3. The employee has not reached a satisfactory standard of performance but the manager believes that the employee could reach a satisfactory standard of performance if he/she found alternative employment within the Council. The manager will discuss whether the employee would be prepared to consider seeking alternative employment. (Follow section 11 below as a continuation of the review meeting); or
 - 10.4.4. The employee has not reached a satisfactory standard of performance and seeking alternative employment is not appropriate. The manager will explain that a dismissal hearing at stage four of the performance capability procedure will be arranged.
- 10.5. The employee will be informed of the outcome of the review meeting in writing, normally within five working days of the meeting.

11. Consideration for alternative employment:

- 11.1. If point 9.4.3 above applies and the employee is willing to consider seeking alternative employment, this will be sought for a specified period, normally of no longer than six weeks.

- 11.2. The manager will ensure that the employee has access to the internal vacancy bulletin.
- 11.3. During the search period the employee will be able to apply for suitable vacancies that arise and will be considered along with other applicants. The employee does not have the right to prior consideration and will have to demonstrate that he/she can meet the requirements of the job.
- 11.4. The employee will not be entitled to salary protection where the vacancy is at a lower salary than the employee's current salary.
- 11.5. The employee will be informed that if he/she does not find alternative employment within the specified period a dismissal hearing at stage 4 of the procedure will be held.
- 11.6. Where the employee is successful in finding alternative employment he/she will be informed that no further action is required under the performance capability procedure.
- 11.7. Where the employee has applied for a vacancy before the end of the search period but a decision about the employee's suitability for the role has not been made, the stage four meeting will not be held until the decision has been made.

12. Formal Stage four - dismissal hearing

- 12.1. A dismissal hearing will be arranged where:
 - 12.1.1. The employee did not reach a satisfactory standard of performance during the improvement period, and seeking alternative employment was not appropriate or the employee did not agree to seek alternative employment.
 - 12.1.2. Alternative employment was sought but not found within the specified period.
- 12.2. The employee will be notified in writing, at least 10 working days before the hearing of:
 - 12.2.1. The deficiencies in the employee's performance and the reasons for contemplating dismissal
 - 12.2.2. The date, time and location of the hearing
 - 12.2.3. The name of the person chairing the hearing
 - 12.2.4. The right to be accompanied and/or represented by a trade union representative or work colleague
 - 12.2.5. The requirement to provide the manager/chair hearing the case with a copy of the documents that he/she will be relying upon and the names of any witnesses that he/she will be calling at the hearing at least 5 working days before the hearing
 - 12.2.6. Advise the employee that the hearing could result in his/her employment being terminated
- 12.3. Copies of documents that the presenting manager will refer to at the hearing, and names of any witnesses that they will call will be included with the notification.
- 12.4. At the hearing both the presenting manager and the employee will be given the opportunity to state their case, call witness and ask questions.

12.5. The employee will be notified in writing of the outcome, normally within five working days of the decision.

13. Appeals

13.1. An employee is entitled to appeal against either the decision taken at stage two to move to a period of closer supervision, support and training or the decision at stage four to dismiss.

13.2. The appeal must be made in writing, addressed to the Head of Human Resources, stating the grounds for the appeal, within five working days of being notified of the decision to move to formal action or to dismiss.

13.3. The appeal will be heard as soon as possible and not normally later than six weeks after being received.

13.4. Both parties must indicate at least five working days in advance of the appeal hearing which, if any, witnesses they wish to call and provide copies of any documentation that will be relied upon at the hearing. In exceptional circumstances an alternative time scale may be agreed.

13.5. The hearing will review the earlier decision, taking into account the grounds of appeal. The appeal can overturn the earlier decision, confirm it or impose a lesser sanction.

13.6. The employee will be informed of the appeal decision in writing normally within five working days of the hearing.

13.7. The appeal decision is final within the Council.

14. Review

14.1. This procedure will be reviewed to respond to any changes in the employment legislation at least every three years.

15. Other relevant documentation

Performance Capability - Advice for Managers
Performance Capability - Advice for employees
Chairing a Hearing – Advice for Managers



Draft performance capability procedure – advice for managers

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1. Purpose and scope

- 1.1. These advice notes should be read in conjunction with the performance capability procedure.
- 1.2. The performance capability procedure applies to all employees of West Berkshire Council except those listed in section 1.2 of the procedure.
- 1.3. The procedure is designed to help and encourage employees to achieve and maintain standards of performance and aims to ensure fairness, equity and consistency in the management of employees.

2. What is performance incapability?

- 2.1. All employees are expected to achieve and maintain satisfactory standards of performance. Performance incapability is performance that falls below required standards because of lack of aptitude, skill or ability.
- 2.2. It is not incapability due to ill health or disability. If you are unclear about whether underperformance is due to disability or ill health you should seek advice from Human Resources. The procedures used in such cases are available from the intranet or you can ask Human Resources for further details.
- 2.3. In some cases, after investigation, you may conclude that the employee is failing to reach the required standards of performance through misconduct (e.g. not carrying out reasonable management instructions). This should be managed under the disciplinary procedure.

3. Standards of performance:

- 3.1. You should explain the standards of performance required to the employees that you line manage as part of their induction, through day to day management, one to one meetings and appraisals. You should encourage them to raise any queries that they have about their duties and standards of performance with you.
- 3.2. If you have any minor concerns about an employee's performance you should normally try to handle these informally (As stated in section 7.1 of the procedure) in the first instance in his/her one to one meetings.
 - 3.2.1. You should tell the employee what the deficiencies in his/her performance are.
 - 3.2.2. Ask the employee to explain the reasons for the deficiencies. Encourage the employee to talk openly about any problems that he/she may be experiencing and ask further questions to try to establish whether there are underlying issues causing the poor performance, and the likely duration of these.
 - 3.2.3. Explain the standard that is required.
 - 3.2.4. Where appropriate set targets and discuss whether there is any further support and training that can help the employee achieve the required standard of performance.
 - 3.2.5. Record key points in the one to one records.
 - 3.2.6. Review progress on a regular basis.

3.2.7. Different approaches to the job may be due to the employee's race, disability, gender, age, religion or belief and/or sexual orientation, and you should bear this in mind when identifying support and training. Further advice can be sought from Human Resources.

3.2.8. Where an informal approach is not resolving the matter explain that if the employee's performance does not reach an acceptable standard within a specified period that you may invoke the formal performance capability procedure.

4. Taking formal action under the procedure

4.1. Where you have tried an informal approach and this has not worked, previous action has been taken against the employee under the performance capability procedure within the past 12 months, or where the problems with the employee's performance are more serious you may decide to handle the matter under the formal performance capability procedure.

4.2. You can contact Human Resources for support in implementing the performance capability procedure. HR will attend formal meetings to advise you and will advise on the contents of letters that you need to send to the employee.

5. Notifying employees of formal meetings

5.1. The employee will normally be given 10 working days written notice of formal meetings. This notification will inform the employee of:

5.1.1. The date, time and location of the meeting

5.1.2. The name of the person chairing the meeting

5.1.3. State the purpose of the meeting

5.1.4. The deficiencies in his/her performance.

5.1.5. His/her right to be accompanied at the meeting by a trade union representative or work colleague.

6. Formal stage one - investigation

6.1. At stage one of the procedure you will normally need to carry out an investigation to determine the reasons for the unacceptable performance. You should tell the employee that you intend to carry out an investigation under the formal procedure.

6.2. The investigation should be sufficient to establish whether failure to perform at a satisfactory level is attributable to a lack of capability, sickness or disability, misconduct or some other reason.

6.3. As line manager you will normally carry out the investigation.

6.4. You should contact Human Resources to find out whether any other action has been taken under the performance capability procedure in respect of the employee within the last 12 months.

6.5. You should hold at least one meeting with the employee, arranged as described in section five above, enclosing a copy of the performance capability procedure. You should explain deficiencies in the employee's performance and ask the employee to respond to this and explain the reasons for the deficiencies.

- 6.6. Where necessary you should ask further questions to clarify the reasons for the employee's poor performance.
- 6.7. The meeting may need to be adjourned to allow further investigation to verify the employee's explanation.
- 6.8. Decide on the basis of the findings of your investigation whether the problem needs to be handled formally or informally, and whether it is one of performance capability, or whether the cause requires the issue to be handled under another procedure. You should keep a written record of the reasons for your decisions.
- 6.9. Following the investigation you should inform the employee whether any further action will be taken.

7. Formal stage two - support and training

- 7.1. At stage two you should arrange a meeting to identify reasonable ways to support the employee in reaching and maintaining a satisfactory standard of performance.
- 7.2. Before meeting with the employee you should consider what reasonable support and/or training could be provided to help the employee reach a satisfactory standard of performance. Section eight of the procedure lists some examples of the sorts of things you could consider. You can also seek advice from Human Resources.
- 7.3. At the meeting you should cover the points in section eight of the procedure. You should ask the employee if he/she can suggest any further reasonable measures of support and/or training, and you should try to accommodate reasonable requests.
- 7.4. Where action has been taken against the employee under the performance capability procedure within the past 12 months you may wish to take this into consideration when deciding upon the type of support that is appropriate and the length of the improvement period. You should seek further advice from Human Resources.
- 7.5. The support period will not normally exceed 13 weeks, however there may be times where you believe that a longer period is appropriate, for example where the employee only works a few hours per week and it would be difficult to provide the required support and training and to make a fair assessment of performance within 13 weeks.
- 7.6. Following the meeting you should confirm the outcome in writing, normally within five working days. This should include:
- Key points discussed
 - Details of the required improvement
 - Details of support and/or training agreed
 - A statement that failure to improve could lead to dismissal
 - Inform the employee of his/her right to appeal
- 7.7. During the improvement period you should hold at least one informal progress meeting. At this meeting you should assess the employee's performance against the targets that were set at the stage two meeting. You should discuss how the employee feels he/she is progressing and any concerns that he/she has. Offer further reasonable support and training if appropriate.

8. Formal stage three - review meeting:

- 8.1. At the end of the period of improvement you should hold a formal review meeting at stage three of the procedure as described in section ten of the procedure.
- 8.2. You should confirm the outcome of the review meeting to the employee in writing normally within five working days.

9. Consideration for alternative employment

- 9.1. Where the employee is to seek alternative employment you should support him/her in this by discussing his/her skills and experience and the types of roles that might be suitable. Consider what the employee does well and any experience that he/she has gained from previous roles both inside and outside the Council, and/or from any activities outside of work.
- 9.2. You should specify the period in which alternative employment will be sought. This will normally be no longer than six weeks. However you may wish to extend this in certain circumstances, for example where the employee has booked annual leave during the six week period.
- 9.3. You should explain that there is no obligation to create an alternative role for the employee, but that the search period allows the employee a period in which to apply for vacancies that arise whilst still employed by the Council.
- 9.4. During the search period you should ensure that the employee has access to the internal vacancy bulletin.
- 9.5. Where the employee accepts a role at a lower salary he/she **will not** be entitled to salary protection.
- 9.6. If the employee is short-listed for interview for a vacancy within the Council you should allow him/her paid time off work to attend.
- 9.7. You may be approached for a reference by the recruiting manager. You should ensure that the information that you give is factual and you may wish to discuss the reference with the employee so that you can explain why you are/are not supporting his/her application.
- 9.8. Where the employee is not successful in finding alternative employment within the agreed period, you should arrange a performance capability hearing at stage four of the procedure

10. Formal stage four - dismissal hearing

- 10.1. The stage four dismissal hearing is held to determine whether there are other options to consider for a return to satisfactory performance or whether the employment will terminate on the grounds of capability.
- 10.2. You can find guidance about how the employee should be notified of the hearing and about what happens at a hearing in 'Chairing a Hearing – Advice for Managers' (Link).
- 10.3. If you have handled the previous stages of the procedure you will be required to attend the hearing to present the management case.
- 10.4. At the hearing the options already explored and/or tested will be reviewed and any remaining options (if any) will be considered.

- 10.5. The hearing will normally be adjourned whilst the chair/panel hearing the case reaches a decision.
- 10.6. If the manager chairing the hearing believes that there are no reasonable alternatives, he/she may dismiss the employee, with due notice, on the grounds of capability.
- 10.7. The employee will be notified in writing of the outcome, normally within 5 working days.

11. Appeals

- 11.1. The employee is entitled to appeal against the decision taken at stage two to move to a period of closer supervision, support and training or to dismiss. Details of how the employee can appeal are found in section 13 of the procedure.
- 11.2. The manager/chair who dealt with the dismissal hearing will attend the appeal to present evidence. He/she may be accompanied by a representative of Human Resources.
- 11.3. At the appeal the employee will be asked to explain the grounds for his/her appeal and present evidence. The presenting manager will have the opportunity to respond. Where witnesses are called both sides will have the opportunity to question them.
- 11.4. The Chair, panel members and the representative of Human Resources may ask questions throughout the appeal hearing.
- 11.5. The hearing will review the earlier decision, taking into account the grounds of appeal. The appeal can overturn the earlier decision, confirm it or impose a lesser sanction.
- 11.6. The employee will be informed of the appeal decision in writing normally within 5 working days of the appeal hearing.
- 11.7. The appeal decision is final within the Council.

12. Management of absence during action under the performance capability procedure

- 12.1. If the employee has a high level of absence whilst they are subject to the performance capability procedure you will need to manage this as you would for other employees, but will also need to decide whether to extend the support and/or alternative employment search periods. Advice on the procedures used to manage absence can be obtained from Human Resources.
- 12.2. You should discuss the reasons for the employee's absence with them and whilst remaining sensitive to genuine reasons for absence you should explain the impact that the absence is having upon the support/alternative employment search period. Where the employee has an extended period of absence you should explain that this will be managed using the relevant attendance management procedure, but that when he/she returns to work action will continue under the performance capability procedure.
- 12.3. In deciding whether to extend the support period you should consider the length of absence and its impact upon the support period. If you decide to extend the support period you should discuss this with the employee and specify the duration of the extended period. This should be confirmed in writing.

13. The employee's representative:

- 13.1. At all stages of the formal process The employee will have the right to be accompanied by a representative who may be a relevant trade union representative or a work colleague. In exceptional

circumstances he/she may be allowed to be accompanied by an alternative representative, for example where the employee has particular language support or other special needs.

- 13.2. The employee's representative may confer with the employee during meetings/hearings/appeals, explain his/her case, ask questions, sum up and respond to views expressed at the hearing so long as the employee is happy for him/her to do so. However the representative has no right to answer questions on the employee's behalf except in exceptional circumstances, where the chair of the meeting/hearing/appeal permits him/her to do so.

14. Written records

- 14.1. You should keep records of all stages of the performance capability procedure that you handle. You should send these to Human Resources. Records will be treated as confidential as appropriate and kept in accordance with the Data Protection Act 1998.

15. References

- 15.1. If you are approached for a reference for an employee/ ex-employee who is/has been subject to formal action under the performance capability procedure you should seek advice from Human Resources before giving the reference.

16. Referral requirements to external bodies in cases of misconduct and/or incompetence:

- 16.1. In certain circumstances the Council has a statutory obligation to report cases where an employee has been suspended or dismissed on grounds of misconduct or poor performance, to specific professional bodies or government departments.
- 16.2. This may apply where disciplinary or capability proceedings are being taken against one of the following categories of employees:
- Employees working with children or vulnerable adults
 - Teachers
 - Employees registered with the General Social Care Council (GSCC)
- 16.3. If you are undertaking action where there may be an obligation to refer the case to an external body you must contact Human Resources for further advice and information.

Draft performance capability procedure – advice for employees

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1. Purpose and scope

- 1.1. These advice notes should be read in conjunction with the performance capability procedure.
- 1.2. The performance capability procedure applies to all employees of West Berkshire Council except those listed in section 1.2 of the procedure.
- 1.3. The procedure is designed to help and encourage employees to achieve and maintain standards of performance and aims to ensure fairness, equity and consistency in the management of employees.

2. What is performance incapability?

- 2.1. All employees are expected to achieve and maintain satisfactory standards of performance. Performance incapability is performance that falls below required standards because of lack of aptitude, skill and/or ability.
- 2.2. It is not incapability due to ill health or disability. The procedures used in such cases are available from the intranet or you can ask your line manager for further details.

3. Standards of performance:

- 3.1. Your manager will explain the standards of performance required of you at your induction, through day to day management, one to one meetings and appraisals. If you have any queries about what is required of you, you should discuss this with your manager.
- 3.2. If your manager has any minor concerns these will normally be discussed with you informally at your one to one meetings. Your manager will explain the standard that is required and where appropriate set targets and discuss whether there is any further reasonable support and training that can help you achieve the required standard of performance.
- 3.3. Where an informal approach has not worked, or where incapability is more serious the matter may be handled under the formal performance capability procedure.
- 3.4. You will normally be given at least 10 working days notice in writing of formal meetings under the procedure and will be entitled to bring a trade union representative or work colleague with you.

4. Stage one - investigation

- 4.1. If your performance is thought to be unsatisfactory, and your line manager decides to instigate the formal performance capability procedure he/she will inform you of this.
- 4.2. Your line manager will normally carry out the investigation. This will normally include at least one meeting with you at which you will be given the opportunity to explain deficiencies in your performance.
- 4.3. Following the investigation you will be told whether any further action is required.

5. Stage two - support and training

- 5.1. At this stage a meeting will be arranged to identify reasonable ways to support you in reaching and maintaining a satisfactory standard of performance.

- 5.2. Before you attend this meeting you may find it helpful to consider how you feel you can reach the required standard of performance and whether there is anything that your line manager could reasonably do to support you in this.
- 5.3. At the meeting your line manager will cover the points described in section nine of the procedure.
- 5.4. Your line manager will propose reasonable measures of support to assist towards achievement of the required standards of performance. Where possible your reasonable requests for support will be accommodated.
- 5.5. During the period of improvement your line manager will normally hold at least one informal progress meeting. At this meeting your performance will be measured against the targets that were set at the stage two meeting. You should discuss how you are progressing and raise any concerns that you have. Further reasonable support and training will be offered if appropriate.

Note: You should note that if you fail to reach the required standard of performance within the period of improvement this could ultimately lead to dismissal.

6. Stage three - review meeting:

- 6.1. Your line manager will hold a formal review meeting with you at the end of the period of improvement. This meeting will cover the points described in section ten of the procedure.

7. Consideration for alternative employment

- 7.1. Where you are to seek alternative employment as part of the procedure your manager will discuss your skills and experience with you, and the types of roles that might be suitable.
- 7.2. If you decide to apply for a vacancy your application will be considered along with any other applications for the vacancy. You must be able to demonstrate that you have the skills and experience required to do the job.
- 7.3. If you are short-listed for interview for a vacancy within the Council you will be allowed paid time off work to attend.
- 7.4. Where you decide to accept an offer of employment at a lower grade you will not be entitled to salary protection and will be paid at the correct rate of pay for your new job.
- 7.5. Where you are not successful in finding alternative employment within the agreed period, a performance capability hearing at stage four of the procedure will be arranged at which your continued employment will be considered.
- 7.6. Where you have applied for a vacancy within the agreed period, but a decision about your suitability for the role has not been made, the stage four hearing will not be held until the decision has been made.

8. Stage four - dismissal hearing

- 8.1. The stage four dismissal hearing is held to determine whether there are other options to consider for a return to satisfactory performance or whether the employment will terminate on the grounds of capability.

- 8.2. At the hearing you will be given the opportunity to present your case, and call witnesses. You will be able to ask questions and comment on the case presented by management.
- 8.3. If the manager chairing the hearing believes that there are no reasonable alternatives, he/she may dismiss you, with due notice, on the grounds of capability.

9. Appeals

- 9.1. You are entitled to appeal against a decision taken at stage two to move to a period of closer supervision, support and training or a decision to dismiss. You can find details of how to appeal in section 13 of the procedure.
- 9.2. At the appeal you will be asked to explain the grounds for your appeal and present evidence. The presenting manager will have the opportunity to respond. Where witnesses are called both sides will have the opportunity to question them.
- 9.3. The manager/chair who dealt with the dismissal hearing will attend the appeal to present the management case.

10. Your representative:

- 10.1. At all stages of the formal process you will have the right to be accompanied by a representative who may be a relevant trade union representative or a work colleague. In exceptional circumstances you may be allowed to be accompanied by an alternative representative.
- 10.2. Your representative may confer with you during meetings/hearings/ appeals, explain your case, ask questions, sum up and respond to views expressed at the hearing so long as you are happy for him/her to do so. However your representative has no right to answer questions on your behalf except in exceptional circumstances, where the chair of the meeting/hearing/appeal permits him/her to do so.

11. Written records

- 11.1. Records will be kept of all stages of the performance capability procedure. These will be treated as confidential as appropriate and kept in accordance with the Data Protection Act 1998.

Chairing a Hearing -Advice for Managers

Reference:
Version.No: 1
Issue Date: January 2008
Classification:

Document Control

| | | | |
|----------------------|------------------|-------------------------|--------------|
| Document Ref: | | Date Created: | January 2008 |
| Version: | 1 | Date Modified: | |
| Revision due | January 2011 | | |
| Author: | Katie Penlington | Sign & Date: | |
| HoS | Rob O'Reilly | Sign & Date: | |

Human Resources is responsible for reviewing and updating this procedure.

Change History

| Version | Date | Description | Change ID |
|---------|--------------|--|-----------|
| 0.1 | January 2008 | Chairing a Hearing – Advice for Managers | |
| | | | |
| | | | |

Linked Documents

| Reference | Title | Tier |
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1. Purpose

- 1.1. This advice should be used by managers who are chairing hearings under employment procedures.

2. Applicability

- 2.1. These advice notes apply where employment procedures require a formal hearing to be convened.

3. Informing the employee of the hearing

- 3.1. If you are chairing a hearing you should liaise with Human Resources about arrangements and notifying the employee of the hearing. This notification should be in writing and should:
 - 3.1.1. Give the employee at least 10 working days notice of the hearing.
 - 3.1.2. Specify why the hearing has been called, stating allegations made against the employee, or specifying how the employee's performance is not acceptable.
 - 3.1.3. Remind the employee of his/her right to be accompanied at the hearing by a trade union representative or work colleague. In exceptional circumstances the employee may be allowed to be accompanied by an alternative representative.
 - 3.1.4. State the name of the chair of the hearing
 - 3.1.5. Give details of the date, time and location of the hearing.
 - 3.1.6. Provide copies of any documents that management will refer to during the hearing and the names of any witnesses that will be called.
 - 3.1.7. Require the employee to provide copies of documents that he/she will refer to during the hearing, and names of any witnesses that he/she will call no later than five working days before the hearing. This time-scale can be altered in exceptional circumstances.
 - 3.1.8. Inform the employee if it is possible that the hearing may result in dismissal.

4. Format of the Hearing

- 4.1. The hearing will normally be attended by:
- 4.1.1. The employee and his/her representative.
 - 4.1.2. The person chairing the hearing, and other panel members depending upon the case.
 - 4.1.3. The person presenting the management case with HR support if required.
 - 4.1.4. A representative of Human Resources, who will advise the person chairing the hearing on procedural matters.
 - 4.1.5. A note taker
 - 4.1.6. Witnesses who will be called where required. Witnesses only remain at the hearing whilst they are presenting evidence, or are answering questions but should remain available throughout the hearing in case they need to be recalled.

5. Procedure at the hearing

- 5.1. As chair of the hearing your role is to manage proceedings and to reach a decision based upon the evidence presented. At the hearing you and your HR adviser may ask questions at any stage in order to gain a clear understanding of the case.
- 5.2. The format of the hearing should be as follows:
- 5.2.1. Introduce those present and explain their role at the hearing.
 - 5.2.2. Check that all those present have received the relevant documentation.
 - 5.2.3. Explain the purpose of the hearing and confirm the allegations against the employee or specify how the employee's performance is not acceptable. If the hearing could lead to the employee's dismissal you should make this clear.
 - 5.2.4. Remain objective and do not prejudge the case. Listen carefully to the evidence put forward by both sides before reaching a decision.
 - 5.2.5. Ask the presenting manager to present the management case. After the manager has finished the employee, and/or his/her

representative, may comment on what has been said and ask questions. You, and/or the representative of Human resources, may also ask questions. Witnesses may be called individually as required and may be questioned by both sides, you and/or the representative of Human Resources.

- 5.2.6. Ask the employee to present his/her case. After the employee, or his/her representative, has finished the presenting manager, may comment on what has been said and ask questions. You, and/or the representative of Human resources, may also ask questions. Witnesses may be called individually as required and may be questioned by both sides, you and/or the representative of Human Resources.
- 5.2.7. If the employee or a witness becomes distressed allow them time to compose themselves. Call a short adjournment if necessary.
- 5.2.8. Once all the evidence has been heard ask both sides to sum up their cases, starting with the presenting manager. Depending upon how complex the case is there may need to be a short adjournment so that both sides can consider how to sum up.
- 5.2.9. Ask both sides to leave the hearing while you consider your decision, with procedural advice from the representative of Human Resources
- 5.2.10. If you recall one side for further questioning you should also recall the other side so that they can hear what is said, comment and ask questions.
- 5.2.11. In reaching your decision it is important to consider what action has been taken in similar cases in the past. Your HR procedural adviser will advise you. You should also consider the individual circumstances of the case and any mitigating circumstances.
- 5.2.12. Once you have reached a decision ask both sides to return and communicate your decision. There is no further verbal discussion. You should then close the meeting.
- 5.2.13. Confirm your decision to the employee in writing, normally within 5 working days of the hearing. Human Resources can advise you on the contents of this letter.
- 5.2.14. If your decision is summary dismissal (dismissal without notice or pay in lieu of notice) for gross misconduct inform payroll immediately following the hearing.

Title of Report:

Induction and Probation Policy and Probationary Procedure

Item 5

Report to be considered by:

Personnel Committee

Purpose of Report:

To inform Personnel Committee of the recommended West Berkshire Council Induction and Probation Policy, Probationary Procedure, and associated guidance for managers and employees.

To seek a decision on whether the Probationary Procedure should be subject to a review after 12 months to assess any impact upon the external recruitment of employees with continuous local government service.

Recommended Action:

Personnel Committee is recommended to authorise the Probation and Induction policy attached as appendix A, which would require all new employees to West Berkshire Council to serve a minimum 6 months' probation.

Personnel Committee is asked to decide whether to implement the policy on a permanent basis or on a trial period of 12 months.

Reason for decision to be taken:

To ensure that all new employees to WBC serve a probationary period, thus ensuring that they are supported in the first six months of their employment so that they can quickly become fully effective within their roles.

To comply with the Statutory Dismissals Procedure where employment needs to be terminated during probation.

Key background documentation:

N/A

The proposals will help achieve the following Council Plan Outcome(s):

CPO14 - Effective People

The proposals contained in this report will help to achieve the above Council Plan Themes and Outcomes by:

Supporting all new employees, with or without previous local government service, in becoming effective within their new roles in West Berkshire Council.

The Probationary Procedure will give effect to the relevant parts of the Induction and Probation Policy.

| | |
|--------------------------|------------------------------|
| Portfolio Member: | Councillor Anthony Stansfeld |
| Tel. No.: | (01488) 658238 |
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Contact Officer Details

| | |
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| Address: | |

Implications

Policy: Induction and Probation Policy
Financial: n/a
Personnel: This scheme is being proposed by Head of HR
Legal: See above.
Property: n/a
Risk Management: n/a

| | | |
|--|--|------------------------------|
| Is this item subject to call-in? | Yes: <input checked="" type="checkbox"/> | No: <input type="checkbox"/> |
| If not subject to call-in please put a cross in the appropriate box (double-click on the box & click next to 'checked'): | | |
| The item is due to be referred to Council for final approval | | <input type="checkbox"/> |
| Delays in implementation could have serious financial implications for the Council | | <input type="checkbox"/> |
| Delays in implementation could compromise the Council's position | | <input type="checkbox"/> |
| Considered or reviewed by OSC or associated Task Groups within preceding 6 months | | <input type="checkbox"/> |
| Item is Urgent Key Decision | | <input type="checkbox"/> |

Executive Summary

1. Introduction

1.1 There is currently no Induction and Probation Policy. The current probationary procedure (management guidance note) only applies to new employees without continuous local government service. It gives little guidance on how new employees should be supported in the early stages of employment and does not specify the action that should be taken to comply with the statutory dismissals procedure where employment needs to be terminated before the end of the probationary period.

1.2 The proposed new probationary procedure has been revised to remedy these points

1.3 The proposed procedure sits under the proposed Induction and Probation Policy.

2. Proposals

2.1 The proposed Induction and Probation Policy explains the requirements for induction and probation for employees of the Council, except those working in school for whom there are separate procedures. The Policy is supported by the proposed Probationary Procedure.

2.2 It is proposed that West Berkshire Council extends probation to all new employees to the Council, including those coming from other local government employers. Existing employees of West Berkshire Council changing roles within the Council would not be covered by the Probationary Procedure but would be subject to appropriate induction.

2.3 The alternative would be to apply the procedure only to those new employees who do not have continuous local government service. This is the option preferred by the trade unions, but is not recommended by Human Resources. The majority of other authorities in the South East Region extend probation to all new employees.

2.4 A statement by the trade unions is attached at appendix E.

2.5 Corporate Board proposed that there should be a 12 month trial of the draft policy, procedure and advice, with a review of the impact upon recruitment taking place during month 11.

3. Conclusion

3.1 It is recommended that Personnel Committee approve the draft Induction and Probation Policy and Probationary Procedure and advice notes for managers and employees and decide whether they should be implemented with a trial period, or with immediate effect.

Executive Report

1. Introduction

- 1.1 A review of the Probationary Procedure has been undertaken as part of the ongoing review of HR policies and procedures to ensure legal compliance and provide user friendly advice to managers and employees.

2. Background

- 2.1 The current Probationary Procedure, set out in the WBC Management Guidance notes dated 1999, provides little structure for supporting and assessing new employees and has no accompanying advice for managers or for employees.
- 2.2 It applies only to new employees without continuous local government service. Thus an employee transferring from another local authority is not currently subject to a probationary period with WBC.
- 2.3 Probationary employees currently have their employment confirmed by Human Resources after 6 months of employment where the manager confirms that the probation has been successfully completed.

3. Proposed Probationary Procedure

- 3.1 Two options were considered when drafting the Probationary Procedure.
- 3.2 The **first option** would provide
- (1) A framework of support and review to be used with all new employees.
 - (2) Accompanying advice notes for managers and employees
 - (3) A structure for handling misconduct and poor performance in order to support employees in reaching acceptable standards where possible
 - (4) Compliance with statutory procedures where employment is terminated.
- 3.3 This option would enable all employees, including those with continuous local government service, to benefit from support and review during probation, helping all to quickly become fully effective within their roles.
- 3.4 Where an employee's performance and/or misconduct are felt to be unacceptable the proposed probationary procedure provides a structured method of addressing issues. It aims to encourage the employee to improve in all but the most serious cases where the manager believes that insufficient improvement can be made.
- 3.5 In serious cases of misconduct and/or under performance the proposed procedure specifies a course of action that complies with the statutory dismissals procedure.
- 3.6 The **second option** would be to apply the procedure only to those new employees who do not have continuous local government service. This is the option preferred by the Trade Unions (A statement by the trade unions can be found at appendix four.), but has the following disadvantages:

(1) New employees from other local authorities could receive less structured support and review as other new employees. This would result in unequal treatment.

(2) Employees with less than one year's service with an employer may not apply to the employment tribunal to claim unfair dismissal (although they maybe able to make other claims such as unlawful discrimination). Continuous local government employment with other local government employers would not count in these circumstances. Without following probationary procedures such employees could be dismissed without being given appropriate support to reach acceptable standards.

3.7 The trade union statement (at appendix E) refers to the use of capability or disciplinary procedures in cases of underperformance or misconduct. However, the proposed probationary arrangements ensure that a fair and lawful procedure is used to address misconduct or underperformance in the context of the probationary period, without the risk that use of prolonged disciplinary or capability procedures could unnecessarily extend the employment of unsuitable employees.

4. Recommendation

4.1 Personnel Committee is recommended to authorise the Probation and Induction policy attached as appendix A, which would require all new employees to West Berkshire Council to serve a minimum 6 months' probation.

4.2 Personnel Committee is asked to decide whether to implement the policy on a permanent basis or on a trial period of 12 months.

Appendices

Appendix A – Draft Induction and Probation Policy

Appendix B – Draft Probationary Procedure

Appendix C – Draft Probationary Procedure – Advice for Managers

Appendix D – Draft Probationary Procedure – Advice for Employees

Appendix E - Trade Union Statement

Consultees

Local Stakeholders: n/a

Officers Consulted: A management consultation group was consulted. (Each directorate was invited to send a representative).

The proposed policy, procedure and advice were taken to Corporate Board on 4th December 2007 and to Management Board on 24th January 2008.

Trade Union: Rosemary Culmer, David Pearson, Eddie Hunter.

Appendix E

Trade Union Statement:

UNISON and GMB opposes the imposition of a probationary period for new staff recruited from other local authorities. UNION and GMB believes that this will have an adverse effect on recruitment, particularly when potential new recruits are also advised that they will be on inferior terms and conditions to existing staff in terms of car allowances, lease car arrangements and access to parking. This change is also unnecessary as the capability and disciplinary procedures already in place can deal with shortcomings in performance

Induction and Probation Policy

| | | | |
|-------------------------|----------------|----------------|--------------|
| Document Ref: | HRIP001 | Date Created: | October 2007 |
| Version: | 1.0 | Date Modified: | |
| Revision due | September 2010 | | |
| Author: | Jane Milone | Sign & Date: | |
| Owning Service | | | |
| Chief Executive | | Sign & Date: | |
| Corporate Director CS | | Sign & Date: | |
| Corporate Director C&YP | | Sign & Date: | |
| Corporate Director Env | | Sign & Date: | |

Change History

| Version | Date | Description | Change ID |
|---------|------|-------------|-----------|
| 0.1 | | | 001 |
| 0.2 | | | |
| | | | |

This Policy is for **INTERNAL** publication only

This Policy is for **EXTERNAL** publication

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1. Purpose

- 1.1 The purpose of this policy is to ensure that every new employee, during the first six months of employment with West Berkshire Council, and every employee who changes jobs within the Council, is given the information, guidance and development opportunities necessary to enable him or her to effectively fulfil the requirements of the job role.
- 1.2 This policy has been the subject of consultation with trade unions and representative heads of service, and has been approved by the Chief Executive.

2. Applicability

- 2.1 This policy applies to all new employees of West Berkshire Council, including those with previous local government service, and to all employees changing jobs within the Council, with the exception of school-based employees for whom separate procedures apply.

3. Policy

- 3.1 West Berkshire Council will ensure that every new employee to West Berkshire has an individual induction programme that includes;
 - induction to the service area;
 - induction to the Council; and
 - mandatory training in specific areas*.
- 3.2 The Council will ensure that every new employee to West Berkshire serves a probationary period of at least 6 months, during which he or she will be supported to achieve the knowledge, skills and competencies required to be effective in the job.
- 3.3 In the event of a new employee failing to reach the required level of performance or conduct during the probationary period, the Council will take steps to terminate the employment, having considered alternative solutions where appropriate.
- 3.4 The Council will ensure that every employee who changes jobs within West Berkshire Council will have an individual induction programme that includes:
 - induction into the new role
 - induction into the service area where this has changed
 - mandatory training appropriate to the new role*

4. Implementation

- 4.1 This Policy will be supported and implemented by the development and maintenance of procedures for induction and probation and guidance for managers and employees.

5. Roles and Responsibilities

- 5.1 The overall responsibility for Induction and Probation within WBC rests with the Chief Executive .
- 5.2. The head of Human Resources is responsible for maintaining and reviewing this policy in line with changing legislation and codes of practice.

5.3 Managers are responsible for;

- Using the induction checklist to create an individual induction programme for each new employee or existing employee undertaking a new role.
- Ensuring that every new employee attends corporate induction and mandatory induction training
- Meeting each new employee at regular specified intervals during the probationary period/ first six months in his/her new role to support and guide the employee to become fully effective in the job role
- Recording progress during probation and taking action to deal with failure to reach the required standards promptly
- Signing off successful completion of probation

5.4 Employees are responsible for;

- Attending induction training
- Ensuring that they are familiar with the standards and requirements of the job role
- Undertaking any learning and development activities agreed with the manager

5.5 Human Resources are responsible for;

- Ensuring that relevant corporate induction sessions are available at regular intervals and booking all new employees onto the next available session after appointment
- Ensuring that the corporate training programme contains courses of suitable content and frequency to enable all new employees to access mandatory training within the probationary period*
- Advising managers on issues arising during probation
- Keeping all records of probationary meetings and confirming appointment at the end of probation.

6. Failure to comply with WBC Induction and Probation Policy

6.1 Failure to comply with this policy will lead to employees being unsupported in their new job role.

6.2 Employees may fail to reach the required standards of performance or conduct within the specified period if they do not receive appropriate support and guidance.

6.3 Employees who do not reach the required standards may be confirmed in post which will affect the Council's ability to deliver its services effectively.

7. Review

7.1 This policy will be reviewed to respond to any changes and at least every three years, and whenever there is a need to comply with new legislation or codes of practice.

*The mandatory training programme will include courses covering general induction and management induction, ICT and data management, health and safety, fire awareness, equality and diversity, employee performance management, and employee well-being.

Other relevant documentation

Induction Procedure

Probation Procedure

The Probationary Procedure: Advice for Managers

The Probationary Procedure: Advice for Employees

Chairing a Hearing: Advice for Managers

DRAFT

Draft Probationary Procedure

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|--------------------------------|------------------|-------------------------|--------------|
| Document Ref: | HRIP002 | Date Created: | January 2008 |
| Version: | 3.0 | Date Modified: | |
| Revision due | January 2011 | | |
| Author: | Katie Penlington | Sign & Date: | |
| Chief Executive | Nick Carter | Sign & Date: | |
| Director CS | | Sign & Date: | N/A |
| Director C&YP | | Sign & Date: | N/A |
| Director E | | Sign & Date: | N/A |
| Head of Human Resources | Robert O'Reilly | Sign & Date | |

Change History

| Version | Date | Description | Change ID |
|---------|--------------|------------------------|-----------|
| 0.3 | January 2008 | Probationary Procedure | |
| | | | |
| | | | |

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Associated Documents – to be read in conjunction with the Probationary Procedure

- Induction and Probation Policy
- The Probationary Procedure: Advice for Managers
- The Probationary Procedure: Advice for Employees
- Chairing a Hearing: Advice for Managers

1. Purpose

- 1.1. The purpose of this procedure is to provide a structure for the effective management of probationary periods, probationary assessment and where appropriate, the management of unsatisfactory conduct and/or performance during the probationary period.
- 1.2. *The Personnel Committee has approved the probationary procedure on dd/mm/yy .*

2. Applicability

- 2.1. This Procedure applies to all new employees of West Berkshire Council in their first 6 months of employment. All employees are included, whether permanent, temporary or on a fixed term contract, including those who have worked in other local authorities, except those listed in section 2.3 below.
- 2.2. All managers and employees are expected to comply with this procedure.
- 2.3. This procedure does not apply to:
 - 2.3.1. The Chief Executive, the Section 151 Officer or the Monitoring Officer who are subject to Statutory Regulations (Seek further advice from Human Resources).
 - 2.3.2. School based staff. These employees are covered by a separate procedure.

3. Roles and Responsibilities

- 3.1. Line managers are responsible for:
 - 3.1.1. Ensuring that appropriate induction activities are carried out with the employee, including any mandatory training and development.
 - 3.1.2. Ensuring that all new employees are familiar with the standards of performance and conduct required of them.
 - 3.1.3. Arranging one to one meetings with probationary employees and holding probationary assessment meetings with employees at specified intervals.
 - 3.1.4. Agreeing performance targets with new employees as part of the Employee Performance Management process.
 - 3.1.5. Ensuring that employees have appropriate training and development opportunities to enable them to develop the skills for the job.
 - 3.1.6. Assessing whether an employee has met the standards of performance and conduct required for confirmation of appointment at the end of the probationary procedure.
 - 3.1.7. Deciding to convene a probationary hearing to consider the termination of employment in cases of failure to meet the required standards.
- 3.2. Employees within their probationary period are responsible for;
 - 3.2.1. Complying with the expected standards of performance required by the line manager.

3.2.2. Complying with the expected standards of conduct set out in the employee Code of Conduct and the Disciplinary Rules (see Disciplinary Procedure), and any local instructions given by the line manager.

3.2.3. Undertaking any training and development activities agreed with the line manager to support achievement of the required standards.

3.2.4. Attending one to one meetings and probationary assessment meetings with the line manager.

4. Principles:

- 4.1. The probationary period provides an important opportunity for employees to familiarise themselves with their job and for line managers to clarify what is required, set standards and encourage development. During a probationary period line managers will make an assessment of performance and conduct to determine whether the employment will be confirmed
- 4.2. The manager will provide employees with an appropriate induction to help them to settle into their new environment and learn their responsibilities and rules relating to their employment.
- 4.3. The probationary period will normally last for six months. In some specified circumstances it may be necessary to extend probation for a short period. See section 8 below.
- 4.4. If there are serious concerns about performance and/or conduct at any point during the probationary period, and the manager considers that insufficient improvement is likely to be made, employment may be terminated before the end of the probationary period. See section 9 below.
- 4.5. Managers and employees within Social Care should note that there are also specific requirements and timescales for Social Care induction that should be followed. Please refer to the Social Care Induction Policy for further details.
- 4.6. Before an employee's employment is terminated he/she will be able to present his/her case at a probationary hearing, at which he/she may be accompanied by a trade union representative or work colleague. See section 10 below. There is a right of appeal against a decision to terminate employment.
- 4.7. No formal action will be taken against a trade union representative until the circumstances of the case have been notified to a regional officer of the trade union concerned.
- 4.8. The timescales within this procedure may be changed in exceptional circumstances.

5. Probationary assessment

- 5.1. Employees will be given feedback about their performance and conduct at one to one supervision meetings and at probationary assessment meetings.
- 5.2. Probationary assessment meetings will normally take place after one month, at three months and during the fifth month of employment.
- 5.3. Minor concerns about an employee's performance and/or conduct will normally be discussed at one to one supervision meetings and at the first and second probationary assessment meetings. Targets for performance and/or conduct will be set, standards explained and reasonable additional support and/or training will be given as appropriate to assist the employee in achieving an acceptable level of performance

and/or conduct. Progress against targets will be reviewed regularly and at the final probationary assessment meeting.

6. Successful completion of probation

- 6.1. If an employee's performance and conduct have been satisfactory his/her appointment will be confirmed in writing at the end of his/her probationary period.

7. Failure to reach required standards

- 7.1. If the line manager considers that the performance and/or conduct of an employee does not reach the standards required by the end of the probationary period and is unlikely to achieve the standards during an extension of probation, a probationary hearing will be arranged to consider termination of employment (dismissal).
- 7.2. If there are serious concerns about the employee's performance and/or conduct at any point during his/her probationary period, and the employee's line manager considers that sufficient improvement is unlikely to be made, a probationary hearing may be held earlier in the employee's probationary period and the employment may be terminated before the end of the probationary period.

8. Extension of probationary procedure

- 8.1. A decision to extend the probationary procedure may be made in the following circumstances. The decision should normally be made no later than the final probationary assessment meeting (normally five months after appointment).
- 8.2. If the employee's performance and/or conduct does not reach the standards required by the end of the probationary period but the line manager decides that there is a good chance of the required improvement being achieved, the probation period may be extended for a maximum of a further three months.
- 8.3. If it has not been possible to make a fair assessment of the employee's performance and/or conduct within the probationary period for good reason, the line manager may decide to extend the probationary period for a maximum of a further three months.
- 8.4. Where an employee has not met the required standards of performance and this may be due to a disability, he/she will be referred to Occupational Health. If necessary, the probationary period will be extended whilst advice from Occupational Health is sought and appropriate action as described below is carried out.
 - 8.4.1. Where the employee's disability is affecting performance, the manager will meet the employee to consider whether there are any reasonable adjustments that can be made to assist him/her in achieving the required standards within his/her role. Advice from Occupational Health will be taken into account.
 - 8.4.2. Where it is not possible to make a reasonable adjustment to enable the employee to reach an acceptable standard of performance, redeployment to suitable alternative employment will be considered. Redeployment will normally be sought for a period of six weeks.

9. Misconduct and incapability during the probationary period

- 9.1. Minor misconduct and/or incapability will be dealt with as part of day to day management, one-to-one supervision meetings and probationary reviews.

9.1.1. The disciplinary rules relating to misconduct are set out in the Council's Disciplinary Procedure and Code of Conduct ([link](#))

9.1.2. Any allegation of serious or gross misconduct or of serious incapability should be investigated. If the manager considers that the employee is unlikely to meet the required probationary standards as a result of the alleged misconduct, or because of persistent minor misconduct, a probationary hearing should be arranged as set out in paragraph 10 below.

10. The Probationary Hearing

10.1. The probationary hearing will be convened to consider the dismissal of an employee who has failed to meet the required standards of performance and/or conduct. It may be arranged;

10.1.1. At the end of the probationary period;

10.1.2. At the end of an extension of probation; or

10.1.3. Before the end of probation where serious concerns are raised about performance and/or conduct.

10.2. The probationary hearing will follow the procedure set out in section 8 of the disciplinary procedure.

10.3. The outcome of the hearing may be either an extension of probation or dismissal.

10.4. There will be a right of appeal as set out in section 12 of the disciplinary procedure. The appeal hearing may confirm or overturn the decision of the probationary hearing. It may result in the probationary period being extended.

11. Authority to act under the probationary procedure

| Level of probationary employee | Chair the probationary hearing | Hear the appeal |
|---------------------------------|--------------------------------|------------------------|
| Corporate Director | The Chief Executive | Panel of three Members |
| Head of Service | Corporate Director | The Chief Executive |
| Employee other than those above | Head of Service | Corporate Director |

12. Review

12.1. This procedure will be reviewed to respond to any changes in the employment legislation, and at least every three years.

13. Other relevant documentation

Induction and Probation Policy
Probationary Procedure – Advice for Managers
Probationary Procedure – Advice for Employees
Chairing a Hearing – Advice for Managers
Social Care Induction Policy

Appendix C

Probationary Procedure – Advice for Managers

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1. Introduction
2. Assessing Performance
3. Process Flowchart
4. Induction
5. One-to-one/Supervision Meetings
6. First and Second Probationary Assessment Meetings
7. Final Probationary Assessment
8. Extension of Probation
9. Misconduct during the probationary period
10. The Probationary Hearing
11. Employee representatives
12. Referral requirements to external bodies in cases of misconduct and/or incompetence

1. Introduction

- 1.1. These guidelines should be read in conjunction with the Probationary Procedure ([link](#)).
- 1.2. All new employees at West Berkshire Council are subject to a 6 month probationary period, except those specified in section 2.3 of the probationary procedure.
- 1.3. As a line manager you play a key part in the new employee's six-month probationary period. Your role is to support the employee as he/she settles into their role. You should do this by:
 - 1.1.1. Arranging appropriate induction
 - 1.1.2. Assessing the employee's performance
 - 1.1.3. Ensuring that he/she is familiar with the expected standards of performance and conduct
 - 1.1.4. Providing support and guidance
 - 1.1.5. Conducting regular 1 to 1 supervision meetings
 - 1.1.6. Conducting probationary assessment meetings
- 1.4. You should also note that if you manage employees within Social Care there are additional requirements and timescales for induction within the Social Care Induction Policy that should also be followed.

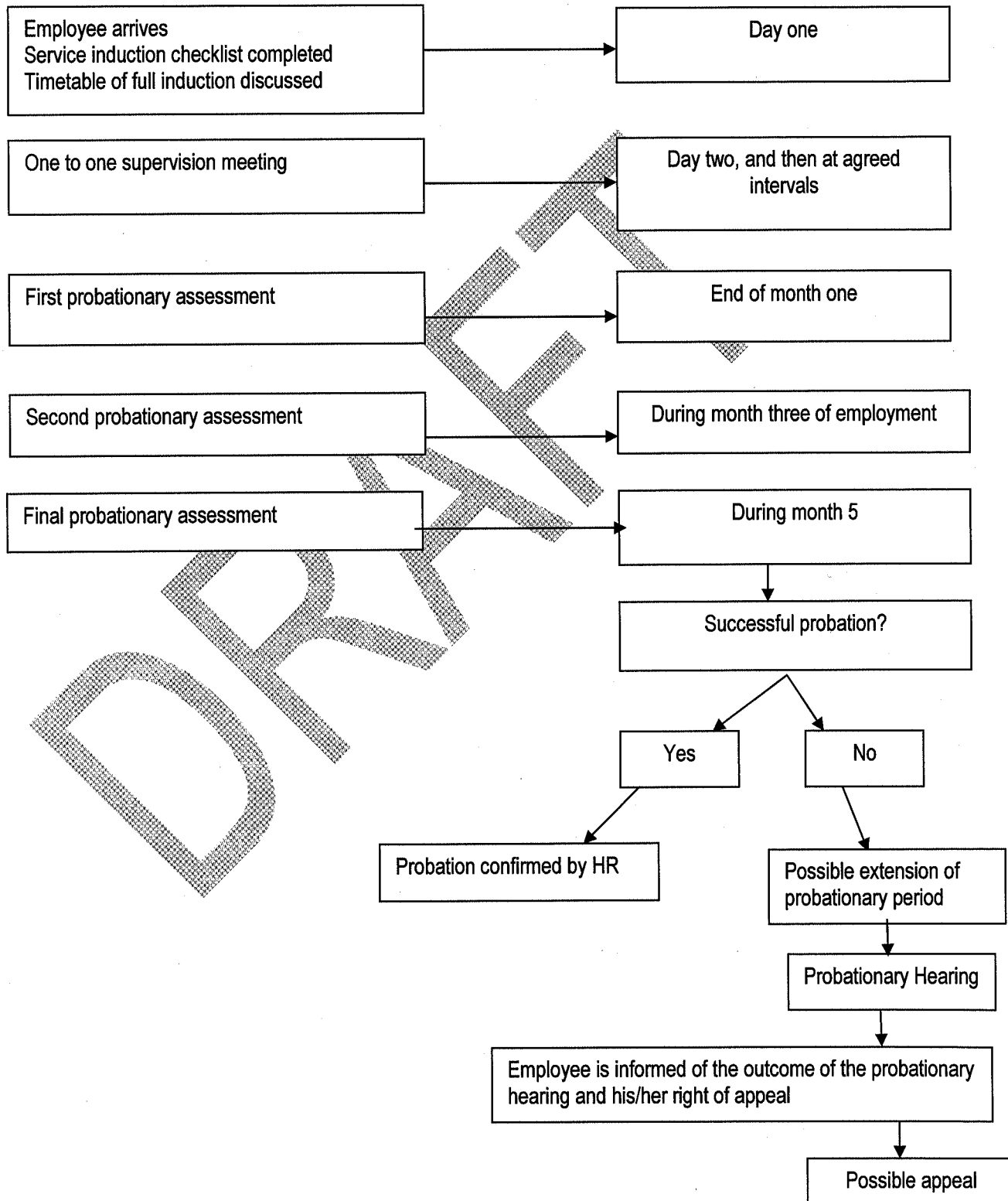
2. Assessing Performance

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- 2.1. As a manager you need to assess the new employee's performance and give him/her feedback throughout his/her probationary period. The way in which you assess performance and conduct will vary depending on the employee's responsibilities, the job, his/her grade and work environment. You should explain to the employee how his/her performance and conduct will be assessed.
- 2.2. You should handle any minor issues with the employee's performance and/or conduct through day to day management, one to one supervision meetings and at the probationary assessment meetings. Explain the standards that are required and how the employee has not been meeting these. Discuss this with the employee and explore together the reasons for this. Set targets and arrange any appropriate support and/or training to help the employee achieve the required standards. Set a time-scale for reviewing progress.
- 2.3. Different approaches to the job may be due to the employee's race, disability, gender, age, religion or belief and/or sexual orientation, and you should bear this in mind when identifying support and training. Further advice can be sought from Human Resources.
- 2.4. If the employee's performance and/or conduct gives cause for serious concern at any point during his/her probationary period you should consult Human Resources as soon as possible for advice. The employee's employment may be terminated before the end of the probationary period.
- 2.5. At the end of the probationary period, you will assess whether the employee has reached the required standards of performance and conduct.

3. Probation Process Flowchart

3.1. The following probation flowchart illustrates the main stages of the probationary period. These stages are then explained in more detail below.



4. Induction

- 4.1. Thorough induction is a key part of helping the employee settle into the Council and become effective in his/her role.
- 4.2. Before the new employee commences employment you should plan key areas of his/her induction. More senior employees may wish to be involved in planning the induction, and you should discuss this with them before they start work. Thoroughly brief all those who will be involved in the induction process so that they understand what is required of them.
- 4.3. Each employee should:
 - 4.3.1. Complete a service induction checklist on the first day of employment.
 - 4.3.2. Receive information about his/her job, service area and the Council and about rules and procedures that apply to him/her.
 - 4.3.3. Discuss his/her job description and person specification with you, to understand what is required of him/her. You should clearly specify what the employee needs to do and any standards that he/she needs to achieved.
 - 4.3.4. Meet key employees who can help him/her learn about his/her new role.
 - 4.3.5. Attend corporate induction and any other mandatory training, such as health and safety and fire safety.

5. One to one supervision meetings

- 5.1. Holding regular one to one supervision meetings with the employee will give you the opportunity to:
 - 5.1.1. Develop sound two way communication.
 - 5.1.2. Continue to explain what is required and set standards.
 - 5.1.3. Encourage development.
 - 5.1.4. Ask the employee if he/she needs any further information, support and/or training.
 - 5.1.5. Provide feedback upon performance and conduct.
 - 5.1.6. Clarify any areas that the employee is unsure of.
 - 5.1.7. Address any areas of concern (See section 2 'assessing performance' above.)
- 5.2. You should carefully consider how often to hold one to one meetings in the early stages of an employee's employment. You may decide that it is appropriate to meet once a week in the first few weeks of employment in order to provide adequate support, then to reduce the frequency to once a fortnight and then once a month later on.

6. First and second probationary assessment meetings

- 6.1. You should assess the employee's performance and conduct formally at regular probationary assessment meetings. These meetings should be scheduled for one month and three months after the start of employment, with a final probationary assessment meeting held during the fifth month of employment.
- 6.2. You should complete the probationary assessment form after each meeting. This is available from the HR Intranet (*link*). Once complete the form should then be returned to Human Resources.
- 6.3. Probationary assessment meetings are an opportunity for you to provide feedback more formally about performance and conduct, to listen to the employee's views on what he/she feel will assist him/her in his/her work performance, and identify any further reasonable support, training or development that he/she may need.
- 6.4. If there are any concerns about the employee's performance it is important that you address these at the probationary assessment meetings. You should have already raised and attempted to resolve these in 1 to 1 supervision meetings (See sections 2 and 5 above). At the probationary assessment meetings you should review progress that the employee has made in achieving and maintaining the desired standards, review any support/training agreed to support them and where necessary agree further targets and appropriate support and review dates.
- 6.5. If the employee's performance remains unsatisfactory at the second probationary review to the extent that you would have concerns about confirming the employee in post if these remain unresolved by the final probationary meeting, you should advise the employee that his/her employment may not be confirmed if he/she does not meet the desired standard by the final probationary meeting. You should consult Human Resources for advice.
- 6.6. You should note key points, targets and agreed actions from probationary assessment meetings and give the employee a written copy of these.

7. Final Probationary Assessment

- 7.1. You should conduct a final assessment of the employee's performance and conduct during the fifth month of employment, taking into account the expected progress during the final few weeks to the end of the sixth month of employment.
- 7.2. Where the employee has met all the standards required of him/her, you should complete the final assessment form and pass it to your Head of Service for signature. This form should be returned to Human Resources, who will write to the employee to confirm his/her employment.

8. Extension of Probation

- 8.1. Where the employee has not met all the standards by the end of the probationary period, or you have not been able to properly assess performance and/or conduct, you should consider whether an extension of probation (of up to 3 months) is appropriate. The

conditions for extending probation are set out in section 8 of the probationary procedure. **The total length of the employee's probationary period should not exceed 12 months (including the length of any notice given in accordance with the contract of employment should the employee be dismissed following the period of extension).** You should seek advice from Human Resources before extending the probationary period.

- 8.2. You may wish to consider an extension to probation where the shortfall in standards is minor and you believe that, with a structured programme of support and guidance, the employee could achieve the standards within three months or less. Alternatively, there may be circumstances outside the employee's control, which mean that a fair assessment of performance has not been possible, for example where the manager or the employee has been absent for a large proportion of the probationary period. Any decision to extend probation should be recorded in writing, together with the reasons for the decision, and a copy given to the employee and to Human Resources. You should reconvene the final probationary assessment at the end of the specified period.
- 8.3. Particular care should be taken where a failure to achieve the required standards may be due to a disability. If Occupational Health confirms that the employee has a disability which affects his/her performance, you should meet the employee to consider whether there are any reasonable adjustments that can be made to assist the employee in achieving the required standards within their role. You can seek further advice from HR about adjustments and assessing whether they are reasonable. Adjustments may include:
- making adjustments to premises;
 - allocating some of the disabled person's duties to another person;
 - transferring the person to fill an existing vacancy (i.e. redeployment);
 - altering the person's working hours;
 - assigning the person to a different place of work;
 - allowing the person to be absent during working hours for rehabilitation, assessment or treatment;
 - giving the person, or arranging for them to be given, training;
 - acquiring or modifying equipment;
 - modifying instructions or reference manuals;
 - modifying procedures for testing or assessment;
 - providing a reader or interpreter
 - adjusting the trigger points for formal action under the managing attendance at work procedure;
 - providing additional supervision.
- 8.4. You should extend the probationary period for an employee with a disability if this is necessary to allow sufficient time to explore all the options for reasonable adjustments, including a period of 6 weeks to seek alternative employment where this is considered to be a suitable option.

9. Misconduct and serious incapability during the probationary period

- 9.1. Misconduct involves an employee breaking specific rules about behaviour or conduct. It is conduct that falls below expected standards and is usually wilful. There may be occasions when negligent conduct amounts to misconduct.
- 9.2. Minor breaches of discipline and/or minor capability issues should be discussed at one to one meetings or probationary assessment meetings, and you should ensure that the employee is clear about the standards that are expected of him or her.
- 9.3. Where allegations of more serious or gross misconduct or of serious incapability are made against the employee you should inform your Head of Service so that an investigating officer can be appointed, you should also notify Human Resources.
- 9.4. Matters of serious or gross misconduct or of serious incapability should be considered at a probationary hearing convened for this purpose. You should not wait for the end of the probationary procedure to deal with such issues. For advice on the procedure for investigating and suspending employees you should contact Human Resources. The probationary hearing will be conducted as a disciplinary dismissal hearing, following section 8 of the West Berkshire Council Disciplinary Procedure.

10. The Probationary Hearing

- 10.1. This is a hearing convened to decide whether to terminate employment following failure to meet the standards expected for performance and/or conduct during the probationary period, including any previously agreed extension.
- 10.2. The hearing should normally be arranged following the final assessment meeting and before the end of the probationary period. The procedure for notifying the employee of the hearing and for conducting the hearing can be found in 'Chairing a Hearing: Advice for Managers. ([link](#))
- 10.3. If you have decided, following an early assessment of performance and/or conduct, that the employee is unlikely to achieve the necessary standards because of serious underperformance or allegations of misconduct, you should arrange for the probationary hearing to be held as soon as possible, and before the end of the six month period.
- 10.4. At the hearing, the manager may decide that an extension to probation for a specified period should be imposed rather than termination of employment. **The total length of the employee's probationary period should not exceed 12 months (including the length of any notice given in accordance with the contract of employment should the employee be dismissed following the period of extension).**

11. Employee representatives

- 11.1. The employee will have the right to be accompanied at probationary hearings, appeal hearings and any investigation meetings.. This representative may be a relevant trade union representative or a work colleague. In exceptional circumstances the employee

may be allowed to be accompanied by an alternative representative, for example where the employee has particular language support or other special needs.

11.2. The representative may confer with the employee during the probationary hearing/appeal hearing, explain his/her case, ask questions, sum up and respond to views expressed at the hearing so long as the employee is happy for him/her to do so. However the representative has no right to answer questions on the employee's behalf except in exceptional circumstances, where the Chair of the probationary hearing/appeal permits him/her to do so.

12. Referral requirements to external bodies in cases of misconduct and/or incompetence:

12.1. In certain circumstances the Council has a statutory obligation to report cases where an employee has been suspended or dismissed on grounds of misconduct or poor performance, to specific professional bodies or government departments.

12.2. This may apply where disciplinary or capability proceedings are being taken against one of the following categories of employees:

- Employees working with children or vulnerable adults
- Teachers
- Employees registered with the General Social Care Council (GSCC)

12.3. If you are undertaking disciplinary action where there may be an obligation to refer the case to an external body you must contact Human Resources for further advice and information.

Appendix D

Probationary Procedure – Advice for Employees

Contents:

1. Introduction
2. Process Flowchart
3. Induction
4. One-to-one Meetings
5. First and Second Probationary Assessment Meetings
6. Final Probationary Assessment
7. Employee Representatives

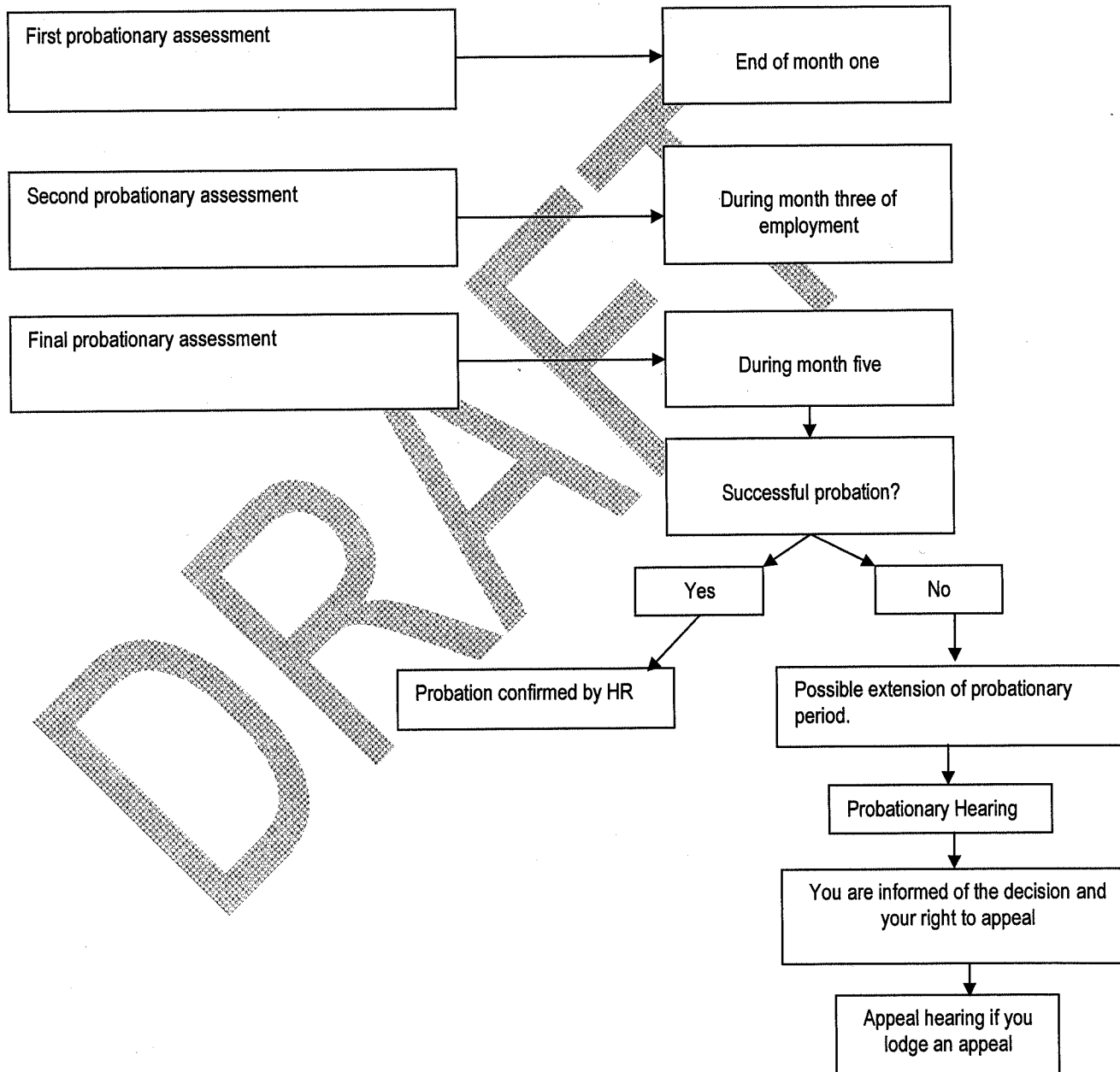
1. Introduction

- 1.1. These guidelines should be read in conjunction with the Probationary Procedure ([link](#)).
- 1.2. As a new employee at West Berkshire Council you will need to complete a probationary period.
- 1.3. Probationary periods normally last six months from the start of your employment. The probationary period provides an important opportunity for you to familiarise yourself with your job and to settle into the Council. It is an opportunity for your manager to clarify what is required of you, to set standards, and to encourage you to develop.
- 1.4. You should also note that if you work within Social Care there are additional requirements and timescales for induction within the Social Care Induction Policy that should also be followed.
- 1.5. Your continued employment is dependent upon you successfully completing your probationary period. To assess this manager will monitor your performance and conduct throughout your probation, and will meet you to discuss this.
- 1.6. The following flowchart shows the key stages of your probationary period. These stages will be described in more detail below.

Note: If your performance and/or conduct are considered to be **seriously** unsatisfactory at any point during your probationary period, and your line manager considers that you are unlikely to make sufficient improvement, a probationary hearing may be held. Your employment may be terminated before the end of your probationary period.

2. Probationary Flowchart

2.1. The following probationary flowchart illustrates the main stages of your probationary period. These stages are explained in more detail below.



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3. Induction

- 3.1. When you start your job you will have an induction to help you settle in and help you learn your new responsibilities. Your manager will discuss what will be included in this with you. If you can think of other things that you would like included in your induction you should discuss this with your manager.
- 3.2. As part of your induction you should:
 - 3.2.1. Attend corporate induction – this course aims to welcome you as a new employee to West Berkshire Council and inform you about the organisation's objectives, structure, aims and values.
 - 3.2.2. Complete a service induction checklist with your manager or a colleague.
 - 3.2.3. Meet your manager and other key employees who can help you learn about your new role, team and service.
 - 3.2.4. Discuss your job description and person specification with your line manager - these play an important part in your probationary assessment and you should make sure that you understand what is required of you.
 - 3.2.5. Be told about the rules and procedures that apply to you. You should make yourself familiar with these, and ask your manager for more explanation if you have any further queries.

4. One to one supervision meetings

- 4.1. You will have regular one to one supervision meetings with your line manager. At these your manager will give you feedback about your performance and conduct. You will be able to ask questions to clarify any areas that you are unsure of, and to ask for additional support if you feel that you need it. You should agree dates for your one to one meetings with your line manager at the start of your employment. If at any stage you feel that you are not having enough one to one meetings you should discuss this with your manager.
- 4.2. Any minor problems with your performance or conduct will also be discussed with you at your one to one supervision meetings. Your manager will explain the standards that are required and will discuss with you why you have not achieved these. Targets for improvement will be set and any reasonable training or support will be arranged to help you reach the required standard. A time scale will be set for reviewing your progress.

5. First and second probationary assessment meetings

- 5.1. Your performance and conduct will be formally assessed at probationary assessment meetings. As a guide these meetings will take place after one month, at three months and at a final probationary assessment meeting normally held during the fifth month of your employment. These meetings are an opportunity for your manager to provide you with more

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formal feedback about your performance and conduct, to listen to your views on what you feel will assist you in your work performance, and identify any further reasonable support, training or development that you may need.

- 5.2. The way in which your performance and conduct is assessed will vary depending on the responsibilities of your job, your grade, work environment. Your manager will be able to explain how your performance and conduct will be assessed.
- 5.3. If there are any problems with your performance or conduct these will be discussed with you at the probationary assessment meetings. Targets for improvement will be set and appropriate support will be arranged to help you to achieve the required standards.

Note: If your performance and/or conduct are considered to be seriously unsatisfactory at any point during your probationary period, and your manager considers that insufficient improvement is likely to be made, a probation hearing may be held. Your employment may be terminated before the end of the period. You are entitled to appeal against a decision to terminate your employment.

6. Final Probationary Assessment

- 6.1. If your conduct and performance are considered to have been satisfactory throughout your 6 months probationary period your appointment will be confirmed at the final probationary assessment. Your appointment will be confirmed to you in writing by Human Resources.
- 6.2. If your performance and/or behaviour does not reach the required standard you will need to attend a probation hearing with the appropriate manager at which your future employment will be discussed. A decision may be made to terminate your employment at this hearing. You will be given 10 working days notice of a probationary hearing and will be entitled to be accompanied by a trade union representative or work colleague. You will be required to provide the person chairing the hearing with copies of any documents that you will refer to at the hearing, and the names of any witnesses you wish to call at least five working days before the hearing.
- 6.3. In certain limited circumstances your probationary period may be extended for a specified period of time. Your manager will advise you if he or she considers that an extension of probation is necessary.
- 6.4. Where you have not met the required standards and this may be due to a disability you will be referred to Occupational Health in order to seek a medical opinion and advice. Where such actions will continue beyond the end of your probationary period your probation will be extended whilst medical opinion is sought and any appropriate action described in section 6.5 below is carried out.
- 6.5. If Occupational Health confirms that a disability is affecting your ability to achieve the required standards your manager will meet with you to consider whether there are any reasonable adjustments that can be made to assist you in achieving the required standards in your role. Where this is not possible redeployment to suitable alternative employment will

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be considered. Redeployment will normally be sought for a period of 6 weeks. Only once these options have been reasonably considered will probation hearing be held with the Head of Service to determine whether to continue your employment

7 Employee representatives

- 7.1 You will have the right to be accompanied to the probationary hearing, appeal hearings and any investigatory meetings where allegations of serious misconduct have been made against you. This representative may be a relevant trade union representative or a work colleague. In exceptional circumstances you may be allowed to be accompanied by an alternative representative.
- 7.2 The representative may confer with you during the hearing/appeal hearing, explain your case, ask questions, sum up and respond to views expressed at the hearing so long as you are happy for him/her to do so. However your representative has no right to answer questions on your behalf except in exceptional circumstances, where the Chair of the probationary hearing/appeal permits him/her to do so.