

# Harlow Council Probation Policy

## Document Information

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## Contents

<b>1.0 Probation Policy Statement.....</b>	<b>3</b>
<b>2.0 Scope: .....</b>	<b>3</b>
<b>Roles and responsibilities.....</b>	<b>3</b>
<b>3.0 Probation Procedure .....</b>	<b>3</b>
Week 1.....	3
Week 4 – Probationary Review.....	4
Weeks 5 – 11 .....	4
Week 12 – Probationary Review .....	4
Week 16 – Probationary Review .....	4
Week 21 – Formal Probationary Assessment .....	4
<b>4.0 Process and Format of Formal Probationary Assessment.....</b>	<b>5</b>
Week 26.....	6
<b>5.0 Reviews During the Extension of a Probationary Period .....</b>	<b>6</b>
<b>6.0 Termination During Probation .....</b>	<b>6</b>
<b>7.0 Appeal .....</b>	<b>7</b>

## 1.0 Probation Policy Statement

This policy explains the council's process for managing probation periods.

It ensures that both managers and employees on probation understand the purpose of the probation period and it guides and advises managers on how to manage the probation period.

## 2.0 Scope:

This policy applies to all external appointments to jobs within Harlow Council.

Apart from the above, the policy covers new full-time, part-time, permanent, and fixed-term entrants to the Council, including employees with Local Government Continuous service. All appointments will be subject to a probationary period of 26 weeks.

This policy does not apply to internal appointments/promotions, nor does it apply to employees who join the council from another employer as part of transfers that are covered by TUPE regulations. However, employees who change jobs within the council or transfer to its employment during a probationary period will continue to be subject to any relevant arrangements as originally set out.

The policy does not apply to workers engaged via a third party (such as agency or interim workers).

Matters relating to alleged misconduct during probationary periods will be dealt with in accordance with the council's disciplinary procedure.

### Roles and responsibilities

- Line Managers are responsible for implementing the policy and procedure in a fair and consistent manner
- All employees will be responsible for engaging with and adhering to this policy and procedures
- Trade Unions will be consulted regarding the content of the policy and will be reasonably available to support and represent their members
- The Human Resources team will be responsible for ensuring compliance with this policy and procedures and providing guidance and direction.

## 3.0 Probation Procedure

### Week 1

Managers need to ensure that new entrants receive a satisfactory induction to their work. New entrants should also be set objectives and given any reasonable support and development that is appropriate to clarify their role, responsibilities, and specific performance requirements. Managers should use the employees job description as a basis for these discussions.

## Week 4 – Probationary Review

The first probationary review should take place, at which discussions should be held with the employee concerning their general progress. The review should indicate if the employee is suited to the role and/or any further improvements need to be made by the employee. The review should also establish whether any reasonable changes or adjustments are needed to enable the employee to adapt to the role.

These should be documented, and an e-mail or letter should be sent out to the employee explaining any shortfalls and actions required/planned for overcoming them and setting out the standard required (where appropriate).

## Weeks 5 – 11

Ongoing supervision should be carried out to monitor the performance of the employee based on the original objectives set and any points identified at the first probation review. Notes of supervision meetings should be taken and shared with the employee.

## Week 12 – Probationary Review

A further review of progress should be carried out to assess whether the employee is suited to the role or whether consideration should be given to terminating their employment. If the manager is dissatisfied with the employee's work, their concerns should be discussed at the meeting of Week 12, and the employee must be notified by letter or e-mail that failure to improve their performance could result in their dismissal.

## Week 16 – Probationary Review

A further review of progress should be carried out to assess whether the employee is suited to the role or whether consideration should be given to terminating their employment. If the manager is dissatisfied with the employee's work, their concerns should be discussed at the meeting of Week 16, and the employee must be notified by letter or e-mail that failure to improve their performance could result in their dismissal.

## Week 21 – Formal Probationary Assessment

A further review of progress should be carried out and the manager must decide whether to confirm the employee's appointment. There is no need for HR to attend this formal review meeting if the employee is on track to pass their probation at 26 weeks.

However, if the manager believes that the probationary period should be extended or is considering the possibility of dismissal, the manager will seek advice from HR at the soonest opportunity, allowing at least 5 working days for the invite letter to be sent to the employee. The line managers intention should be communicated to the employee by e-mail or letter in advance of the meeting and an HR representative will attend the meeting if there is a possibility of dismissal. As this is a formal meeting the employee has the right to be accompanied by a fellow colleague or trade union representative.

## **4.0 Process and Format of Formal Probationary Assessment**

The manager will discuss progress and share any concerns about the employee's work at this meeting. All steps taken to support the employee to perform satisfactorily will be reviewed and discussed. The meeting is likely to result in one of the following management decisions:

- An indication that the appointment is likely to be confirmed, subject to a final review at week 26.
- An extension of the probationary period by up to an additional three months. A manager may decide that it is appropriate to extend the length of an employee's probationary period. While there is no prescribed list of potential reasons for extending a probationary period, an extension may be appropriate when:
  - a) the manager feels that they do not have sufficient evidence to confirm the employee's appointment due to them having been absent through sickness or unplanned leave during the probationary period;
  - b) the manager believes that the employee requires more time in the role to reach the required standards of performance and/or behaviour;
  - c) An extension could also be appropriate where extenuating personal circumstances may have prevented the employee from performing to a satisfactory standard.

Managers should always consider reasons for underperformance in relation to equality and overall fairness of treatment, and endeavour to offer reasonable adjustments that may assist/enable the employee to reach an acceptable level of performance.

Managers have to decide whether there is potential for dismissal at 21 weeks to ensure the employees are given sufficient notice of termination and time to appeal, and to make it possible for appeals to be heard prior to the end of the 26-week probationary period. The effective date of termination must be no later than 26 weeks after the date of appointment.

If the meeting is likely to result in the dismissal of the employee then the meeting must be chaired by an Assistant Director or above.

At the formal meeting, a trade union official or workplace colleague may accompany the employee, and the manager must confirm any outcome or final decisions resulting from the meeting.

## Week 26

A formal meeting should be convened at week 26 with the employee. As this is a formal meeting the employee has the right to be accompanied by a workplace colleague or trade union representative. The HR team must be contacted if there is a possibility that the probation period will be extended.

This meeting will result in one of the following:

1. Confirmation of appointment. When employees have successfully completed their probationary period, the manager should write/e-mail the employee to confirm this. A template letter is available.
2. Extension of the probationary period for up to an additional three months- or confirmation of a decision to extend made at week 21, the manager should write/e-mail the employee to confirm this. A template letter is available.

If a decision to extend the probationary period had been made at week 21 and the manager feels that the employee has attained an acceptable level of performance in the intervening weeks, the manager will be able to rescind that decision and confirm the appointment at week 26.

There is no need to hold a formal meeting at week 26 if a decision to dismiss the employee is made at the meeting at week 21. If the employee chooses to appeal against the manager's decision to dismiss them, relevant discussions will be held as part of the appeal process.

## 5.0 Reviews During the Extension of a Probationary Period

Regular review meetings should be held during an extension to an employee's probationary period. A formal Probationary Assessment should take place approximately 5 weeks prior to the end of the extension to the probationary period. Arrangements for the meeting will mirror those of the 21-week Assessment, although there will be no option for a further extension to the probationary period.

## 6.0 Termination During Probation

The following rules apply in the event of the termination of employment before the end of the original or extended probationary period:

- The reason for the termination of employment will be that the employee is not confirmed as suitable to be confirmed in post in the light of their service during the probationary period
- Except in the case of gross misconduct, no employee can be dismissed without notice and a prior warning.

The probation procedure differs from the council's procedures for terminating the employment of other employees but does follow the principles which employers need to follow when terminating employment.

One month's notice is required for terminating employment within a probationary period for employees. This requirement applies to both resignations and dismissals. Formal probationary assessments should be scheduled to allow managers to provide employees with sufficient notice of any decision to terminate employment. If it is not possible to give the required notice for employment to be terminated within the original or extended probationary period, the employee will be entitled to receive appropriate pay in lieu of notice.

### **Termination of employment after probationary period**

Employees whose appointments have been confirmed following the successful completion of their probationary period may only be dismissed under the provisions of the disciplinary and capability policies and procedures of the council, by way of redundancy, or for some other substantial reason (e.g. the end of a maternity cover arrangement).

## **7.0 Appeal**

Employees may appeal against a management decision to terminate their employment during probation. However, there is no facility to appeal against a decision to extend a probationary period.

Appeals must be submitted within the duration of the [original or extended] probationary period.

A formal meeting will be convened, chaired by an Assistant Director or above to hear the appeal and make a final decision. The chair will have had no prior involvement with the case.

Employees are entitled to be accompanied to the appeal hearing by a trade union representative or workplace colleague and will receive written notification of the outcome.