

MVDC – Guidance to managing probation periods for new employees

Introduction

All new employees at MVDC are subject to a probationary period. The purpose of this is to lead to higher motivation and performance levels and directly improve service delivery.

The probation procedure provides a framework of regular performance management and is intended to allow both the employee and their line manager to:

- Have regular and open conversations within the structure of a dedicated meeting
- Allow for 2-way review
- Provide a suitable method to assess the employee's capability and suitability for the role
- Ensure appropriate development and support is put in place for any relevant areas

The employee's line manager is responsible under this procedure for ensuring that the employee is properly monitored during their probationary period.

If any problems arise, the line manager will address these promptly with the employee. This will ensure that the employee is aware that some aspect of their performance or conduct has not reached a satisfactory level so that greater focus may be given to prevent problems from escalating.

It is important that probationary periods are actively managed in the interests of all parties. One week's notice on either side can be given during the probationary period. If the necessary meetings or relevant discussions to adequately assess and support an employee during their probation period are not held, the employee will pass their probation by default 6 months after joining. The effect of this will be the notice period will increase to contractual notice, typically between one and three months depending on seniority.

Who is covered?

This framework should be used as guidance for all employees new to MVDC. This includes anybody who has previously been seconded to us or worked under casual, shared or agency arrangements where MVDC has not been their employer.

If the employee is new to a team or their job within a team and has already passed probation within MVDC (or TUPE'd across from another employer having passed their probation), this procedure is not relevant. It is however MVDC's policy to provide regular (ideally at least monthly) 121s with all employees throughout their time with MVDC.

Managers should contact HR to discuss the various options if there are concerns about a promoted/ transferred employee as soon as possible. An early discussion may increase the scope to explore different options.

This procedure is guidance only, therefore nothing in this policy should be taken as granting any legal protection to new employees beyond existing statutory employment rights.

Length of probation

The standard period of probation is six months.

The period may in some circumstances be extended to a maximum of 9 months (See [Extension of Probation](#) section)

Terms of employment during the probationary period

During the probationary period, employees will be subject to all the terms and conditions of their contract of employment other than notice. During the probation period, either party may terminate the contract of employment by giving one week's notice. In the event that MVDC decides to terminate the employee's employment, their employment may come to an end immediately in which case (other than for cases of Gross Misconduct) the employee will receive one week's pay in lieu of notice together with any outstanding holiday pay.

Once the probationary period has been completed, the notice period will be as set out in the employee's contract of employment (between one and three months depending on seniority).

Line managers' responsibilities

Under this procedure, the line manager has responsibility for monitoring a new employee's performance and progress during the probationary period. They must ensure that the employee is properly informed at the start of their employment about what is expected of them during probation, for example the required job outputs, behaviours or standards of performance.

Reviews during probation

The line manager will meet with any new starters within their team as soon as possible following their joining MVDC, ideally on their first day of employment. The employee will receive a full introduction to the organisation and their team, including support with mandatory training and additional guidance to assist them in fulfilling their role adequately to the standards and behaviours required.

Full induction programme templates and guidance for managers are available on the [Recruitment and Induction](#) pages of the MyHR section of Molly.

The line manager will review and assess the employee's performance, capability and suitability for the role on at least a monthly basis during probation, and again at the end of the probationary period. A clear record should be made of each review meeting. A copy of the record should be passed to the employee and a copy retained by the line manager for reference during the probation period¹.

Mandatory training completed throughout the probation period, as outlined in the induction checklist, must be recorded as a [‘learning event’ on iTrent](#).

During probation, the line manager will provide regular feedback to the employee about their performance and progress, and, should there be any problem areas, raise these with the employee as soon as possible with a view to resolving them. The line manager is also responsible for providing guidance and support, and for identifying and arranging any necessary training or coaching.

Irregularities discovered during the probationary period

If, during an employee's probation, it is suspected or established that the employee does not have the qualifications, experience or knowledge that they claimed to have at the time of recruitment, the matter will be discussed with the employee to establish the facts. If the evidence suggests that the employee misrepresented their abilities in a material way, MVDC will terminate the employment.

End of probation

At the end of the probationary period, the line manager will hold an **End of Probation Meeting** to conduct a final review of the employee's performance and suitability for the job. This will involve a meeting with the employee to discuss their performance and progress throughout the period of probation.

The review must be conducted before the date on which the employee's probationary period comes to an end (typically 2-4 weeks prior).

The date and outcome of the End of Probation Meeting must be [recorded on iTrent](#).

This meeting will result in one of the following:

1) Confirmation of appointment

When employees have successfully completed their probationary period, the manager will write to their employee to confirm this (see [template letter at Appendix A](#)). Along with a record of the date and outcome of the meeting, a copy of the confirmation letter must be attached to the employee's [iTrent record](#). Notification of completion of probation should be provided via the [HR Service Desk/My Team/Contract Changes](#) to

¹ MVDC processes any personal data collected during the probationary period in accordance with our Employer Privacy Statement. Any data collected is held securely and accessed by, and disclosed to, individuals only for the purposes of operating the probationary period.

action any incremental increase entitlements following successful probation completion.

Incremental increases are applied every year on 1st April. Therefore, if your member of staff has successfully completed their probation period before the 1st April they will be eligible for an increase. If they are still in their probation period on 1st April, they will receive their annual increment upon successful completion.

In terms of pay going forward, the employee will be eligible for incremental progression annually, within the pay scale, until the top of the scale is reached providing there are no subsequent performance concerns which are considered under the Capability Policy.

Performance management should from now on include 'how' behaviours and organisational values (if until now the focus has been task based). You will find the 'how' behaviours under [documentation relating to the PDR](#).

2) Extension of the probation period

MVDC reserves the right to extend an employee's period of probation at its discretion.

If the manager believes that there were extenuating circumstances that prevented the employee from performing to a satisfactory standard, an extension of the probation period can be given. This will be limited to one extension up to three months.

Reasons for underperformance may need to be considered in relation to equality and fairness of treatment and/or to determine if disability is a factor. HR advice may be sought on any extension to the probation period.

If an extension to the probationary period is appropriate, the line manager will discuss and confirm the terms of the extension with the employee. Confirmation of the terms of extension will be provided to the employee in writing (see [template at Appendix B](#)), including:

- the length of the extension and the date on which the extended period of probation will end;
- the reason for the extension and, if the reason is unsatisfactory performance, details of how and why performance has fallen short of the required standards;
- the performance standards or objectives that the employee is required to achieve by the end of the extended period of probation;
- any practical support, for example further training if appropriate, that will be provided during the extended period of probation; and
- a statement that, if the employee does not meet fully the required standards by the end of the extended period of probation, their employment will be terminated.

Any considerations of training or support will be taken within the context of affordability, expectations as to skills it was reasonably considered that the employee already possessed when recruited, and the general recruitment market.

Along with a record of the date and outcome of the meeting a copy of the extension letter must be attached to the employee's [iTrent record](#).

3) Termination of employment

If an employee's performance while on probation has been unsatisfactory and it is considered unlikely that further training or support would lead to a satisfactory level of improvement, the employment will be terminated at the end of the period of probation.

Any assessment of training or support will take into account the context as to what is regarded as reasonable under all the circumstances – e.g. costs, current skills gap, specialisation, degree of divergence from interview assessment, recruitment market, etc.

It is generally MVDC policy to allow the employee to complete the designated period of probation rather than terminating employment before the probation has come to an end in order to give the employee a full opportunity to come up to the required standards. If, however, there is clear evidence prior to this time that suggests the employee is wholly unsuitable for the role, the line manager should seek HR advice with a view to terminating the employee's probation/employment early.

Where a decision is taken to terminate employment, the line manager must meet with the employee and inform them of the reasons for the termination. The effective date of the termination (last day of service) should be no later than 6 months after the date of appointment (or extension period where applicable).

At this meeting, a manager may allow a work colleague to accompany the employee if there is good reason to do so. However, this is not a right, therefore it is up to the employee to arrange this and to notify the manager if they would like to be accompanied at the meeting. These arrangements must not delay the meeting.

The reason for the termination of service is that the employee is not deemed suitable to be confirmed in their post in the light of their performance during the probationary period. Except in the case of gross misconduct, no employee will be dismissed without payment of notice period and prior discussion to indicate where performance or behaviour has not been found to be acceptable.

The manager will confirm any outcome or final decisions resulting from the meeting in writing (see [template letter at Appendix C](#)). There is no right of appeal.

A record of the date and outcome of the meeting will be recorded on iTrent as part of the [leaver process](#). Notification of leaver along with copies of any relevant documentation must be provided via the [HR Service Desk/My Team/Leavers](#).

Appendix A - Template letter confirming successful outcome of probation period

Name
Address
Date

Dear

I am delighted to confirm that you have passed your probation and to welcome you as a member of the team with effect from [date].

During your probation period, I have particularly noted [*something positive: your strengths, how well you have done in a particular thing etc*]

[*If appropriate:*] We have agreed that you need additional support in [as appropriate] and I will make arrangements to provide this.

We will continue to meet regularly, usually once a month, to ensure that you achieve objectives set for the post, work in accordance with our **values**, and have necessary support for the role.

Where an employee is entitled to an incremental increase following successful completion of their probation include the following:

As you have successfully completed your probation period, you will be included in the annual incremental increases in accordance with your terms and conditions of employment. This pay increase will take effect END OF PROBATION DATE/1st April YYYY (delete/complete details according to [HR guidance on when increases are applied](#)).

In the absence of any performance concerns which I would discuss with you under our Capability Policy, your pay will be subject to annual incremental pay progression until you reach the top of the scale

As I am sure you will be aware, your terms and conditions are in your contract of employment and our current policies and procedures are on the relevant pages of Molly. If you have trouble accessing these or cannot find them, please let me know so that I can show you where they are.

I look forward to a productive working relationship with you and I am sure your colleagues are also very pleased that you are on board (*or something like that – your words, but make them positive if you can!*)

Yours sincerely

Manager

Job title

Appendix B - Template letter confirming probation period extension

Name

Address

Date

Dear

I am writing further to our previous discussions and correspondence in relation to your probation period and suitability to be confirmed in your post.

After several probationary review meetings [*dates?*], I invited you to an End of Probation Meeting to discuss your continued employment with Mole Valley District Council. This took place on (*date*).

At the meeting, we discussed the concerns I had raised with you in relation to your suitability for the role of [*XXX*] *specifically in relation to (add reasons)*. I considered whether further action could be taken to address these concerns and confirmed that your probation period will be extended to allow you adequate time to meet the requirements of the role.

Therefore, I am writing to confirm that the outcome of the meeting is that your probation period will be extended for xxxx months (up to a total maximum period of 9 months) to (*date*). We will continue to meet regularly to review your progress and any further support you may need.

The specific actions and targets you needed to meet during this time are as follows:

- (add specific targets e.g. A reduction in the level of sickness/absences, improved attendance, improved work in xxx)

We have agreed the following support to assist you to meet the above targets

- (to be completed)

We will meet before the end of the extended probation period on Date, Time, Location to review your progress. The outcome from this meeting will be that you are either confirmed in post or, where you fail to meet the necessary standards, that your employment is terminated on the grounds that you have not been confirmed in your role during your probation period.

If you have any questions regarding your probation extension please do let me know as soon as practicable.

Yours sincerely

Manager

Job title

Appendix C - Template letter confirming unsuccessful outcome of probation period

Name

Address

Date

Dear

I am writing further to our previous discussions and correspondence in relation to your probation period and suitability to be confirmed in your post.

After several probationary review meetings [*dates?*], I invited you to an End of Probation Meeting to discuss your continued employment with Mole Valley District Council. This took place on (*date*).

At the meeting, we discussed the concerns I had with regards to your suitability for the role of [*XXX*] and considered whether further action could be taken to address these concerns. Unfortunately, I have concluded that no significant improvement has been made to your performance, specifically (*add reasons here*), which are considered critical to this role.

Therefore, I am writing to confirm that the outcome of the meeting is that you have not been confirmed in your role as (*title*) in (*department*) during your probation period.

Your last day of employment with Mole Valley District Council will be (*date*). You [*are/are not*] expected to attend work during your one week's notice period [*however you will receive payment in lieu of notice on the last pay day of xxth xxxxx*].

Whilst I regret the outcome, I wish you success in your future career.

Yours sincerely

Manager

Job title

***NB no notice will be paid in cases of gross misconduct. However, if the manager takes the decision that it would not be beneficial for the service to require an employee under notice of dismissal to serve out their notice period, they can make arrangements to pay the notice instead. This will be subject to full tax and national insurance deductions.**

Approved by: xx

Date: xx

Version control: V0.2 draft

Version	Version Status (Draft, Approved /Published Internally or Externally)	Date	Version Comment	Version Author
V0.1	Draft	Undated	Creation of the document and early untracked changes	Various
V0.2	Draft	28 th June 2021	KI tracked changes to last CS edit	KI
V0.3	Draft	28 th June 2021	CS final comments on KIs edit	CS
V0.4	Draft	29 th June 2021	SS final comments on KI and CS edit	SS
V0.5	Draft	8 th July 2021	For SLT & BMT review	CS
V1	Published	xx	xxxx	xx