

Probation Policy

POLICY RECORD DETAILS		
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POLICY OWNER:	HR Business Partner – CEO & Finance; HR Business Partner - Operations	JOB TITLE Dept / Directorate
CONTRIBUTORS: (By Job title, department, directorate)		
TUS Chair and Members of FDA, Prospect, PCS, Head of HR, HR Business Partners, HR Advisors		
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August 2018	Version 4	Probation Policy Updated to reflect process changes, flowchart amended
February 2017	Version 3	Probation Policy
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1. PURPOSE

- 1.1 The primary purpose of the probation period is the positive development and encouragement of new staff, while at the same time providing an opportunity to test their suitability for confirmation in post. In order to fulfill the probation period satisfactorily, new staff must demonstrate their ability to effectively carry out their duties. This means that they must reach an acceptable standard in the Overall Performance Assessment section in the final probation review.
- 1.2 The Library wishes to ensure that all staff on probation are clear about the job they are required to do from the first day and that they receive proper training to do the job effectively. It is essential therefore that managers set clear objectives and make sure that staff on probation understand the range of duties expected of them.
- 1.3 The objective of this policy is to ensure both managers and employees on probation understand the purpose and process of the probation period. In addition, it is to be used to guide and advise managers on managing probation periods and where performance falls short of expected standards, how to address this.
- 1.4 All newly recruited staff will be subject to a 6 month probationary period, during which their conduct, performance, timekeeping, sickness absence and attendance will be carefully monitored. Most members of staff will successfully complete this probationary period. Once this probationary period has been completed successfully, the member of staff on probation will be confirmed in post.
- 1.5 The probation period may be ended earlier or extended following discussion with the manager and employee concerned.

2. SCOPE

- 2.1 This policy applies to all new staff, unless otherwise stated in their contract of employment e.g. interns.

3. GENERAL PRINCIPLES

- 3.1 All of the Library's policies reflect and should be acted upon in line with the Library's values.
- 3.2 If a probation period is to be of any value, it must be properly managed.
- 3.3 Managers must make it clear to staff what is expected of them in their role and shortcomings must be pointed out as and when they arise.
- 3.4 The Library will ensure that adequate training is provided so that managers are able to operate this policy.
- 3.5 Confirmation of appointment is dependent upon the satisfactory completion of the probation period.
- 3.6 Managers will meet formally with probation employees at least twice during the probation period to review the new employee's performance and to take supportive action, particularly where this falls short of requirements.
- 3.7 Staff must be given help, advice, guidance, the opportunity and time to improve their performance, conduct, timekeeping, sickness absence and attendance other than in cases which result in a finding of Gross Misconduct.
- 3.8 Where there are no issues of concern with the employee's performance, conduct, timekeeping, sickness absence or attendance, then the manager will write to the employee after the sixth month review, confirming that the probation period has been satisfactorily completed.
- 3.9 Existing members of staff who are promoted will not normally be subject to a probation period unless their initial probation period is not yet completed. In this case, the probation period will be carried over to the new contract and the appointment will not be confirmed until the original period has been successfully completed.
- 3.10 If a new employee's performance, conduct, timekeeping, sickness absence or attendance is not satisfactory during the probation period the appointment may be terminated.
- 3.11 Normally the informal stages will involve a discussion between the member of staff and the line manager. Members of staff may seek assistance and support as necessary from a Trade Union representative or a work colleague at any stage of this procedure.

3.12 Any decision to move to formal action will be in accordance with the formal dismissal stages of this policy and members of staff may seek assistance and support as necessary from a Trade Union representative or a work colleague during this procedure.

3.13 All members of staff have the right of appeal (See [section 13](#)).

4. EARLY TERMINATION DURING THE PROBATION PERIOD

4.1 An employee should be invited to a hearing to discuss termination of employment in the following cases:

- It can be demonstrated that, in submitting the application, that the employee purposely misled or provided false information to the British Library for example concerning their qualifications, skills or experience or if security clearance has not been obtained.
- If, during the probation period it is considered that an employee's performance, conduct, timekeeping, sickness absence or attendance is unsatisfactory despite being given appropriate support and time to improve.
- Where, during the probation period, there is evidence of alleged gross misconduct.

5. POSSIBLE OUTCOMES AT THE END OF THE PROBATION PERIOD

5.1 At the end of the probation period, there are three possible outcomes:

- Confirmation of appointment
- Extension of probationary period
- Dismissal of employee

6. PROCEDURE – INDUCTION

6.1 The probation policy will be explained to the new employee as part of their induction. Line managers are required to give support, advice and guidance to all staff and this is especially important for probationers. Some of the main objectives for dealing with new staff include:

- Having a comprehensive induction with the new member of staff and explaining the responsibilities of the job
- Providing guidance and training where necessary
- Providing reasonable adjustments if needed
- Setting objectives for the employee for the first 6 months in the role (no later than 2 to 4 weeks after the start date)
- Identifying any improvements required.

- 6.2 The line manager should advise the new employee that there will be two formal probation review meetings during the 6 month probation period.
- 6.3 As well as these formal reviews the line manager should arrange monthly one to one meetings with the employee.
- 6.4 The date of the first formal probation meeting (3 months after the start date) should be set as part of the induction process.
- 6.5 As good practice during the first month of employment it is recommended that time is set aside every week to discuss:
- How the job is going
 - Highlight any problems
 - Training needs
 - Any organisational issues which are not clear
 - How the employee feels about the job
- 6.6 It is expected that managers will deal with any concerns about work performance or conduct as they arise and not wait until the probation review meetings. Dealing with problems at an early stage means that they are more likely to be dealt with successfully.
- 6.7 If the line manager has concerns about the employee's performance, conduct, timekeeping, sickness absence or attendance they should discuss this with the employee at the earliest opportunity or during their monthly one to one meetings. Line managers should make it clear to staff that they are giving them an informal oral warning. These informal oral warnings are not part of the formal warning procedures but managers should retain their notes of all informal oral warnings, as they will be relevant if formal action is considered necessary at a later stage. It is essential that these notes are kept securely and confidentially (a printed version of an electronic record will be sufficient) and that they are **not** sent to Human Resources to be put on file. The manager should give a note of the meeting to the employee confirming the identified areas where improvement is required and should not normally keep a copy of this note for longer than 12 months.
- 6.8 If the informal action has not led to the necessary improvements, or if exceptionally the issue requires more serious action, then the formal stages in the procedure should be invoked as part of the formal reviews.

7. FIRST PROBATION REVIEW (3 MONTHS) – SATISFACTORY PROGRESS

- 7.1 The first probation review meeting must be held during the third month of employment. The purpose of the meeting is to review performance, conduct, timekeeping, sickness absence and attendance. Constructive

feedback should be given to the employee highlighting both achievements and any areas where they are falling short. Examples must always be provided.

7.2 Where all aspects are satisfactory, the line manager should inform the employee of this fact and set a date for the final probation review meeting to be held during month six.

7.3 The normal PMR form should be used for these meetings and annotated as a 3 month review.

8. FINAL PROBATION REVIEW (6 MONTHS) – SATISFACTORY PROGRESS

8.1 The final probation review meeting must be held during the sixth month of employment.

8.2 The purpose of the meeting is to review performance, conduct, timekeeping, sickness absence and attendance and constructive feedback should be given to the employee highlighting both achievements and any areas where they are falling short. Examples must always be provided.

8.3 If the employee has met the required standards then the line manager should confirm in this final probation review that they have been confirmed in post.

8.4 The normal PMR form should be used for these meetings and annotated as the final 6 month probation review.

9. CONFIRMING THE APPOINTMENT

9.1 Most members of staff will successfully complete their probation. Completion of probation will be confirmed when the employee demonstrates that all aspects of their work has reached an acceptable level by the end of the probation period.

9.2 Staff who complete their probationary period satisfactorily will be sent a letter by their line manager confirming their appointment.

9.3 The line manager should complete the End of Probation Recommendation form in MyView and also upload the PMR document and letter confirming appointment in MyView.

10. FIRST PROBATION REVIEW (3 MONTHS) – UNSATISFACTORY PROGRESS

10.1 The first probation review meeting must be held during the third month of employment. The purpose of the meeting is to review performance,

conduct, timekeeping, sickness absence and attendance. Constructive feedback should be given to the employee highlighting both achievements and any areas where they are falling short. Examples must always be provided.

10.2 If the manager knows in advance of this meeting that the employee is still not meeting the required standard, despite an informal oral warning (see 6.7), and are therefore considering extending the employee's probation period, they must write to the employee informing them that they can bring a trade union representative or work colleague to the 3 month review meeting.

10.3 During any formal warning period, guidance needs to be given to staff so that they are clear about the improvement required of them. Again it is important to stress that warnings must not be automatic and should only be given after careful consideration of the nature and pattern of the employee's performance, conduct, timekeeping, sickness absence and attendance.

10.4 In advance of this formal review meeting the manager must write to the member of staff concerned:

- Confirming the date of the meeting and its status, i.e. that it is formal review to consider a formal written warning
- Identifying the concern(s)/allegation(s) under consideration
- Outlining the key concerns as established so far
- Notifying the individual of the names of the managers who will be present
- Confirming that s/he has the right to be accompanied by their trade union representative or a companion.

10.5 Where there are concerns regarding any aspect of performance, conduct, timekeeping, sickness absence or attendance, during the meeting the line manager must:

- Discuss the aspects where improvement is required
- Explain the standards required
- Devise and document an improvement plan which sets out objectives and targets and identifies any additional support, training or guidance needed
- Set the final probation review meeting for the sixth month of employment and explain that the improvement must be achieved by this final review
- Advise the employee that failure to meet the required standards may result in termination of employment
- Send the employee a written letter confirming what was discussed in the meeting and stating that if the required improvement has not been made by the final review meeting, the employee may be dismissed.

- 10.6 This letter should clearly state that it is a formal written warning, clarifying the areas of improvement identified in the review meeting and stating the length of time in which the employee is expected to improve i.e. by the final probation review. The letter must also state that if the required improvement is not made in the time allocated, then the employee's final probation review will be a formal meeting to consider dismissal.
- 10.7 Any support or assistance identified will continue to be offered during the whole of the probation period up to the date of confirmation in post or decision to dismiss.
- 10.8 The normal PMR form should be used for these meetings and annotated as a 3 month review.

11. FINAL PROBATION REVIEW (6 MONTHS) – UNSATISFACTORY PROGRESS

- 11.1 The final probation review meeting must be held during the sixth month of employment. It is imperative that this final review is held before the agreed probationary period ends; otherwise the employee's appointment will be confirmed by default.
- 11.2 If, in advance of this final review, it is evident that the employee's performance, conduct, timekeeping, sickness absence or attendance is still causing concern, despite a written warning that they must improve before the end of their probation, the line manager must write to the employee confirming that at this final review meeting the termination of their employment will be discussed and they are allowed to bring a trade union representative or work colleague.
- 11.3 In advance of this final formal review the manager must write to the member of staff concerned:
- Confirming the date of the meeting and its status, i.e. that it is a final review hearing to consider dismissal
 - Identifying the concern(s)/allegation(s) under consideration
 - Outlining the key concerns as established so far
 - Notifying the individual of the names of the managers who will be present
 - Confirming that s/he has to right to be accompanied by their trade union representative or a companion.
- 11.4 Full details of the reasons for the hearing plus a copy of this policy will be made available to the member of staff in advance of the hearing. Where possible this information will be sent at the time of the notification and at the very least within 1 day of the interview. The member of staff will then be given the opportunity to respond.

- 11.5 For a hearing to consider dismissal the Secretary of the appropriate Trade Union will be notified that a member of staff in a grade represented by the Union is subject to dismissal proceedings. This will be done at the same time as the member of staff is notified of the hearing.
- 11.6 The member of staff will be required to attend the hearing where s/he will have the right to be accompanied by a trade union representative or by a companion. The hearing will take place within 10 working days of receiving the letter. The hearing should be chaired by the next senior manager above the member of staff's immediate manager, unless the member of staff reports directly to a Director, in which case the hearing will be chaired by another senior manager. The manager chairing will be accompanied by the line manager, and by a member of Human Resources where appropriate.
- 11.7 At the final formal review hearing the procedure will normally be as follows:
- a. The Chair will begin by detailing the reason for the hearing
 - b. The line manager will set out the information relevant to the case
 - c. The member of staff, or their trade union representative/companion, will then be given the opportunity to state the member of staff's case. The Chair will ensure that the evidence is examined and discussed, giving the member of staff every opportunity to respond until the full circumstances have been explored and clarified. This should include any mitigating circumstances. The trade union representative or work colleague should not normally respond to questions put directly to the member of staff; however they may assist the member of staff in replying to questions where they would be helpful. At any time the trade union representative or work colleague may confer with the member of staff (including a brief adjournment if appropriate) and make a statement on his/her behalf.
 - d. If any new facts emerge, decide whether further investigation is required and if so adjourn the hearing and reconvene when the investigation is complete
 - e. The member of staff will be informed once the relevant information has been gathered and provided with dates for the recommencement of the hearing. If a further adjournment is needed the member of staff will be informed as soon as possible of the appropriate arrangements
 - f. Following the conclusion of the hearing, the member of staff will be informed in writing, normally within 5 working days, as to what action is being taken (which must be reasonable in all the circumstances) and notified of their right of appeal.
- 11.8 Management will set out the overview and outcome of the meeting in the letter. The letter will be kept on the staff member's personal file.

12. POSSIBLE OUTCOMES OF THE FINAL PROBATION REVIEW

Extension of probation

- 12.1 If performance, conduct, timekeeping, sickness absence and attendance have not reached an acceptable level within the initial probation period but are improving significantly, or if the individual requires further support and assistance to develop in the post, then the probation can be extended for a specified period between three to six months. There should be confidence that the necessary improvement will be made within the specified extended period and a further PMR record should be written at the end of the extended period of probation.
- 12.2 Only sickness absence that is non-Equality Act or non-maternity related would extend the probation period. Sickness absence which is covered by the Equality Act or is maternity related will not prevent the member of staff from clearing probation and being confirmed in post.
- 12.3 The line manager should complete the End of Probation Recommendation form in MyView, selecting the Extension to Probation option.

Termination of employment

- 12.4 However, if all alternatives have been considered and it is clear that the probationer has not reached, nor will reach the required standard within a reasonable time period, a decision to dismiss after this formal hearing procedure may be made.
- 12.5 The line manager should complete the End of Probation Recommendation form in MyView, selecting the Termination of Service option.

13. APPEALS

- 13.1 Any member of staff who is dissatisfied with the outcome at any stage of the formal process may appeal to a member of line management immediately senior to the line manager (or other nominated manager) who has taken the decision. This appeal must be received by the nominated manager within 10 working days of the warning or dismissal decision being notified to the member of staff. The appeal must be made in writing and should clearly state the basis on which the appeal is being made.
- 13.2 Only one appeal will be allowed at each stage of the formal procedure stage. There is no right of appeal against informal oral warnings or meetings at which support, advice and guidance are given.
- 13.3 Basis of the appeal should normally relate to one of the following areas:

- Facts of the case are incorrect
- The procedure was not followed correctly
- The decision is deemed too severe or inappropriate
- New evidence has come to light since the disciplinary panel made their decision

13.4 For an appeal, the member of staff will normally be asked to attend an appeal hearing where s/he has the right to be accompanied by a trade union representative or companion. The appeal hearing will be held as soon as reasonably practicable, roughly within 10 working days of receipt of the appeal, but may be postponed by up to 10 days to enable the member of staff's chosen representative or colleague to attend. The arrangements for the appeal will be confirmed in writing.

13.5 The appeal hearing will consider the grounds for the appeal, which may be in respect of procedure, findings of fact or the decision. The appeal hearing will pay particular attention to any new evidence and allow the member of staff to comment on it. However, other than in exceptional circumstances, the appeal hearing will not hear all the evidence again as this appeal is not intended to repeat the detailed examination of the original hearing.

13.6 The appeal hearing should be chaired by the next senior manager to the manager taking the decision that is being appealed, unless this is a Director, in which case another senior manager will Chair. The manager should be independent i.e. not have been previously involved, directly or indirectly with the case. At the appeal the decision will be reviewed. After consideration of all the facts (usually following an adjournment to consider the appeal carefully), the manager will reach a decision. The member of staff will be informed of the result of the appeal and the reasons for the decision as soon as possible (normally within 5 working days) and should be confirmed in writing. The decision is final.

14. EQUAL OPPORTUNITIES MONITORING

14.1 Human Resources will compile the personal details of all staff receiving a formal warning or who are dismissed by the Library. This information will be kept confidentially by Human Resources and will be used for no other purpose than to enable the Library to fulfil its obligations for monitoring and ensuring Equal Opportunities. (See also the [Diversity Policy](#))

15. RESPONSIBILITIES

15.1 Line managers are responsible for explaining the expected standard of performance and for monitoring the employee's conduct, performance, timekeeping, sickness absence and attendance during this period. They are also responsible for ensuring that review dates are set and

that the employee receives regular feedback on performance. Line managers will also write to staff to confirm completion of their probation.

- 15.2 Employees are responsible for demonstrating the standard expected by the Library for performance, conduct, timekeeping, sickness absence and attendance and to raise any difficulties with the line manager.
- 15.3 HR Staff are responsible for advising and supporting managers in the application of this policy.
- 15.4 Employee Services are responsible for providing information to managers as part of the onboarding process.
- 15.5 All members of staff referred to within the scope of this policy are required to adhere to its terms and conditions.
- 15.6 All line managers are responsible for ensuring that this policy is applied within their own area. Any queries on the application or interpretation of this policy must be discussed with Human Resources prior to any action being taken.
- 15.7 Human Resources has the responsibility for ensuring the maintenance, regular review and updating of this policy. Proposed changes to the policy will follow the process as described in section A: Introduction: paragraph 1.1 of this Staff Handbook.

Appendix 1 - Flowchart of the step-by-step process for Line Managers

