



**BARRY TOWN COUNCIL
CYNGOR TREF Y BARRI**

PURSUANT TO THE REQUIREMENTS OF THE BELOW STATUTORY PROVISIONS, NOTICE IS HEREBY GIVEN THAT A MEETING OF THE PERSONNEL COMMITTEE IS TO BE HELD ON A HYBRID BASIS IN THE COUNCIL CHAMBER, TOWN HALL, KING SQUARE, BARRY, CF63 4RW AND REMOTELY ON MONDAY, 11 NOVEMBER 2024 COMMENCING AT 7.00 PM FOR THE PURPOSE OF TRANSACTING THE BUSINESS SHOWN IN THE AGENDA SET OUT BELOW.

From 1 May 2021 The Local Government and Elections (Wales) Act 2021 makes provision for meetings to take place through a variety of arrangements, including multi-location meetings where all individuals are attending virtually and hybrid meetings where a number of individuals are attending in person at a designated location and others are attending virtually from a range of other locations. The Act makes permanent provision for remote meetings (multi-location) and electronic publication of documents

This is a public meeting and any resident of Barry may attend in person or remotely; for remote access details, please contact info@barrytowncouncil.gov.uk

Yours faithfully

A handwritten signature in cursive script that reads 'Emily Forbes'.

Emily Forbes
Chief Officer (Town Clerk)

AGENDA

1. **Apologies for absence**
2. **To receive declarations of interest under the Council's Code of Conduct** (Note: Members seeking advice on this item are requested to contact the Monitoring Officer at least 72 hours before the meeting)
3. **Well-being of Future Generations (Wales) Act 2015**
(To note)

*Personnel Committee members will note that this Act sets out the requirement for a public body to act in a manner which seeks to ensure **that the needs of the present are met without compromising the ability of future generations to meet their own needs.***

In order to act in that manner, a public body must take account of the following things:

- (a) the importance of balancing short term needs with the need to safeguard the ability to meet long term needs, especially where things done to meet short term needs may have detrimental long-term effect;*
- (b) the need to take an integrated approach, by considering how—*
 - i. the body's well-being objectives may impact upon each of the well-being goals;*
 - ii. the body's well-being objectives impact upon each other or upon other public bodies' objectives, in particular where steps taken by the body may contribute to meeting one objective but may be detrimental to meeting another;*
- (c) the importance of involving other persons with an interest in achieving the well-being goals and of ensuring those persons reflect the diversity of the population of the part of Wales in relation to which the body exercises functions;*
- (d) how acting in collaboration with any other person (or how different parts of the body acting together) could assist the body to meet its well-being objectives, or assist another body to meet its objectives;*
- (e) how deploying resources to prevent problems occurring or getting worse may contribute to meeting the body's well-being objectives, or another body's objectives.*

GOVERNANCE

4. **To approve and sign the minutes of the meeting of the Extraordinary Personnel Committee held on 23 September 2024**

(Pages 660-661)

FINANCIAL REPORTS

5. **Budget Monitoring Report to 30 October 2024**

(Pages 662-663)

(If Councillors have any queries on the attached please contact the Deputy Chief Officer prior to the meeting)

6. **Draft Budget Estimates for 2024/25** **(Pages 664-665)**

(If Councillors have any queries on the attached please contact the Deputy Chief Officer prior to the meeting)

7. **NJC for Local Government Services Pay Agreement 2024 (Update)**

(Pages 666-671)

POLICIES

8. **Draft New Probation Policy (Update)** **(Pages 672-698)**

9. **Date of Next Meeting**

The next scheduled meeting of the Personnel Committee will be held on Monday 3 February 2025.

10. **Exclusion of the Press & Public**

In accordance with section 1(2) of the Public Bodies (Admission to Meetings) Act 1960, in view of the confidential nature of the business about to be transacted, it is advisable in the public interest that the press and public are excluded from the remainder of the meeting.

11. **Staff Sickness for the ten-month period 1 January 2024 to 31 October 2024** **(Pages 699-700)**

12. **Minor Authority Representative (MAR) Governor Vacancies** **(Pages 701-724)**

13. **Recruitment Update** **(Page 725)**

14. **To Review and Agree an Updated Job Description for Employee 211** **(Pages 726-743)**

15. **To Consider a Request for Vocational Training** (Pages 744-747)
16. **Cemetery Lodge Lease / Licence** (To Follow)
17. **To receive an update of the Employment Tribunal heard on 25 June 2024 – 29 June 2024** (Verbal)
18. **To receive an update on the Cemetery Review** (Verbal)

Distribution

Electronic notification of summons and front page Agenda to all Committee members. Email notification of electronic papers to all Barry Town Councillors (22). A full copy of the agenda and papers for this meeting (with the exception of confidential items) will be available at the Town Council Offices and on the Town Council Website – www.barrytowncouncil.gov.uk

This document is available in large print and other formats upon request/Cewch y ddogfen hon mewn pring bras a ffor matiau eraill drwy holi.

BARRY TOWN COUNCIL

MINUTES OF AN EXTRAORDINARY MEETING OF THE PERSONNEL COMMITTEE HELD ON MONDAY 23 SEPTEMBER 2024 AT 16:30

PRESENT: Councillors Perkes (Chair) together with Councillors S Hodges, Johnson, Thomas & Wiliam

ALSO PRESENT: Mark Sims – Deputy Chief Officer
Kathryn Thomas – Office Team Leader
Councillor Clarke - Observer

R166. APOLOGIES FOR ABSENCE

Apologies received from Councillor Wilkinson

R167. DECLARATIONS OF INTEREST

None received

R168. WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015

RESOLVED: That the Well-being of Future Generations (Wales) Act 2015 be received and noted.

R169. TO APPROVE AND SIGN THE MINUTES OF THE PERSONNEL COMMITTEE HELD ON 2 SEPTEMBER 2024

RESOLVED: That the minutes of the Personnel Committee held on 2 September 2024 be approved and signed as a correct record.

R170. DATE OF NEXT MEETING

RESOLVED: The date of the next meeting of the Personnel Committee has been scheduled to be held on Monday 11 November 2024 at 7.00pm.

R171. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That in accordance with Section 1(2) of the Public Bodies (Admission to Meetings) Act 1960, in view of the confidential nature of the business about to be transacted, it is advisable in the public interest that the press and public be excluded from the remainder of the meeting.

R172. EMPLOYMENT TRIBUNAL

Members were presented with an update on Legal Advice received regarding the Employment Tribunal, but due to the confidential nature of the matter, these are held with the Chief Officer and filed separately.

The meeting closed at 16:50

Signed Dated

BUDGET MONITORING REPORT OCTOBER 2024**Report Author**

Mark Sims, Deputy Chief Officer

Attached: A. Budget Monitoring Report October 2024 (1 page)

Purpose of Report

To provide members with the Committee's expenditure in the 2024/25 financial year as at the end of October 2024.

Background Information

On the following page is the budget monitoring report to 31 October 2024, indicating actual expenditure up to the end of month seven in the 2024/25 financial year.

Recommendation

Members are requested to receive the budget monitoring report for October 2024 noting the projected out-turn for the year is to be underspent by £10,792.

Budget Monitoring Report to 31st October 2024.

Gross Expenditure								
Description	Item No.	Budget	Expenditure	Committed	Balance	Budget	Year End	Projected
		12 Months	7 Months	Expenditure		12 Months	Projections	Variance
		£	£	£	£	£	£	£
Personnel Committee								
M&S/Salaries	1	498,000	277,599	212,049	8,352	498,000	489,648	8,352
Planning/Salaries	1	52,000	28,757	22,443	800	52,000	51,200	800
Merthyr Dyfan Cemetery/Salaries	1	394,100	182,752	214,878	-3,530	394,100	397,630	-3,530
Porthkerry/Salaries	1	15,000	8,750	6,250	0	15,000	15,000	0
Pioneer Hall/Salaries	1	34,500	18,996	13,904	1,600	34,500	32,900	1,600
Community Building/Salaries	1	38,750	21,609	16,941	200	38,750	38,550	200
M&S/Equipment	16	5,775	2,934	2,841	0	5,775	5,775	0
Merthyr Dyfan Cemetery/Equipment	9	7,652	2,603	5,049	0	7,652	7,652	0
Pioneer Hall/Equipment	9	1,500	1,092	408	0	1,500	1,500	0
Community Building/Equipment	8	2,000	58	442	1,500	2,000	500	1,500
M&S/General Salaries Contingency	23	40,000	25,738	16,667	-2,405	40,000	42,405	-2,405
M&S/Health and Safety	24	5,775	1,989	2,011	1,775	5,775	4,000	1,775
Corporate/Staff Wellbeing Fund	4	500	0	500	0	500	500	0
Corporate/Councillor Training	6	4,000	160	1,340	2,500	4,000	1,500	2,500
Corporate/Staff Training	7	20,000	14,376	5,624	0	20,000	20,000	0
Corporate/Staff Long Service Award	20	1,000	0	1,000	0	1,000	1,000	0
Total Expenditure		1,120,552	587,413	522,347	10,792	1,120,552	1,109,760	10,792
Our budget for the year is £1,120,552 with actual expenditure for the 7 months to 31 October 2024 of £587,413 with committed expenditure of £522,347.								
Our projected out-turn for the year is to be underspent by £10,792.								
Staff Training Breakdown								
Statutory		£ 3,032	Skid Steer awareness training, PATS testing training, Woodchipper training, Tree Inspection training, Headstone Inspection training					
Occupational		£ 11,344						
Vocational		£ -						
		£ 14,376						

DRAFT PERSONNEL COMMITTEE ESTIMATES FOR 2025/26**Report Author**

Mark Sims, Deputy Chief Officer

Attached: A. Draft Budget 2025/26 (1 page)

Purpose of Report

To provide members with the draft estimates for 2025/26.

Background Information

Financial Regulations 3 – Annual Estimates (Budget), states the following:

- 3.1 Each committee shall review its three year forecast of revenue and capital receipts and payments. Having regard to the forecast, it shall thereafter formulate and submit proposals for the following financial year to the Finance, Policy and General Purposes Committee not later than the end of December each year including any proposals for revising the forecast.

Adjustments have been applied to known expenditure headings e.g. salaries, rates, and loan interest, with a 5% uplift to the majority of other expenditure headings due to cost pressures.

Recommendation

1. Members are requested to consider the draft estimates for 2025/26.
2. Recommend the draft estimates for 2025/26 to the Finance, Policy and General Purposes Committee meeting being held on 25 November 2024 as confirmation of the Personnel Committee's requirements for the 2025/26 financial year subject to any additional items they may wish to include.

Draft Budget 2025/26 Personnel Committee

EXPENDITURE							
<u>Description</u>	<u>Item No.</u>	<u>2023/24</u>	<u>2023/24</u>	<u>2024/25</u>	<u>2024/25</u>	<u>2025/26</u>	
		<u>Budget</u>	<u>Out-Turn</u>	<u>Budget</u>	<u>Out-Turn</u>	<u>Budget</u>	<u>Projected</u>
M&S/Salaries	1	463,600	418,906	498,000	489,648	513,500	
Planning/Salaries	1	47,900	47,833	52,000	51,200	55,250	
Merthyr Dyfan Cemetery/Salaries	1	385,635	315,651	395,100	397,630	321,400	
Porthkerry/Salaries	1	15,000	15,000	15,000	15,000	15,000	
Pioneer Hall/Salaries	1	31,500	32,560	34,500	32,900	35,250	
Community Building/Salaries	1	35,300	34,235	38,750	38,550	41,500	
M&S/Equipment	18	5,500	3,039	5,775	5,775	6,000	
Merthyr Dyfan Cemetery/Equipment	9	7,288	1,820	7,652	7,652	8,035	
Pioneer Hall/Equipment	10	500	318	500	1,500	1,500	
Community Building/Equipment	10	2,000	67	2,000	500	2,000	
M&S/General Salaries Contingency	25	35,000	48,008	40,000	42,405	40,000	
M&S/Health and Safety	26	5,500	6,334	5,775	4,000	6,000	
Corporate/Councillors Training	12	4,000	554	4,000	1,500	4,000	
Corporate/Staff Training	13	20,000	19,003	20,000	20,000	20,000	
Corporate/Staff Wellbeing Fund	17	500	0	500	500	500	
Corporate/Staff Long Service Award	20	500	0	1,000	1,000	0	
Total Expenditure		1,059,723	943,328	1,120,552	1,109,760	1,069,935	

NJC LOCAL GOVERNMENT SERVICES PAY AGREEMENT 2024 (UPDATE)**Report Author**

Mark Sims, Deputy Chief Officer

Attached: A. NJC Local Government Services Pay Agreement 2024 (5 pages)

Purpose of Report

To provide members with an update regarding the April 2024 pay agreement for NJC Local Government staff.

Background Information

At the Committee's meeting held on 2 September members were provided with an update from the Deputy Chief Officer regarding the April 2024 pay agreement for NJC Local Government staff. The national employers pay offer was for a flat rate increase of £1,290 for spinal points 2-43 or 2.5% for spinal points 44 upwards. The pay award from 1 April 2024 will be delayed until mid-October at the earliest due to Unison and Unite members rejecting the offer. They are now moving to a ballot for industrial action being run between 27 August and 15 October 2024. Councillor Johnson asked what impact will there be on the Council's finances based on the proposed offer. The Deputy Chief officer advised that we included an increase to allow for the proposed pay offer. Minute R154 **RESOLVED:** That the NJC pay award 2024 update be received and noted.

On 25 October 2024 we received notification that agreement has been reached on rates of pay applicable from 1 April 2024 (covering the period 1 April 2024 to 31 March 2025). The new pay rates, each increased by £1,290 per annum, that are attached at annex A.

In accordance with the Scheme of Delegation to the Chief Officer, we have implemented the national pay award in the November 2024 payroll.

Recommendation

Members are requested to receive and note the aforementioned update on the NJC Local Government Services Pay Agreement 2024.

National Joint Council for local government services

Employers' Secretary
Naomi Cooke

Trade Union Secretaries

Mike Short, UNISON
Sharon Wilde, GMB

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**To: Chief Executives in England, Wales and N Ireland
(to be shared with Finance Director and HR Director)
Regional Employer Organisations
Members of the National Joint Council**

22 October 2024

Dear Chief Executive,

LOCAL GOVERNMENT SERVICES PAY AGREEMENT 2024

Employers are encouraged to implement this pay award as swiftly as possible.

Agreement has been reached on rates of pay applicable from **1 April 2024** (covering the period 1 April 2024 to 31 March 2025). The new pay rates, each increased by £1,290 per annum, are attached at **Annex 1**.

All locally determined pay points above the maximum of the pay spine but graded below deputy chief officer, should be increased by 2.50 per cent, in accordance with Green Book Part 2 Para 5.4¹.

The new rates for allowances, uprated by 2.50 per cent, are set out at **Annex 2**.

Joint work

It has been agreed that there will be joint discussions on how the NJC can capture gender, ethnicity and disability pay gap information that will be of most benefit to the sector.

Backpay for employees who have left employment since 1 April 2024

If requested by an ex-employee to do so, we recommend that employers should pay any monies due to that employee from 1 April 2024 to the employee's last day of employment.

When salary arrears are paid to ex-employees who were in the LGPS, the employer must inform its local LGPS fund. Employers will need to amend the CARE and final pay figures (if the ex-employee has pre-April 2014 LGPS membership) accordingly.

¹ The Green Book Part 2 Para 5.4 provides that posts paid above the maximum of the pay spine but graded below deputy chief officer are within scope of the NJC. The pay levels for such posts are determined locally, but once fixed are increased in line with agreements reached by the NJC.

Further detail is provided in [section 15 of the HR guide](#) and the [Backdated Pay Award FAQs](#), which are available on the [employer resources section](#) of www.lgpsregs.org.

Yours faithfully,

*Naomi
Cooke*

Naomi Cooke



Mike Short



Sharon Wilde

SCP	01-Apr-23		01-Apr-24	
	per annum	per hour	per annum	per hour
1	<i>Deleted wef 01 Apr 23</i>			
2	£22,366	£11.59	£23,656	£12.26
3	£22,737	£11.79	£24,027	£12.45
4	£23,114	£11.98	£24,404	£12.65
5	£23,500	£12.18	£24,790	£12.85
6	£23,893	£12.38	£25,183	£13.05
7	£24,294	£12.59	£25,584	£13.26
8	£24,702	£12.80	£25,992	£13.47
9	£25,119	£13.02	£26,409	£13.69
10	£25,545	£13.24	£26,835	£13.91
11	£25,979	£13.47	£27,269	£14.13
12	£26,421	£13.69	£27,711	£14.36
13	£26,873	£13.93	£28,163	£14.60
14	£27,334	£14.17	£28,624	£14.84
15	£27,803	£14.41	£29,093	£15.08
16	£28,282	£14.66	£29,572	£15.33
17	£28,770	£14.91	£30,060	£15.58
18	£29,269	£15.17	£30,559	£15.84
19	£29,777	£15.43	£31,067	£16.10
20	£30,296	£15.70	£31,586	£16.37
21	£30,825	£15.98	£32,115	£16.65
22	£31,364	£16.26	£32,654	£16.93
23	£32,076	£16.63	£33,366	£17.29
24	£33,024	£17.12	£34,314	£17.79
25	£33,945	£17.59	£35,235	£18.26
26	£34,834	£18.06	£36,124	£18.72
27	£35,745	£18.53	£37,035	£19.20
28	£36,648	£19.00	£37,938	£19.66
29	£37,336	£19.35	£38,626	£20.02
30	£38,223	£19.81	£39,513	£20.48
31	£39,186	£20.31	£40,476	£20.98
32	£40,221	£20.85	£41,511	£21.52
33	£41,418	£21.47	£42,708	£22.14
34	£42,403	£21.98	£43,693	£22.65
35	£43,421	£22.51	£44,711	£23.17
36	£44,428	£23.03	£45,718	£23.70
37	£45,441	£23.55	£46,731	£24.22
38	£46,464	£24.08	£47,754	£24.75
39	£47,420	£24.58	£48,710	£25.25
40	£48,474	£25.13	£49,764	£25.79
41	£49,498	£25.66	£50,788	£26.32
42	£50,512	£26.18	£51,802	£26.85
43	£51,515	£26.70	£52,805	£27.37

NB: hourly rate calculated by dividing annual salary by 52.143 weeks (which is 365 days divided by 7) and then divided by 37 hours (the standard working week)

Part 3 Paragraph 2.6(e) Sleeping-in Duty Payment:

1 April 2024
£41.78

**RATES OF PROTECTED ALLOWANCES AT 1 APRIL 2024
(FORMER APT&C AGREEMENT (PURPLE BOOK))**

Paragraph 28(3) Nursery Staffs in Educational Establishments - Special Educational Needs Allowance

1 April 2024
£1,491

Paragraph 28(14) Laboratory / Workshop Technicians

City and Guilds Science Laboratory Technician's Certificate Allowance:

1 April 2024
£243

City and Guilds Laboratory Technician's Advanced Certificate Allowance:

1 April 2024
£175

Paragraph 32 London Weighting and Fringe Area Allowances £ Per Annum

Inner Fringe Area:

1 April 2024
£1,013

Outer Fringe Area:

1 April 2024
£706

Paragraph 36 Standby Duty Allowance - Social Workers (1)(a)(i) Allowance - Per Session

1 April 2024
£33.63

FORMER MANUAL WORKER AGREEMENT (WHITE BOOK)

Section 1 Paragraph 3 London and Fringe Area Allowances £ Per Annum

Inner Fringe Area:

1 April 2024

£1,013

Outer Fringe Area:

1 April 2024

£706

PROBATION POLICY UPDATE – CONSULTATION RESPONSES

Report Author

Mark Sims, Deputy Chief Officer

- Attached:**
- A. Draft New Probation Policy (8 pages)
 - B. CIPD HR-Inform Probationary Period Policy (3 pages)
 - C. Unison’s Negotiating Probation Policies (12 pages)

Purpose of Report

To provide members with an update regarding responses received from staff during the consultation on the new Probation Policy.

Background Information

At the Committees meeting held on 2 September members were provided with a new draft probation policy. The Chief Officer informed the Deputy Chief Officer that the new probation policy was drafted with CIPD template and using Unison probation booklet. A copy of the CIPD template and Unison’s Negotiating Probation Policies is attached.

Councillor S Hodges pointed out an error on the report. On page 649 under the heading “Confirming successful completion of the probationary period”, the last paragraph should read “The line manager will confirm this to the employee in writing and put the letter on the HR file”

Councillor S Hodges also said she is happy with the process but asked what records do we keep – formal and informal, and what paperwork supports the probation.

The Deputy Chief Officer explained we currently use a ‘Lets Talk form’ which is a formal record of an informal discussion that allows staff members to voice any concerns they may have, includes any agreed actions, and is signed by both parties.

Councillor S Hodges said that if someone was unhappy with a decision, what paperwork do they see, even further down the line. Councillor Hodges suggested we tighten up completed paperwork and ensure its signed by both parties.

Councillor Johnson was not happy that the Probation Policy was only sent out to the Councillors on the day of the meeting as he didn’t get an opportunity to read it.

Minute R155 **RECOMMENDED:** To the meeting of the Finance, Policy and General Purposes Committee being held on Monday 9 September 2024, that the Probation Policy be approved and adopted, subject to the inclusion of an additional line relating to paperwork.

At the Finance, Policy and General Purposes Committee meeting held on 9 September 2024 members received a recommendation from the Personnel Committee meeting held on 2 September 2024 to approve and adopt the new Probation Policy.

Minute F167 **RESOLVED**: That the new Probation Policy be approved and adopted.

We undertook a consultation with unions and staff requesting any comments to be provided within 2 weeks.

Various comments have been received and can be summarised as below:

Probation Policy for new staff and where an existing member of staff is commencing a new role

Comments received included:

Applying a probationary period to an existing member of staff commencing a new role is unfair. It is generally accepted that a Probationary period is intended for NEW employees to an organisation. Employees presently employed by the Council should be exempt, unless an existing probationary period is still in force. This is the position at the Vale of Glamorgan Council and other Council's. For example, Lincolnshire County Council's Probation Policy states the following 'Only for New employees. Existing employees who have completed a probation period will not have another. We will manage any performance or conduct issues under the relevant policies (e.g. Capability Policy or Disciplinary Policy).'

If a member of staff moves to a new internal role, this suggests they will then go back on probation of a further 6 months... which seems extremely unfair. This new probationary period would mean that if unsuccessful in this role, they would be dismissed (presuming they can't return to their previous role) and 6 months is a long time to live in a period of uncertainty when you've worked for the company already for a number of years. As per the unfair dismissals act of 1977, an employee with more than 2 year's continuous service has protection against unfair dismissal and therefore cannot be put on a probationary period in the same way as a new external recruit. If a secondary probation is suggested, I would counter suggest a trial period – if at all. A trial period would allow their previous position to remain available should this not work out as dismissal isn't an option under the unfair dismissal act – they could be redeployed into a different role should they not wish to return to their previous role. This would all need to be included in the probationary policy as an additional T&C and option for existing employees.

As well as being used for new employees, probationary periods are to be used when a staff member is transferred or promoted internally. This would not promote staff retention or incentivise self-improvement/applying internally for a new role. Those applying for a new role internally would have (depending on service years) similar job security if they just applied elsewhere. Further to this, if they did accept a new role (which would denote they were chosen over other internal and external candidates) they could still find themselves removed from their new post with no previous role to rely on.

It is highly unusual for an employee whom has completed a probationary period to complete a new probation period if they are successful at obtaining a new position internally. Probation should only apply to new employees. Further, if an employee has been employed for more than two years, dismissal following a failed second probationary period would constitute unfair dismissal. I would suggest where an employee is successful in obtaining a promotion, that a trial period of up to 3 months is agreed within the contract. Should this trail fail the employee should be able to return to their previous position. I also feel that having a 2nd probation when applying for internal promotion will act as a deterrent.

Absence during the probationary period -It will also state that whilst we clearly understand that all employees have times of illness, **we aim for 100% attendance.** As the employee is still in their probationary period, the organisation will be concerned that they might not be able to achieve this standard of 100% attendance and may decide to extend your probationary period. If absence does not improve during the extension time, employment will be terminated

Comments received included:

100% attendance is absolutely NOT an achievable target to set for employees and will contribute to stress increase and an unfair expectation – especially with the obvious threat of extension or termination. At any time, usually at the most inconvenient time too, someone can become unwell. This could be from a fall, accident, mental health, bug, virus, child issues, new diagnosis of mental health or physical condition, loss of family member, vet appointments/unwell pets and many, many more reasons. Expecting 100% attendance is not a realistic expectation and some absence should be allowed for justifiable reasons (as above). A counter suggestion would be 95% attendance, to allow for a few days off within those 6 months of probation.

I do not agree in maintaining 100% attendance, however concerning attendance levels could trigger an extension period.

100% attendance is not realistic in any sector. As per ONS datasets, in 2022, the sickness absence rates were 3.6% for public sector workers. We should be allowing new starters the same leeway we would allow current staff, between 3 & 4 percent is in line with public sector standards. Perhaps 3% could trigger written notice and 4% could trigger formal review, allowing employee to justify state of affairs.

Terminating employment at the end of the probationary period

Comment received below:

Disagree with lack of transparency with regard to informing employee to be terminated. To allow any employee to work their entire 6-month period to then be dismissed with no prior warning seems unfair and could lead to severe problems for individual impacted, regardless of other factors. The probationary review should take place at hopefully 1 month prior to termination but at least 2 weeks if requiring the employee (who is apparently not fit to stay) to work their entire probation period before leaving.

Appeals against Dismissal following Probationary Period

An employee progressing an appeal must state in writing to the Chief Officer the full content of the appeal within 5 working days of the decision to dismiss. –

After dismissing an employee, it seems excessive to require them to do anything other than submit an 'intention to appeal' the dismissal within the stated 5 day period. 5 days for a now fired employee to find a new job, construct their statement of case, consult professionals/union members, colleagues and receive legal advice does not seem feasible.

The appeal must be heard by an Appeals Panel (drawn from Councillors on the Personnel Committee) if the Chief Officer has dismissed the employee on probationary period. –

This could be seen to be so biased as maybe not even being legal? Surely it would make more sense for this to be handled by an external, impartial, HR consultancy.

Dishonesty during the probationary period

Comment received below:

Following the probationary period, the line manager may discover that the employee has been dishonest when applying for the role. The line manager should inform their senior manager immediately for further investigation. No set paths for informing senior manager, surely this must be in writing and recorded? The policy sets out a need for 'further investigation', surely at the report stage of this the line manager would have to 100% certain before making such an accusation to a senior manager.

Recommendation

Members are requested to receive the comments received from the consultation with unions and staff and determine a way forward.

Barry Town Council Probation policy

Purpose

The purpose of this policy is to set a clear process for line managers to manage the performance and conduct of employees during their probationary period.

Aim

It is the Organisation's policy to operate a probationary period for all new staff and where an existing member of staff is commencing a new role. The length of probation will usually be 6 months and will be set out in the Written Statement of Particulars and made clear to the employee.

Probationary periods will be used constructively to help new employees integrate effectively into the business. The period allows the line manager to assess whether the new employee, or existing employee commencing a new role, is suitable for the role and to achieve an acceptable level of performance within a certain period of time.

This policy provides a framework for managers to assess the performance of new members of staff, for feeding back on good performance and for improving performance if necessary.

Managing the probationary period

The line manager is responsible for setting objectives and performance standards for the employee and should discuss their expectations with the employee.

During the probationary period monitoring of performance and feedback will be provided by a combination of informal and formal management processes and assessments. These will review how the employee is progressing and discuss whether any improvements are needed for the employee to successfully complete their probationary period.

Areas for assessment will include:

- ❖ Quality of work performance
- ❖ Quantity of work
- ❖ Flexibility
- ❖ Customer care
- ❖ Attendance, timekeeping and absence record
- ❖ Reliability
- ❖ Relationship with other employees – ability to work as a member of a team
- ❖ Initiative
- ❖ Conduct in the workplace

Providing support during probation

The line manager is responsible for providing guidance and support to the employee during the probationary period. The level of support required will differ depending on the individual employee and whether they are new to the organisation or new to the role.

All support necessary should be given by the line manager to allow the employee to successfully complete their probationary period and continue their employment.

The line manager should ensure the employee receives appropriate training and induction at the start of the probationary period and an induction and training plan should be set in place.

All relevant organisation documentation and the Staff Handbook of policies should be made available to the employee at the earliest date.

Line Managers will ensure that praise is given for good performance.

In areas where the employee has been performing to an unsatisfactory level, the line manager will ascertain the reasons why, explain what improvement is expected and advise what support will be given to ensure improvement.

Line Managers will meet with the employee monthly throughout the Probation Period, ideally, as follows:

- End of month one
- End of month two
- End of month three
- End of month four
- End of month five

Notes of each monthly meeting must be made, using the 'Let's Talk Form', and a record of any agreed actions should be made in writing and provided to the employee.

A Formal Probation Review meeting must be held at the end of the 6-month Probation Period.

Providing support for disabled employees

As legally required by the Equality Act 2010, line managers must provide additional support to disabled employees to ensure they are not subjected to unlawful or less favourable treatment during their probationary period. Reasonable adjustments must be made to remove any barriers the employee faces at work. The line manager must discuss the support offered to disabled employees during their probationary period

with the Chief Officer and where necessary, seek further support from ACAS, CIPD or Occupational Health.

Absence during the probationary period

If sickness absence occurs in the probationary period, the employee will be written to expressing concerns with their level of attendance. The letter will set out that since [date] joined the organisation, the employee has had [number] days of sickness absence. This means that their current absence rate is [number] percent. The letter will summarise the reasons for absence.

It will also state that whilst we clearly understand that all employees have times of illness, we aim for 100% attendance. As the employee is still in their probationary period, the organisation will be concerned that they might not be able to achieve this standard of 100% attendance and may decide to extend your probationary period. If absence does not improve during the extension time, employment will be terminated.

Parental/carer responsibilities and absences due to disability or pregnancy related absence will be considered using the separate policies.

Addressing concerns during the probationary period

During the probationary period, the line manager will be continually assessing the suitability of the employee and will meet with them monthly as set out above. Objectives and tasks will be set monthly and progress and performance reviewed throughout the period. The line manager will be clear about what standard is expected, what is being met or unmet, and what improvement is required.

Concerns can be raised outside of these meetings, and if necessary, the line manager should arrange a formal meeting with the employee to discuss these. Failing to address these concerns in a timely manner could lead to the employee failing to complete their probationary period. Minutes of the meeting should be made and a record of any agreed actions should be made in writing and provided to the employee.

Terminating employment before completion of the probationary period

Most employees will remain employed by the Organisation until the end date of their probationary period. In some circumstances, the line manager may identify that the new employee is unsuitable for their role and will not reach the required standard with further support before the end of the probationary period.

Where there is sufficient evidence that the required standards are not being met and are unlikely to be met, the employment can be terminated at any stage during the probationary period.

The line manager should seek HR advice for early termination.

Serious Breach of Discipline

In the event of a serious breach of discipline which following investigation and a disciplinary hearing is considered to amount to Gross Misconduct, an employee may be liable to be dismissed without notice.

Terminating employment at the end of the probationary period

Despite being provided with support, necessary training and concerns being addressed as they arise, the employee may not meet the required standards of performance by the end of their probationary period. This includes, but is not restricted to, the employee not meeting their work targets, persistent lateness or unacceptable conduct during their probationary period.

The line manager may decide that their probationary period has been unsuccessful and their employment should be terminated at the end of the probationary period. This should be discussed in advance with the senior manager to ensure termination can take place at the end of the probationary period.

The line manager should hold a probationary review meeting with the employee and inform them of the decision to terminate. The reasons for termination should be recorded in the probationary period review form (attached).

Confirming successful completion of the probationary period

If the employee has met the required standards during their probationary period, the line manager should hold a probationary review meeting with the employee and inform them that they have successfully completed their probation.

Future performance objectives should be discussed and agreed with the employee.

The line manager will confirm this to the employee in writing and put the letter on the HR file.

Notice of Dismissal

Under the Employment Rights Act 1996, an employee with up to two years' service has the right to at least one week's notice. For each subsequent completed year of service, the notice period increases by one week up to a maximum of 12 weeks. Therefore, within a probationary period, an employee must be given at least one week's notice for dismissal, unless they have less than one month's service. If the employee has less than one month's service, they can be dismissed immediately.

As well as being used for new employees, probationary periods are used when a staff member is transferred or promoted internally. In this situation the employee's continuous service will start from the first day they started working at the organisation,

rather than the first day they started in this new role. Therefore, the statutory notice period may be much longer.

Appeals against Dismissal following Probationary Period

An employee progressing an appeal must state in writing to the Chief Officer the full content of the appeal within 5 working days of the decision to dismiss.

Appeals should be held within 20 working days of receipt of formal notice. The employee may be accompanied by a Trade Union representative or a work colleague.

The appeal must be heard by an Appeals Panel (drawn from Councillors on the Personnel Committee) if the Chief Officer has dismissed the employee on probationary period.

The Appeals Panel decision is final and the reason for the decision must be confirmed in writing to the employee within 10 working days of the meeting.

Terminating employment after probation

The employee's future performance will be assessed under the Council's Capability policy and their conduct will be reviewed under the Council's Disciplinary policy. Any breach of these policies will be managed in accordance with the Organisation's normal processes which could lead to formal action up to and including dismissal.

Dishonesty during the probationary period

Following the probationary period, the line manager may discover that the employee has been dishonest when applying for the role. The line manager should inform their senior manager immediately for further investigation.

First adopted: 9th September 2024

Next Review due: September 2026

Barry Town Council Probation Review Form

Note: Completion of this form should be carried out in accordance with the Council's Probation policy.

The purpose of 6-month Probation Review is to review your performance and feedback on your future with the business.

The possible outcomes of the review meeting could be:

1. Confirming a successful completion of the probationary period
2. Extending the probationary period or
3. Terminating your employment.

Employee's Name:	
Job Title:	
Department:	
Date of Engagement:	
Line Manager:	
Date of Review:	
Date current probationary period due to end:	

Review of performance

Objectives/Targets set	Met?	Unmet?

Any Comments on Objectives:

Areas of work requiring further improvement/training:

Summary of employee's overall performance:

Performance Assessment Level

Outstanding Performance	
Standard Performance	
Less than Standard Performance with Development needs	
Unsatisfactory Performance	

My decision is that the:

- Employee has successfully completed their probation
- Employee's probationary period be extended
- Employee's employment be terminated.

If employment is to be terminated, record the reasons why:

If probation is to be extended, summarise the improvement required:

Extended probation period completion date: *[insert date]*

Any additional comments:

Agreed Future Performance Objectives (SMART)

Objective/Tasks 1:-
Objective/Task 2:-
Objective Tasks 3:-

Signed (Line Manager):

Date:

Signed (Employee):

Date:

Probationary period policy

Purpose

The purpose of this policy is to set a clear process for line managers to manage the performance and conduct of employees during their probationary period.

Aim

It is the Organisation's policy to operate a probationary period for all new staff and may be used where an existing member of staff is commencing a new role. Probationary periods will be used constructively to help new employees integrate effectively into the business and allow the line manager to assess whether the employee is suitable for the role.

The length of probation will depend on the role carried out by the employee. The period of probation will be set out in the documentation provided to the employee.

Managing the probationary period

The line manager is responsible for setting objective performance standards for the employee and should discuss their expectations with the employee. A mid-point probationary review meeting should be held with the employee during their probationary period. This meeting will be used to assess how the employee is progressing and discuss whether any improvements are needed for the employee to successfully complete their probationary period.

Providing support during probation

The line manager is responsible for providing guidance and support to the new employee during the probationary period. The level of support required will differ depending on the individual employee. All support necessary should be given by the line manager to allow the employee to successfully complete their probationary period and continue their employment.

The line manager should ensure the employee receives appropriate training at the start of the probationary period. An induction and training plan should be set in place to assist with the employee's development and introduction to the Organisation. All relevant Organisation documentation should be made available to the employee at the earliest date.

Providing support for disabled employees

As legally required by the Equality Act 2010, line managers must provide additional support to disabled employees to ensure they are not subjected to unlawful or less

favourable treatment during their probationary period. Reasonable adjustments must be made to remove any barriers the employee faces at work.

The line manager must discuss the support offered to disabled employees during their probationary period with the HR department.

Addressing concerns during the probationary period

During the probationary period, the line manager will be continually assessing the suitability of the employee. The line manager should hold a mid-point probationary review meeting to discuss any concerns with the employee's performance or conduct during the probationary period.

When concerns are raised before or after the mid-point probationary review meeting, the line manager should arrange a formal meeting with the employee to discuss these. Failing to address these concerns in a timely manner could lead to the employee failing to complete their probationary period. Minutes of the meeting should be made and a record of any agreed actions should be made in writing and provided to the employee.

Terminating employment before completion of the probationary period

Most employees will remain employed by the Organisation until the end date of their probationary period. In some circumstances, the line manager may identify that the new employee is unsuitable for their role and will not reach the required standard with further support before the end of the probationary period.

Where there is sufficient evidence that the required standards are not being met and are unlikely to be met, the employment can be terminated at any stage during the probationary period. The line manager should discuss early termination with the HR department.

Terminating employment at the end of the probationary period

Despite being provided with support, necessary training and concerns being addressed as they arise, the employee may not meet the required standards of performance by the end of their probationary period. This includes, but is not restricted to, the employee not meeting their work targets, persistent lateness or unacceptable conduct during their probationary period.

The line manager may decide that their probationary period has been unsuccessful and their employment should be terminated at the end of the probationary period. This should be discussed in advance with the HR department to ensure termination can take place at the end of the probationary period.

The line manager should hold a probationary review meeting with the employee and inform them of the decision to terminate. The reasons for termination should be recorded in the probationary period review form.

Confirming successful completion of the probationary period

If the employee has met the required standards during their probationary period, the line manager should hold a probationary review meeting with the employee and inform them that they have successfully completed their probation. Future performance objectives should be discussed and agreed with the employee.

The line manager shall notify the HR department that probation has been successfully completed and they will confirm this to the employee in writing.

Terminating employment after probation

The employee's future performance will be assessed under the Organisation's capability policy and their conduct will be reviewed under the Organisation's disciplinary policy. Any breach of these policies will be managed in accordance with the Organisation's normal processes which could lead to formal action up to and including dismissal.

Dishonesty during the probationary period

Following the probationary period, the line manager may discover that the employee has been dishonest when applying for the role. The line manager should inform the HR department immediately.

Last updated: *[insert date]*

Bargaining Support Group



**Negotiating
probation
policies**

**UNISON**
the public service union

What is probation or a probationary period?

The term 'probation' or the phrase 'probationary period', both commonly used in employment, are not legal terms within employment law. Instead they are used to denote the early stage of employment when a worker is first taken on in a role.

A probationary period can only apply if it is specifically mentioned in the individual's contract of employment. It cannot affect an individual's statutory employment rights.

However, employers may decide that some contractual terms will vary or not apply during this period. But again, these differences need to be made clear in the individual's contract of employment.

What should be the purpose of probation?

The probationary period should be a clearly defined period at the start of employment for the new employee to settle in, receive a thorough induction, ongoing supervisory support, training and regular reviews, feedback and guidance. The aim is for the employee to get to know the key elements of their job and how their skills and experience can be used effectively to achieve the job's requirements.

Although it is in effect a trial period for both the employer and employee, the emphasis is mostly on the employer checking on whether they consider their new recruit is actually up to the job. But employers should only use it to objectively assess the new employee's potential capability, performance and conduct, not as a means of seeing if the worker is generally liked or 'fits in' with a team.

New employees should ideally be given the impression during the probationary period that the organisation is one that celebrates diversity and differences in people, not an organisation that finds such differences a problem. It is important for the trade union rep to be watchful that the employer takes account of the individual needs of new employees, for example those who are disabled and need reasonable adjustments, or those who are new to the world of work or have been out of the workplace for some time.

How long does a probationary period last?

There is no set period but commonly probationary periods are for 3 or 6 months. Sometimes employers include a clause in the employment contract or probation policy that allows them to extend the period should they have reservations about the capability or conduct of the new worker. This would be when they feel unable to confirm the employee as a permanent member of staff without a further trial period.

However, the probation should never be extended without good reason. It should be a relatively brief period within the employment service period.

What happens during the probationary period?

Whilst the new worker is on trial, the employer may choose not to give them the same benefits and conditions as permanent staff.

For example, the employer may have a much simpler dismissal process and a shorter notice period during the probationary period. They may specify that probationary employees will not receive contractual sick pay (only statutory sick pay), until they have successfully completed their probation.

These sort of variations are common. However, the employer must still fulfil statutory requirements (see below).

It should be made clear to the new staff member the purpose of the probationary period, how they will be supported during this time, the standards required and how they will be updated with progress throughout the probationary period. A key aspect of a fair dismissal during the probationary period is that it should not come 'out of the blue', but appropriate warnings and additional support should have been in place before a decision on dismissal is made.

What are the basic rights of a new employee?

All workers (not just employees) have a right to a 'written statement of employment particulars' summarising the main terms of their employment, from the first day on the job. The written statement will need to include:

- the employer's name
- the employee or worker's name
- the employment start date
- the date that 'continuous employment' (working for the same employer without a significant break) started for an employee
- job title, or a brief description of the job
- the employer's address
- the places or addresses where the employee or worker will work
- pay, including how often and when
- working hours, including which days the employee or worker must work and if and how their hours or days can change
- holiday and holiday pay, including an explanation of how it is calculated if the employee or worker leaves

- the amount of sick leave and pay (if this information is not included in the document, the employer must state where to find it)
- any other paid leave (if this information is not included in the document, the employer must state where to find it)
- any other benefits, including non-contractual benefits such as childcare vouchers or company car schemes
- the notice period either side must give when employment ends
- how long the job is expected to last (if it is temporary or fixed term)
- any probation period, including its conditions and how long it is
- if the employee will work abroad, and any terms that apply
- training that must be completed by the employee or worker, including training the employer does not pay for.

If further details are held in a policy (such as in a separate probation policy), then the statement must clearly state this, and where the policy can be found.

In addition, the employer must provide the employee with itemised pay statements. There are other details that the employer can provide later but within two months of the employee starting the job.

More information on the written statement of employment particulars and employment contracts from Acas

www.acas.org.uk/what-must-be-written-in-an-employment-contract

Under the Employment Rights Act 1996, an employee with up to two years service has the right to at least one week's notice. For each subsequent completed year of service, the notice period increases by one week up to a maximum of 12 weeks.

Therefore within a probationary period, an employee must be given at least one week's notice for dismissal, unless they have less than one month's service. If the employee has less than one month's service, they can be dismissed immediately.

As well as being used for new employees, probationary periods are sometimes used when a staff member is transferred or promoted internally. In this situation the employee's continuous service will start from the first day they started working at the organisation, rather than the first day they started in this new role. Therefore the statutory notice period may be much longer.

Regardless of the length of notice that must be given, dismissal should always be fair and reasonable. Although not a legal requirement, one way of helping to ensure this is for the employer to follow the **Acas Code of Practice on Disciplinary and Grievance Procedures** (www.acas.org.uk/acas-code-of-

[practice-on-disciplinary-and-grievance-procedures](#)). In particular they should allow the new employee the opportunity to appeal against the decision if they feel they have been unfairly treated.

In addition, all workers from day one (including probationary workers) have a legal right to be accompanied to a statutory disciplinary or grievance hearing by a work colleague or trade union representative.

As the **Acas guide 'Starting Staff: Induction'**

(https://archive.acas.org.uk/media/4436/Starting-staff-induction-guide/pdf/Starting_staff_-_induction_Nov.pdf) explains, "if the employer wants to dismiss the employee, it must handle the dismissal correctly and include:

- giving the correct notice - which must be at least the statutory minimum or any more favourable period set out in their employment contract
- paying any outstanding wages
- paying holiday pay for accrued annual leave that hasn't been taken
- dismissing the employee fairly in line with the Acas code of practice on disciplinary and grievance procedures if they are a transferring employee that has at least two years' continuous employment with the employer
- dismissing the employee in line with any relevant contractual dismissal procedures."

Although an employee cannot make a claim of unfair dismissal at an employment tribunal until they have two years' employment service, all workers from day one of their employment, whether during the probationary period or not, have the right not to be discriminated against, victimised or subjected to any other detriment on grounds of sex, gender reassignment, pregnancy or maternity, being married or a civil partner, race, colour, nationality, national or ethnic origins, disability, age, sexual orientation, or religion or belief.

Similarly they are protected from an automatically unfair dismissal from day one of their employment. This is when the principal reason for dismissal is for a legally specified unfair reason such as pregnancy, whistleblowing, the assertion of a statutory right or trade union activities.

Additionally, although they may not be able to claim unfair dismissal unless it is for one of these automatically unfair reasons, there could be the potential for claiming a breach of contract (or wrongful dismissal) should procedures specified within the employment contract not be followed (such as the disciplinary process or notice period).

Of course, an employee who has already been working at the organisation, but who is now on probation in their new role or promotion, may have accrued sufficient continuous employment service to be able to claim unfair dismissal at an employment tribunal. So the employer should show particular care when following the probation policy and varying conditions in such cases.

What happens when an employee experiences problems during probation?

It is important for both the employer and the new employee that any problems are identified early and promptly. Therefore, if a probationary period is going to be useful it should have a clear structure with regular one-to-ones with the line manager, documented progress meetings and constructive feedback given. But also the line manager should make clear the potential outcome of poor performance standards so that any consideration of extending the probationary period or even potential dismissal, does not come as a complete shock to the new starter.

However, the manager should not be using this potential outcome as some kind of 'threat' to put unnecessary pressure and anxiety on the worker during these early days. Such treatment towards the new starter might amount to bullying behaviour or harassment, which could be discriminatory.

It is obviously important that the employee is clear about what they are expected to achieve in the probationary period and the standards of performance expected for specific duties. But too often line manager's may neglect to communicate these fully or clearly, or assume that someone else is dealing with queries and clarifications.

The induction process needs to be clear and thorough, and new staff members should be encouraged to ask for guidance and support from their manager. Difficulties may only require some training to update skills, or perhaps a mentor or work 'buddy' to help instil confidence, introduce them to the team and provide coaching or more hands-on guidance.

The probationary period is also a good time to ensure that the individual needs of the new employee are being met. For example, if the staff member is a disabled person, they may identify barriers at work and appropriate reasonable adjustments will need to be put in place. If the new employee has caring responsibilities they may need to request flexible working in order to balance care and work more successfully.

At the end of the probationary period, as described in the [Acas guide 'Starting Staff: Induction'](#): "it is decision time – are they going to stay or leave? If the employer is still unsure whether the employee is suitable for the job, it could extend the probationary period if the contract permits and/or the employee agrees..."

If the probationary period is to be extended, then the employer should be very clear about why this is taking place, what improvements are expected and what

standards are required for the role, as well as what support the worker will receive to help them achieve this.”

It may be reasonable for the probationary period to be extended if the new starter was absent for an extended time, perhaps due to an unexpected illness. But disabled employees, for example, who are absent on disability related leave should not be disadvantaged as it could potentially be discriminatory. Similarly those who have an unexpected absence due to issues related to pregnancy or caring responsibilities, for example, should not be disadvantaged as it may be discriminatory.

If the issue is performance, then the line manager must be clear on what is expected to be achieved to improve and any support available. Any extension has to be fully justified by the employer.

What should happen when the probationary period is completed successfully?

Ideally, the employee’s manager should confirm the successful completion of the probationary period at a meeting and in writing. However, too often the date or process gets forgotten and the employee is made permanent by default as the period of employment continues.

The important thing for the employee to remember is that their contractual rights and benefits might change after the probationary period has ended.

Contact your **regional education teams and / or LAOS** to find out what training and resources are available to assist you with negotiating with your employer or promoting the issues in this guide with your members

<https://learning.unison.org.uk/>

If branches or rep have any comments on this guidance or any experiences that could be usefully incorporated in the guidance, please contact Bargaining Support at bsg@unison.co.uk

Further bargaining guidance www.unison.org.uk/bargaining-guides

Checklist

- Is the probation policy mentioned in the contract of employment? Does it specify how long the probationary period will last? If there are any conditions to the probationary period such as reduced notice period, are these clearly specified in the contract of employment?
- If the probationary period can be extended is this specified in the contract of employment? Are potential reasons specified for any such extension and are they fair, reasonable and non-discriminatory? Is the extension limited to a further brief period?
- What contractual terms does the employer want to vary during the probationary period? An important negotiation area would be over these terms. For example, the employer should still ensure a fair dismissal process with the right to accompaniment, a right to appeal the decision and provide a reasonable notice period, as well as access to other benefits enjoyed by permanent staff members.
- Do line managers receive training on how they should support and guide new employees during the probationary period, provide regular one-to-ones and documented progress meetings, constructive feedback and thorough induction?
- Is there an agreed induction process for all new staff?
- Are new staff members made fully aware of the requirements of their job, expectations and standards? Are any problems identified early and promptly by their line manager?
- Have they received a written statement of particulars either before or on their first day of employment? These details may be contained within the full contract of employment.
- Do new members of staff receive additional support such as training opportunities, a mentor or workplace 'buddy'?
- Are new members of staff encouraged to raise queries with their line manager and ask for guidance and support?
- Are reasonable adjustments provided for disabled workers and flexible working allowed for workers with caring responsibilities?
- Do new staff members receive an itemised pay statement whenever they are paid?
- When the probationary period ends, are employees formally confirmed as permanent members of staff? Are they aware of any additional benefits that are now available to them?

- If the probationary period is to be extended, are the employees clear about why this is considered necessary and for how long, as well as what is expected to be achieved to improve and any further support available?
- If an employee is to be dismissed during the probationary period, is a fair procedure followed? Is the correct notice period given? Have they been paid any outstanding wages or holiday pay due?
- Do staff members on probation in a new role who have been transferred internally or promoted, made aware of their statutory rights such as notice period based on their continuous service, not just on their service in the new role?

Example contract or probation policy clauses

Please note that the text in square brackets [...] indicates where branches and workplace reps need to complete information specific to your workplace, or else are notes for you to consider in relation to your negotiations.

The main purpose of the probationary period is to enable new members of staff to gain a full understanding of the requirements of their post and of the organisation, to assess the suitability of the role with the benefit of first-hand experience, and to achieve an acceptable level of performance within a certain period of time.

It provides a framework for managers to assess the performance of new members of staff, for feeding back on good performance and for improving performance if necessary.

Following their induction and appropriate supervisory support and guidance, if a new employee's performance does not meet the required standard by the end of the probationary period, then their employment with **[name of organisation]** will be ended.

[It is useful to clarify the purpose of the probationary period for both the employee and managers, and to be clear from the start that successful completion of the probationary period is important for permanent employment with the organisation. Dismissal during probation for poor performance should not come as a unexpected shock 'out of the blue' to the employee.]

The probationary period is three months ***[which is a common period – more senior roles may have six months]*** unless it is extended on reasons of poor performance or if it has not proved possible to adequately assess performance in that period.

[There would need to be for a fair reason such as a period of sickness absence to not be able to adequately assess performance in the standard probationary period time-frame. However, caution should be shown if this absence is linked to a long-term health condition or disability, in case the treatment is considered as potentially discriminatory. Similarly if the unexpected absence is linked to pregnancy or caring responsibilities.]

The length of the probationary period must not exceed ***[three, for example]*** months in total, or ***[five, for example]*** months if extended.

[It is important that the probationary period is not dragged out unnecessarily and the employer properly commits to the new staff member.]

During the probationary period employment may be terminated by one week's notice in writing by either party.

[This is the common notice period during a probationary period but you may wish to try to negotiate a longer period of time to carry out a fair dismissal process – although again, it is in nobody's interest to drag out the process unnecessarily.]

During the probationary period, line managers must set out clear objectives and standards which are required for the job role and ensure the employee understands them.

[It is important that the employee is clear about what is expected of them. But also they know the level of support and induction they should be receiving during the probationary period.]

Line managers have a responsibility to ensure that all progress meetings and induction and training take place in a timely manner, that new employees understand the probationary period and the consequences of failing it. Line managers will need to liaise with, support and provide constructive feedback to new employees to help ensure that they are reaching or are capable of reaching the required performance standard to undertake their job.

Probation progress meetings will take place.....

[These should be specified – at least one review meeting half way through the probationary period as well as at the end of the period, or alternatively perhaps monthly.]

In addition, other meetings between the new employee and their line manager may take place as and when necessary.

Staff within their probationary period will not be eligible for.....

[If the employer is to vary benefits such as contractual sick pay available for probationers, they should be very clear about this.]

Where the performance of the new employee is satisfactory, confirmation will be given to the employee in writing that a successful probationary period has been completed.

Where performance issues cannot be resolved within the probationary period, the employment will be terminated through a fair and transparent process.

[It is important to be clear about the dismissal process, particularly if the organisation's full disciplinary procedure does not apply during the probationary period. The new employee should still have a hearing at

which they can be accompanied by a trade union representative or work colleague, as well as a right to appeal against the decision made. The process should not be rushed but clear and transparent.]

The full disciplinary and grievance procedures do not apply to probationary employees. However in cases of dismissal or gross misconduct, the minimum requirements as outlined in the Acas Code of Practice on Disciplinary and Grievance Procedures will be followed.

Internal candidates who move to a new post within ***[name of employer]*** will not be subject to a probationary period.

[This is preferable rather than to impose a further probationary period on a member of staff who has already been confirmed and is likely to have received considerable supervision and appraisal.]