

# Probationary Policy and Procedure

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# Probationary Policy and Procedure

## Version control

This document is subject to regular review due to legislative and policy changes. The latest versions of all our publications can be found on our website. Before contacting us about the content of this document, we recommend that you refer to the most recent version on the website and any relevant guidance.

Version	Date approved	Approved by	Notes / changes
v1.0	12/04/16	Full council	New policy
v2.0	16/04/18	Andrea Malam	Reformatting
v2.1		Andrea Malam	Amended to include the new Induction e-learning process which is linked to electronicprobationary periods. Updated to refer to 'Stages'
v2.2	02/11/22	David Kennedy	Reformatting
v2.3	21/06/24	David Kennedy	Reformatting

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## TIMESCALES

Stage 1 - Probation meeting to take place.	3 months from date of commencement
Stage 2 - Probation meeting to take place.	5 months from date of commencement
Stage 3 - Probation meeting to take place. Confirmation of successfully completing probationary period.	6 months from date of commencement
Extension of Probation Stage if applicable – only at Stage 2 or 3.	1 – 3 months only. Total probationary period must not exceed 9 months
Notice periods within the probationary period.	One weeks' notice by either party

## ROLES AND RESPONSIBILITIES

### Directors and Heads of Service

- Ensuring effective implementation and awareness of the procedure

### Managers

- Establishing the standards of performance consistent with the requirements of the position, in line with the job description
- Explaining the expected standard of performance, managing the probation period and ensuring that review dates are set and that the employee receives regular feedback on performance
- Communicating the required standards, responsibilities and objectives to the new employee
- Ensuring the new employee is inducted locally and has completed the relevant mandatory e-learning modules at the correct stages

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- Providing training and guidance as necessary
- Monitoring the performance of employees fairly and consistently
- Confirming in writing the outcome of any meetings that take place, including the decision to extend where appropriate
- Completing the Probationary Period form on iTrent.

## Human Resources (HR)

- Reviewing the policy, iTrent system and e-learning modules
- Responsible for advising and supporting managers in the application of this policy, as well as compiling compliance reports
- Providing HR advice on the probation period for both line managers and the new employee
- Advising on cases of unsatisfactory performance/progress and, where appropriate, supporting line managers during formal meetings to address serious cases
- Issuing the satisfactory completion of probationary period letters to employees

## Employees

- Demonstrating the performance and competency standards expected by Denbighshire County Council, as set within the iTrent form, and to raise any difficulties with the line manager
- Demonstrating their suitability for the post for which they are appointed
- Completing the relevant mandatory e-learning modules within the set timescales
- Participating as required in their induction
- Meeting any reasonable objectives within deadlines set, and identifying with their line manager at the earliest opportunity any difficulties they are experiencing
- Raising with their line manager any training, development or support which they believe to be necessary in order for them to fulfil the requirements of the role

# Probationary Policy and Procedure

## Introduction and key points

This policy outlines the procedure for managing probationary periods. All new employees to Local Government are subject to a six month probationary period before their appointment is confirmed. The probationary period may be extended following discussion with the manager and the employee concerned.

A probationary period enables the council to assess an employee's suitability for the role they have applied for and been appointed to, and for the employee to demonstrate what is expected of them.

All probationary periods will be completed on iTrent using form 'Probationary Period'. This will be manager led, meaning the manager will complete the form either prior to or within the meeting with the employee. However, employees will be given the chance to add their comments and feedback during the meeting.

This policy and procedure will apply to:

The Probationary Policy and Procedure applies to all new employees with the exception of those stated below. Employees on temporary contracts of 6 months or longer will be required to complete the full probationary period. Where an employee is on a temporary contract of less than six months the probationary period will span the whole of the employment. If the temporary contract were to be extended, the probationary period would continue until six month's service was complete.

It does not apply to:

- Teachers who have their own nationally agreed scheme
- Supply (/Casual/Relief) workers, and those on Work Experience

## Staff who have continuous service

Where an employee has started a new role, either by moving positions internally, or joining us from another body covered by the Modification Order (e.g. another council), they will still be required to follow the same process. All those new to a role will be assessed as to their

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competence and suitability for that role. For staff with no continuous service, the probationary process and notice periods will apply. For those who have continuous service, they will follow the same process, but the Capability Policy will be used alongside the timeframes of the Probationary Policy. Those undergoing the Capability process therefore, will have reached a resolution by no later than month 9 of being in post. At any point, where issues with performance are identified, the Capability Process should be started, and if this leads to a dismissal, then notice served will be in line with the employee's length of continuous service.

The below 3 flowcharts demonstrate the appropriate timeframes, for if issues are identified at different stages within the probationary period (these may be altered in line with the Capability Policy):

## Issues Identified at 3 months

1. Day 1 - Induction Issues identified
2. 3 Month - Informal Capability meeting
3. + 2 weeks later – Review > Stage 1 Formal Capability meeting
4. 5 ½ Month – Stage 2 Formal Capability meeting
5. 6 ½ Month – Stage 3 Formal Capability meeting: potential dismissal
6. 7 Month – Formal Capability Appeal process exhausted

## Issues Identified at 5 months

1. Day 1 - Induction
2. 3 Month – Stage 1 Probationary meeting Issues identified
3. 5 Month – Informal Capability meeting
4. + 2 weeks later – Review > Stage 1 Formal Capability meeting
5. 6 ½ Month – Stage 2 Formal Capability meeting
6. 7 ½ Month – Stage 3 Formal Capability meeting: potential dismissal
7. 8 Month – Formal Capability Appeal process exhausted

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## Issues Identified at 6 months

1. Day 1 - Induction
2. 3 Month – Stage 1 Probationary meeting
3. 5 Month – Stage 2 Probationary meeting Issues identified
4. 6 Month – Informal Capability meeting
5. + 2 weeks later – Review > Stage 1 Formal Capability meeting
6. 7½ Month – Stage 2 Formal Capability meeting
7. 8½ Month – Stage 3 Formal Capability: potential dismissal
8. 9 Month – Formal Capability Appeal process exhausted

Please remember, where employees have continuous service, and a manager needs to issue notice for dismissal, the length of notice will fall in line with their length of service, meaning this will be from one month upto 12 weeks.

## Setting Objectives

New employees will be measured against both the general council's targets and job specific objectives. The probationary period is to enable both the manager and the employee to assess their suitability for the role, therefore they must satisfy job specific targets as well as council targets. It will be the responsibility of the manager to set suitable job specific objectives within the first 2 weeks of the employee starting, to enable the new employee to understand what they are working towards for the Stage 1 – Probation meeting.

Objectives should be relevant to the specific job role, and should be mindful of the fact they are new to the organisation and/or post.

## Safer recruitment checks

It is important that all employees are fully compliant with the council's safer recruitment checks. As part of the probationary period, managers should check employees are cleared for working by checking the employee has suitable references, evidence of Right to Work in the UK, evidence of any qualifications considered essential for the role, health clearance,



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and a suitable DBS certificate where required. This information can be found on the employee's iTrent record, and by contacting Human Resources. If the employee has not passed the safer recruitment checks, the manager should consider termination of contract.

## **Length of probationary period**

The standard probationary period is 6 months for both full and part-time employees.

## **Disabled employees**

Where reasonable adjustments need to be made for disabled employees, a probationary period cannot meaningfully begin until the adjustments are in place. Managers may contact Occupational Health for support with implementing reasonable adjustments, or refer to the Reasonable Adjustments Policy.

## **Notice periods during probationary periods**

During the probationary period the council need give only one week's notice for the termination of a contract of employment. If an employee wishes to leave the council during their probationary period the notice period is also one week. However, if the employee has continuous service, they will require a longer notice period. Please contact HR if you are unsure.

## **Change in post**

In cases where an employee changes posts within their probationary period, any outstanding time will transfer to the new appointment. In these circumstances, the new line manager may consider extending the probationary period to ensure sufficient time to meet performance targets.

## **Maternity leave**

If an employee commences their maternity leave within their probationary period, the probationary period will be deferred and any outstanding time will re-commence upon their return from maternity leave. Please be advised that a longer notice period may be required due to length of service.

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## Sickness absence

Where an employee is absent for a substantial part of their probationary period due to sickness, the line manager may consider extending the probation period for up to 3 months. This will enable the employee's actual work performance in the job to be assessed over a reasonable length of time. This will need to be communicated in writing to the employee and a record kept on file. Alternatively, in certain circumstances, managers may choose to terminate the employee's contract instead. Please ensure a discussion is held with HR prior to any decisions being communicated if this is the case.

## Mandatory e-learning

All new employees to the council will have to undertake mandatory e-learning modules. Prior to the employee's 3 month review, the following e-learning modules should be complete:

Corporate Induction E-learning module – to be completed prior to the employee commencing employment or within the first week  
Corporate Induction Departmental Checklist – to be completed on the employees first day

## Stage 1 – Probation

It is important that the employee has completed the mandatory e-learning modules within certain timescales. The employee must complete the following e-learning modules prior to the Stage 1 - Probation meeting:

- Corporate Induction E-learning
- Code of conduct
- Equalities
- Violence against women
- Safeguarding

New employees will be assessed by their manager at multiple times throughout their probationary period. If successful, at Stage 3 (6 months, or after extension end date) the employee will receive formal notification that they have completed their probationary period by HR.

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The purpose of the Stage 1 meeting is to discuss the employee's performance in accordance with the contents of the Stage 1 - Probation form on iTrent and to check the mandatory e-learning modules have been completed. In normal circumstances, it is sufficient to invite the employee to the meeting either verbally or via email. If there are concerns either at this stage or prior, please discuss with HR, as a more formal meeting may be required. Please note managers may meet with employee's to discuss their performance at any stage, and should there be serious concerns, a manager should not wait until the Stage 1 meeting to discuss these.

The employee and manager should discuss the employee's performance in relation to the contents of the Stage 1 – Probation form on iTrent. The line manager must complete the Stage 1 - Probation form attached to the employee on iTrent, and will not need to complete any paper forms.

Where there are concerns regarding any aspect of performance the line manager must:

- Discuss the areas of performance that need improvement.
- Explain the standards required.
- Devise an improvement plan (template attached) which sets objectives / targets, along with deadline dates and identifies any additional support, training or guidance needed in order to review progress in readiness for the next formal review meeting.
- Set the date of the Stage 2 meeting.
- Advise the employee that failure to meet the required standards may result in termination of employment.

If there is a serious cause for concern, a formal warning of the consequences of continued unsatisfactory performance may be given. In such circumstances, the employee has the right to be accompanied by a trade union representative or colleague. Thereafter, progress should be monitored closely.

## Stage 2 – Probation

The purpose of the Stage 2 meeting is to review performance in accordance with the contents of the Stage 2 – Probation form on iTrent, and to provide constructive feedback,

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highlighting both achievements and any areas where they require improvement. Examples must always be provided. The manager must ensure that the employee has completed the following mandatory e-learning modules prior to the Stage 2 meeting:

- Data Protection
- Whistleblowing
- Welsh Language
- Carers

In normal circumstances, it is sufficient to invite the employee to the review meeting either verbally or via email. The possible outcomes at the end of the Stage 2 meeting are as follows:

1. Satisfactory performance - If standards/performance is satisfactory at the Stage 2 meeting, the appointment will be confirmed at Stage 3 (subject to continued satisfactory performance up to this stage).
2. Extend the probationary period beyond 6 months - If Stage 1 was satisfactory and there is now a cause for concern, or where there were concerns at Stage 1, and the manager wishes to extend, the manager must log the details of this conversation with the employee within the Stage 2 – Probation form on iTrent. The discussion should clearly outline any specific issues that the manager might have.

Employees will only receive one extension, either at Stage 2 or Stage 3, and any extension must not exceed 3 months. The entire probationary period must not exceed 9 months, including any meetings and any notice periods. Therefore, it is likely that an extension at Stage 3 will be for a maximum of three months.

Where there are concerns regarding any aspect of performance, the line manager must:

- Discuss the areas of performance that need improvement.
- Explain the standards required.
- Devise an improvement plan (template attached) which sets objectives / targets, along with deadline dates, and identifies any additional support, training or guidance needed in order to review progress in readiness for the next formal review meeting.

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- Set the date of the Stage 3 Review meeting.
- Advise the employee that failure to meet the required standards may result in termination of employment.

If there is a serious cause for concern, a formal warning of the consequences of continued unsatisfactory performance may be given.

The outcome of this meeting must be confirmed in writing to the employee. Where the probationary period has been extended, the next step in this procedure will be [Extension - Stage 2/3 Review - Probation](#).

3. Early termination of the employee - If concerns were raised in the Stage 1 meeting, a formal warning was issued, or the outcome of the meeting may potentially be to terminate the employee, the manager should write to the employee, either via letter or email, inviting him/her to a meeting and ensure that the employee is given the right to be represented by their trade union representative or a colleague.

The invite should clearly state the topic areas that the manager wishes to discuss and state any specific issues that the manager might have. If concerns were raised at the first probationary review meeting, or a formal warning was issued, the letter should refer to these. If there are any new concerns these should also be included in the letter as areas to be discussed.

If the employee has not achieved satisfactory standards despite being given the appropriate support, the employee's contract will be terminated subject to one week's notice. This should be confirmed in writing via a letter and the employee must be given the opportunity to appeal. A completed Leavers Form will need to be sent to HR.

In each case, details of the discussion should be recorded on the Stage 2 – Probation form on iTrent at the meeting. Please ensure a discussion with HR has taken place prior to deciding to dismiss.

## Appeals against dismissal

New employees who have been dismissed for unsatisfactory performance will have the right of appeal against their dismissal. The appeal must be lodged in writing to Catrin

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Roberts, HR Services Manager, Human Resources, Wynnstay Road, Ruthin, LL15 1YN within 10 working days of receiving written notification of the dismissal. Please refer to the Corporate Appeals Policy for further information.

## Stage 3 – Probation

The purpose of the Stage 3 meeting is to review performance in accordance with the contents of the Stage 3 – Probation form on iTrent, and to provide constructive feedback, highlighting both achievements and any areas where they require improvement. Examples must always be provided. By this point, the employee must have completed all the mandatory e-learning modules prior to the Stage 3 meeting:

- Corporate Induction E-learning
- Code of conduct
- Equalities
- Violence against women
- Safeguarding
- Data Protection
- Whistleblowing
- Welsh Language
- Carers

In normal circumstances, it is sufficient to invite the employee to the review meeting either verbally or via email. The possible outcomes at the end of the Stage 3 meeting are as follows:

1. Confirm successful completion of the probationary period - At the end of Stage 3 (6 months or extension period), it is important that the employee receives confirmation of the successful completion of the probationary period. It should not be allowed to pass on the assumption that the new employee's know they have met the required standard because no action has been taken against them. The iTrent system will inform HR of the successful completion, HR will then undertake a final check of Safer Recruitment and e-learning modules compliance before sending a confirmation letter to the employee. Stage 3 – Probation form on iTrent should be completed and submitted.

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2. Termination of the employee - If there is a cause for concern; concerns were raised in the Stage 1 and/or Stage 2 meeting and/or a formal warning was issued; the manager should write to the employee inviting him/her to a meeting and ensure that the employee is given the right to be represented by their trade union representative or a colleague.

The letter/email should clearly state the topic areas that the manager wishes to discuss and state any specific issues that the manager might have. If concerns were raised at the Stage 1 and/or Stage 2 meeting, or a formal warning was issued or extension given, the letter/email should refer to these. If there are any new concerns these should also be included in the letter as areas to be discussed.

At the meeting (after a discussion has taken place) if the employee has not achieved satisfactory standards despite the appropriate support (and being given an extension if applicable), the employee's contract will be terminated subject to one week's notice. This should be confirmed in writing within a letter from HR and the employee must be given the opportunity to appeal. The manager will need to complete a Leavers Form.

3. Extend the probationary period beyond 6 months – Depending on the individual circumstances, it may be appropriate for the manager to consider extending the probationary period at Stage 3. This would usually happen if there had been an issue or concern raised after Stage 2. The probationary period can be extended for a maximum of 3 months and the manager must log the details of this conversation with the employee within the Stage 3 – Probation form on iTrent. The discussion should clearly outline any specific issues that the manager might have.

Employees will only receive 1 extension, either at Stage 2 or 3, and any extension must not exceed 3 months. The entire probationary period must not exceed 9 months, including any meetings and any notice periods. Therefore, it is likely that an extension at Stage 3 will be for a maximum of two months.

Where there are concerns regarding any aspect of performance, the line manager must:

- Discuss the areas of performance that need improvement.
- Explain the standards required.

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- Devise an improvement plan (template attached) which sets objectives / targets, along with deadline dates, and identifies any additional support, training or guidance needed in order to review progress in readiness for the next formal review meeting.
- Set the date for the Stage 3 Review meeting.
- Advise the employee that failure to meet the required standards may result in termination of employment.

In each case, details of the discussion should be recorded on the Stage 3 – Probation form on iTrent at the meeting.

## Appeals against dismissal

New employees who have been dismissed for unsatisfactory performance will have the right of appeal against their dismissal. The appeal must be lodged in writing to Catrin Roberts, HR Services Manager, Human Resources, Wynnstay Road, Ruthin, LL15 1YN within 10 working days of receiving written notification of the dismissal. Please refer to the Corporate Appeals Policy for further information.

## Extension - Stage 2/3 Review - Probation

In some circumstances it may be necessary to extend the probation period beyond the 6 month period. These circumstances include:

- It has not been possible to fully assess performance due to the employee's sickness or other authorised absence.
- There have been concerns regarding performance but the manager has evidence to suggest that performance is likely to improve with an extension to the probation period.
- The employee has moved positions within their 6 months probationary and the manager has not had a reasonable period in which to assess performance.

Probationary periods can be extended for a period of 1 to 3 months, but under no circumstances must the total probationary period extend beyond 9 months in total, to include holding all meetings and any notice periods for inviting the employee to a meeting.



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Employees may only receive one extension to their probationary period, either at Stage 2 or 3.

Where an employee is absent for a substantial part of their probationary period, for example, due to sickness, the line manager may consider recommending extending the probation period for up to 3 months. This will enable the employee's actual work performance in the job to be assessed over a reasonable length of time. Each case should be considered on its merits where the length of absence is extensive during the probationary period, as this may lead to a potentially difficult situation in assessing the employee.

In circumstances where the probationary period is extended the employee must be advised in writing of the extension and that if performance fails to meet the required standard at the end of this period, their employment will be terminated. This discussion must take place at the probationary review meeting and must be confirmed in writing via either a letter or an email.

In normal circumstances, it is sufficient to invite the employee to the review meeting via email. The possible outcomes at the Stage 2/3 Review meeting are as follows:

1. Confirm successful completion of the probationary period - At the end of the extended probationary period, it is important that the employee receives confirmation of the successful completion of the probationary period. It should not be allowed to pass on the assumption that the new employees know they have met the required standard because no action has been taken against them. The Trent system will inform HR of the successful completion, HR will then undertake a final check of Safer Recruitment and e-learning modules compliance before sending a confirmation letter to the employee.
2. Termination of the employee - If there is a cause for concern; concerns were raised in the Stage 1 and/or Stage 2 or 3 meeting and/or a formal warning was issued; the manager should write to the employee inviting him/her to a meeting and ensure that the employee is given the right to be represented by their trade union representative or a colleague.

The letter/email should clearly state the topic areas that the manager wishes to discuss and state any specific issues that the manager might have. If concerns were raised at the Stage 1 and/or Stage 2 or 3 meeting, or a formal warning was issued, the letter/email should refer

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to these. If there are any new concerns these should also be included in the letter as areas to be discussed.

At the meeting (after a discussion has taken place) if the employee has not achieved satisfactory standards despite the appropriate support, the appointment will not be confirmed and the employee's contract will be terminated subject to one week's notice. This should be confirmed in writing within a letter from HR and the employee must be given the opportunity to appeal.

The manager will need to complete a Leavers Form.

## Appeals against dismissal

New employees who have been dismissed for unsatisfactory performance will have the right of appeal against their dismissal. The appeal must be lodged in writing to Catrin Roberts, HR Services Manager, Human Resources, Wynnstay Road, Ruthin, LL15 1YN within 10 working days of receiving written notification of the dismissal. Please refer to the Corporate Appeals Policy for further information.

## Frequently Asked Questions (FAQs)

### **Do I have to wait until the end of a probationary period before dismissing an unsatisfactory employee?**

No, providing a fair and reasonable process has taken place. The probationary period enables the employer to monitor and appraise the employee in the initial stages of their employment and ensures the required standards of conduct and performance are being reached.

If the employee turns out to be unsatisfactory during the probationary period, steps can be taken to dismiss before the probationary period ends providing the employee has been afforded a reasonable period in which to demonstrate their competence. In order to be a reasonable process the following steps must be taken before dismissal is considered:

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- Advise employee clearly of issue, explaining how they are not meeting standards required
- Allow a period in which to improve/reach targets set, with appropriate support
- Review against standards required
- Use the template invite letter to ensure employee is advised of risk of dismissal, their right to a Trade Union Representative, their right to appeal, and clearly stating all issues to be discussed at the Review meeting.

Please ensure a discussion is held with HR prior to any decisions being made.

## **If at the end of Stage 2 an employee's performance is still not satisfactory, should I extend it?**

It depends on the circumstances. Is additional time likely to bring about an improvement in performance? Is it fair to extend it? For example, has the employee missed some of the probationary period through sickness or some other valid reason, or is their performance lacking in one specific area that could be addressed and improved within the extension?

If an employee's performance has been generally poor all round or is unlikely to become satisfactory there is little point in extending the probationary period.

An employee has continuous service and has not reached the required standards of the role, what should I do?

Where an employee has continuous service, the Capability Policy should be brought into effect. Once the Capability process has commenced, this should be followed instead of the Probationary Period policy. However the overall timescales to complete any improvement processes should not exceed 9 months after the employee commences in post. Should an employee be dismissed as a result, please ensure appropriate notice periods are adhered to.

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## **An employee has continuous service and has not reached the required standards of the role, what should I do?**

Where an employee has continuous service, the Capability Policy should be brought into effect. Once the Capability process has commenced, this should be followed instead of the Probationary Period policy. However the overall timescales to complete any improvement processes should not exceed 9 months after the employee commences in post. Should an employee be dismissed as a result, please ensure appropriate notice periods are adhered to.

## **If I decide to dismiss the new employee do we have to follow any dismissal procedure?**

Dismissal during or at the end of a probationary period is not different to any other dismissal and employers should follow a fair dismissal procedure based on the ACAS Code of Practice. The basic steps are:

- The employer sets out in writing the reasons why dismissal is being considered. The employee is given a copy and this letter will also ask them to attend a meeting to discuss the matter. They will have the right to be accompanied by their trade union representative or a work colleague.
- The meeting will take place, the employee can state their case and a decision will be made.
- The employee is then entitled to appeal against the decision and if so, an appeal hearing takes place.

## **I don't understand how to use the iTrent forms**

A step by step guide on how to use the Probationary Period form on iTrent is within the attachments of this document.

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## How do I know if an employee has met their targets/objectives?

Targets, or objectives, set for employees to reach at every stage of their probationary periods must be SMART – specific, measurable, achievable, realistic and time-bound.

S	Specific	What, and how, it should be done
M	Measurable	Identifies how it will be known that the target/action has been achieved
A	Achievable / Action-orientated	A plan to deliver the objective is identified – it can be delivered
R	Realistic	The staff member has the resources and is equipped to be able to do the activity successfully and within the timeframe
T	Time based	Clarity on any date/deadline by which the activity needs to be completed. Allocating too much time can sometimes negatively affect the achievement of the objective.

This will allow clear measurement of whether an employee is performing to a satisfactory standard or not, and if not, what suitable support can be identified. Managers must be able to evidence that the employee was set achievable targets, they were aware of these targets and how to meet them, and given appropriate support, prior to deciding to dismiss them.

There will be general council targets, including communication, appropriate appearance, low absence levels, but managers should also measure employees against the specific job they have been appointed to. It is advised there are no more than 5 job specific objectives, and that these are set taking into consideration the fact the employee is new to role.