

Item 6 Changes to Probation and Appointment Assistance Policy and Procedure

Report of the Strategic Human Resources Manager

Recommended:

That the changes to the Probation and Appointment Assistance Policy and Procedure (formally called Induction) as set out in paragraph 3 of the report be approved with immediate effect.

SUMMARY:

- This report seeks the approval of changes to the Probation and Appointment Assistance Policy and Procedure. The revised policy has been developed to provide line managers and employees with a more detailed policy and procedure.

1 Introduction

Test Valley Borough Council has a portfolio of Human Resources Policies and procedures that are required to manage a number of employment situations.

2 Background

- 2.1 The policies operated by the Council need to be reviewed on a regular basis to ensure that they continue to comply with employment legislation and best practice.
- 2.2 The Probation and Appointment Assistance Policy and Procedure has recently been reviewed and the revisions are presented for approval by this committee. It is necessary for the committee to consider this policy as one of the recommended changes will involve an alteration to the contract of employment issued to new employees. The recommendation is to reduce the notice period we are required to give employees during their probation period and for employees to give us a reciprocal amount, should they choose to resign. Further details are set out in 3.2 of this report.
- 2.3 The Council's current Induction Policy has been used as the basis for this revised policy. A new employee's Induction runs in parallel with their probation period, however, the two procedures are different. The title of this policy has, therefore, been changed to clearly differentiate between the two.

3 Changes to the Policy

The main changes to the policy are as follows:

- 3.1 The duration of probation periods has been increased from three to six months. This will allow managers greater time to assess each employee's suitability for their post and should also reduce the need to extend probation periods. Increasing the length of the probation period sits well with the change on 6 April 2012 to the qualifying period for making an unfair dismissal claim from one to two years. This new qualifying period only applies to employees commencing employment on or after 6 April 2012. It should be noted, however, that for some claims to an Employment Tribunal there remains no qualifying period, for example, dismissal for public interest disclosure.
- 3.2 A reduction has been made to the notice period the Council will give to employees whose contact is terminated due to unsuccessful completion of their probation period. The notice period the Council will be required to give an employee will be one week. In order to maintain reciprocal notice periods, employees during their probation period, will only be asked to give one week if they resign.
- 3.3 Employees dismissed during their Probation period are granted a right of Appeal; however, this information is now explicit within the policy. Our Appeals procedure states that Appeals from employees during their first year of service are heard by a Corporate Director; therefore, all Probation Appeals will be heard by senior management and not the Employment Appeals Sub-Committee.
- 3.4 The policy now includes clarification as to how to apply the Probation and Appointment Assistance Policy and Procedure to those on temporary contracts. Temporary employees will not have to repeat their probation period where they secure a new post and where they have already met the standard in a similar post within the Council.

4 Corporate Objectives and Priorities

- 4.1 It is important that all policies and procedures are reviewed and updated on a regular basis. The HR policies and procedures will be reviewed on a bi-annual basis, or sooner, where there are legislative changes that affect a particular policy.
- 4.2 Policies and procedures are working documents that are used by managers to apply transparent and equitable actions when dealing with employment matters. It is important that managers receive guidance on a range of actions and decisions that they can take and that employees can assess whether they are being treated fairly in a range of situations.

5 Consultations/Communications

- 5.1 The Council has a robust process for reviewing and developing policies and procedures. The process includes review by Heads of Service or their nominated deputies, and consultation with the Council's Policy and Procedures Review Group, including Trade Union representatives.

6 Option Appraisal

- 6.1 The Probation and Appointment Assistance Policy and Procedure is necessary for the fair and equitable assessment of new employee's suitability for their post. It also ensures that cases of unsatisfactory performance are managed in line with legislation and best practice. Without adequate policies, the Council is at risk of not implementing legislation, treating employees unfairly and facing challenge through appeals processes and at Employment Tribunals. Policies are developed to ensure they represent good practice and fit with the Council's values.

7 Risk Management

- 7.1 An evaluation of the risks associated with the matters in this report indicate that further risk assessment is not needed because the changes/issues covered do not represent significant risks or have previously been considered by Councillors.

8 Resource Implications

- 8.1 There are no direct resource implications; however, these documents should enable managers to manage more effectively by providing clearer guidance for dealing with situations linked to probation periods.

9 Legal Implications

- 9.1 An EQIA is not needed because the issues covered are amendments to a previous policy and procedure revised to reflect recent changes to legislation.
- 9.2 Community Safety - none
- 9.3 Environmental Health/Sustainability Issues - none
- 9.4 Property Issues – none
- 9.5 Wards/Communities Affected – none

10 Conclusion

- 10.1 The Probation and Appointment Assistance Policy and Procedure is essential for the effective and fair assessment and management of the Council's employees. It is also essential to ensure that the Council is operating policies that are compliant with legislation and best practice.

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
<u>Confidentiality</u>			
It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.			
No of Annexes:	1	File Ref:	
(Portfolio: Leader) Councillor Ian Carr			
Officer:		Ext:	
Report to:	General Purposes Committee	Date:	10 April 2013