

## Performance Management

### Probation procedure

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#### 1. Introduction and purpose Probation procedure

- 1.1 All appointments to the Greater London Authority (GLA), including employees on fixed term contracts, are offered on the basis that the employee will complete a six month probation period. During this time the employee's performance is assessed to ensure that they are reaching or capable of reaching the required standards of performance, attendance and conduct to complete the job.
- 1.2 Managers are responsible for conducting the process and completing the necessary documentation within the time scales specified in the procedure.
- 1.3 The purpose of the procedure is:
  - To give initial guidance to the probationer in adapting to the new job and to provide a structured programme of support and monitoring designed to enable the probationer to reach the required standards of performance quickly.
  - To draw up action plans with the probationer if they do not achieve the required standards as quickly as expected and to assist the probationer in achieving those standards.
  - To confirm the appointment of employees who meet the required standard
  - To identify employees who do not meet the required standards after the GLA has exhausted all reasonable and practical remedial action and to terminate their employment where they are unsuccessful in their completion of the probationary period.
- 1.4 Once the initial 6-month probation period has expired, if no formal action has been taken to extend or terminate the probationary period, probationers will be automatically confirmed in post and no further action under the probationary procedure will be permissible.

#### 2. Scope

- 2.1 This policy applies to all employees, including those with fixed term contracts, except staff seconded to work in London's European Office – where a modified procedure applies (see intranet for details).

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2.2 This policy applies to the following employees, with modifications as indicated:

- The Head of Paid Service (Chief Executive), the Monitoring Officer and the Chief Finance Officer (“the Statutory Officers”) – where this policy will be modified by the terms of the Statutory Officers Protocol
- Staff appointed by the Mayor under s 67(1) of the GLA Act 1999 (as amended) – where this policy will be modified by the terms of the Protocol on Mayoral appointments.
- Directors appointed by the Head of Paid Service – where this policy will be modified as set out in section 4)
- Staff appointed by the Head of Paid Service but managed by staff appointed by the Mayor under 67(1) – where this policy will be modified by the terms of the HOPS scheme of delegations (see section 5).

## **3. The probationary process**

### **3.1 Induction**

The manager is responsible for devising a programme of induction and should ensure that appropriate information and instruction is provided to enable the probationer to undertake their duties satisfactorily. Within the employee’s first days at the GLA, the manager should arrange a welcome meeting and discuss the employee’s role as part of their induction process. The induction checklist (available on the intranet) gives more information on the induction process. The line manager must also set the dates for the formal probationary review meetings at this stage.

### **3.2 Initial probationary meeting**

Within the employee’s first month of service, the manager should hold an initial meeting to agree work related objectives and measures of achievement for the probationary period. These, together with the competencies set out in the job description, will be used to monitor the employee’s performance and provide a basis for feedback.

### **3.3 Reviews of performance**

3.3.1 The manager should conduct review meetings with each probationer at three- and five-months’ service. After five months’ service, a provisional recommendation is made about the employee’s suitability for the job, but this is not confirmed until the six-month probationary period has been satisfactorily completed.

3.3.2 Managers should give employees reasonable notice of these meetings. They will normally be conducted on an informal one-to-one basis and oral notice is sufficient. However, where consideration is being given to terminating the probationary period, the employee should be notified of this in writing in advance. Where termination is being considered, the employee should also be notified of their right to be accompanied at the meeting by an accredited trade union representative or work colleague employed by the GLA.

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- 3.3.3 Managers should also hold regular supervisory meetings with the employee to discuss the employee's performance and to ensure that the employee is not encountering any difficulty with their role and the work. Managers should keep written notes or records of all supervisory meetings and any actions taken during the probationary period.
- 3.3.4 The probation form is designed to support the formal probationary review process and should be completed by the manager at each review period. The manager should clearly identify any deficiencies in performance, and these should be recorded on the form. Training and support needs should be recorded, together with a timescale for the required improvements.
- 3.3.5 The completed form should be provided to the probationer as soon as possible after the meetings for them to sign and record any comments of their own. The employee is required to sign the form to denote that the probationary review meeting has taken place and that the employee has seen the manager's assessment and been given an opportunity to comment. However, it is not a requirement that the employee should agree with the manager's assessment or recommendations. A copy of the form should be held locally by the employee and manager
- 3.3.6 At the 5-month review meeting the manager should reach a recommendation regarding the probationer's service whether to recommend confirmation of appointment, extension of the probation period, or termination of the appointment. If the recommendation is to terminate the appointment, the recommendation must be approved by the Head of Unit, Assistant Director or Director, following a probationary review meeting (see section 3.5.8 – 3.5.11).

## **3.4 Satisfactory performance**

- 3.4.1 If performance has been satisfactory throughout the probationary period, the manager should confirm to the employee that they will be recommending confirmation of appointment. When 6 months service has been completed the manager should contact the MyHR Helpdesk and a letter will be sent to the employee, informing them that they have successfully completed their probationary period and that their appointment is confirmed.
- 3.4.2 If, after recommending appointment at the 5-month stage, the probationer's performance deteriorates before the 6-month stage is reached, a decision to terminate employment or extend the probationary period may still be taken and the line manager should contact the People Function immediately for advice.

## **3.5 Unsatisfactory performance**

- 3.5.1 If at the 3 month review stage, or at any stage before that, the manager feels that performance has not been satisfactory, they must bring this to the employee's attention. The manager and employee will draw up an action plan which sets out the deficiencies in performance, the standards required, the timescales for improvement and the support and training that will be provided to assist the employee. The manager should tell the employee that at the next review, a decision will need to be made about their suitability for confirmation into the post.

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- 3.5.2 The manager should ensure that close monitoring of work performance is undertaken for the period until the next review.
- 3.5.3 The manager may increase the frequency of the review meetings until the probationer's performance has improved to an acceptable standard.
- 3.5.4 The Manager should contact the People Function as soon as they identify problems with the employee's performance. Issues of concern that could result in termination or extension of the probationary period should be raised promptly with the employee and not be left until the next formal meeting. The People Function will advise the line manager on a suitable and reasonable course of action.

## Extension

- 3.5.5 If the employee's performance is assessed as unsatisfactory at the 5-month review stage, but it is felt that with further support and training the employee is capable of achieving the required standard, then the probationary period may be extended by up to three months. The period may also be extended by up to three months at the five-month review stage if the line manager has been unable to make a reasonable assessment of performance in this time. The length of the probationary period, including any extension, should not normally exceed nine months in total.
- 3.5.6 The manager must notify the myHR helpdesk to inform them that the probation period is being extended and confirming the length of the extension so that the myHR helpdesk can raise a 'Monitoring probation' service request.
- 3.5.7 During any extension period, further reviews of performance should be held. At the end of the extension period, the employee will either be confirmed in post or have their employment terminated, depending on whether their performance has reached the required standard.

## Termination

- 3.5.8 If the employee's performance is unsatisfactory during the probationary period, and it is assessed that there is no likelihood of the required level of performance being achieved, even if they are given extra support and training, then the employee's contract of employment may be terminated, subject to the approval of the Head of Unit, Assistant Director or Director. A decision to terminate employment can be taken at any time during the probationary period (including those that have been extended) by giving one month's notice. However, it will not usually happen until at least three months of the probationary period have passed to ensure that a reasonable assessment has been made of the employee's performance. (See 3.3.2 for notification provisions).

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- 3.5.9 Where a decision to terminate the probationary period is being recommended, the employee must be notified of this in writing, at least five working days in advance of the meeting, with a brief summary of the reasons. The employee should also be informed of their entitlement to be accompanied by an accredited trade union representative or work colleague employed by the GLA.
- 3.5.10 In such cases the probationary review meeting should be chaired by the Head of Unit, Assistant Director or Director, as appropriate. They will be advised by a representative from the People Function. The line manager will present the case for terminating the probationary period and the employee will have an opportunity to respond.
- 3.5.11 If the decision is to terminate employment, the employee will be given pay in lieu of notice and the dismissal will be effective immediately. The line manager will be responsible for ensuring the leaver processes are all completed. If the employee subsequently appeals, and the appeal is successful, they will be reinstated with retrospective effect so that service is unbroken, and the employee receives any outstanding pay due.

## **3.6 Serious performance and conduct issues**

There are certain acts or issues of conduct or performance that are so serious that the GLA considers them to be gross misconduct/gross incompetence and may terminate the employee's contract without giving notice. If the line manager believes the employee has committed an act of gross misconduct/gross incompetence (either during or after the probationary period has been completed) the line manager should contact the People Function for advice immediately. In such cases it may be appropriate for the employee to be suspended, pending a final probationary review meeting.

## **3.7 Appeals against dismissal**

- 3.7.1 The employee will have the right of appeal against the decision to dismiss. Notice of appeal should be made in writing to the Assistant Director, People, within 10 working days of the date of the letter confirming the decision.
- 3.7.2 The appeal will be heard by the Director, who will be accompanied at the hearing by a representative from the People Function. If the relevant Director has already been involved in the probationary process, the appeal will be heard by another Director.
- 3.7.3 The appellant (or their trade union representative/work colleague) will state the grounds for their appeal. The manager who made the decision to dismiss will respond to the grounds for appeal and state the reasons for their decision.
- 3.7.4 The decision of the Appeal Hearing Officer will be final.

## **4. Application of the Probation Procedure to Directors appointed by the Head of Paid Service**

- 4.1 In relation to such Directors, the Head of Paid Service will conduct probationary reviews at the one month and three-month stage of this procedure.

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4.2 Where it becomes apparent that dismissal may be an appropriate outcome, the Monitoring Officer or Chief Finance Officer will act as the employee's line manager for the purposes of presenting the management case at 3.5.10 of this procedure. The Hearing Officer will be the other of these two Statutory Officers.

4.3 Any appeal will be heard by the Head of Paid Service.

## 5. Application of the Probation Procedure to Head of Paid Service appointees managed by Mayoral appointees

5.1 Mayoral appointees may undertake probationary reviews relating to HOPS appointees in accordance with this procedure, except where the potential outcome is one of dismissal.

5.2 When it becomes apparent that dismissal may be an appropriate outcome, the manager will refer the matter to the Executive Director of Resources, who will make arrangements for the probationary review meeting to be dealt with by a Head of Paid Service appointee or other appropriate individual instead. In the event of an appeal against dismissal, the hearing officer will also be a Head of Paid Service appointee.

5.3 Mayoral appointees may give evidence in probationary review meetings regardless of the potential outcome, in compliance with this procedure.

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