

**Section A
For Publication**

**THE OFFICE OF POLICE AND CRIME COMMISSIONER
FOR DERBYSHIRE
DECISION RECORD**

Request for PCC Decision	Received in OPCC Date: 6 February 2013	OPCC Ref: 20/13
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Title: Police Staff Probationary Period Guidance

Executive Summary: To be completed by PCC Specialist lead

A probationary period provides for staff to demonstrate by performance, attendance and conduct that they are suitable for the role to which they have been appointed. The Guidance provides line managers with advice to assist staff to develop the necessary skills, competencies, motivation and attitudes which will enable them to successfully complete their probation.

Decision

Resolved that the Police Staff Probationary Period Guidance by approved and adopted.

Declaration

I confirm that I have considered whether or not I have any personal or prejudicial interest in this matter and take the proposed decision in compliance with the Code of Conduct for the Police and Crime Commissioner for Derbyshire. Any such interests are recorded below.

None

The above request has my approval.

Signature *Electronically Signed*

Date

PUBLICATION SCHEME CONSIDERATIONS

Is the related Section B report to be published **Yes**

If no, please indicate relevant exemption

Is the publication of this approval to be deferred **No**

If Yes, provide reasons below

Date to be deferred to –

NB Statutory Instrument 2011/3050 (as amended by SI 2012/2479) states that: *all decisions made by a PCC are in the types of information that must “be published as soon as practicable after it becomes available to the elected local policing body”.*

OFFICER APPROVAL

Chief Executive or Nominee:

I have been consulted about the proposal and confirm that financial, legal and equalities advice has been taken into account in the preparation of this report.

I am satisfied that this is an appropriate request to be submitted to the Police and Crime Commissioner

Signature

Electronically Signed

Name

Date



Derbyshire Constabulary

POLICE STAFF PROBATIONARY PERIOD GUIDANCE

POLICY REFERENCE 06/169

This guidance is suitable for Public Disclosure

Owner of Doc: Head of Department, Human Resources

Date Approved: March 2002

Review Date: February 2015

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1. Guidance Identification Page

Guidance title:	Police Staff Probationary Period Guidance
Registry Reference number:	06/169

Policy implementation date:	March 2002
Policy review date:	February 2015

Department / Division responsible:	Human Resources		
Policy owner:	Head of Department		
Last reviewed by:	Nicola Smith	Date last reviewed:	February 2013
Impacts on other policies / guidance / documents (<i>list</i>):			
None			

Security Classification: NOT PROTECTIVELY MARKED
Disclosable under FOI Act: YES
Policy to be published on Intranet: YES
Policy to be published on Force Website: YES
Policy disclosable to public via FOI request: YES

2. Legislative Compliance

This document has been drafted to comply with the principles of the Human Rights Act. Proportionality has been identified as the key to Human Rights compliance, this means striking a fair balance between the rights of the individual and those of the rest of the community. There must be a reasonable relationship between the aim to be achieved and the means used.

Equality and Diversity issues have also been considered to ensure compliance with the Equality Act 2010 and meet our legal obligation in relation to the equality duty. In addition, Data Protection, Freedom of Information and Health and Safety Issues have been considered. Adherence to this policy or procedure will therefore ensure compliance with all relevant legislation and internal policies.

3. Guidance

Aim of the Probationary Period

The appointment of a new police staff employee will be subject to a period of probation not normally exceeding six months. This may be extended in cases where a longer period is felt to be necessary. Staff who have completed their probationary period will not be covered by these guidelines but by the police staff disciplinary procedure and Unsatisfactory Attendance and Performance Procedures.

The probationary period provides for staff to demonstrate by performance, attendance and conduct that they are suitable for the role to which they have been appointed.

During the period of probation line managers should assist staff to develop the necessary skills, competencies, motivation and attitudes which will enable them to successfully complete their probation. The main objectives are to:

- (i) Provide induction into duties to be undertaken and standards required, ensuring that appropriate guidance and training are given.
- (ii) Give help and encouragement in adapting to a new working environment
- (iii) Apply the procedures in a fair and consistent manner.
- (iv) Identify at the earliest opportunity if the required standards are not being met and undertake the necessary actions to assist in improvement
- (v) If necessary, apply fair and effective procedures, which may lead to the termination of the appointment of staff who are unable to meet the required standard.

During the probationary period, the member of staff should be regularly monitored in a representative range of duties appropriate to the role and should perform at a fully satisfactory standard for a member of staff of their level of experience and training. Attendance and conduct must also be satisfactory in accordance with the requirements expected of the role. If performance, attendance or conduct falls below the required standard and it is evidenced that training and support have been provided but insufficient improvement has been attained or can be expected, the probationary period may be extended or employment terminated, dependent upon the circumstances of each case.

Staff Who Must Complete Probation

All staff outlined below must complete a period of probation before the appointment can be confirmed:

- (i) new entrants to police staff roles on an established, conditional or provisional basis (full and part time)
- (ii) New entrants on temporary or fixed term contracts.

Length of Probationary Period

All staff (both full and part time) are required to serve a probationary period of normally 6 months. The commencing date is normally the date of taking up the appointment. However, for some roles where it is necessary for staff to complete a period of training prior to commencing the full duties of the role, the date of commencement of probation will be from the date the employee successfully completes that training period (provided that the total length of the probationary period does not extend to over 12 months). This provision must be detailed in the advertisement, at interview and in the contract of employment.

Should a member of staff not be successful in completion of the training course and the continuation of employment is dependent upon this, employment may be terminated. The requirement to pass the course will be detailed in the contract of employment .There may be the opportunity for a member of staff to re-take the course and in such cases, extension of probation should be considered.

The line manager should report to the relevant HR Officer when the respective training courses have been successfully completed so that formal commencement and monitoring of the probationary period can commence.

Where a member of staff is absent on maternity or special leave (e.g. unpaid/parental leave) or absence through an injury on duty, for more than 3 months, a commensurate adjustment will be made to the probationary period.

Where there is an indication that an employee will exceed two periods of sickness in a six month period or one significant period of absence, consideration must be given to extending the probationary period and a letter to improve performance should be issued. Individual circumstances may be considered, for example, if the member of staff is absent following an injury on duty. It may be necessary to refer the employee to Occupational Health or the Employee Assistance Provider. Advice from HR should be sought.

Conditional Health Appointments

Where a new member of staff is appointed on a conditional contract for health reasons, successful completion of the probationary period does not change the terms of the appointment or the requirement for review on health grounds. Consideration must be given to the Equality Act 2010. Employees who may be deemed to have a disability which may impact upon their suitability to undertake the role should be identified by Occupational Health at the pre employment screening stage in order that any necessary adjustment may be made.

Responsibilities during the Probationary Period

HR Service Centre

The HR Service Centre will ensure that the appointment details contain the correct information relating to the period of probation.

A copy of the role profile and job overview for the role will be forwarded to Occupational Health together with details of the successful applicant for the purpose of pre-employment screening.

A copy of the Authority (ACE) to amend establishment relating to the appointment must be sent to the relevant HR Officer for monitoring purposes.

The HR Service Centre will ensure that probation reports are monitored and submitted at 2, 4 and 5 months service (Force Forms 229, 230 and 231 refer). They will also confirm the contract in writing at the satisfactory completion of the probationary period (Appendix A).

Occupational Health

The Unit will ensure that the details of the successful applicant are matched with the relevant role profile. This will assist in determining, through screening if the applicant is fit to undertake the duties of the post.

Any advice in respect of the applicant's ability to undertake the duties of the role should be documented with copies to the line manager and appropriate HR Officer particularly if the condition of the applicant falls within the Equality Act 2010. This will assist in the identification of support during the probationary period in order to assist with successful completion or if any reasonable adjustments should be made.

Occupational Health may be able to assist staff, line managers and the HR Officers where an employee has problems that may impact upon work performance. Probationers should be reminded of the services of Occupational Health and the Employee Assistance Provider during reviews, should performance not be satisfactory.

Line Managers

Overall responsibility of monitoring, assessing and evidencing performance and progress during the period of probation lies with the line manager. The line manager should ensure that:

- (a) the employee understands the requirements of the probation.
- (b) the PPF role profile should be discussed and agreed and an Action Plan completed within 2 weeks of commencement of employment. There should be a clear link between the review of progress and the competencies and activities contained in the PPF role profile/PDR. It is important that any induction includes discussion about how the role contributes to Divisional/Departmental strategies and the Force vision.
- (c) Action Plans should be objective, realistic and measurable and assessment and development should be a continuous process. The PDR is designed to facilitate ongoing discussion and review and action plans should link into this process.

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- (d) Evidence of both good and poor performance/attendance is gathered as evidence of progress.
- (e) The employee receives training relevant to the role. Line managers must ensure that approved training is completed within the probationary period. There may be occasions when approved training courses are not available during the 6 month probationary period. In these circumstances, the probationary period will be extended accordingly but should not exceed 12 months.
- (f) The employee is given a representative range of tasks to ensure the action plan is met.
- (g) Progress reports are submitted promptly (at 2, 4 and 5 months service) with a copy to the relevant HR Manager and copy to the HR Service Centre.
- (h) Progress is discussed on a regular basis, at least in line with the submission of progress reports. A record should be kept of the review meeting, with a copy given to the employee.
- (i) They contact the relevant HR Officer at an early stage for advice should an employee not be making satisfactory progress.

It is the responsibility of the line manager to provide support and encouragement to the member of staff to ensure that satisfactory progress is made and maintained.

HR Department

The HR Officer will liaise with the line manager to assist in providing advice and guidance. Where health issues arise during the probationary period, they will assist the line managers with referral to Occupational Health.

Advice can also be obtained on the procedure and guidance for extending probation from your senior HR Business Partner.

UNISON

UNISON is able to provide advice, guidance and support to members of police staff who are UNISON members during their probationary period.

Members of staff who are subject to an extension of the probationary period and monitoring of performance should be given the opportunity to have a UNISON representative or a work colleague to support them at meetings and reviews.

Equality Act 2010

Should an employee be appointed who falls within the terms of the above Act, Occupational Health and Diversity Advisor may be consulted to advise on reasonable adjustments which may need to be made. Referral to a Disability Employment Advisor may also be made for any external assistance available. UNISON should also be consulted in order to provide support to the member of staff (as appropriate).

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Employees who fall within the provisions of the Act may not be able to carry out the full range of duties normally appropriate to the role but will still be expected to reach a satisfactory standard in those duties undertaken.

The range of duties to be undertaken should be agreed between the employee and the line manager at the commencement of employment so these may be monitored.

Probation Reports

Progress during probation should be reviewed through a process of regular review meetings and completion of progress reports at 2 and 4 months service with a formal recommendation at 5 months service (Force Forms 229, 230 and 231). The PPF Role Profile and Review Form should be used to assist in assessing performance against the core activities and competencies. The line manager should retain a copy with copies to the member of staff for their PDR, to the relevant HR Officer and the HR Service Centre for monitoring purposes.

It is essential that these reports are completed and issued by due dates, to ensure fairness to the individual and identify any problems at the earliest opportunity. This is particularly important at the 5-month stage when the line manager needs to identify and report whether the probation has been satisfactorily completed and that the employee is progressing as expected towards the skills and competencies within the Role Profile.

Confirmation of Appointment

On receipt of a satisfactory recommendation from the line manager, the HR Officer will confirm appointment, Appendix A. The line manager may wish to agree a revised Action Plan to build on the skills and experience that have been obtained and to consolidate the employee's position within the organisation.

Unsatisfactory Performance during the Probationary Period

Where line managers have staff who are not performing as required within the role, they should liaise at the earliest opportunity with the relevant HR Officer for advice and guidance.

Stage One

The line manager should gather evidence relating to performance and forward a letter to the member of staff in order to arrange a meeting with the member of staff. The employee may be supported by a UNISON representative or a work colleague of their choice. The areas of performance should be discussed and any reasons for poor performance identified. Appropriate referrals to Occupational Health and Employee Assistance Provider made and the employee informed of the reasons for this.

It should be ensured that the member of staff understands and knows the standards required of the role and evidence of poor performance should be linked to the original role requirement and action plan.

The line manager should discuss any assistance that may be given, mentoring, further training etc. Advice can also be obtained from Training Services.

A structured action plan should be developed and agreed with the member of staff. It should be made clear what is expected and reasonable, attainable targets should be set,

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and the member of staff informed that failure to improve performance could result in the employment being terminated. A report and copy of the Action Plan should be sent to the relevant HR Officer. The letter at Appendix B will be generated by the HR Officer in liaison with the line manager. The member of staff will be notified in writing of the length of the extension, the reasons for extension, the actions to be taken and the possible consequences if the required improvements do not occur.

Consideration should be given by the line manager, together with the member of staff, of any appropriate interventions that may assist in improving performance. Areas to consider may be: -

- any development programmes available
- appointment of a mentor
- staff network support for under-represented groups
- coaching and training as required
- consideration of any welfare issues that may be impacting on performance and any Force policies to assist
- consideration of any work-life balance issues that may be impacting on performance
- consideration of flexible working if appropriate to the role and individual situation.

Regular reviews should be undertaken (weekly/fortnightly as appropriate to the role and problems identified) and formal reports should be prepared on a monthly basis, with a copy to the member of staff and HR Officer.

In certain circumstances an extension of probation may be appropriate. This may be where, at the 5-month review period, the required standard has not been met but it is identified that with further support and training, the member of staff will meet the required standards.

If probation is extended this will normally be for a maximum of a further 3 months. Close monitoring and regular reviews should continue to take place with the employee and reports submitted on a monthly basis to the HR Officer.

If following the introduction of an action plan, additional training and support it is evidenced that performance has not improved and the member of staff fails to meet the required standard, the line manager should report to the HR Officer and a Stage Two meeting will be arranged.

Stage Two

Where performance has not improved, a meeting will be held with the HR Business Partner and Head of Department/ Divisional Commander/Chief Executive PCC. A letter should be forwarded to the member of staff to arrange a meeting to review performance.

The meeting will consider: -

- i. copies of all action plans
- ii. Copies of the PPF role profile
- iii. Reports and evidence of unsatisfactory work/performance/attendance
- iv. Copies of supportive interventions that have been implemented
- v. Copies of any correspondence to the member of staff
- vi. A decision for either extension of probation or termination of appointment, will be made by the Divisional Commander/Head of Department/Chief Executive PCC

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which should be communicated to the member of staff at the meeting and confirmed in writing.

Consideration of termination of employment will apply where the employee has not reached and maintained the required standard and there is no reasonable prospect of them doing so in the near future.

A formal decision must be made by 5 months service or within the time limits if the probationary period has been extended and the member of staff informed of the recommendation.

Stage Three – Appeal Procedure

Staff have the right of appeal against the decision to dismiss by way of a written submission to the Head of HR/ Police and Crime Commissioner within 7 working days of receipt of their letter of dismissal.

The Head of HR/Police and Crime Commissioner will review the file and liaise with the line manager and HR Business Partner, if necessary, within 14 working days .The decision will then be made as to whether the dismissal will stand or if a further extension of probation is required. The decision will be communicated in writing to the member of staff.

4. Monitoring and Review

This guidance is the responsibility of the Head of Department, Human Resources Department.

The guidance will be reviewed every two years.

5. Appendices

Appendix A – Standard Letter

Appendix B – Letter to Improve Performance

STANDARD LETTER

SATISFACTORY COMPLETION OF PROBATION

Dear

I refer to your appointment to the role of (role title) on (date of appointment)

I am pleased to inform you that your probationary period has been satisfactorily completed and I wish to confirm your appointment to the above role with the Derbyshire Constabulary.

May I wish you continued success in your role.

Yours sincerely

HR Service Centre
(Department/Division)

LETTER TO IMPROVE PERFORMANCE

Dear

I refer to your meeting on.....with.....when discussion took place in respect of your performance/conduct/attendance. (You were given a copy of your sickness record, pointing out that you have been absent on..... occasions.) You were reminded that it is a condition of your probation that you are required to attain and maintain a satisfactory standard of performance/conduct/attendance in your role of.....

You were informed that your performance/conduct/attendance will be monitored with effect from..... and that regular review meetings to review progress will be undertaken with your line manager.

It was agreed that the following areas require improvement and an action plan has been agreed with you;

In order to assist you, you will receive the following support/training;

If, following the above, you do not meet and maintain the required standard, consideration will be given to terminating your employment with the Derbyshire Constabulary.

You may, if you wish, discuss this matter with your UNISON representative. I would also remind you of the services of the Welfare and Counselling Section.

Yours sincerely

HR Manager
(Department/Division)