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To The Chairman and Members of the General Purposes Committee

All other Members of the Council – for information

Your Ref:

Our Ref: SH/L.3

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Date 28 June 2006

Dear Sir/Madam

GENERAL PURPOSES COMMITTEE - WEDNESDAY 4 JULY 2007

I refer to the agenda for the above-mentioned meeting and enclose the following items:

Item No	Report Title	Page Nos
5.	Local Joint Consultative Committee: 14 June 2007 To adopt the unconfirmed Minutes of the Local Joint Consultative Committee meeting held on 14 June 2007.	87 - 91
9.	Revised Policies and Procedures Report of the Human Resources Adviser.	92 - 107

Yours faithfully

Sian Hall

Senior Committee Officer

BRECKLAND COUNCIL

At a Meeting of the

LOCAL JOINT CONSULTATIVE COMMITTEE

**Held on Thursday, 14 June 2007 at 10.00 am in
Norfolk Room, The Conference Suite, Elizabeth House, Dereham**

PRESENT

Mrs S.M. Matthews (Chairman)	Mr R. Johnson
Mr K. Martin	Mr J. Elliott
Mr D.R. Williams J.P.	Richenda Farman (Substitute Members) (In place of Mrs Z. Waterford)
Mr M. Broughton	

In Attendance

John Chinnery	- Solicitor & Monitoring Officer
John Williams	- HR Service Manager (Interim)
Sian Hall	- Senior Committee Officer

Action By

8/07 ELECTION OF CHAIRMAN

It was proposed and seconded that Mrs Shirley Matthews should be elected as Chairman for 2007/08.

RESOLVED that Mrs Shirley Matthews be elected as Chairman of the Local Joint Consultative Committee for 2007/08.

9/07 APPOINTMENT OF VICE-CHAIRMAN

It was proposed and seconded that Mrs Zandra Waterford should be appointed as Vice-Chairman for 2007/08.

RESOLVED that Mrs Zandra Waterford be elected as Vice-Chairman of the Local Joint Consultative Committee for 2007/08

10/07 MINUTES

The Minutes of the meeting held on 22 March 2007 were confirmed as a correct record and signed by the Chairman.

11/07 APOLOGIES

An apology for absence was received from Mrs Z. Waterford.

Action By

12/07 BANK HOLIDAY ENTITLEMENT FOR PART-TIME EMPLOYEES

The Interim HR Manager informed Members that there was currently no distinction or set procedure on how to calculate bank holiday entitlement for part-time workers. At this time there were anomalies within existing staff as to the best practice for calculating this entitlement and also to ensure that Breckland Council complied with the law. The report presented provided recommendations on how to calculate bank holiday entitlement for part-time workers with the view to adopt a consistent approach across the establishment to maintain future best practice.

It was proposed that the Council recognised a set number of bank holidays per annum. The suggested amount was 8 bank holidays a year regardless when Christmas falls (as all employees would be apportioned any additional days/hours due).

To ensure best practice and a consistent a fair approach for all employees the recommendation would be to pro-rata the bank holiday entitlement for part-time workers leaving them to take leave or flex on the day when each bank holiday falls.

The staff side wished to incorporate the normal 3 year protection for staff whose Terms and Conditions would change following the adoption of this policy.

As the Interim HR Manager could not agree to that 3 year protection until the full financial implication was known it was agreed that the report should be deferred pending the financial information being made available.

RESOLVED that the report be deferred until the next meeting of the LJCC pending further information relating to the financial implications of providing 3 year protection to those staff affected by the change of policy.

13/07 REVISED POLICIES AND PROCEDURES

The Interim HR Services Manager sought agreement for the amended policies to be implemented, which would supersede any existing policies, to ensure that Breckland Council complied with the law. Agreement was also sought for new policies to be implemented to ensure procedures were in place to ensure a consistent and fair approach to employee relations issues and minimising risks of employment tribunals.

Capability Policy

The Council does not currently have a Capability Policy which left the Council at risk when dismissing employees on the grounds of incapability. Although best practice had been followed procedural guidance for Managers and employees would ensure a fair and consistent approach was followed.

Action By

It was noted that the policy would not apply to the Chief Executive or Operations Managers who were covered by the Capability Policy of the Joint Negotiation Committee. The Staff Side wished to amend the policy to clarify who was not covered by the Policy but it was agreed to leave the generic description as this would enable structures to be changed in future without the need to amend the Policy.

With regard to timescales it was understood that there may be a different timescale for different jobs and as a way forward it was suggested that a toolkit be drafted for managers to use as a guide. The toolkit would contain different scenarios which would be used as a reference point and as good practice.

It was agreed that the report should be reviewed either after a 12 month period or when the full procedure had been utilised.

RESOLVED that

- (1) a toolkit be produced containing various examples of the procedure of the Capability Policy; and
- (2) the Capability Policy be reviewed either after a 12 month period or when the full procedure had been utilised.

Disciplinary Policy and Procedure

This was an extensive revision to the existing policy which was mainly necessary because of the guidance from ACAS in the form of an updated Disciplinary Code of Practice. This was to ensure the three required steps were followed to ensure the procedure complied with the law and minimised risks of industrial tribunals being won due to processes being incorrect.

The Staff Side felt that paragraph 9, Disciplinary Penalties, should be changed to reflect the level of misconduct which would necessitate the penalties and paragraph 10 should reflect any changes. It was agreed that the changes would be agreed by John Williams and Mark Broughton.

Grievance Policy and Procedure

The same revisions were required of the Grievance Policy as were required for the Disciplinary Policy above.

With regard to the exclusion of the paragraphs which related to Local Government Pension and Tax the Interim HR Service Manager stated that HR Officers should not be giving financial advice in relation to pensions and tax and staff should contact the relevant bodies relating to these two areas.

Action By

In relation to paragraph 5.7 it was noted that the wording should read ‘...Deputy Chief Executive, an Operations Manager *or* a Service Manager, who will be accompanied by HR’. This was in order to clarify that two Managers would sit on the Senior Managers’ Appeals Panel in conjunction with HR.’

The Staff Side were concerned that the Policy did not contain any reference to Collective Grievance and disputes. In response the Interim HR Service Manager stated that any collective grievance was already covered within the constitution and policies of the Council.

In order to clarify the situation the Solicitor and Monitoring Officer informed the Committee that Collective grievances relating to a named individual should be referred to the Chief Executive and collective grievances relating to a whole number of people, such as health and safety issues, would come before the Local Joint Consultative Committee.

It was suggested that all policies should be reviewed and should be part of the Code of Practice and programmed iwtht eh monthly UNISON meetings every two years to ensure that they not only comply with legislation but are working.

RESOLVED that

- (1) paragraph 5.7 be amended to read ‘...Deputy Chief Executive, an Operations Manager *or* a Service Manager, who will be accompanied by HR’. as follows
- (2) all Human Resources Policies should be reviewed at regular intervals such as every two years.

Prevention of Harassment and Bullying Policy and Procedure

This had been requested by the Policy Department to ensure that the Council complies with legislation and clear guidelines were in place.

The policy was accepted by both sides without amendment.

Probationary Period Policy and Procedure

This Policy was not currently in place and implementing such would ensure all employees were given every opportunity to improve performance during their probation and advises managers how to address performance issues during this time.

The Staff Side felt that an extension of one month to the probationary period would not be long enough to assess any marked improvement in performance as opposed to something such as timekeeping which could be assessed within one month. It was suggested that this period should be extended to 3 months with the proviso that only one such extension would be given.

Action By

RESOLVED that

- (1) only one extension to the probationary of a period of three months should be granted.

14/07 COLLECTIVE GRIEVANCE AGAINST BRECKLAND COUNCIL/JOHN WILLIAMS

The Solicitor and Monitoring Officer informed the Members that this matter could not be resolved by the Committee and would therefore be referred to the Chief Executive for consideration.

15/07 ANY OTHER BUSINESS

The Committee agreed that a health and safety report should be presented to the next meeting of the Committee on 13 September 2007.

RESOLVED that a Health and Safety Report be presented to the Local Joint Consultative Committee on 13 September 2007.

The meeting closed at 11.55 am

CHAIRMAN



Capability Policy

1. Purpose of the policy

To set out the action which will be taken to encourage improvement in individual performance with regards to work standards, quality, productivity or other capability factors. Capability is defined by Section 57 (4) of the Employment Protection Consolidation Act 1978 as the ability to perform required work to an acceptable standard by reference to skill, aptitude, health or any other physical or mental quality. It is also recognised by the CIPD that capability is something that tends to be outside of the officer's control.

2. Who is covered?

This policy does not apply to:

- The Chief Executive and officers covered by JNC for Chief Officers of Local Authorities
- Self employed and agency workers
- Termination of temporary or fixed term employment for which an employee has been specifically engaged
- Employees during their probation period

This procedure shall be applied in conjunction with the National Conditions of Service.

There is a separate Disciplinary policy for instances where staff conduct is of concern.

Representation

Breckland Council is represented by Unison and The Employment Relations Act 1999 entitles staff to have the right to be accompanied by a trade union representative.

3. Principles

There will be consultation with the employee

The offer of support and assistance will be made

In cases of ill health employees will be asked to co-operate with our Occupational Health Provider

There will be consideration of alternative employment (if applicable) or reasonable adjustments in the case of employees that are covered by the Disability Discrimination Act 1995

Staff should be aware of the consequences if there is unsatisfactory improvement.

4. Informal meeting

If you are exhibiting an inability to perform your duties, your manager may hold a meeting with you in order to discuss the problem. A record of the meeting will be made and kept on file.

If this fails to bring about the desired improvement, the formal capability procedure may be followed.

5. Formal capability procedure

If the manager decides that performance or attendance standards are not being met, then they may start the process with formal proceedings instead of informal meetings. You will be asked to attend a first formal meeting. You will be informed in writing of the date, time and place of the meeting, **giving reasonable notice if you are expected or required to prepare for the meeting**. You must take all reasonable steps to attend the meeting. If for any reason the date is not suitable, you should advise Human Resources of an alternative time when you are available. This should be within 5 working days of the original date.

Before the meeting you will receive details of the nature of the unsatisfactory performance/attendance. You will have an opportunity to respond to this information during the meeting. You have the right to be accompanied to the meeting by a representative of a recognised trade union or a colleague (willing to accompany to you). Your companion can give you advice and support and address the meeting but may not answer questions on your behalf.

After the detail of the issue has been discussed, the manager will decide on the next course of action. The following options may be considered:

- a) Revise agreed action plan and targets
- b) Targets and action plans should include staff development where appropriate. This might take the form of required training, or options on how to achieve the performance.
- c) Targets and action plans should also include a timescale commensurate with the improvement area concerned. We might expect that a shortcoming based on low skill on an ICT data entry system might be remedied with training, in days or, at most, weeks. Performance expectations around more complex areas such as technical knowledge or interpersonal skills might require a number of weeks.
- d) No further action if fully acceptable performance has been achieved.
- e) Issuing of a formal written warning stating the nature of the unsatisfactory work performance/attendance as discussed at the review meeting, the action requiring to improve performance, any further training or support that is to be provided, the date at which the issues would be subject to a final formal review and the employee's right to appeal.

The final review meeting will take place in the same format as above if performance/attendance remains unacceptable. The following options may be considered:

- a) Revise agreed action plan and targets.
- b) No further action if fully acceptable performance has been achieved.
- c) Issuing of a formal written warning stating the nature of the unsatisfactory work performance as discussed at the review meeting, the action requiring to improve performance, any further training or support that is to be provided, and employee's right to appeal. The letter should contain the date at which the issues would be subject to a Capability Hearing, and that this may lead to the employee's dismissal on capability grounds.

6. Capability Hearing

You will be informed in writing of the date, time and place of the hearing. You must take all reasonable steps to attend the hearing. If for any reason the date is not suitable, you should advise Human Resources of an alternative time when you are available. This should be within 5 working days of the original date.

Before the hearing you will receive details of the case made against you. You will have adequate time before the hearing and an opportunity to present your side during the hearing. You have the right to be accompanied to the hearing by a representative of a recognised trade union or a colleague (willing to accompany to you). Your companion can give you advice and support and address the hearing but may not answer questions on your behalf.

The Presiding Officer of the meeting will consider the options which might include:

- a) Revise agreed action plan and targets with a timescale when the matter will be subject to a further final review meeting.
- b) Consider suitable alternative employment
- c) To determine that acceptable performance has been achieved
- d) To dismiss the employee if acceptable performance has not been achieved, nor is likely to, based on the evidence available.

7. Appeals

If you are issued with a warning or are dismissed you can appeal against the decision. You must appeal in writing to the Human Resources Manager within five working days of the decision being communicated to you.

You will be informed in writing of the date, time and place of the appeal hearing. You must take all reasonable steps to attend the hearing. If for any reason the date is not suitable, you should advise Human Resources of an alternative time when you are available. This should normally be within 5 working days of the original date.

Where reasonably practical, the appeal hearing will be dealt with by a more senior manager (or different manager) than attended the original hearing.

You have the right to be accompanied at the appeal hearing by a representative of a recognised trade union or a colleague (willing to accompany to you). Your companion can give you advice and support and address the appeal hearing but may not answer questions on your behalf.

After the appeal meeting you will be informed of the final decision. Should any warning or penalty be withdrawn, reference to action will be removed from your personal file.

The appeal hearing need not take place before the dismissal or action takes effect.

8. Data Protection and Record Keeping

Records of disciplinary hearings will be kept confidentially on personal files in accordance with the Data Protection Act 1998. This record will be the official record. If after 12 months, your performance has been satisfactory and there have been no further issues, the warning will be disregarded in any future capability action.

9. Colleagues Asked To Attend a Capability Meeting/Hearing

You may be asked to attend a meeting/hearing either as a companion or as a witness. Employees will be granted reasonable time off with full pay to fulfil this duty.

10. Dismissals

Breckland Council will take a decision to dismiss at a time that is appropriate to the individual circumstance of the case. This is in no way governed by whether the employee concerned has exhausted their sick pay entitlement.

11. Fixed Term Contracts

Workers that are on short term contracts will not have their contracts extended solely for the purpose of completing capability proceedings.

12. Alternatives to Dismissal

Breckland Council reserves the right to regard actions short of dismissal as alternatives to dismissal if the Presiding Officer deems them to be appropriate.

13. Link With Disciplinary Policy

If at any stage in the procedure, following investigations, a manager feels that the causes of the poor performance/attendance are of a casual nature, the disciplinary policy will be invoked.

14. Review

This policy will be reviewed in 12 months from its approval by committee, or when one full Capability process has been completed.

GRIEVANCE PROCEDURE

1 INTRODUCTION

- 1.1 This grievance procedure provides for the effective resolution of **grievances raised by individual employees**. These guidance notes outline the grievance procedure and provide staff and managers with detailed advice. This guide seeks to promote good industrial relations, as well as consistency and fairness for all employees.
- 1.2 In the first instance where possible, preference should be given to the informal approach in resolving grievances. This is where the supervisor or line manager and employee communicate under normal circumstances. It is recommended that notes from any informal meetings and the action taken be kept. A copy of the notes should be given to the employee and to HR. However, if the employee is unsatisfied with the response they may decide to proceed under the formal grievance procedure at any time.
- 1.3 The main objective of this guide is to settle grievances, fairly and speedily and as close as possible to the point of origin. However, it should be appreciated that some cases need time to be investigated fully.
- 1.4 Where existing informal procedures are working to the satisfaction of both parties they may be continued but any employee has the right to initiate the formal procedure.
- 1.5 At all stages of the procedure the Human Resources Team will provide, upon request, advice to the appropriate manager dealing with the grievance.
- 1.6 It is imperative that timescales within the procedure are followed, otherwise the employee may automatically proceed to the next stage. An exception to this is where the parties by mutual agreement modify the time limits set out in the procedure.
- 1.7 Counter Grievances shall not be heard until the first Grievance is concluded.
- 1.8 *Mischievous/ Malicious Grievances: Anyone found making Mischievous/ Malicious use of the grievance procedure will be subject to action as stated in the disciplinary procedure.*

2 SCOPE AND EXCLUSIONS

- 2.1 These procedures are intended to apply to all employees of the Council. However, exclusions from the grievance procedure include;
 - a) appeal rights under the Disciplinary Procedures

- b) Appeals against the salary grading of a post are dealt with under the Job Evaluation procedure; however a grievance regarding equal pay should be dealt with under this procedure. If there is any doubt, seek advice from your portfolio manager/ the Human Resources Team.
- c) Normally, grievances will be settled internally. Breckland reserve the right to call in third parties such as the Conciliation Arbitration Committee, in exceptional circumstances.

3 FORMAL GRIEVANCE PROCEDURE

- 3.1 Breckland Council is represented by Unison and the Employment Relations Act 1999 entitles staff to have the right to be accompanied by a Trade Union representative.
- 3.2 Employees can raise a formal grievance in writing using Appendix A format only. The procedures outlined below should be followed:

FIRST STAGE

- a) The employee's supervisor or line manager is usually the best person to deal with the immediate problem; consequently they usually act as the Presiding Officer of the grievance hearing. This requires impartiality and non-involvement with the previous events related to the grievance. Hence,
 - i) if the employee has already spoken informally to their line manager, then the next suitable manager should deal with the 1st stage of the formal grievance procedure. A representative of Human Resources should be consulted throughout the procedure.
 - ii) if a grievance is directed against a supervisor who would normally hear the case, the matter may be raised/dealt with by the next senior manager or an alternate manager from the council at the appropriate level.
 - iii) if for any reason the problem is outside the scope of the supervisor he/she will advise the employee of the name of the person who will hear the initial complaint.
- b) Upon receipt of notification of the formal grievance (Appendix A), the Presiding Officer should arrange a hearing in order to consider the matters raised and give the employee opportunity to explain their complaint and say how they think it should be settled. This should take place within 10 working days of receipt of the written grievance.
- c) The Presiding Officer concerned should write to the employee and the employee whom the grievance has been taken out against, if applicable, to inform them of the time and location of the meeting. The letter should also inform the employee of their 'right to be accompanied/represented' at the meeting by a recognised Trade Union Official or a colleague.
- d) Whenever possible the Presiding Officer concerned, will advise the employee of their response to the grievance on the day of the hearing.

This will be followed up by written confirmation within 5 working days of the date of the hearing. If it is not possible to respond within 5 working days, the employee should be given an explanation for the delay.

4 THE GRIEVANCE HEARING

4.1 A formal record should be kept of the grievance meeting and signatures should be gained to confirm the content of the record.

4.2 Problems that may arise

It is obviously impossible to identify all the problems that may occur, but some of those that do so regularly are outlined here.

a) Right to Postpone a Hearing

The employee can offer an alternative time and date so long as it is reasonable and falls within five working days, beginning with the day after the originally proposed meeting. The revised time and location for the meeting must be convenient to all those due to attend.

b) Non Attendance at a Hearing

It is necessary to ascertain that the hearing; date, time and location were properly conveyed to the employee. If this has not been properly communicated the hearing should be rearranged. Where this has been properly communicated, the employee will be advised that if there is a further non-attendance, without suitable reason, the grievance procedure will continue without representation.

c) When Unforeseen Factors Come to Light

It sometimes happens that employees, or union representatives, introduce elements to the case that are totally unforeseen but are quite fundamental. These can relate to the facts themselves (e.g. an 'admission' by the employee who has had the grievance taken out against them) or to the procedures being used (e.g. that the Presiding Officer conducting the hearing should not do so). Employees are required to disclose all relevant information as early as possible – otherwise this may jeopardise proceedings.

d) Behaviour of the Employee's Representatives

The employee's representative has the right to address the hearing. However, they have no right to answer questions on the employee's behalf. If this occurs the representative should be informed that their behaviour is unacceptable. They should be warned that if it continues it will no longer be reasonable for them to act as a representative.

In exceptional circumstances it is the Presiding Officers decision to refer the matter direct to the senior managers' appeals panel.

5 APPEAL

- 5.1 If the employee is still not satisfied with the resolution, then he/she may use their right of appeal. Appeals must be registered within 5 working days of receipt of the letter confirming the resolution taken. Appeals must be lodged in writing with the Human Resources Manager. Employees have the right to be represented at the Appeal Hearing.
- 5.2 An appeal will be heard by a more senior manager's appeals panel.
- 5.3 You will be informed in writing of the date, time and place of the hearing. You must take all reasonable steps to attend the hearing. If for any reason the date is not suitable, you should advise Human Resources of an alternative time when you are available. This should be within 5 working days of the original date.
- 5.4 Where reasonably practical, the appeal hearing will be dealt with by a more senior manager (or different) manager than attended the original hearing.
- 5.5 You have the right to be accompanied at the appeal hearing by a representative of a recognised trade union or a colleague (willing to accompany you). Your companion can give you advice and support and address the appeal hearing but may not answer questions on your behalf.
- 5.6 After the appeal meeting you will be informed of the final decision.
- 5.7 You will receive a written response of the outcome. The decision of the appeals panel is full and final. The senior managers' appeals panel will consist of either the Deputy Chief Executive **or** an Operations Manager, and a Service Manager who will be accompanied by HR. **(Two plus HR)**

6 MODIFIED GRIEVANCE PROCEDURE

- 6.1 If an employee's employment ends before the grievance has been brought, a modified statutory grievance procedure may be applied.
- 6.2 The employee must set out in writing to the HR Manager, their grievance and the basis for it.
- 6.3 Breckland will then set out their response in writing and send the statement to the employee.

Appendix A
BRECKLAND COUNCIL GRIEVANCE PROCEDURE

STATEMENT OF GRIEVANCE

Full Name of Employee (s):

Portfolio:

Job Title:

Unison member? Yes No

Will Unison represent you? Yes No

NOTE: At least one copy of statement of grievance should be retained by the employee.

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Continue on a separate sheet if necessary.

Signature of Employee: Date:

APPENDIX B

PROCEDURE FOR GRIEVANCE HEARING

The procedure will be along the following general lines:-

- Introduction.
- Outline of the grievance.
- The case of the aggrieved employee.
- The side of the employee who has had the grievance taken out against him/her. (Where the grievance is due to the behaviour of another employee)
- Clarification
- Conciliation
- Consideration of the case
- Resolution/ Decision

Probationary Period Policy

1. Introduction and Policy Statement

- 1.1 During probation both parties to the employment contract are considering the validity of their decisions and it is important from all points of view that if performance is not satisfactory, or a mistake has been made, it should be speedily rectified.
- 1.2 All new Breckland Council employees (not including those with continuous employment) are subject to a six month probationary period. The purpose of this is to:
- Enable Breckland Council to manage and assess performance, and also assess the future potential of the employee before making a decision whether to confirm the appointment;
 - Enable employees to establish their suitability for the post to which they have been appointed;
 - Help identify the employees' training and development needs.

2. General Principles

- 2.1 During the probationary period the line manager is responsible for ensuring that the following process takes place:
- The new employee receives a full employee-manager **induction**; a corporate induction takes place on a quarterly basis and therefore cannot be guaranteed during this time.
 - Any appropriate **learning and development** takes place at the earliest opportunity;
 - Management **expectations and performance targets** are made explicit and are understood by the new employee;
 - Monthly probation reviews

3. Employees Covered by the Agreement

- 3.1 All new employees of Breckland Council are covered by this agreement. This policy will not be applicable to those employees who bring previous continuous service from another authority. Existing staff that apply for and are appointed to positions totally unrelated to their existing role may be monitored for a period of time under Breckland's Performance Management policy.
- 3.2 Employees appointed to short-term temporary posts (3 months and under) are not normally required to undergo a formal probationary period. They will however be monitored during this period to ensure they comply with Breckland's principles and practices. If a longer term position (including permanent) is offered, employees must undergo a probationary period, unless:-

- They have already been subject to a formal probationary period.
- They have satisfactorily completed a period of regular performance monitoring and review,
- The role is the same or similar to that which the post holder has already undertaken for a reasonable period and their performance is deemed satisfactory by the employing department.

4. The Probationary Review Meeting

- 4.1 The aim of the interview is to provide an open and honest channel of communication which enables two way feedback on what is going well and what can be done to improve individual performance and job satisfaction.
- 4.2 Regular reviews should take place on a monthly basis. HR.Net sends line managers monthly reminders. The employee will be given a copy of the performance review form a few days before the meeting. The employee and manager should both prepare their responses to each question in preparation for the meeting (Appendix A).
- 4.3 During the review, constructive feedback is given to the employee highlighting both achievements and areas of weakness using suitable examples. The employee is encouraged to identify areas of difficulty and ways of resolving these are clearly defined and agreed;
- 4.4 A copy of the completed form should be sent to Human Resources to be placed on the employee's personal file. A copy should also be retained by the employee and line manager.
- 4.5 Upon satisfactory completion of the probationary period, employees will be transferred to permanent establishment. The line manager will inform Human Resources, who will send out the required correspondence to the employee.

5. Performance Issues

- 5.1 Performance issues should be highlighted to the employee as soon as possible, and at the latest, the next review meeting.. Copies of review forms are available from Human Resources. Standards of performance should be outlined with quantifiable measures identified. Additional learning and development if necessary, should be arranged.
- 5.2 If at the 5th month review there are continuing problems with the employees' performance, a HR Advisor should attend the review meeting. At the review meeting, the manager should outline the standards of performance expected and arrange a follow-up meeting for a month later. If necessary the probationary period will be extended to coincide with the follow-up meeting.

5.3 Service Managers will have the discretion to extend a probation period up to a maximum of three months if there is evidence of an improvement in performance that, if maintained, will lead to satisfactory performance in the job. Only one such extension can be granted.

The manager should point out that if there is no improvement and he/she fails to successfully complete the probationary period, their employment may be terminated.

- 5.4 At the final review meeting the employee will be entitled to be accompanied by a work colleague or Trade Union Representative if there are still performance issues that have not been resolved. Human Resources will also be present. There should be a discussion about the employee's performance and he/she must be given an opportunity to comment and explain and mitigating circumstances. There are then 2 options:-

1. If the employee's performance has improved but there are still some concerns, or the mitigating circumstances are such that the employee is to be given a second chance, the probationary period can be extended for a period of 1 month. However, at the end of this period, the employee will need to either be confirmed in their post or have their contract terminated.
2. If the employee's performance has not improved to the required standard and the probationary period has shown that this position is not suitable for the employee then their contract of employment will be terminated. They will be entitled to one month notice plus any outstanding annual leave. They will not be required to work out the notice, at the discretion of the line manager.

Under the New Constitution, the dismissal of any employee at any time during the probationary period, within the law needs authorisation from the appropriate Chief Officer in consultation with the Chief Executive and Deputy Chief Executive

6. Disciplinary issues during the probationary period

- 6.1 Any disciplinary issues which arise during the probationary period will be dealt with under the Council's disciplinary procedure. If disciplinary action is taken, this will be taken into account at the final assessment. This procedure will not apply to capability issues which will be handled according to the guidelines in section 5 above.

7. Other

- 7.1 During the probationary period the period of notice will be 1 month on either side
- 7.2

Name of Employee

Portfolio

Post Title & Number

1st/2nd/3rd [4th/5th/6th] Review

Date of Discussion

If any of the following categories have been completed in previous appraisals and have not changed please mark with N/A

1. Has/Is the Induction procedure being/been carried out.

2. Job satisfaction

3. Levels of supervision provided (or required).

4. Performance assessment (Good/satisfactory/requiring improvement)

5. Personality (job fit).

6. Expectations/ambitions.

7. Any activities in the job description with which the employee is still not acquainted.

8. Any activities being carried out that are not in the job description.

9. Does either 7 or 8 above call for additional training.

10. Identify any other training need (specify).

Manager's Signature

Employee's Signature

.....

.....

Date

Date

Strictly Confidential

1 Copy for Employee
1 Copy for Manager
1 Copy for Human Resources

Breckland Council

Recruitment

Probation Review Form

Discussion Summary Form and Action Plan

Name of Employee

Portfolio

Post Title & Number

1st/2nd/3rd [4th/5th/6th] Review

Manager's General Review

Manager's Signature

Signed

Dated

Employee's comments

If the above is an acceptably accurate interpretation of this appraisal inclusive of previously agreed action having been carried out, please sign below:-

Employee's Signature

Signed

Dated

**To discuss further, do not hesitate to contact
Human Resources at Dereham**

