

PROBATIONARY PERIODS IN ACTION

General principles of probation

The probationary period is a period of time defined within the offer letter and contract of employment when both the employee and the employer can establish that they are well suited and able to mutually fulfil the terms of the contract. There is no legal requirement to have a probationary period although most employers think they are useful.

If necessary the probationary period can usually be extended, but this should only be for truly valid reasons. Delaying an inevitable dismissal is not useful to either the employer or employee.

What should happen within probation?

Probation in most organisations kicks off with induction training. Depending on the size of the organisation this can take anything from a few days to a number of weeks within the probationary period. A successful probationary period will be one which has:

- Included an induction programme and review meetings
- Seen the employer support the employee in settling into the job and the company itself
- Involved the employee in fully understanding what they are supposed to be doing. This can include employer run training (either one to one or classroom based), “sitting with Nelly” – learning the job sitting alongside a colleague, supplier training, induction training, doing the actual job themselves, coaching on the job etc
- Seen regular two way communication between the employee and their line manager / team leader or supervisor where both parties are given the opportunity to raise any concerns or problems

A probationary period like this will have enabled both parties to experience the employee’s performance in the role they were recruited for and to assess it fairly.

When should I review how an employee is getting along in probation?

There is no fixed timeframe but we recommend the first review should be about half way through the probation. Commonly probation is three months so around 6 weeks into the role. By this time the employee should have begun to grasp the role and you will have some good evidence of performance to feed back to the employee.

What do I cover in a probationary review meeting?

The review meeting should be a two way conversation with the employee highlighting their experience to date as much as the employer assessing and feeding back evidence / examples of their performance.

When conducting the review the line manager should ensure that all areas are covered – what has gone well and what has not gone well. The line manager should ensure that the employee understand fully why things have not gone well. Sometimes it can be because:

- The employee was not as capable as they indicated at interview
- The appropriate training / induction was not provided by the employer
- The employee did not understand the standards they were expected to achieve

The reasons for the dissatisfaction with the employee's performance need to be assessed in terms of culpability – if this lies with the employer then it is appropriate to put things in place to address the areas of underperformance and to review again.

If the shortfall in performance is entirely due to the employee and they have neither the capability nor the desire to meet the required level of performance then the review should result in the ending of the contract.

What areas should I include in a probationary review meeting?

Typical areas to cover in a probationary review should include:

- Time keeping
- Appearance
- Attendance
- Technical ability
- Task achievement - including quality, accuracy and timeliness
- Induction targets met
- Team leadership and / or team membership and contribution

And whether these areas are being met satisfactorily or whether improvement is required.

It can be that one area requires improvement whilst others are all being met to a good standard and in such an instance the position can be confirmed as permanent but it should be made clear that improvement is necessary in that area, and both a plan put in place to achieve this and a date to review progress.

At the end of probation or towards the end of probation, what happens next?

There are three possible courses of action:

- **Confirm the employee as a permanent member of staff in writing.** Some employers overlook this step, but it is an important one in terms of morale, so take a moment to congratulate the employee on successfully passing their probationary period and welcoming them as a fully fledged member of your company and team.
- **Dismiss them with one week's notice and follow up in writing.** Sometimes things just don't work out and then you can terminate the contract by giving the employee the contractually required notice period, commonly one week.
- **Extend the probationary period in writing.** In some instances an employee just needs a little longer to convince you they are going to meet the standards required. If this is the case then you can extend probation to allow for this. In all cases probation extensions must take place prior to the end of the probationary period and they must be confirmed in writing stating the areas where further improvement is required and defining what, if any, further training will be given.

Please remember that if you ignore the end of a probationary period or let it pass without formal discussion an employee is entitled to consider that their role is now permanent and they will become entitled to the longer notice period should you wish to dismiss them.

Are probationary periods used at any other times?

Yes they can be. In some cases it may also be appropriate to use probationary periods when promoting an employee to a more senior role within the business.

This can help manage the process of assigning greater responsibilities to the promoted employee and creating expectations for how failure to meet the standards required in the new role will be handled.

What happens if an employee is absent in the probationary period?

Unless the absence is based on a disability or maternity, poor attendance within probation should give employers cause for concern. There may be instances where an employee has had a prolonged period of genuine illness that might lead you to extend probation to allow the employee additional time to demonstrate their suitability for the role. But for any other unexplained absence it would probably be grounds for concluding that the employee has failed to pass their probation.

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