

# Probationary period policy and procedure

## 1. Scope

- 1.1 This procedure applies to all new employees of the Information Commissioner's Office. It applies equally to permanent, fixed term and temporary employees.
- 1.2 The policy does not apply to staff placed with the ICO who are employed by employment or recruitment agencies or to staff seconded to the ICO. The policy will apply to these staff when and if they become employed directly by the ICO.

## 2. Purpose

- 2.1 The main purpose of the probationary period, and of this policy and procedure, is to enable new members of staff to gain a full understanding of the requirements of their post and of the organisation, and to achieve an acceptable level of performance within a reasonable period of time.
- 2.2 This policy and procedure is also designed to provide managers with a framework to assess the performance of new members of staff. It will provide a process for feeding back good performance and for improving performance if necessary.
- 2.3 The probationary period is intended to be a positive experience which gives an individual the opportunity to learn and settle into the organisation.

Another purpose of this document is, however, to describe the process by which employment with the ICO will be terminated if performance does not meet the required standard during the probationary period. In this document the term 'probationer' and 'new starter' are used interchangeably.

## 3. Key elements

- 3.1 The standard probationary period at the ICO is six months. This may be varied in the circumstances below:
- i) The probationary period may be extended if performance concerns have been identified during the initial six month period or if it has not proved possible to adequately assess performance. Any extension of the probationary period will be confirmed in writing, providing the date on which it will now end and any steps required of the employee to improve to the required standard.
  - ii) The probation period may be curtailed if performance or behaviour is so deficient that it is regarded as highly unlikely that the required standards will be achieved within the usual six month period or with the benefit of an extension (see section 3.4)

During your probationary period you will undertake an induction programme which will provide you with key information about the ICO and introduce you to key activities required for your role. Completion of induction

activities is an essential element of the probationary period. Your manager will agree a programme of induction activities with you.

3.2 During the probationary period, new starters will be assessed on:

- Performance in the job role;
- Application of values and behaviours;
- Achievement of objectives;
- Attendance;
- Timekeeping.

3.3 Probation review meetings will take place at the following times:

- i) at six weeks in post;
- ii) at twelve weeks in post;
- iii) at six months in post.

Other meetings between the new member of staff and the line manager to discuss the progress of the probationary period may take place between the above review meetings if necessary. Notes will be made of all such meetings so that both manager and the probationer have a record of progress. A copy of these reports will be kept on the employee's file upon completion of the probationary period and a copy will be given to the employee after each review meeting.

3.4 If, at any point between the review meetings, a line manager believes that the probationer has been unable to demonstrate the required standards of performance expected during the probationary period, and sufficient improvement is unlikely to be achieved, they may decide to invoke the procedure under section 12. This may result in the failure of the probationary period and lead to the termination of employment at the ICO

3.5 Upon successful completion of the probationary period a member of staff will enter into the Performance and Development Review process.

#### 4. The role of the manager

4.1 Line managers have responsibility for ensuring that all review meetings take place in a timely manner. Meetings throughout the probationary period are usually arranged within a week of the new starter joining the ICO or otherwise as soon as reasonably practicable.

4.2 The three review meetings mentioned in section 3.3 **must** take place.

Managers must not skip meetings and then attempt to 'catch up' reviews at the next scheduled meeting. For example, if the six week review is delayed due to holidays, it is not acceptable to forgo that meeting and simply have a review at twelve weeks. Instead it should be timed to take place as close to six weeks as possible.

- 4.3 Managers are responsible for completing the probationary period paperwork after each review meeting, and submitting it to Learning and Development at the end of the probationary period.
- 4.4 Managers must ensure that their new member of staff understands the probationary period, the requirements it places upon them, and the consequences of failing the probationary period.
- 4.5 Managers must ensure that new starters have a reasonable understanding of the standard of performance and behaviour required of them. The new starter must be directed to the ICO values framework and managers must ensure that new staff have an understanding of the ICO's values, and how they apply to their role.
- 4.6 Managers have a responsibility to ensure that their new starter has a reasonable understanding of how well they are progressing throughout their probation, particularly if there is evidence of deterioration in performance between reviews.  
  
The final outcome of the probationary review should reflect the discussions that have taken place throughout the probationary period.
- 4.7 Managers must ensure that they set achievable objectives for their probationers and review the objectives throughout the probationary period.
- 4.8 Managers are responsible for ensuring that probationers receive the required training they need in order to carry out the tasks associated with their job role, and so should liaise with the Learning and Development team as necessary.
- 4.9 Managers must engage with HR and their own manager at an early stage to obtain guidance when dealing with issues which could result in a new starter's probation being extended or failed.

## **5. Responsibilities of the probationer**

- 5.1 Probationers must attend review meetings. If they are unable to attend they must discuss with their line manager as soon as possible and request alternative dates and times.
- 5.2 Probationers must prepare thoroughly for review meetings. This includes being able to cite evidence of their performance, achievement of objectives and examples of how they have demonstrated the ICO values.
- 5.3 Probationers must complete any mandatory training identified, including the corporate induction, health and safety training and security training.

- 5.4 Probationers must take responsibility for their own development, including identifying any training needs they may have, making use of learning resources and informing their manager if they require support.
- 5.5 Probationers must ensure that their line manager is aware of any circumstances that could impact upon their ability to perform their role. This can be communicated via HR if the probationer is more comfortable with that approach.

## **6. During the first six weeks**

- 6.1 There are no formal probation review meetings during the first six weeks of a probationer's service. It is important, however, that regular informal discussions take place with the new starter to ensure that any concerns can be addressed appropriately by the manager and monitored, prior to discussion at the review meeting.

## **7. The six week review meeting**

- 7.1 The six week review meeting will be used to assess the following:
- Assessment of performance in the job role;
  - Application of the ICO competencies/values/behaviours;
  - Attendance (information about this is available on Minfo, or HR can provide a copy of the absence record on request);
  - Timekeeping (the manager should refer to the probationer's flexi record).
- 7.2 The objectives for the next phase of the probationary period will be set by the Manager and agreed with the probationer at this meeting. Objectives should reflect the probationer's level of experience and provide achievable goals during the probationary period. This may be a combination of objectives relating to familiarisation with the work of the ICO and objectives which contribute to the achievement of the departmental business plan.
- It is anticipated that there should be no more than four new starter objectives.
- It may be necessary for the objectives to be revised at future meetings.
- 7.3 Learning and development needs should be identified at the meeting, and agreement reached to determine how they will be addressed. The manager should liaise with the Learning and Development team if necessary. Any training needs identified should be recorded on the Probationary Development Plan and forwarded to Learning and Development Team.
- 7.4 Any issues or concerns regarding performance must be addressed at the time by the manager and noted formally at the meeting.

- 7.5 If the manager has concerns about the individual's performance, capability or behaviour, they must ensure that Human Resources are aware of the issues so that they can provide advice about how the issues may be remedied.
- 7.6 The manager must complete the 'six week review' part of the probation paperwork and email a copy to the probationer.
- 7.7 The manager must email the Learning and Development inbox to confirm that the review meeting has taken place (the paperwork does not need to be sent to L&D at this stage).

## **8. The twelve week review**

- 8.1 The 12 week review meeting will be used to assess the following:
- Performance in the job role;
  - Application of the ICO values;
  - Activity towards completion of new starter objectives, reviewing the relevance of objectives, and setting revised objectives if necessary;
  - Attendance (details are available on Minfo, or HR can provide a copy of the absence record on request);
  - Timekeeping (the manager should refer to the person's flexi record).
- 8.2 Learning and development needs identified throughout the process must be reviewed at the meeting, including a discussion about any training that has already taken place. The manager should liaise with the Learning and Development team if necessary. Any training needs identified should be recorded on the Probationary Development Plan and forwarded to Learning and Development Team.
- 8.3 Any issues or concerns regarding performance must be addressed at the time by the manager and noted formally at the meeting.
- The manager must inform the probationer of any areas of concern which could potentially lead to a failed probation period.
- Actions must be agreed to address the areas of concern and provide the opportunity for sufficient improvement by the next probationary review meeting at six months. It may be necessary to hold further review meetings before the six month review in order to manage progress.
- 8.4 If the manager has concerns about the individual's performance, capability or behaviour, they must ensure that Human Resources are aware of the issues so that they can provide advice about how the issues may be remedied.
- 8.5 The manager must complete the '12 week review' part of the probation paperwork and email a copy to the new starter.

- 8.6 The manager must email the Learning and Development inbox to confirm that the review meeting has taken place (the paper work does not need to be sent to L&D at this stage).

## **9. Six month review**

- 9.1 The six month review meeting will be used to assess the following:
- Performance in the job role;
  - Application of the ICO values;
  - Activity towards completion of new starter objectives;
  - Attendance (information is available on Minfo or HR can provide a copy of the absence record on request);
  - Timekeeping (the manager should refer to the person's flexi record).

The six month review will provide an overall assessment of the probationer's performance and suitability for continued employment at the ICO.

- 9.2 Following this meeting the manager must decide the outcome of the new starter's probationary period. There are three possible outcomes:

- i) The new starter has successfully completed the probationary period.
- ii) An extension is required to the probationary period.
- iii) The employee fails their probation and therefore is dismissed. The meeting will be held in line with section 12 below.

The sections below describe what happens with respect to each of the above outcomes.

## **10. Probationary period successfully completed**

- 10.1 If the probationary period is completed successfully at 6 months review, the manager will complete the rest of the probationary period paperwork, and forward a copy to the new starter and the Learning and Development inbox.
- 10.2 The manager will then make a recommendation whether or not the employee should pass their probation and update the employee Minfo record.
- 10.3 The manager and the member of staff should agree objectives for the time between completion of the probationary period and the annual PDR meeting. The number and type of objectives should take into consideration the amount of time available until the annual PDR takes place (Objectives should be recorded on the PDR paperwork document and the new starter and the manager should both keep a copy).
- 10.4 Learning and development needs must be reviewed and needs should be recorded on the Probationary Development Plan and forwarded to Learning and Development Team. All future needs will be recorded on the PDR paperwork where objectives have been completed.
- 10.5 The member of staff now slots into the PDR cycle.

## **11. Extension to probationary period**

- 11.1 Managers should consult with their own manager and Human Resources at an early stage when the potential need to extend probation has been identified.
- If a manager is considering extending a new starter's probationary period, they should agree this with their own manager and if necessary contact Human Resources for advice before doing so.
- 11.2 A manager may wish to extend a probationary period because it has not been possible to fully assess the new starter's performance, or because there are areas of concern regarding performance, capability, behaviour, attendance and/or time keeping. Managers must take reasonable steps to ensure that new starters are given appropriate workloads and training to allow adequate assessment of performance.
- 11.3 If an extension is being considered because of concerns with performance, capability, behaviour, attendance or timekeeping, the manager must be of the view that there is a realistic prospect of the new starter improving sufficiently within the period of an extension to meet the required standards.
- 11.4 Human Resources will advise the manager about appropriate timescales for extensions to probationary periods to ensure a consistent approach. It is anticipated that a probationary period can be extended for between one to three months. The exact length of the extension will depend on the reason for the extension.
- 11.5 The manager must inform the new starter that the probationary period is being extended and confirm this to the new starter in writing.
- The letter should outline the reason for the extension with sufficiently detailed levels of improvement required or areas of performance still to be assessed. The letter must also outline the date on which the probationary period will now end and any fixed reviews to be scheduled during the additional period.
- A copy of this letter must be sent to Human Resources and this will be kept on the new starter's file.
- 11.6 A final review must take place at the end of the extended probationary period. This review will consider overall performance with a particular focus on the outstanding areas of concern.
- After this review meeting, the manager must decide if the new starter has successfully completed their probationary period or if they recommend that the probationary period is failed.



- 11.7 If the manager's assessment is that the new starter has successfully completed their probationary period, the process described in section 10 above, should be followed. The paperwork sent to L&D should include the form completed following the extended probationary period review.
- 11.8 At any point during the extended period, if the manager's assessment is that the new starter has not met the required standard in order to pass the probationary period, and is unlikely to meet the required standard within the remainder of the extension, then a formal review meeting should be arranged in line with paragraph 12.3 below.

## **12 Formal review meeting**

- 12.1 If a manager's assessment is that a new starter has not met the required standard during the probationary period, they should invite the probationer to a formal review meeting. A formal review meeting may also be invoked if, at any time during the probationary period, the line manager believes that the required standards are unlikely to be achieved during the standard probationary period or with the benefit of an extension.
- 12.2 At the review meeting the manager should highlight the areas of concern and give the opportunity for the new starter to comment upon them.
- It is expected that any issues will have been raised with the individual in the six and/or twelve week reviews, or in other meetings during the probationary period. The issues of concern should not be raised for the first time in a meeting that could result in dismissal, unless there are exceptional circumstances e.g. the issues of concern have only recently come to light.
- 12.3 The probationer will be given at least five clear days' notice of the formal review meeting taking place and will be entitled to be accompanied by a work colleague or Trade Union Representative. The probationer must be informed of the reasons why a failed probationary period is being considered, that one of the potential outcomes of the meeting could be their dismissal.
- Fewer than five days' notice of the formal review meeting may be provided in exceptional circumstances, or the probationer may be required not to attend work during the period leading up to the formal review meeting.
- At the meeting the probationer will have the opportunity to present a case as to why they should not fail their probation.
- The meeting will be heard by the probationer's line manager, and a representative of Human Resources will be present to advise the line manager.

- 12.4 The probationer shall receive the outcome of the review meeting in writing, within 5 working days of the meeting taking place.
- If the decision is to dismiss, employment will be terminated with effect from the date that the decision is confirmed in writing. Payment will be made in lieu of a notice period.
- The probationer may appeal the decision by writing to Human Resources, and this must be submitted within 10 working days of receipt of the outcome letter. The appeal letter must state full reasons for the appeal.
- 12.5 If a decision to dismiss is appealed, the probationer will then be invited to an Appeal hearing which will be chaired by another manager of appropriate seniority, who will be accompanied by a representative of Human Resources.
- The probationer will be entitled to be accompanied to the meeting by either a work colleague or Trade Union Representative.
- In normal circumstances, the appeal will be heard as soon as possible, but certainly within two calendar months of the written appeal being received.
- The outcome of the Appeal shall be delivered in writing within 5 working days. There shall be no further right of appeal beyond this point.
- If the outcome of the appeal is to re-instate the probationer, the individual's service will be treated as though the dismissal had not occurred and they will be paid for the time between dismissal and appeal outcome accordingly.

Version	Date	Author	Change description
V1	2018		First version
V1.1	2022	AK/MWS	Process of confirming successfully completing probationary period updated