



Probationary Procedure (Staff)

This document is part of North Yorkshire Police policy to which all Chief Constable personnel and the functions provided by the Deputy Mayor for Policing as part of the York & North Yorkshire Combined Authority are required to adhere.

Overarching Policies:

Procedures:

Grievance Procedure

Other Documents:

Performance Management Framework

Attendance Management Guidance

Supportive Plan

Police Staff Standards of Professional Behaviour

Process

1 Purpose

1.1 All new police staff entrants to North Yorkshire Police (NYP) will be required to complete, to a satisfactory standard, a period of probationary service. Statutory rights are not affected. The length of a police staff probationary period is specified by type at 2.2 of this procedure. During the probationary period, the individual's suitability for appointment will be assessed and the appointment will only be confirmed where his or her suitability is established.

1.2 The aim of the Police Staff Probationary Procedure is to assist and encourage all new police staff to achieve and maintain standards of approved and appropriate performance, attendance, conduct and academic progress (if applicable). In so doing, North Yorkshire Police will be able to maintain and improve the delivery of service to the people of North Yorkshire and the City of York.

1.3 The Performance Management Framework expresses the overriding principles by which this probationary procedure will operate.

1.4 This procedure should be read in conjunction with the above-mentioned guidance and processes associated with the induction period, including for example induction checklists.

2 Probationary Period

2.1 With the exception of police staff joining NYP under a Transfer of Undertakings (Protection of Employment) Regulations, (TUPE), arrangement, all new police staff appointees to NYP will be

subject to this procedure, regardless of whether their appointment is to a permanent or fixed-term role. This includes individuals who have previously worked for NYP unless they are returning to work at the end of a break agreed under the Career Break Scheme.

2.2 Within NYP there are differing probationary periods for different types of police staff, these are as follows;

2.2.1 NYP Police Community Support Officers (PCSOs) undertaking the apprenticeship programme will, as agreed with UNISON, undergo a formal probationary period of not less than sixteen months, unless employment is terminated earlier in line with this procedure.

2.2.2

2.2.3 NYP Force Control Room Staff will, as agreed with UNISON, undergo a formal probationary period of not less than nine months, unless employment is terminated earlier in line with this procedure.

2.2.4 All other NYP police staff will normally have a probationary period of six months, unless employment is terminated earlier in line with this procedure.

2.3 Where the contract is for a fixed term, the successful completion of the probationary period will not alter the status of the contract i.e. does not make the contract permanent.

2.4 Where, after the successful conclusion of the probation period, the individual is successful in securing a permanent contract for the role they have undertaken on a fixed term contract basis, no further probationary period is required.

2.5 If an individual is successful in securing a permanent contract for the role, they have undertaken on a fixed term basis, before the probationary period is complete, the existing probationary period will continue unchanged and confirmation of appointment will be subject to successful completion.

2.6 Where issues are raised about the performance, attendance, conduct and academic progress (if applicable) of a police staff probationer, the probationary procedure may be extended as outlined in section 5.6.

2.7 An individual cannot apply for another post in NYP until they have successfully completed the probationary period with NYP in their current role.

2.8 During their probationary period, police staff will not be subject to the NYP police staff discipline or capability procedures. Instead, this Probationary Procedure will be used to address any failure to meet the required standards of performance, attendance, conduct and academic progress (if applicable).

2.9 It is essential that line managers keep contemporaneous notes of all meetings and discussions

3 First Steps

3.1 The intention of the probationary period is to focus on an individual's ability to perform in their role and for this reason it is essential for line managers to manage expectations from the start by:

- Ensuring there is a common understanding of the requirements of the post as laid out in the job description, role profile and career progression plan (where applicable). Specifically, individuals should understand the relevant main responsibilities from the job description and the

behavioural expectations from the role profile together with the training and support that will be made available.

- Ensuring they discuss their expectations over attendance as outlined in the Attendance Management Guidance and conduct as set out in the Police Staff Standards of Professional Behaviour.
- Ensuring that individuals are aware of the length of their probationary period and how their progress will be reviewed.

The above should be communicated to the individual within the first two weeks of the probationary period, wherever possible.

3.2 In order to support this, Origin PDR should be used to record SMART objectives (highlighted as probation objectives) against which performance can be assessed. In order to support individuals, line managers should ensure that guidance and assistance is available and that access to development opportunities is facilitated as appropriate. It is recommended that an objective to 'successfully complete the probationary period' is added to Origin PDR.

3.3 Individuals are required to evidence their achievements and progress against objectives and personal qualities in Origin PDR. Line managers are recommended to monitor Origin PDR to ensure that evidence is being recorded.

4 Interim Review

4.1 In order to support the individual in the achievement of objectives and performance, the line manager should meet with the individual on a regular basis to discuss their progress. It is suggested that these meetings should be at least monthly, but line managers and individuals can agree how frequently is suitable for their particular circumstances, subject to the interim and final reviews outlined in section 4.5 being undertaken as a minimum. Notes of these discussions should be taken and be recorded in Origin PDR.

4.2 Individuals should provide evidence against objectives and personal qualities recorded in Origin PDR. This will enable line managers to assess an individual's progress against the requirements of the role.

4.3 Any concerns about performance, attendance, conduct and academic progress (if applicable) must be addressed as soon as they are identified. Issues relating to conduct or gross incompetence should be progressed as outlined in section 6. For issues relating to performance and attendance, these should be discussed with the individual, ensuring that;

- The nature of the concern is explained
- The individual has the opportunity to provide an explanation
- The improvement required and review date are specified
- Support to assist the individual to be able to achieve the standards required is offered
- The individual is advised that if they are not able demonstrate the improvement required, their appointment may not be confirmed

Notes should be taken and be recorded in Origin PDR. Supportive objectives should be recorded in Origin PDR or, if the concerns relate to attendance, on a Supportive Plan.

4.4 Consideration should be given to whether there are any health or welfare issues that may be affecting the individual's performance, attendance, conduct and academic progress (if applicable). Where the individual may have a medical condition / disability which could be affecting their performance, attendance conduct and academic progress (if applicable). the line manager should seek guidance from the People Services team. The Force will comply with its obligations under the Equality Act 2010 by making reasonable adjustments for any individual with a disability. Advice can also be obtained from Occupational Health & Welfare where appropriate, by submitting a management referral to Health and Wellbeing.

4.5 Line managers should conduct an interim review (recorded in Origin PDR) at least every three months (maximum one every month) with the final review taking place no later than three weeks prior to the end of the probation period(see section 5 below).

4.6 Individuals are asked to participate in this process by recording their own interim assessment of progress in Origin PDR.

5 Final Assessment

5.1 No later than three weeks before the completion of the probationary period, extended or otherwise, the line manager should meet with the individual to undertake the final review. The final review may be conducted sooner where it is apparent that despite training and additional support, the individual will not achieve the standards required by the end of the probationary period.

5.2 This discussion should be recorded in the interim assessment section of Origin PDR together with confirmation as to whether the probation period has been concluded successfully or not.

5.3 The purpose of the Final Review is to evaluate the evidence submitted by the individual, in conjunction with the line manager's observations and other relevant information, in order to ascertain whether sufficient progress has been made against :

- The probation objectives agreed by the line manager and the individual
- The personal qualities appropriate to the role
- The relevant main responsibilities outlined in the job description
- The standards of attendance expected
- The expected standards of conduct as set out in the Police Staff Standards of Professional Behaviour

Consideration should be given as to the level of performance that would be reasonably expected at that point in time and the likelihood of the individual achieving full competence in a reasonable time period based on their performance to date. The length of time taken to full competence will depend on the nature and level of the role.

5.4 There are three potential outcomes to the Final Review discussion;

- 1) Confirmation in post
- 2) Recommendation to extend the probationary period
- 3) Recommendation not to confirm in post.

5.5 Confirmation in post

5.5.1 Where it is the line manager's decision to confirm in post, this should be clearly documented in the interim assessment section of Origin PDR. The line manager must update the individual's probation record and notify People Services who will issue a confirmatory letter.

5.6 Extension to probation

5.6.1 Where issues are raised about the performance, attendance, conduct and academic progress (if applicable) of a police staff probationer, there is an option to extend the initial six /nine /sixteen - month probationary period by up to a maximum of three months.

Any further extensions to probation will be highly exceptional and in the event that this is being considered, advice should be sought from People Services.

Any extension to the probationary period must be agreed and authorised by the relevant Head of Function in liaison with People Services.

5.6.2 An extension to the probationary period will only be granted where supportive objectives are issued to the individual clearly stating the improvement required during the extension period. The objectives should be fully discussed with the individual and be recorded in Origin PDR or on a Supportive Plan.

5.6.3 Once any extension has been agreed by the Head of Function, People Services will issue a confirmatory letter to the individual, no later than one week prior to the end of the initial six /nine /sixteen -month period. The letter should set out:

- The reasons for the extension
- The length of the extension
- The improvement required
- The support to be made available.

5.7 Recommendation NOT to confirm in post.

5.7.1 Where it is proposed not to confirm an individual in post, the line manager must document the final review meeting and seek advice from the People Services team.

5.7.2 People Services will arrange for the individual to meet with their Head of Function for a Final Assessment meeting and will provide at least 5 working days' written notice of the meeting. The letter will provide details of the areas in which the individual's performance, attendance or academic progress (if applicable) is failing to meet the required standards.

5.7.3 The individual may wish to be represented at this Final Assessment meeting by UNISON or be accompanied by a work colleague who is not acting as a legal professional.

5.7.4 The Final Assessment meeting will be chaired by the Head of Function. A member of the People Services team will be present to advise on procedure. The Head of Function will discuss the concerns outlined and will provide the individual and their representative with the opportunity

to make any points they wish the Head of Function to take into consideration when reaching their decision.

5.7.5 The potential outcomes of the Final Assessment meeting are;

- Individual confirmed in post
- Extension to probation
- Individual not confirmed in post.

5.7.6 The Head of Function will inform the individual of their decision. The People Services team will then make the necessary administrative arrangements, including issuing a confirmatory letter no later than one week prior to the end of the probationary period.

5.7.7 The individual has a right of appeal against the decision. Any appeal must be submitted in writing to People Services within 10 working days of receipt of the letter confirming the outcome of the final assessment meeting.

The grounds for appeal are as follows;

1. The Procedure was not followed
2. The Procedure was unfairly applied
3. A believed contravention of discrimination legislation

The individual's letter should clearly state the ground(s) on which the appeal is being made.

Dependent on employer a meeting with the Chief Constable, or the Chief Executive Officer, (or their nominated deputies in their absence), should then be scheduled within 20 working days to consider the appeal. The Individual may be represented at the Appeal meeting by a UNISON or be accompanied by a colleague who is not acting as a legal professional.

6 Shortened Procedure

6.1 A shortened procedure will operate for the duration of the probation period and any extensions where concerns are raised regarding;

- Conduct
- Gross incompetence
- Other matters incompatible with employment with NYP, or unresolvable within the duration of the probation period

6.2 Line management should seek advice from People Services if they wish to consider the use of this shortened procedure.

6.3 Line management must gather all relevant facts following discussion with the individual and other interested parties. A report should be produced which summarises; the matters of concern and actions taken by management. The report should include appropriate recommendations.

6.4 The shortened procedure will then comprise of the following:

6.4.1. A letter from People Services to the individual which will detail;

- the matters to be discussed
- the date and time of the meeting (which will be held during normal working hours and within 3-5 working days)
- the right to be represented by UNISON or be accompanied by a work colleague who is not a legal professional
- the attendees of the meeting.

Copies of the line management report and any other associated documentation should also be shared at this time.

6.4.2 The individual will meet with the line manager, the Head of Function and People Services to discuss the matters of concern and will be given the opportunity to give their version of events and any explanation. After careful consideration of the case, a decision will then be made and the individual informed as soon as possible. The range of outcomes are;

- No further action
- Informal action; supportive action or management advice
- Individual not confirmed in post

For outcomes not involving dismissal, the probation will continue to be managed according to the normal probation procedure. Extensions can be considered in accordance with section 5.6 above

6.4.3 An appeal to a Head of Function who has not had previous involvement in the case. Any appeal must be made in writing and be received by People Services within 5 working days of receipt of the letter confirming the outcome of the meeting outlined in section 6.4.2.

The grounds for appeal are as follows;

1. The Procedure was not followed
2. The Procedure was unfairly applied
3. A believed contravention of discrimination legislation

The individual's letter should clearly state the ground(s) on which the appeal is being made.

In cases of dismissal, the appeal will be considered by the Chief Constable or the Chief Executive Officer, dependent on employer. The appeal will take the form of a meeting to which all sides are invited and are expected to attend. This includes the right to be accompanied as above. The person hearing the appeal may either uphold or vary the decision made by the Head of Function. Their decision is final.

7 Notice Periods

7.1 Police Staff during their probationary period will be subject to the statutory minimum notice periods. Ordinarily this will be 1 weeks' notice of termination by the Force. There is no right to be paid in lieu of notice but NYP reserves the right to pay in lieu of notice in certain circumstances.

8 Grievances

8.1 In the event of a disagreement between the individual and their line manager during the probationary period in relation to the individual's performance, attendance, conduct and academic progress (if applicable), the individual will have the right to request the involvement of the next senior line manager within the Safer Neighbourhood Command / Function who will assess the issues and will make a fair and independent assessment.

8.2 Police Staff who wish to raise a grievance during their probationary period, should use the Grievance Procedure. This procedure encourages informal resolution wherever possible. In all cases the grievance will be considered at the earliest opportunity.

Responsibilities

Chief Constable / Chief Executive Officer will:

- Consider appeals from individuals against dismissal

Head of Function will:

- Decide whether to extend or not confirm the appointment of individuals where the line manager's recommendation is to extend probation or not confirm in post
- Act as an independent reviewer and consider appeals from individuals against the outcome of the Final Assessment (not dismissal), where they have had no prior involvement

Line Managers will:

- Establish expectations/requirements and set SMART objectives with the new member of staff, in line with their role profile and job description, at the beginning of their probationary period
- Hold regular reviews to discuss the individual's progress with them
- Address any concerns in relation to performance, attendance, conduct and academic progress (if applicable), as soon as they are identified and as outlined in this procedure
- Confirm individuals in post on successful completion of their probation.

Probationary Police Staff Members will:

- Aim to understand expectations and requirements of their role from the beginning of their probationary period
- Abide by this procedure by fully participating in the process, including documenting own evidence of contribution within Origin PDR

People Services will:

- Provide advice and guidance to line managers on the interpretation and implementation of this procedure
- Complete all relevant administrative processes in respect of confirmation/ non-confirmation of appointment

Occupational Health & Wellbeing will:

- Provide advice regarding the potential impact of any medical condition / disability on the individual's performance, attendance, conduct and academic progress (if applicable) and give guidance on reasonable adjustments which it may be appropriate to consider

UNISON will:

- Monitor the procedure to maintain fairness.

Definition of Special Terms

SMART Objectives – Objectives which are set in this case in relation to an individual's job which are: Specific, Measurable, Achievable, Realistic, Time-bound

RPR – Regular Performance Reviews. Undertaken between an individual and his/her line manager on a monthly basis.

PDR – Performance Development Review. Annual performance appraisal with a six-month review. Fed by information from RPRs.

Gross Incompetence – Equivalent to Gross Misconduct but for performance issues. Usually a serious, one-off incident which has, or could have had, very serious consequences.

North Yorkshire Police – collectively the Police, Fire and Crime Commissioner and the Chief Constable in their respective corporate capacities as the employer of staff (or, in the case of the Chief Constable in so far as Police Officers are concerned, deemed or de jure employer).

North Yorkshire Police Personnel – Collectively, Police Service Personnel and Commissioner Staff as defined below.

Police Service Personnel – Police Officers under the direction and control of the Chief Constable and Police Staff in the employment of the Chief Constable.

Chief Constable's Staff – All staff in the employment of the Chief Constable of North Yorkshire Police

Commissioner Staff – All staff in the employment of the Police, Fire and Crime Commissioner for North Yorkshire, (PFCCNY).

Police Staff – collectively, Commissioner and Chief Constable staff

Work colleague (in the capacity of the right to be accompanied) – any member of North Yorkshire Police Personnel