

**Meeting date:** 18 January 2023

**Report to:** Governance Committee

**Report title:** Probation Policy

**Report from:** Director of Resources and Deputy Chief Executive

**Report author/lead contact officer:** Helen Flinter – Policy Development & HR Business Manager

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**Wards affected:**

- All Wards |  Bickenhill |  Blythe |  Castle Bromwich |  Chelmsley Wood |  
 Dorridge/Hockley Heath |  Elmdon |  Kingshurst/Fordbridge |  Knowle |  
 Lyndon |  Meriden |  Olton |  Shirley East |  Shirley South |  
 Shirley West |  Silhill |  Smith's Wood |  St Alphege
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**Public/private report:** Public

**Exempt by virtue of paragraph:** NA

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**1. Executive Summary**

- 1.1 The purpose of this report is to present proposed changes to the Council's Probation Policy for the consideration of the Governance Committee.
- 1.2 The policy provides the framework for line managers to effectively operate the early stages of the employment relationship with new starters so inductees can settle into a new working environment at the Council and learn to demonstrate the necessary performance standards and behaviours required to be productive in their roles and contribute to the success of the organisation.
- 1.3 The review has been undertaken as part of the project to refresh the Council's suite of HR policy and guidance documents in line with hybrid working arrangements and smarter ways of working principles. The policy was last updated in 2012 and the views from a wide range of stakeholders have been factored into shaping a robust policy for the Council's future business needs.

1.4 The proposed changes emphasise the dual importance for line managers to develop a constructive working relationship with new members of their team who have joined the Authority balanced alongside the requirement to act swiftly and appropriately to deal with any issues that emerge during a formative phase of a new appointment.

**2. Decision(s) Recommended**

2.1 For Governance Committee to authorise the implementation of the amended Probation policy.

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### **3. Matters for Consideration**

- 3.1 Incorporating a structured probation period with regular reviews and opportunities to share feedback helps to strengthen the employment relationship by ensuring the expectations of both line managers and staff are managed fairly so employees can thrive and prosper at the Council. Greater flexibility and latitude for line managers has been introduced in the amended policy so any concerns can be addressed and overcome before an appointment is confirmed. The key policy changes which are suggested are detailed below.
- 3.2 In section 3 of the policy, a proposal is put forward explaining how all new starters at the Council should be required to complete a six-month probationary period successfully irrespective of whether they have accrued previous local government service and transferred directly from another authority. A probationary period should not be applicable once one has been confirmed by Solihull MBC (unless an employee is offered a different post as an alternative to dismissal for gross misconduct), and the circumstances where a probation should be necessary are stated in the Principles section, pages 5-6 of the policy for information (for example, a formal employment offer for agency workers).
- 3.3 A proposal is put forward to offer greater flexibility to managers faced with the situation of dealing with a new starter who is performing inadequately or not engaging satisfactorily by enabling within the procedure the possibility of potentially ending an employee's probation period early. This is referred to in paragraph 8 in the Principles section of the policy on page 6. No employee should be denied the appropriate support and development, however, a scenario where it may be permissible to end a probation early could include a situation where it is apparent that despite the provision of additional appropriate support, shortcomings in skills or behavioural competences will not be overcome within a reasonable timeframe. To guide the line manager in navigating any complexities associated with this process, advice should be sought and assistance received from a HR Advisor to ensure appropriate support mechanisms have been utilised beforehand.
- 3.4 If information emerges during the probation period suggesting that an employee did not provide a true or honest account of their skills and experience for the post they have been recruited to, formal proceedings should be instigated which could result in summary dismissal due to a fundamental breach of trust and confidence, as outlined in Section 3 of the policy, points 5.2 and 5.3 below.
- 3.5 Additions reflecting Smarter Ways of Working and Hybrid Working requirements have been included in page 8 of the policy to update the policy accordingly. Becoming established within a new organisation and developing relationships with different people are normally best done in person, therefore line managers are advised to consider these factors when determining a new employee's working arrangement in order to limit any difficulties around monitoring performance, creating a rapport and preventing employees from possibly feeling isolated as they come to terms with their new responsibilities.

- 3.6 To ensure managers are equipped with a sufficient period of time to decide whether or not a new starter's employment should be confirmed, it is proposed that managers should continue the probation period upon an employee's return to work following a long-term absence or a form of parental leave (such as maternity or adoption leave). It is also stated that unpaid leave or an unauthorised absence should not be classed as time served towards completion of the probationary period – the latter constituting a potential disciplinary offence. These points are covered in paragraphs 8 and 9 in the Principles section on page 6 of the policy.
- 3.7 Section 5.4 below sets out a closer alignment with agreed PDRF objectives by advising that outcomes within the probation period should be evaluated against SMART criteria (an acronym for setting the parameters for specific, measurable, achievable, realistic and timebound targets).

#### **4 What options have been considered and what is the evidence telling us about them?**

- 4.1 The information detailed throughout Section 4 in this report relates to point 3.2 above and point 1 on page 5 of the policy. An initial benchmarking exercise that was conducted revealed several other local authorities, regionally and nationwide, have already adopted this approach - having previously honoured prior local government service. This is because Councils can decide the provisions of a probationary period independently, given that the Green Book of nationally agreed employment terms and conditions does not stipulate an obligation in this regard.
- 4.2 The evidence obtained illustrated many regional local authorities have not observed a consequent adverse impact upon recruitment and retention after implementing the change proposed to take effect. Additionally, an analysis of the previous three years' new starter data at Solihull MBC shows that, on average, less than a fifth of new entrants have joined from another Council.
- 4.3 Upon considering the proposal, the Assistant Director Group requested more detail around the practice applied at Councils situated more locally before confirming their support. Furthermore, Heads of Service have also commented on the efficiency that could be achieved by adopting this stance in light of the potential to manage matters more swiftly during the process whenever it is considered necessary.
- 4.4 An alternative approach could be to maintain the current position of exempting employees with at least six months' continuous local government service from serving a probation period and addressing any issues relating to conduct or performance through the disciplinary or capability policy respectively, which, ultimately, however, can be a lengthy and protracted process to manage.

#### **5 Reasons for recommending preferred option**

- 5.1 Through the introduction of the preferred measure, however, the Council will be able to manage all employees in a consistent manner from the beginning of their employment and promote the organisational values it seeks to embody and nurture amongst all its staff. It will be possible to suitably handle concerns around behaviour or quality of work during the probation period, as explained in the policy draft and this approach, if approved, would secure a stronger configuration with Corporate Induction processes by ensuring that all new employees pass their probation specifically through Solihull

MBC rather than another organisation.

- 5.2 Enabling the scope to deploy the option in 3.4 above, wherever appropriate, may assist the Council in managing any unsuitable appointments into senior roles appropriately, where it is particularly important that employees demonstrate the necessary abilities required to help deliver the strategic objectives of the organisation early.
- 5.3 The Authority would be enabled to act speedily and decisively by ensuring any risk posed to service users or Council systems from an inappropriate postholder would be eliminated. To avoid any legal ramifications or procedural irregularities HR should be involved during the course of the process.
- 5.4 These measures in point 3.7 above signify a consistent approach in the management of all new starters at the Council. This provides an appropriate framework to give a sense of direction for line managers and encourages the achievement of evidence-based attainment. The approach would also assist managers if employees fail to achieve the standards expected.

## 6 Implications and Considerations

6.1 State how the proposals in this report contribute to the priorities in the [Council Plan](#):

Priority:	Contribution:
<p>People and Communities:</p> <ol style="list-style-type: none"> <li>1. Improving outcomes for children and young people in Solihull.</li> <li>2. Good quality, responsive, and dignified care and support for Adults in Solihull when they need it.</li> <li>3. Take action to improve life chances and health outcomes in our most disadvantaged communities.</li> <li>4. Enable communities to thrive.</li> </ol>	n/a
<p>Economy:</p> <ol style="list-style-type: none"> <li>5. Develop and promote the borough's economy, with a focus on revitalising our town and local centres.</li> <li>6. Maximising the opportunities of UK Central and HS2.</li> <li>7. Increase the supply of affordable and social housing that is environmentally sustainable.</li> </ol>	n/a
<p>Environment:</p>	n/a

Priority:	Contribution:
8. Enhance our natural environment, improve air quality and reduce net carbon emissions.	
9. Promote employee wellbeing	A greater focus towards emphasising the need for line managers to work collaboratively with new starters is highlighted so support and guidance is available as employees acquire the behavioural competencies and performance standards required to flourish. If inductees settle into the Council with minimal difficulty, it is likely their wellbeing will be enhanced and they will enjoy working for Solihull MBC by feeling valued in their role.

## 6.2 Consultation and Scrutiny:

6.2.1 A range of managers across different service areas were invited to comment on the viability of the proposals from an operational perspective, and the Trade Unions confirmed their support during formal consultation. The Assistant Director group has endorsed the proposals and CLT have also ratified the updated policy.

## 6.3 Financial implications:

6.3.1 In compiling this policy, no financial implications have been identified.

## 6.4 Legal implications:

6.4.1 The proposals outlined in the policy draft do not expose the Council to any legal risk.

## 6.5 Risk implications, including Risk Appetite:

6.5.1 No risks were identified whilst formulating the revised policy.

## 6.6 Equality implications:

6.6.1 Reasonable adjustments will be accommodated wherever possible for an employee with a disability or in circumstances such as pregnancy and maternity during any stage of their probationary period. We have identified no negative effects on employees with protected characteristics under the Equality Act 2010.

## 6.7 Linkages to our work with the West Midlands Combined Authority (WMCA), Local Enterprise Partnership or the Birmingham & Solihull Integrated Care System (ICS):

6.7.1 NA

## **7 List of appendices referred to**

7.1.1 Probation Policy Draft

## **8 Background papers used to compile this report**

8.1.1 NA

## **9 List of Other Relevant Documents**

9.1.1 NA