



**Committee:** PERSONNEL COMMITTEE  
**Date:** WEDNESDAY, 3<sup>RD</sup> JUNE 2020  
**Venue:** THIS WILL BE A VIRTUAL MEETING  
**Time:** 6.10 P.M.

## A G E N D A

1. **Apologies for absence**

2. **Appointment of Vice-Chair**

To appoint a Vice-Chair for the duration of the 2020/21 municipal year.

3. **Minutes**

Minutes of meeting held on 12<sup>th</sup> March 2020 (previously circulated).

4. **Declarations of Interest**

To receive declarations by Councillors of interests in respect of items on this Agenda.

Councillors are reminded that, in accordance with the Localism Act 2011, they are required to declare any disclosable pecuniary interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting).

Whilst not a legal requirement, in accordance with Council Procedure Rule 9 and in the interests of clarity and transparency, Councillors should declare any disclosable pecuniary interests which they have already declared in the Register, at this point in the meeting.

In accordance with Part B Section 2 of the Code Of Conduct, Councillors are required to declare the existence and nature of any other interests as defined in paragraphs 8(1) or 9(2) of the Code of Conduct.

5. **Items of Urgent Business authorised by the Chair**

6. **Bereavement and Probation Policies - Updates** (Pages 4 - 41)

Report of the Head of HR (report published on 27<sup>th</sup> May 2020).

7. **Urgent Business Decision Taken Between Meetings** (Pages 42 - 43)

Report of the Monitoring Officer.

8. **Exclusion of the Press and Public**

The Committee is recommended to pass the following recommendation in relation to the following items:-

“That, in accordance with Section 100A(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following items of business, on the grounds that they could involve the possible disclosure of exempt information as defined in paragraphs 1 and 3 of Schedule 12A of that Act.”

Members are reminded that, whilst the following items have been marked as exempt, it is for the Committee itself to decide whether or not to consider these in private or in public. In making the decision, Members should consider the relevant paragraphs of Schedule 12A of the Local Government Act 1972, and also whether the public interest in maintaining the exemption outweighs the public interest in disclosing the information. In considering their discretion Members should also be mindful of the advice of Council Officers.

9. **Voluntary redundancy payment** (Pages 44 - 56)

Report of the Head of HR (report published on 27<sup>th</sup> May 2020).

10. **Recruitment Working Group** (Pages 57 - 115)

Report of the Chair of the Personnel Committee (report published on 29<sup>th</sup> May 2020).

## **ADMINISTRATIVE ARRANGEMENTS**

**(i) Membership**

Councillors Oliver Robinson (Chair), Caroline Jackson, Phillip Black, June Greenwell, Janice Hanson, Cary Matthews and David Whitworth

**(ii) Substitute Membership**

Councillors Roger Dennison (Substitute), Jake Goodwin (Substitute), Mandy King (Substitute), Joyce Pritchard (Substitute), Jason Wood (Substitute), Peter Yates (Substitute) and Joanna Young (Substitute)

**(iii) Queries regarding this Agenda**

Please contact Stephen Metcalfe, Democratic Services e-mail [sjmetcalfe@lancaster.gov.uk](mailto:sjmetcalfe@lancaster.gov.uk).

**(iv) Changes to Membership, substitutions or apologies**

Please contact Democratic Support, telephone 582170, or alternatively email [democraticsupport@lancaster.gov.uk](mailto:democraticsupport@lancaster.gov.uk).

KIERAN KEANE,  
CHIEF EXECUTIVE,

TOWN HALL,  
DALTON SQUARE,  
LANCASTER, LA1 1PJ

Published on Tuesday, 26<sup>th</sup> May, 2020.

**PERSONNEL COMMITTEE****Policy Updates****3<sup>rd</sup> June 2020****Report of the Head of HR****PURPOSE OF REPORT**

To enable the Committee to consider and approve the updates to the Probation Policy and Bereavement and Compassionate Leave Policy.

This report is public.

**RECOMMENDATIONS**

- (1) That the Personnel Committee agrees to the updates to the Probation Policy.**
- (2) That the Committee agrees to the updates to the Bereavement and Compassionate Leave Policy.**

**1. Introduction**

- 1.1 There is a requirement to regularly review HR policies in line with updates to employment law and improvements identified to ways of working.
- 1.2 As a result, there are two policies, which have recently been identified as requiring review and updating.

**2. Probation Policy**

- 2.1 Section 1.1 – amendment to wording as per highlighted text.
- 2.2 Section 3.2 last bullet point – has been changed to confirm in writing to the appointee the outcome of the Probationary/Appointment Review Period. Following the results of the Ad Esse lean review and recommendations.
- 2.3 Section 3.3 first bullet point – amendment from guidance document to intranet
- 2.4 Section 8.6 – amended to say that we won't provide employees with the documents but provide them with a link to the intranet pages, as all employees have access to these in an agile way.
- 2.5 Section 9.3.6 last bullet point – changed to say 'confirm date of Six-Month Review Meeting' rather than to arrange it as it should already be booked in
- 2.6 Section 9.4.10 – has been changed to 'Where the employee has met the required standard and completed Probation/Appointment Review Form 3 – Six Month Review, their line manager will write to the appointee to confirm the successful completion of their Probation/Appointment Review Period'. Following the results of the Ad Esse lean review and recommendations.
- 2.7 Section 12.5 – This has been changed to say that only Heads of Service who report into a Director can hold these meetings. There has been no change here other than to reflect the current job titles
- 2.8 Section 13.2 – changed from writing to the HR Manager to just HR

- 2.9 Section 13.3 – changed from Service Manager to Director to reflect new job titles and to be in line with section 12.5
- 2.10 Any referral to a Chief Officer has been changed to Director
- 2.11 Any referral to Service HR Partner has been changed to HR
- 2.12 Any reference to 'job description and person specification' to just 'job description' now that we no longer have person specifications

**3 Bereavement and Compassionate Leave Policy**

- 3.1 Fundamentally, changes were made to update the policy to reflect the introduction of Jack's Law. The Parental Bereavement Leave Regulations 2020 and the Parental Bereavement (Leave and Pay) Act 2018.
- 3.2 addition of a weeks' statutory parental bereavement leave and pay in line with the new legislation (added sections 3.2-3.8) Jack Herd's mother Lucy Herd campaigned for reform after the death of her son, hence the name 'Jack's law'.

See below link to government article on the introduction of Jack's Law for info

<https://www.gov.uk/government/news/uk-set-to-introduce-jacks-law-new-legal-right-to-paid-parental-bereavement-leave>

We already have a generous scheme which allow all employees a week's bereavement leave on full pay for the death of an immediate family member and so we added a week's statutory bereavement leave and pay to our allowance to comply with the new law.

- 3.3 A change has been made to introduce a day's funeral leave for those who lose a member of their family which isn't immediate family where bereavement leave would not apply i.e. Aunt, Uncle Grandparent (added section 3.2).
- 3.4 Changes to a shift in emphasis to allow for non-conventional family units i.e. bereavement leave to be allowed at managers discretions for those who were raised by a grandparent or other relative (section 2.1 definitions).
- 3.5 All other provisions inclusive of the current arrangements for compassionate leave remain unchanged.

**4. Conclusion**

- 4.1 Members are asked to accept the changes, or offer alternative suggestions for further amendment to the Probation Policy.
- 4.2 Members are asked to accept the changes to the Bereavement and Compassionate Leave Policy.

**CONCLUSION OF IMPACT ASSESSMENT  
(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing):**

N/A

**LEGAL IMPLICATIONS**

The Parental Bereavement (Leave and Pay) Act 2018, which came into force on 18 January 2020, amended and inserted new statutory provision into the Employment Act 1996 (which is the primary employment act). The new provision enable the Secretary of State to make

Regulations in respect of parental bereavement leave and pay. The Parental Bereavement Leave Regulations 2020, which came into force on 10 March 2020, make the relevant provision.

This report seeks to address the recent changes in employment law. The Council should carefully consider its policies to ensure that they are up-to-date and compliant with current law.

**FINANCIAL IMPLICATIONS**

There are no direct financial implications arising from the appended probation policy. With regard to the bereavement policy, any additional leave arising will be managed from existing budgets.

**OTHER RESOURCE IMPLICATIONS, such as Human Resources, Information Services, Property, Open Spaces:**

Not applicable.

**SECTION 151 OFFICER'S COMMENTS**

The s151 Officer has been consulted and has no further comments.

**MONITORING OFFICER'S COMMENTS**

The Monitoring Officer has been consulted and has no further comments to add.

**BACKGROUND PAPERS**

Current policies and amended policies

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## **Probation and Appointment Review Policy and Procedure**

### **1.0 Scope**

- 1.1 The Council's Probation and Appointment Review Policy and Procedure applies to all newly appointed employees and to existing employees, excluding Directors, the Head of Paid Services, the Monitoring Officer and the S151 Officer, who have taken on a new role within the Council. These employees will be referred to throughout this document as the 'appointee'. The Probation and Appointment Review Policy and Procedure forms part of the contract of employment.
- 1.2 The Probation and Appointment Review Policy and Procedure does not apply to casual workers.

### **2.0 Objectives and Principles**

- 2.1 Lancaster City Council recognises the need to support and develop new appointees to achieve their full potential. The Probation/Appointment Review Period allows the Council to assess the capabilities and conduct of each appointee and allows the appointee to decide whether or not the job is suitable for them.
- 2.2 All appointees must be clear about the standard of work expected during the course of their employment. An up to date job description provides a knowledge and skills framework for each post, and will be used in conjunction with regular interaction during the Probation/Appointment Review Period between the manager and appointee.
- 2.3 The Council recognises the link that can develop between a poor induction and Probation/Appointment Review Period and poor performance in the role. The Council is committed to ensuring an effective induction and Probation/Appointment Review Period to avoid performance management issues arising later in employment.
- 2.4 Whilst some appointees may be recruited or promoted from within the organisation, it is still necessary to monitor the effectiveness of internally appointed employees and assist them in achieving the required standards of performance in a new post. The Council is therefore committed to the provision of an Appointment Review Period for internal recruits, which shadows the Probation Procedure to assist the appointee in achieving the required standards in their new role.
- 2.5 The objectives of this Policy are:
- ❑ To ensure that new appointees are supported in a structured way during their Probation/Appointment Review Period.
  - ❑ To provide line managers with a framework and guidance to assess the skills, conduct, performance and attendance of appointees, before deciding whether or not to confirm their appointment.

- ❑ To ensure that before the appointee is confirmed as successfully completing their Probation/Appointment Review Period they have reached the required standard of performance expected for that role.
- ❑ To ensure there is a consistent, supportive and fair approach to dealing with issues that arise during the Probation/Appointment Review Periods, in line with legislative guidelines and best practice.
- ❑ Where appointees under Probation/Appointment Review are unable to reach a good standard of performance, to deal with any concerns in an appropriate and timely manner.

2.6 The following principles apply to the Council's procedures for dealing with matters of concern that arise during the Probation/Appointment Review Period:

- ❑ Application of the procedure will be fair, prompt, impartial and consistent, and will be applied without discrimination.
- ❑ Action will be taken as soon as problems are identified. Where appropriate and if timescales allow, the appointee may be given more time to meet the requirements of the role and provided with further support.
- ❑ Appointees are encouraged to raise, at an early point, any concerns they might have during their Probation/Appointment Review Period. The Council will in return take all reasonable and practicable steps to assist the employee.
- ❑ Where it is apparent that the appointee is unable to reach the required standards of performance the matter will be handled appropriately and without unnecessary delay.

### **3.0 Responsibilities**

3.1 Appointees' responsibilities:

All appointees have a contractual responsibility to work to the required standard and to achieve a level of performance which is prescribed by and acceptable to the Council.

Appointees therefore have a responsibility to:

- ❑ demonstrate their suitability for the post which they are appointed to;
- ❑ bring to the attention of their line manager, at the earliest opportunity, any difficulties they are experiencing, or concerns they may have;
- ❑ raise any issues outside of work which may affect their performance with their line manager, as soon as possible;
- ❑ raise with their line manager any need for training, development or support, which they believe to be necessary in order for them to fulfil the requirements of the role;
- ❑ individuals newly appointed to Lancaster City Council must attend the Council's Corporate Induction and undertake any mandatory training required for the post;
- ❑ co-operate fully with the Council's Probation and Appointment Review Policy and Procedure where performance falls short of the required standards.

3.2 Management responsibilities:

Managers are responsible for actively managing and monitoring the Probation/Appointment



Reviews, and will be supported by Human Resources (HR). It is essential that managers proactively assess and support employees during these key first months of a new role.

Probation should not be viewed by line managers as a form filling exercise that only needs to be considered at specific intervals during the Probation/Appointment Review Period. Rather the Probation/Appointment Review Period should be viewed as a clear opportunity for line managers to shape and develop the post holder.

Managers should therefore ensure they communicate what is expected of their appointee on a regular basis during the Probation/Appointment Review Period. This may be through regular one to one meetings, team meetings or briefings, training sessions, etc., which will form the basis of support offered to the appointee.

Managers have a responsibility to:

- ❑ establish standards of performance, responsibilities and objectives that are consistent with the position and in line with the **job description**;
- ❑ communicate the required standards, responsibilities and objectives of the post to the appointee;
- ❑ communicate the Values and Behaviours expected of all employees of the Council and ensure that these are demonstrated in the Probation/Appointment Review Period.
- ❑ be available for advice and supervision with the appointee, when required;
- ❑ keep written notes of 1:1 meetings and supervision sessions;
- ❑ ensure that the appointee is effectively inducted locally within the service area and their immediate team;
- ❑ ensure that the appointee attends Corporate Induction and all mandatory relevant courses, including any online e-learning that is assigned;
- ❑ promptly hold formal Probation/Appointment Review meetings by the end of the second week, third and sixth month anniversary of their appointment;
- ❑ fully complete all required paperwork and send to HR in a timely fashion;
- ❑ take action, where necessary, to resolve any issues at an early stage.
- ❑ **confirm in writing to the appointee the outcome of the Probationary/Appointment Review Period.**

### 3.3 HR responsibilities:

The HR Team are responsible for providing advice and support to managers and employees during the Probation/Appointment Review Period, as required.

HR will:

- ❑ ensure that the line managers are sent the dates of the Probation/Appointment Review Meetings, **including links to the relevant forms on the intranet.** ;
- ❑ provide advice and guidance to managers, appointees and trade union representatives on the correct implementation of the policy and procedure;

- ❑ ensure that managers treat all new appointees in a fair and equitable manner through the consistent application of this policy and procedure;
- ❑ attend formal meetings as outlined in the procedure;

#### **4.0 The distinction between a Probation Review and an Appointment Review**

- 4.1 All appointees who are new to Lancaster City Council are subject to a six month Probation Period.
- 4.2 Appointees who are new to Lancaster City Council, but who have worked previously in Local Government or within a body covered by the Local Government Modification Order are also subject to the six month Probation Period, as they are new to Lancaster City Council. Whilst suitability for the role must be established, this does not affect any other rights to continuous service e.g. for redundancy purposes.
- 4.3 Where an appointee with previous Local Government service fails to establish their suitability for the role their employment will be terminated with the appropriate notice.
- 4.4 Existing Lancaster City Council appointees who have transferred internally from another role within the Council are subject to a six month Appointment Review Period. When issues arise during the Appointment Review Period managers should handle these in line with this procedure. Should the required improvements not be made, the matter should be progressed to Stage 2 of the Capability and Performance Improvement Policy and Procedure.

#### **5.0 Temporary Staff**

- 5.1 Appointees on contracts of six months or longer will be required to complete a full Probation Review period.
- 5.2 The successful completion of a Probation Review Period by a temporary appointee will not confer permanent employment on that individual.
- 5.3 Where an individual is on a temporary contract of less than six months, the Probation Review Period will span the whole period of employment. If the temporary contract was to be extended, the Probation Review Period would continue in line with the procedure until such time as they have met the probation requirements. As a minimum, the line manager should undertake the Two Week and Three Month Review Meetings to ensure the required level of performance is reached.
- 5.4 In the case of 5.2 and 5.3 above, there will not usually be a requirement to undertake the Six Month Review Meeting, as in most cases, there will be no permanent post for the individual to be confirmed into. If, however, it is likely that the temporary contract will be extended beyond six months duration, or there is chance of the contract becoming permanent, then it will be necessary to undertake the Six Month Review Meeting.
- 5.5 It is recommended, however, that even where a Six Month Review Meeting is not required, line managers should meet with individuals to feedback on their level of performance regularly throughout the Probation Review Period until the end of the temporary contract.
- 5.6 At all times, the employee should be clear that the contract is one of a temporary nature.
- 5.7 All reviews should be completed in a timely fashion, in line with the dates outlined in this Policy and Procedure, until the employee leaves the organisation.

#### **6.0 Staff on Secondment**

- 6.1 Any individual on secondment for more than six months, into another role within the Council, will be subject to a full Appointment Review Period.
- 6.2 There is no requirement for an individual on secondment for less than six months to have an Appointment Review Period. However, if the line manager has concerns regarding the employee's performance, capability, attendance or conduct during the term of the secondment, they should speak with them, in the first instance, to discuss if any further support can be identified. The manager may decide that the most appropriate option is to terminate the secondment early, following advice from HR. Where this is considered to be the most appropriate course of action the manager will explain their reasons for this decision to the secondee, and will give them reasonable notice of their return to their substantive role.
- 6.3 On successful completion of the Appointment Review Period, the appointee will be confirmed into the role for the agreed period of the secondment only. This will not be confirmation into the role on a permanent basis.

## **7.0 Probation and Appointment Review Procedure**

- 7.1 In order to support the Probation and Appointment Review process the Council has developed a procedure to assist in the fair and consistent treatment of all new appointees.
- 7.2 The Probation/Appointment Review Period normally lasts for a period of six months. Throughout the six month Probation/Appointment Review Period an appointee's performance and competence should be subject to assessment by their line manager.
- 7.3 Regular informal one to one meetings or discussions should be held to review performance and to ensure that new appointees are kept informed of their progress against the required standards. Whilst one to one meetings are informal, these still form part of the process of assessing or measuring an appointee's performance, and ensuring that they are receiving appropriate support.
- 7.4 Managers must ensure that any concerns are raised as soon as possible to allow the appointee opportunity to improve. Where concerns only develop towards the end of the Probation/Appointment Review Period, this will not prevent matters being considered in line with the relevant sections of this Policy and Procedure.
- 7.5 Formal review meetings should take place within the appointee's first two weeks of employment, then at the three month, mid-way point, and six months after they started in the role, in line with Section 9.
- 7.6 It is good practice for the line manager to book the review meetings into the diary of the employee soon after the start of employment, to ensure that the review meetings take place in a timely manner.

## **8.0 Commencing Employment and Induction**

- 8.1 Line managers have responsibility for ensuring that their employees are appropriately inducted into their roles. It is known that where an effective induction takes place and the appointee feels welcomed into a new organisation or team, they are more likely to feel a stronger positive connection with their employer and therefore more likely to perform and attend work well.
- 8.2 It is good practice for line managers to contact the appointee prior to them starting work in their new role and ensure they know when and where to arrive on their first day in the role and who they should ask for upon arrival. This is also an opportunity for the appointee to ask any further questions they may have before their first day in the role.

- 8.3 The line manager should ensure that they (or another nominated individual) are available to welcome the appointee on their first day in the role. In the first few days in the role the line manager should give a local induction to provide the appointee with essential information regarding the role, team and wider Council, including time to complete any appropriate online e-learning and to ensure that the employee understands their responsibilities with regard to relevant health and safety matters.
- 8.4 Line managers are responsible for ensuring that work locations or work stations are prepared and any equipment the appointee may require is ordered in preparation for their first day. This will help ensure that the appointee feels welcome on arrival.
- 8.5 Where appointees need to undertake specified training before they are able to undertake some or all aspects of their role, such as manual handling, the line manager should ensure that this is arranged promptly.
- 8.6 A new starter email will be provided by HR to the line managers of any appointees who are new to Lancaster City Council. **The email will contain links to the intranet** where the relevant documents can be found, which should be completed with the appointee and used in conjunction with any service based induction arrangements.

## **9.0 Undertaking Probation and Appointment Review Assessments**

### **9.1 Initial Meeting**

- 9.1.1 An initial Probationary/Appointment Review meeting should then be held within the first two weeks of the appointee commencing their new role. This is separate to any general induction meetings. This is an opportunity for the line manager to outline their expectations during the Probation/Appointment Review Period and to set initial objectives for the appointee. The main objectives should be listed on the **Probation/Appointment Review Form 1**.
- 9.1.2 The Probationary/Appointment Review Period must be properly planned to be effective. The standards required and objectives to be achieved need to be explained to the appointee and they should be clear of what is expected of them. By signing the Probation/Appointment Review Form 1, the appointee is confirming they understand the standards required and objectives they must achieve.
- 9.1.3 Appointees should be set between three and six objectives, depending on the nature of the job role, which should follow the S.M.A.R.T. principle (Specific, Measurable, Achievable, Relevant, Time limited). These should be linked to the relevant Job Description for the post. Further support on setting objectives is available from HR or via the HR Learning and Development pages on the intranet.
- 9.1.4 It is recognised that in some areas of the Council, in addition to the main objectives listed on the form, the service unit may have a fuller list of objectives/targets that they consider must be achieved in order for a specific role to be effectively carried out. Where this is the case the line manager must ensure that the appointee is aware of this and it may be useful to append any such document to the **Probation/Appointment Review Form 1**.
- 9.1.5 The health and safety risk assessment(s) for the post, will have been revisited by the line manager at the time the post was advertised, and therefore the health and safety information discussed between the manager and appointee will be current. During the initial meeting the line manager will make the appointee aware of any key health and safety responsibilities and requirements, which are attached to the post.
- 9.1.6 A record of the meeting must be kept on the **Probation/Appointment Review Form 1**,

which must be signed by both the line manager and the appointee. The form should be sent to HR within five working days of the meeting and this will be retained on the appointee's central personnel record. Copies should be retained by the manager and appointee for their reference.

## 9.2 Initial Learning and Development Needs

9.2.1 The manager and appointee should also discuss any initial learning and development needs, which will assist the appointee in becoming effective in their role. It is important that any development needs should be clearly linked to the role. The line manager should make the appointee aware of corporate training opportunities and ensure that any mandatory training is completed as soon as possible. In the case of e-learning this should be within the first week of appointment.

9.2.4 All new appointees will automatically be invited to Corporate Induction within their probation period. It is a mandatory requirement that all individuals who are new to the Council attend this Corporate Induction to ensure that they are orientated to the wider Council. This may take place some weeks after the employee starts in their new role, therefore managers must ensure that they have appropriately inducted the appointee into the Service and team.

## 9.3 Three Month Review Meeting

9.3.1 The formal Three Month Review Meeting, which is at the mid-way point of the Probation/Appointment Review Period, should happen on or as near to the three month anniversary of the appointee starting the role as possible.

9.3.2 At the Three Month Review Meeting the appointee and manager must formally document the standards of work performance, conduct and attendance of the appointee, as well as their progress against the objectives that were set at the initial meeting. The manager and appointee should recognise areas where they have met or exceeded objectives as well as areas where they have not yet met objectives. Any areas of concern should be discussed and noted on the Review Form.

9.3.3 The meeting should also consider what, if any, further support, training or guidance is required. A review of any courses, including e-learning, which were identified as required on the Probation/Appointment Review Form 1 should take place. Consideration should also be given to any further learning and development needs.

9.3.4 A record of the meeting, including appointee comments, should be made on **Probation/Appointment Review Form 2 – 3 Month Review**, which must be signed by both the line manager and the appointee. The form must be sent to HR within five working days of the review taking place. Copies should be retained by the manager and appointee for their reference.

9.3.5 It is not expected that managers should wait until this meeting to discuss any issues relating to the appointee's performance, conduct or attendance. Managers should raise any concerns as soon as they come to light, so that the appointee has opportunity to make any required improvements. The manager should ensure that the issues raised have been recorded. Equally the appointee should not wait until this meeting before raising any issues that are impacting upon their ability to achieve their objectives and the standards of performance required. However, where issues have been previously identified it will be appropriate for those to be reviewed during the discussion.

9.3.6 The manager should:

- discuss the appointee's performance against objectives and targets set at the initial meeting;

- ❑ discuss the Council's Values and Behaviours and how these are being demonstrated by the new appointee;
- ❑ review customer service skills (internal and external) in line with corporate standards;
- ❑ review interpersonal and communication skills;
- ❑ review attendance and punctuality, noting any absences that have occurred and the reasons for these;
- ❑ identify any areas of performance, conduct and attendance that need improving, specifying the standards required and how these can be achieved;
- ❑ review training requirements and agree any further development needs;
- ❑ recognise and record good performance and achievements made so far;
- ❑ note what support and guidance has been provided to date and what future support and guidance is available;
- ❑ confirm the date of the Six Month Review Meeting

#### 9.3.6 The appointee should:

- ❑ actively participate in the review, including identifying any successes or difficulties they have experienced;
- ❑ further discuss any problems or issues which they believe are preventing them from demonstrating their suitability for the role;
- ❑ confirm any training and development needs identified since the initial meeting.

#### 9.4 Six Month Review Meeting

9.4.1 The formal Six Month Review Meeting should happen on or as near to the six month anniversary of the appointee's start date in the role as possible.

9.4.2 The manager should review the appointee's performance in the final three months of the Probation/Appointment Review Period, as well as reviewing progress against any issues identified at the Three Month Review Meeting. During the meeting the manager and appointee will discuss their performance against objectives/targets and discuss whether there are any further development needs or objectives that need to be met.

9.4.3 At the Six Month Review Meeting the manager should confirm verbally with the appointee whether they have successfully completed their Probation/Appointment Review Period.

9.4.4 If the manager considers that the appointee has not met the objectives and/or standards to be confirmed in post, the manager should verbally advise the employee of this and whether or not it is the intention to extend the Probation/Appointment Review Period.

9.4.5 A record of the meeting should be kept on the **Probation/Appointment Review Form 3 – 6 Month Review**, which must be signed by both the line manager and the appointee. The form must be sent to HR within five working days of the review taking place. Copies should be retained by the manager and appointee for their reference.

9.4.6 It is not expected that managers should wait until this meeting to discuss any issues relating to the employee's performance, conduct or attendance. Where these have been a

matter of concern it is appropriate for these to be formally discussed and noted, whether the issues have been resolved or are ongoing. Subject to the issues involved, it may be appropriate for matters to be dealt with in line with Sections 10 – 14.

9.4.7 The manager should:

- ❑ discuss the appointee's performance against objectives and targets set at the initial meeting;
- ❑ review whether the appointee has met the requirements discussed at the Three Month Review Meeting, including quality and accuracy of work, customer services skills, interpersonal/communication skills and attendance/timekeeping in line with service and corporate standards;
- ❑ review whether the appointee has demonstrated that they are able to meet the Values and Behaviours expected of all Council employees;
- ❑ review training requirements and agree any future learning and development needs.

9.4.8 In the case of a Probationary Period the manager should then decide whether to:

1. confirm the appointee has successfully completed their Probationary Period.
2. extend the Probationary Period for a period of up to three months, (see Section 11).
3. take action in line with Section 12 below to consider terminating the appointee's contract during their probationary period due to the appointee's inability to demonstrate their suitability for the post.

9.4.9 In the case of an Appointment Review Period the manager should then decide whether to:

1. confirm that the employee has successfully completed their Appointment Review Period.
2. in the event that there are unresolved issues that have occurred during the Appointment Review Period and it is not possible for the manager to confirm the successful completion of the Appointment Review Period, the appointee will be referred to Stage 2 of the Council's Capability and Performance Improvement Procedure.
3. only where the manager is confident that a short extension to the Appointment Review Period will result in the appointee meeting the standard, should consideration be given to a temporary extension, as an alternative to moving directly to Stage 2 of the Council's Capability and Performance Improvement Procedure.

9.4.10 Where the employee has met the required standard and completed **Probation/Appointment Review Form 3 – Six Month Review**, **their line manager** will write to the appointee to confirm the successful completion of their Probation/Appointment Review Period.

## **10.0 Managing Performance, Attendance and Conduct**

A formal meeting to discuss an appointee's performance, attendance or conduct can be called at any time during the Probation/Appointment Review Period, if the manager considers that there is appropriate reason to do so. It is not in either the appointee's or the Council's interest to delay or ignore issues that are giving cause for concern.

## 10.1 Issues Regarding Performance Capability

10.1.1 Issues that arise in respect of an appointee's performance capability during the Probation/ Appointment Review Period should be discussed with the appointee at the time that they occur, rather than leaving them until the formal review meetings. It may be beneficial for managers to seek advice from HR at an early point when concerns begin to develop.

10.1.2 Where performance capability issues arise the manager should meet with the appointee informally in the first instance to:

- ❑ clarify what the difficulties are in detail, specifying where and how their performance is falling below what is acceptable;
- ❑ provide (as appropriate) evidence and examples of the problems and issues to be discussed;
- ❑ allow the appointee an opportunity to raise and respond to any concerns;
- ❑ discuss the action required by the member of staff to address the problem, e.g., set targets specifying in detail what standards of performance are required to reach an acceptable level;
- ❑ identify any training needs that may need to be met in order for the appointee to achieve the targets;
- ❑ set dates by when the targets should be met;
- ❑ explain what the consequences may be if the standards / targets are not met, i.e., it may be necessary to discuss the matter further at a formal meeting, the outcome of which may mean that the appointee is not confirmed in post or in certain circumstances that the Probation/Appointment Review Period is terminated early.

10.1.3 The manager should provide a written summary of what was discussed during the meeting to the appointee within five working days of the meeting. A copy of the letter should be sent to HR for the employee's record.

10.1.4 If performance does not improve within a reasonable timescale following any informal meetings, appointees in the Probation Review Period should be invited to attend a Formal Review Meeting with their line manager and a member of the HR Team, in line with Section 12.

10.1.5 A Formal Review Meeting can be called at any time during the Probation/Appointment Review Period.

10.1.6 The outcome of the Formal Review Meeting may lead to the termination of their employment within their Probationary Review Period. Appointees who are under Appointment Review can either be referred to Stage 2 of the Council's Capability and Performance Improvement Procedure or, if a secondment arrangement is in place, it may be appropriate to bring the secondment to an end, in line with Section 6.

## 10.2 Issues Regarding Poor Attendance

10.2.1 A Probation/Appointment Review Period enables the appointee to demonstrate their suitability for the role, it is therefore expected that attendance is excellent to ensure that the appointee fully utilises the time available to demonstrate their suitability.



- 10.2.2 Evidence suggests that individuals who have poor attendance in the first few months of in a new role are likely to continue with that pattern if they are confirmed in post. The Council requires excellent levels of attendance to ensure efficient and effective services are provided to the public and the Probationary/Appointment Review Period is an appointee's opportunity to demonstrate their commitment to this.
- 10.2.3 Where a manager has concern over attendance they should seek further advice from HR and arrange a formal meeting in line with Section 12. Appointees subject to an Appointment Review Period will be managed, as appropriate, under the Council's Sickness Absence Management Policy and Procedure.
- 10.2.4 Poor attendance during the Probation Review Period is likely to lead to termination of employment.

### 10.3 Issues of Misconduct

- 10.3.1 The Council's full disciplinary policy and procedure does not apply where any misconduct issues arise within the Probation Review Period. Managers should contact HR and arrange a formal meeting in line with Section 12.
- 10.3.2 Misconduct during the Probation Review Period is likely to lead to termination of employment. For those staff in an Appointment Review Period, the Council's normal Disciplinary Policy and Procedure should be invoked.

### 11.0 Extending the Probation/Appointment Review Period

- 11.1 The Probation Review Period runs for a period of six months. During this time managers must ensure that constructive feedback is given to appointees on a regular basis and that any performance, attendance or conduct issues are resolved as soon as possible within this period. It is important that managers make all reasonable efforts to support appointees in meeting the agreed objectives during this time. Managers should keep a record of issues discussed at informal meetings, to enable the manager and the appointee to keep track of their performance against overall objectives each time they meet.
- 11.2 In the majority of cases, where the appointee has not met the standard within the normal six month Probation/Appointment Review Period, it will be appropriate to discuss this at the Six Month Review Meeting.
- 11.3 In exceptional circumstances the Probation Review Period may be extended for up to three months. This may apply to a situation where an employee has not yet demonstrated their suitability, but they are likely to do so given more time.
- 11.4 Where the Probation/Appointment Review Period is extended, incremental progression will remain suspended until the employee has satisfactorily demonstrated their suitability for the post. Managers must inform HR if this is to take place.
- 11.5 Appointees who have not demonstrated their suitability during their Appointment Review Period should be transferred to Stage 2 of the Council's Capability and Performance Improvement Policy, if they have not met the required standard by the Six Month Review Meeting. In certain circumstances (see Section 9), the manager may consider it appropriate to agree an extension of up to three months to the Appointment Review Period. However, if the appointee fails to achieve the necessary standard by the end of the extension period, they would automatically be moved to Stage 2 of the Council's Capability and Performance Improvement Policy.
- 11.6 Where a manager believes that the appointee may not be able to achieve the required standard by the Six Month Review Meeting, they should discuss this with HR in good time,

prior to arranging the Six Month Review Meeting. Where it is considered appropriate to offer a short extension to the Probation/Appointment Review Period, this should be discussed with the appointee at the Six Month Review Meeting and subsequently confirmed on the relevant form.

- 11.7 If the decision is taken to extend the Probation/Appointment Review Period the line manager should complete the **Probation/Appointment Review Form 4 - Extension of Probation/ Appointment Review**, which must be signed by both the line manager and the appointee. The form must be sent to HR within five working days of the review taking place. Copies should be retained by the manager and appointee for their reference.
- 11.8 The manager should confirm with the appointee:
- the reasons for the extension;
  - the length of the extension period;
  - any assistance, guidance or training to be given during the extension;
  - any areas of improvement that are required and how these will be monitored;
  - the consequences should they not reach the required standard by the Extension Review Meeting. In the case of appointees in a Probation Review Period, this will mean that the appointee will not be confirmed in post and that their employment is likely to be terminated in line with Section 12 below.
- 11.9 Where it is appropriate to extend Probation/Appointment review, the manager and appointee should have discussed and recorded the performance to date, and also discussed and recorded the future objectives, standards and improvements that must be met during the extension period.
- 11.10 The manager must convene an Extension Review Meeting, towards the end of the extension period, to discuss the appointee's performance during the extension period. After discussion during the meeting, the manager will confirm whether or not the appointee has met the necessary standard or not. A record of the meeting should be made on the **Probation/Appointment Review Form 5 – Extension Review Meeting**, which must be signed by both the line manager and the appointee. The form must be sent to HR within five working days of the review taking place. Copies should be retained by the manager and appointee for their reference.
- 11.11 In the case of a Probationary Period the manager should then decide whether to:
1. confirm the appointee has successfully completed their Probationary Period.
  2. take action in line with Section 12 to consider terminating the appointee's contract during their probationary period, due to their inability to demonstrate their suitability for the post.
- 11.12 In the case of an Appointment Review Period the manager should then decide whether to:
1. confirm that the appointee has successfully completed their Appointment Review Period.
  2. transfer the appointee to Stage 2 of the Council's Capability and Performance Improvement Procedure.
- 11.13 Where the appointee has met the required standard, HR will, upon receipt of the completed

**Probation/Appointment Review Form 5 – Extension Review Meeting**, write to the appointee to confirm them in post.

### **12.0 Termination of Employment in the Probation Period**

- 12.1 Where the appointee has failed to achieve the required standard of performance, conduct or attendance during their Probation Review Period, they should be invited to a formal meeting to discuss this by their manager.
- 12.2 On occasion it may be apparent early in the Probation Period that the appointee is not suitable for the role. On such occasions it will not be necessary to wait until the end of the normal six month review period to take action against the appointee. Advice should be obtained from HR in all cases.
- 12.3 The manager should write to the appointee giving five working days' notice that they are required to attend a Formal Review Meeting to discuss their performance during Probation Review Period.
- 12.4 The purpose of the meeting will be to consider the appointee's performance, conduct and attendance to date and take a decision on whether employment should be terminated due to the failure to achieve the required standards.
- 12.4 The appointee is entitled to be accompanied at the meeting by a trade union representative or work colleague. Managers should be accompanied by HR.
- 12.5 **Only Heads of Service** may hold Formal Review Meetings to consider whether or not the appointee's employment should be terminated. In the majority of cases it is likely that the Head of Service will not be the appointee's line manager. On occasion the Formal Review Meeting may be conducted by the appointee's line manager, who has conducted the probation review meetings. **The Head of Service** may ask the line manager to attend the discussion to explain why they consider the employee has failed to meet the required standard.
- 12.6 Where the manager considers that the appointee's performance, conduct or attendance is below the required standard and that this is unlikely to improve within a reasonable period of time the appointee may be dismissed with one weeks' notice or offered pay in lieu of notice, where normal deductions would apply.
- 12.7 A letter confirming the outcome of the meeting should be sent to the appointee in the 5 working days following the meeting.
- 12.8 If at any point the appointee wishes to end their employment within the Probation Review Period they must give a minimum of one months' notice in writing to their line manager. However, in exceptional circumstances, the line manager in consultation with HR, may agree to a request from the appointee to serve a shorter notice period.

### **13.0 Right of Appeal**

- 13.1 Where a decision is made to terminate employment the appointee has the right of appeal against this decision.
- 13.2 In order to exercise this right, the appointee must write to **the HR Department** within 10 working days of receipt of the written notice of termination of employment, clearly stating their grounds of appeal.
- 13.3 **A Director** will normally hear the appeal within 20 days of receipt of the letter of appeal. If it is not possible to hear the appeal within the above timescale, it is the responsibility of the

manager to write to the appointee setting out the reason for delay and the intended date of the hearing. Consult with HR before sending onto the appointee.

- 13.4 At the appeal hearing the appointee has the right to be accompanied by a Trade Union representative or work colleague. The Hearing Officer will be accompanied by a member of the HR Team.
- 13.5 The Head of Service who took the decision to dismiss the employee will present the management case outlining why the decision to dismiss was taken.
- 13.6 A Director will allow both sides opportunity to present their case. After adjourning to consider the available information, the Director will reconvene the hearing and will normally verbally communicate their decision. This will be followed by confirmation of the decision in writing, within 5 working days of the hearing.

A Director will either:

- extend the Probation Review Period for a further defined period of time of no more than three months, clearly outlining the standards/objectives to be achieved by a set date, or;
- uphold the decision to terminate employment.

The decision of the Hearing Officer is final and there is no further right of appeal.

#### **14.0 Transfer to Stage 2 of the Capability and Performance Improvement Policy**

- 14.1 Where an appointee within the Appointment Review Period has failed to meet the necessary standards, they will be transferred to Stage 2 of the Capability and Performance Improvement Policy.
- 14.2 Managers may elect to move them to Stage 2 of the Capability and Performance Improvement Policy at any point during the Appointment Review Period, though in the majority of cases it is likely to be at the Six Month Review Meeting or the Extension Review Meeting.
- 14.3 After discussion with the appointee, the manager will verbally confirm their decision to the appointee. Where the discussion takes place prior to one of the formal Review Meetings, the manager should discuss their concerns with HR and must formally document their decision to move the appointee to Stage 2 of the Capability and Performance Improvement Policy.
- 14.4 There is no right of appeal against the decision to move an appointee to Stage 2 of the Capability and Performance Improvement Policy. The manager will complete the necessary paperwork and provide a copy to HR within five working days to confirm that the appointee has been unable to complete the Appointment Review Period.
- 14.5 The manager, with advice from HR, should write to the appointee to confirm this decision. Any arrangements after this point will be made in line with the Capability and Performance Improvement Policy.

#### **15.0 Review**

This policy and procedure will be reviewed two years after implementation or earlier in the event of changes in legislation.

**Document Control:**

<b>Version No.</b>	<b>Effective date</b>	<b>Reason</b>	<b>Review due</b>
1.0	03.02.2015	New policy agreed by Personnel Committee	03.02.2017
2.0	02.02.2016	Revisions agreed by JCC and Personnel Committee	02.02.2018
3.0	02.10.2018	Revisions to be considered by JCC and Personnel Committee	02.10.2020
4.0	30.04.2020	Amendment to policy	30.04.2022



## **Probation and Appointment Review Policy and Procedure**

### **1.0 Scope**

- 1.1 The Council's Probation and Appointment Review Policy and Procedure applies to all newly appointed employees and to existing employees, excluding Chief Officers, who have taken on a new role within the Council. These employees will be referred to throughout this document as the 'appointee'. The Probation and Appointment Review Policy and Procedure forms part of the contract of employment.
- 1.2 The Probation and Appointment Review Policy and Procedure does not apply to casual workers.

### **2.0 Objectives and Principles**

- 2.1 Lancaster City Council recognises the need to support and develop new appointees to achieve their full potential. The Probation/Appointment Review Period allows the Council to assess the capabilities and conduct of each appointee and allows the appointee to decide whether or not the job is suitable for them.
- 2.2 All appointees must be clear about the standard of work expected during the course of their employment. An up to date job description and person specification provides a knowledge and skills framework for each post, and will be used in conjunction with regular interaction during the Probation/Appointment Review Period between the manager and appointee.
- 2.3 The Council recognises the link that can develop between a poor induction and Probation/Appointment Review Period and poor performance in the role. The Council is committed to ensuring an effective induction and Probation/Appointment Review Period to avoid performance management issues arising later in employment.
- 2.4 Whilst some appointees may be recruited or promoted from within the organisation, it is still necessary to monitor the effectiveness of internally appointed employees and assist them in achieving the required standards of performance in a new post. The Council is therefore committed to the provision of an Appointment Review Period for internal recruits, which shadows the Probation Procedure to assist the appointee in achieving the required standards in their new role.
- 2.5 The objectives of this Policy are:
  - ❑ To ensure that new appointees are supported in a structured way during their Probation/Appointment Review Period.
  - ❑ To provide line managers with a framework and guidance to assess the skills, conduct, performance and attendance of appointees, before deciding whether or not to confirm their appointment.

- ❑ To ensure that before the appointee is confirmed as successfully completing their Probation/Appointment Review Period they have reached the required standard of performance expected for that role.
- ❑ To ensure there is a consistent, supportive and fair approach to dealing with issues that arise during the Probation/Appointment Review Periods, in line with legislative guidelines and best practice.
- ❑ Where appointees under Probation/Appointment Review are unable to reach a good standard of performance, to deal with any concerns in an appropriate and timely manner.

2.6 The following principles apply to the Council's procedures for dealing with matters of concern that arise during the Probation/Appointment Review Period:

- ❑ Application of the procedure will be fair, prompt, impartial and consistent, and will be applied without discrimination.
- ❑ Action will be taken as soon as problems are identified. Where appropriate and if timescales allow, the appointee may be given more time to meet the requirements of the role and provided with further support.
- ❑ Appointees are encouraged to raise, at an early point, any concerns they might have during their Probation/Appointment Review Period. The Council will in return take all reasonable and practicable steps to assist the employee.
- ❑ Where it is apparent that the appointee is unable to reach the required standards of performance the matter will be handled appropriately and without unnecessary delay.

### **3.0 Responsibilities**

3.1 Appointees' responsibilities:

All appointees have a contractual responsibility to work to the required standard and to achieve a level of performance which is prescribed by and acceptable to the Council. Appointees therefore have a responsibility to:

- ❑ demonstrate their suitability for the post which they are appointed to;
- ❑ bring to the attention of their line manager, at the earliest opportunity, any difficulties they are experiencing, or concerns they may have;
- ❑ raise any issues outside of work which may affect their performance with their line manager, as soon as possible;
- ❑ raise with their line manager any need for training, development or support, which they believe to be necessary in order for them to fulfil the requirements of the role;
- ❑ individuals newly appointed to Lancaster City Council must attend the Council's Corporate Induction and undertake any mandatory training required for the post;
- ❑ co-operate fully with the Council's Probation and Appointment Review Policy and Procedure where performance falls short of the required standards.

3.2 Management responsibilities:

Managers are responsible for actively managing and monitoring Probation/Appointment Review, and will be supported by Human Resources (HR). It is essential that managers proactively assess and support employees during these key first months of a new role.

Probation should not be viewed by line managers as a form filling exercise that only needs to be considered at specific intervals during the Probation/Appointment Review Period. Rather the Probation/Appointment Review Period should be viewed as a clear opportunity for line managers to shape and develop the post holder.

Managers should therefore ensure they communicate what is expected of their appointee on a regular basis during the Probation/Appointment Review Period. This may be through regular one to one meetings, team meetings or briefings, training sessions, etc., which will form the basis of support offered to the appointee.

Managers have a responsibility to:

- ❑ establish standards of performance, responsibilities and objectives that are consistent with the position and in line with the job description;
- ❑ communicate the required standards, responsibilities and objectives of the post to the appointee;
- ❑ communicate the Values and Behaviours expected of all employees of the Council and ensure that these are demonstrated in the Probation/Appointment Review Period.
- ❑ be available for advice and supervision with the appointee, when required;
- ❑ keep written notes of 1:1 meetings and supervision sessions;
- ❑ ensure that the appointee is effectively inducted locally within the service area and their immediate team;
- ❑ ensure that the appointee attends Corporate Induction and all mandatory relevant courses, including any online e-learning that is assigned;
- ❑ promptly hold formal Probation/Appointment Review meetings by the end of the second week, third and sixth month anniversary of their appointment;
- ❑ fully complete all required paperwork and send to HR in a timely fashion;
- ❑ take action, where necessary, to resolve any issues at an early stage.

### 3.3 HR responsibilities:

The HR Team are responsible for providing advice and support to managers and employees during the Probation/Appointment Review Period, as required.

HR will:

- ❑ ensure that the line managers are sent the dates of the Probation/Appointment Review Meetings, plus associated guidance, following selection of the appointee;
- ❑ provide advice and guidance to managers, appointees and trade union representatives on the correct implementation of the policy and procedure;
- ❑ ensure that managers treat all new appointees in a fair and equitable manner through the



consistent application of this policy and procedure;

- attend formal meetings as outlined in the procedure;
- confirm in writing to the appointee the outcome of the Probationary/Appointment Review Period.

#### **4.0 The distinction between a Probation Review and an Appointment Review**

- 4.1 All appointees who are new to Lancaster City Council are subject to a six month Probation Period.
- 4.2 Appointees who are new to Lancaster City Council, but who have worked previously in Local Government or within a body covered by the Local Government Modification Order are also subject to the six month Probation Period, as they are new to Lancaster City Council. Whilst suitability for the role must be established, this does not affect any other rights to continuous service e.g. for redundancy purposes.
- 4.3 Where an appointee with previous Local Government service fails to establish their suitability for the role their employment will be terminated with the appropriate notice.
- 4.4 Existing Lancaster City Council appointees who have transferred internally from another role within the Council are subject to a six month Appointment Review Period. When issues arise during the Appointment Review Period managers should handle these in line with this procedure. Should the required improvements not be made, the matter should be progressed to Stage 2 of the Capability and Performance Improvement Policy and Procedure.

#### **5.0 Temporary Staff**

- 5.1 Appointees on contracts of six months or longer will be required to complete a full Probation Review period.
- 5.2 The successful completion of a Probation Review Period by a temporary appointee will not confer permanent employment on that individual.
- 5.3 Where an individual is on a temporary contract of less than six months, the Probation Review Period will span the whole period of employment. If the temporary contract was to be extended, the Probation Review Period would continue in line with the procedure until such time as they have met the probation requirements. As a minimum, the line manager should undertake the Two Week and Three Month Review Meetings to ensure the required level of performance is reached.
- 5.4 In the case of 5.2 and 5.3 above, there will not usually be a requirement to undertake the Six Month Review Meeting, as in most cases, there will be no permanent post for the individual to be confirmed into. If, however, it is likely that the temporary contract will be extended beyond six months duration, or there is chance of the contract becoming permanent, then it will be necessary to undertake the Six Month Review Meeting.
- 5.5 It is recommended, however, that even where a Six Month Review Meeting is not required, line managers should meet with individuals to feedback on their level of performance regularly throughout the Probation Review Period until the end of the temporary contract.

- 5.6 At all times, the employee should be clear that the contract is one of a temporary nature.
- 5.7 All reviews should be completed in a timely fashion, in line with the dates outlined in this Policy and Procedure, until the employee leaves the organisation.

## **6.0 Staff on Secondment**

- 6.1 Any individual on secondment for more than six months, into another role within the Council, will be subject to a full Appointment Review Period.
- 6.2 There is no requirement for an individual on secondment for less than six months to have an Appointment Review Period. However, if the line manager has concerns regarding the employee's performance, capability, attendance or conduct during the term of the secondment, they should speak with them, in the first instance, to discuss if any further support can be identified. The manager may decide that the most appropriate option is to terminate the secondment early, following advice from HR. Where this is considered to be the most appropriate course of action the manager will explain their reasons for this decision to the secondee, and will give them reasonable notice of their return to their substantive role.
- 6.3 On successful completion of the Appointment Review Period, the appointee will be confirmed into the role for the agreed period of the secondment only. This will not be confirmation into the role on a permanent basis.

## **7.0 Probation and Appointment Review Procedure**

- 7.1 In order to support the Probation and Appointment Review process the Council has developed a procedure to assist in the fair and consistent treatment of all new appointees.
- 7.2 The Probation/Appointment Review Period normally lasts for a period of six months. Throughout the six month Probation/Appointment Review Period an appointee's performance and competence should be subject to assessment by their line manager.
- 7.3 Regular informal one to one meetings or discussions should be held to review performance and to ensure that new appointees are kept informed of their progress against the required standards. Whilst one to one meetings are informal, these still form part of the process of assessing or measuring an appointee's performance, and ensuring that they are receiving appropriate support.
- 7.4 Managers must ensure that any concerns are raised as soon as possible to allow the appointee opportunity to improve. Where concerns only develop towards the end of the Probation/Appointment Review Period, this will not prevent matters being considered in line with the relevant sections of this Policy and Procedure.
- 7.5 Formal review meetings should take place within the appointee's first two weeks of employment, then at the three month, mid-way point, and six months after they started in the role, in line with Section 9.
- 7.6 It is good practice for the line manager to book the review meetings into the diary of the employee soon after the start of employment, to ensure that the review meetings take place in a timely manner.

## **8.0 Commencing Employment and Induction**

- 8.1 Line managers have responsibility for ensuring that their employees are appropriately inducted into their roles. It is known that where an effective induction takes place and the appointee feels welcomed into a new organisation or team, they are more likely to feel a stronger positive connection with their employer and therefore more likely to perform and attend work well.
- 8.2 It is good practice for line managers to contact the appointee prior to them starting work in their new role and ensure they know when and where to arrive on their first day in the role and who they should ask for upon arrival. This is also an opportunity for the appointee to ask any further questions they may have before their first day in the role.
- 8.3 The line manager should ensure that they (or another nominated individual) are available to welcome the appointee on their first day in the role. In the first few days in the role the line manager should give a local induction to provide the appointee with essential information regarding the role, team and wider Council, including time to complete any appropriate online e-learning and to ensure that the employee understands their responsibilities with regard to relevant health and safety matters.
- 8.4 Line managers are responsible for ensuring that work locations or work stations are prepared and any equipment the appointee may require is ordered in preparation for their first day. This will help ensure that the appointee feels welcome on arrival.
- 8.5 Where appointees need to undertake specified training before they are able to undertake some or all aspects of their role, such as manual handling, the line manager should ensure that this is arranged promptly.
- 8.6 A new starter pack will be provided by HR to the line managers of any appointees who are new to Lancaster City Council. The documents within the starter pack should be completed with the appointee and used in conjunction with any service based induction arrangements.

### **9.0 Undertaking Probation and Appointment Review Assessments**

#### **9.1 Initial Meeting**

- 9.1.1 An initial Probationary/Appointment Review meeting should then be held within the first two weeks of the appointee commencing their new role. This is separate to any general induction meetings. This is an opportunity for the line manager to outline their expectations during the Probation/Appointment Review Period and to set initial objectives for the appointee. The main objectives should be listed on the **Probation/Appointment Review Form 1**.
- 9.1.2 The Probationary/Appointment Review Period must be properly planned to be effective. The standards required and objectives to be achieved need to be explained to the appointee and they should be clear of what is expected of them. By signing the Probation/Appointment Review Form 1, the appointee is confirming they understand the standards required and objectives they must achieve.
- 9.1.3 Appointees should be set between three and six objectives, depending on the nature of the job role, which should follow the S.M.A.R.T. principle (Specific, Measurable, Achievable, Relevant, Time limited). These should be linked to the relevant Job Description/ Person Specification for the post. Further support on setting objectives is available from HR or via the HR Learning and Development pages of the intranet.
- 9.1.4 It is recognised that in some areas of the Council, in addition to the main objectives listed on the form, the service unit may have a fuller list of objectives/targets that they consider

must be achieved in order for a specific role to be effectively carried out. Where this is the case the line manager must ensure that the appointee is aware of this and it may be useful to append any such document to the **Probation/Appointment Review Form 1**.

- 9.1.5 The health and safety risk assessment(s) for the post, will have been revisited by the line manager at the time the post was advertised, and therefore the health and safety information discussed between the manager and appointee will be current. During the initial meeting the line manager will make the appointee aware of any key health and safety responsibilities and requirements, which are attached to the post.
- 9.1.6 A record of the meeting must be kept on the **Probation/Appointment Review Form 1**, which must be signed by both the line manager and the appointee. The form should be sent to HR within five working days of the meeting and this will be retained on the appointee's central personnel record. Copies should be retained by the manager and appointee for their reference.

## 9.2 Initial Learning and Development Needs

- 9.2.1 The manager and appointee should also discuss any initial learning and development needs, which will assist the appointee in becoming effective in their role. It is important that any development needs should be clearly linked to the role. The line manager should make the appointee aware of corporate training opportunities and ensure that any mandatory training is completed as soon as possible. In the case of e-learning this should be within the first week of appointment.
- 9.2.4 All new appointees will automatically be invited to Corporate Induction within their probation period. It is a mandatory requirement that all individuals who are new to the Council attend this Corporate Induction to ensure that they are orientated to the wider Council. This may take place some weeks after the employee starts in their new role, therefore managers must ensure that they have appropriately inducted the appointee into the Service and team.

## 9.3 Three Month Review Meeting

- 9.3.1 The formal Three Month Review Meeting, which is at the mid-way point of the Probation/Appointment Review Period, should happen on or as near to the three month anniversary of the appointee starting the role as possible.
- 9.3.2 At the Three Month Review Meeting the appointee and manager must formally document the standards of work performance, conduct and attendance of the appointee, as well as their progress against the objectives that were set at the initial meeting. The manager and appointee should recognise areas where they have met or exceeded objectives as well as areas where they have not yet met objectives. Any areas of concern should be discussed and noted on the Review Form.
- 9.3.3 The meeting should also consider what, if any, further support, training or guidance is required. A review of any courses, including e-learning, which were identified as required on the Probation/Appointment Review Form 1 should take place. Consideration should also be given to any further learning and development needs.
- 9.3.4 A record of the meeting, including appointee comments, should be made on **Probation/Appointment Review Form 2 – 3 Month Review**, which must be signed by both the line manager and the appointee. The form must be sent to HR within five working days of the review taking place. Copies should be retained by the manager and appointee for their reference.
- 9.3.5 It is not expected that managers should wait until this meeting to discuss any issues

relating to the appointee's performance, conduct or attendance. Managers should raise any concerns as soon as they come to light, so that the appointee has opportunity to make any required improvements. The manager should ensure that the issues raised have been recorded. Equally the appointee should not wait until this meeting before raising any issues that are impacting upon their ability to achieve their objectives and the standards of performance required. However, where issues have been previously identified it will be appropriate for those to be reviewed during the discussion.

### 9.3.6 The manager should:

- ❑ discuss the appointee's performance against objectives and targets set at the initial meeting;
- ❑ discuss the Council's Values and Behaviours and how these are being demonstrated by the new appointee;
- ❑ review customer service skills (internal and external) in line with corporate standards;
- ❑ review interpersonal and communication skills;
- ❑ review attendance and punctuality, noting any absences that have occurred and the reasons for these;
- ❑ identify any areas of performance, conduct and attendance that need improving, specifying the standards required and how these can be achieved;
- ❑ review training requirements and agree any further development needs;
- ❑ recognise and record good performance and achievements made so far;
- ❑ note what support and guidance has been provided to date and what future support and guidance is available;
- ❑ set a date for the Six Month Review Meeting.

### 9.3.6 The appointee should:

- ❑ actively participate in the review, including identifying any successes or difficulties they have experienced;
- ❑ further discuss any problems or issues which they believe are preventing them from demonstrating their suitability for the role;
- ❑ confirm any training and development needs identified since the initial meeting.

## 9.4 Six Month Review Meeting

9.4.1 The formal Six Month Review Meeting should happen on or as near to the six month anniversary of the appointee's start date in the role as possible.

9.4.2 The manager should review the appointee's performance in the final three months of the Probation/Appointment Review Period, as well as reviewing progress against any issues identified at the Three Month Review Meeting. During the meeting the manager and appointee will discuss their performance against objectives/targets and discuss whether there are any further development needs or objectives still to be met.

- 9.4.3 At the Six Month Review Meeting the manager should confirm verbally with the appointee whether they have successfully completed their Probation/Appointment Review Period.
- 9.4.4 If the manager considers that the appointee has not met the objectives and/or standards to be confirmed in post, the manager should verbally advise the employee of this and whether or not it is the intention to extend the Probation/Appointment Review Period.
- 9.4.5 A record of the meeting should be kept on the **Probation/Appointment Review Form 3 – 6 Month Review**, which must be signed by both the line manager and the appointee. The form must be sent to HR within five working days of the review taking place. Copies should be retained by the manager and appointee for their reference.
- 9.4.6 It is not expected that managers should wait until this meeting to discuss any issues relating to the employee's performance, conduct or attendance. Where these have been a matter of concern it is appropriate for these to be formally discussed and noted, whether the issues have been resolved or are ongoing. Subject to the issues involved, it may be appropriate for matters to be dealt with in line with Sections 10 – 14.
- 9.4.7 The manager should:
- ❑ discuss the appointee's performance against objectives and targets set at the initial meeting;
  - ❑ review whether the appointee has met the requirements discussed at the Three Month Review Meeting, including quality and accuracy of work, customer services skills, interpersonal/communication skills and attendance/timekeeping in line with service and corporate standards;
  - ❑ review whether the appointee has demonstrated that they are able to meet the Values and Behaviours expected of all Council employees;
  - ❑ review training requirements and agree any future learning and development needs.
- 9.4.8 In the case of a Probationary Period the manager should then decide whether to:
1. confirm the appointee has successfully completed their Probationary Period.
  2. extend the Probationary Period for a period of up to three months, (see Section 11).
  3. take action in line with Section 12 below to consider terminating the appointee's contract during their probationary period due to the appointee's inability to demonstrate their suitability for the post.
- 9.4.9 In the case of an Appointment Review Period the manager should then decide whether to:
1. confirm that the employee has successfully completed their Appointment Review Period.
  2. in the event that there are unresolved issues that have occurred during the Appointment Review Period and it is not possible for the manager to confirm the successful completion of the Appointment Review Period, the appointee will be referred to Stage 2 of the Council's Capability and Performance Improvement Procedure.
  3. only where the manager is confident that a short extension to the Appointment Review Period will result in the appointee meeting the standard, should

consideration be given to a temporary extension, as an alternative to moving directly to Stage 2 of the Council's Capability and Performance Improvement Procedure.

- 9.4.10 Where the employee has met the required standard, HR will, upon receipt of the completed **Probation/Appointment Review Form 3 – Six Month Review**, write to the appointee to confirm the successful completion of their Probation/Appointment Review Period.
- 9.4.11 Incremental progression will be withheld until such time that the appointee has successfully completed their Probation/Appointment Review Period and the completed form has been returned to HR. Incremental progression will then be reinstated and back dated, as appropriate.

## **10.0 Managing Performance, Attendance and Conduct**

A formal meeting to discuss an appointee's performance, attendance or conduct can be called at any time during the Probation/Appointment Review Period, if the manager considers that there is appropriate reason to do so. It is not in either the appointee's or the Council's interest to delay or ignore issues that are giving cause for concern.

### **10.1 Issues Regarding Performance Capability**

- 10.1.1 Issues that arise in respect of an appointee's performance capability during the Probation/Appointment Review Period should be discussed with the appointee at the time that they occur, rather than leaving them until the formal review meetings. It may be beneficial for managers to seek advice from their Service HR Partner at an early point when concerns begin to develop.
- 10.1.2 Where performance capability issues arise the manager should meet with the appointee informally in the first instance to:
- clarify what the difficulties are in detail, specifying where and how their performance is falling below what is acceptable;
  - provide (as appropriate) evidence and examples of the problems and issues to be discussed;
  - allow the appointee an opportunity to raise and respond to any concerns;
  - discuss the action required by the member of staff to address the problem, e.g., set targets specifying in detail what standards of performance are required to reach an acceptable level;
  - identify any training needs that may need to be met in order for the appointee to achieve the targets;
  - set dates by when the targets should be met;
  - explain what the consequences may be if the standards / targets are not met, i.e., it may be necessary to discuss the matter further at a formal meeting, the outcome of which may mean that the appointee is not confirmed in post or in certain circumstances that the Probation/Appointment Review Period is terminated early.
- 10.1.3 The manager should provide a written summary of what was discussed during the meeting to the appointee within five working days of the meeting. A copy of the letter should be sent to the Service HR Partner for the employee's record.

- 10.1.4 If performance does not improve within a reasonable timescale following any informal meetings, appointees in the Probation Review Period should be invited to attend a Formal Review Meeting with their line manager and a member of the HR Team, in line with Section 12.
- 10.1.5 A Formal Review Meeting can be called at any time during the Probation/Appointment Review Period.
- 10.1.6 The outcome of the Formal Review Meeting may lead to the termination of their employment within their Probationary Review Period. Appointees who are under Appointment Review can either be referred to Stage 2 of the Council's Capability and Performance Improvement Procedure or, if a secondment arrangement is in place, it may be appropriate to bring the secondment to an end, in line with Section 6.

## 10.2 Issues Regarding Poor Attendance

- 10.2.1 A Probation/Appointment Review Period enables the appointee to demonstrate their suitability for the role, it is therefore expected that attendance is excellent to ensure that the appointee fully utilises the time available to demonstrate their suitability.
- 10.2.2 Evidence suggests that individuals who have poor attendance in the first few months of in a new role are likely to continue with that pattern if they are confirmed in post. The Council requires excellent levels of attendance to ensure efficient and effective services are provided to the public and the Probationary/Appointment Review Period is an appointee's opportunity to demonstrate their commitment to this.
- 10.2.3 Where a manager has concern over attendance they should seek further advice from their Service HR Partner and arrange a formal meeting in line with Section 12. Appointees subject to an Appointment Review Period will be managed, as appropriate, under the Council's Sickness Absence Management Policy and Procedure.
- 10.2.4 Poor attendance during the Probation Review Period is likely to lead to termination of employment.

## 10.3 Issues of Misconduct

- 10.3.1 The Council's full disciplinary policy and procedure does not apply where any misconduct issues arise within the Probation Review Period. Managers should contact their Service HR Partner and arrange a formal meeting in line with Section 12.
- 10.3.2 Misconduct during the Probation Review Period is likely to lead to termination of employment. For those staff in an Appointment Review Period, the Council's normal Disciplinary Policy and Procedure should be invoked.

## **11.0 Extending the Probation/Appointment Review Period**

- 11.1 The Probation Review Period runs for a period of six months. During this time managers must ensure that constructive feedback is given to appointees on a regular basis and that any performance, attendance or conduct issues are resolved as soon as possible within this period. It is important that managers make all reasonable efforts to support appointees in meeting the agreed objectives during this time. Managers should keep a record of issues discussed at informal meetings, to enable the manager and the appointee to keep track of their performance against overall objectives each time they meet.



- 11.2 In the majority of cases, where the appointee has not met the standard within the normal six month Probation/Appointment Review Period, it will be appropriate to discuss this at the Six Month Review Meeting.
- 11.3 In exceptional circumstances the Probation Review Period may be extended for up to three months. This may apply to a situation where an employee has not yet demonstrated their suitability, but they are likely to do so given more time.
- 11.4 Where the Probation/Appointment Review Period is extended, incremental progression will remain suspended until the employee has satisfactorily demonstrated their suitability for the post.
- 11.5 Appointees who have not demonstrated their suitability during their Appointment Review Period should be transferred to Stage 2 of the Council's Capability and Performance Improvement Policy, if they have not met the required standard by the Six Month Review Meeting. In certain circumstances (see Section 9), the manager may consider it appropriate to agree an extension of up to three months to the Appointment Review Period. However, if the appointee fails to achieve the necessary standard by the end of the extension period, they would automatically be moved to Stage 2 of the Council's Capability and Performance Improvement Policy.
- 11.6 Where a manager believes that the appointee may not be able to achieve the required standard by the Six Month Review Meeting, they should discuss this with their Service HR Partner in good time, prior to arranging the Six Month Review Meeting. Where it is considered appropriate to offer a short extension to the Probation/Appointment Review Period, this should be discussed with the appointee at the Six Month Review Meeting and subsequently confirmed on the relevant form.
- 11.7 If the decision is taken to extend the Probation/Appointment Review Period the line manager should complete the **Probation/Appointment Review Form 4 - Extension of Probation/ Appointment Review**, which must be signed by both the line manager and the appointee. The form must be sent to HR within five working days of the review taking place. Copies should be retained by the manager and appointee for their reference.
- 11.8 The manager should confirm with the appointee:
- the reasons for the extension;
  - the length of the extension period;
  - any assistance, guidance or training to be given during the extension;
  - any areas of improvement that are required and how these will be monitored;
  - the consequences should they not reach the required standard by the Extension Review Meeting. In the case of appointees in a Probation Review Period, this will mean that the appointee will not be confirmed in post and that their employment is likely to be terminated in line with Section 12 below.
- 11.9 Where it is appropriate to extend Probation/Appointment review, the manager and appointee should have discussed and recorded the performance to date, and also discussed and recorded the future objectives, standards and improvements that must be met during the extension period.
- 11.10 The manager must convene an Extension Review Meeting, towards the end of the extension period, to discuss the appointee's performance during the extension period. After

discussion during the meeting, the manager will confirm whether or not the appointee has met the necessary standard or not. A record of the meeting should be made on the **Probation/Appointment Review Form 5 – Extension Review Meeting**, which must be signed by both the line manager and the appointee. The form must be sent to HR within five working days of the review taking place. Copies should be retained by the manager and appointee for their reference.

- 11.11 In the case of a Probationary Period the manager should then decide whether to:
1. confirm the appointee has successfully completed their Probationary Period.
  2. take action in line with Section 12 to consider terminating the appointee's contract during their probationary period, due to their inability to demonstrate their suitability for the post.
- 11.12 In the case of an Appointment Review Period the manager should then decide whether to:
1. confirm that the appointee has successfully completed their Appointment Review Period.
  2. transfer the appointee to Stage 2 of the Council's Capability and Performance Improvement Procedure.
- 11.13 Where the appointee has met the required standard, HR will, upon receipt of the completed **Probation/Appointment Review Form 5 – Extension Review Meeting**, write to the appointee to confirm them in post.

## **12.0 Termination of Employment in the Probation Period**

- 12.1 Where the appointee has failed to achieve the required standard of performance, conduct or attendance during their Probation Review Period, they should be invited to a formal meeting to discuss this by their manager.
- 12.2 On occasion it may be apparent early in the Probation Period that the appointee is not suitable for the role. On such occasions it will not be necessary to wait until the end of the normal six month review period to take action against the appointee. Advice should be obtained from the Service HR Partner in all cases.
- 12.3 The manager should write to the appointee giving five working days' notice that they are required to attend a Formal Review Meeting to discuss their performance during Probation Review Period.
- 12.4 The purpose of the meeting will be to consider the appointee's performance, conduct and attendance to date and take a decision on whether employment should be terminated due to the failure to achieve the required standards.
- 12.4 The appointee is entitled to be accompanied at the meeting by a trade union representative or work colleague. Managers should be accompanied by their Service HR Partner.
- 12.5 Only senior Service Managers who report directly into a Chief Officer, may hold Formal Review Meetings to consider whether or not the appointee's employment should be terminated. In the majority of cases it is likely that the senior Service Manager will not be the appointee's line manager. On occasion the Formal Review Meeting may be conducted by the appointee's line manager, who has conducted the probation review meetings. The

senior Service Manager may ask the line manager to attend the discussion to explain why they consider the employee has failed to meet the required standard.

- 12.6 Where the manager considers that the appointee's performance, conduct or attendance is below the required standard and that this is unlikely to improve within a reasonable period of time the appointee may be dismissed with one weeks' notice or offered pay in lieu of notice, where normal deductions would apply.
- 12.7 A letter confirming the outcome of the meeting should be sent to the appointee in the 5 working days following the meeting.
- 12.8 If at any point the appointee wishes to end their employment within the Probation Review Period they must give a minimum of one months' notice in writing to their line manager. However, in exceptional circumstances, the line manager in consultation with their Service HR Partner, may agree to a request from the appointee to serve a shorter notice period.

### **13.0 Right of Appeal**

- 13.1 Where a decision is made to terminate employment the appointee has the right of appeal against this decision.
- 13.2 In order to exercise this right, the appointee must write to the HR Manager within 10 working days of receipt of the written notice of termination of employment, clearly stating their grounds of appeal.
- 13.3 The Chief Officer will normally hear the appeal within 20 days of receipt of the letter of appeal. If it is not possible to hear the appeal within the above timescale, the HR Partner will write to the appointee setting out the reason for delay and the intended date of the hearing.
- 13.4 At the appeal hearing the appointee has the right to be accompanied by a Trade Union representative or work colleague. The Hearing Officer will be accompanied by a member of the HR Team.
- 13.5 The Service Manager who took the decision to dismiss the employee will present the management case outlining why the decision to dismiss was taken.
- 13.6 The Chief Officer will allow both sides opportunity to present their case. After adjourning to consider the available information, the Chief Officer will reconvene the hearing and will normally verbally communicate their decision. This will be followed by confirmation of the decision in writing, within 5 working days of the hearing.

The Chief Officer will either:

- ❑ extend the Probation Review Period for a further defined period of time of no more than three months, clearly outlining the standards/objectives to be achieved by a set date, or;
- ❑ uphold the decision to terminate employment.

The decision of the Hearing Officer is final and there is no further right of appeal.

### **14.0 Transfer to Stage 2 of the Capability and Performance Improvement Policy**

- 14.1 Where an appointee within the Appointment Review Period has failed to meet the necessary standards, they will be transferred to Stage 2 of the Capability and Performance Improvement Policy.
- 14.2 Managers may elect to move them to Stage 2 of the Capability and Performance Improvement Policy at any point during the Appointment Review Period, though in the majority of cases it is likely to be at the Six Month Review Meeting or the Extension Review Meeting.
- 14.3 After discussion with the appointee, the manager will verbally confirm their decision to the appointee. Where the discussion takes place prior to one of the formal Review Meetings, the manager should discuss their concerns with HR and must formally document their decision to move the appointee to Stage 2 of the Capability and Performance Improvement Policy.
- 14.4 There is no right of appeal against the decision to move an appointee to Stage 2 of the Capability and Performance Improvement Policy. The manager will complete the necessary paperwork and provide a copy to HR within five working days to confirm that the appointee has been unable to complete the Appointment Review Period.
- 14.5 The manager, with advice from the Service HR Partner, should write to the appointee to confirm this decision. Any arrangements after this point will be made in line with the Capability and Performance Improvement Policy.

**15.0 Review**

This policy and procedure will be reviewed two years after implementation or earlier in the event of changes in legislation.

**Document Control:**

Version No.	Effective date	Reason	Review due
1.0	03.02.2015	New policy agreed by Personnel Committee	03.02.2017
2.0	02.02.2016	Revisions agreed by JCC and Personnel Committee	02.02.2018
3.0	02.10.2018	Revisions to be considered by JCC and Personnel Committee	02.10.2020



## Bereavement and Compassionate Leave Policy and Procedure

### 1. Scope

- 1.1 The bereavement and compassionate leave policy applies to **all employees**, excluding casual workers.

### 2. Definitions

- 2.1 **Immediate family** is defined as spouse, partner, child, mother, father, brother and sister. Managers are however granted discretion to assess the circumstances and diversity of guardianship, for example where a staff member may have been raised by their grandparent or other guardian

- 2.2 **Critical illness** refers to an emergency, life threatening illness.

### 3 Bereavement Leave

- 3.1 Employees, regardless of length of service, may be granted **Bereavement Leave of up to five days (pro-rata) with pay** as a result of the death of an **immediate family** member.

- 3.2 Employees may also be granted one days leave with pay for attendance at a funeral of a close family member, not included in the above immediate family definition. Examples of this include a grandparent, cousin, aunt or uncle.

- 3.3 Employees, regardless of length of service may also be granted **Parental Bereavement Leave** of an additional week (up to 2 weeks leave in total) (pro rata) if they are:

- The bereaved parent of a child under 18, or have a stillbirth from the 24<sup>th</sup> week of pregnancy.
- The partner of a deceased child or stillbirth as above, as long as they live in an "enduring family relationship" with the child and their parent.
- A "parent in fact", someone who, for a continuous period of at least four weeks before the child died, lived with the child and had "day-to-day responsibility" for the child (but who is not being paid to look after the child).
- Adoptive parents, the parents of children born through a surrogate and the "natural parents" of adopted children who have been granted some court-ordered contact.
- In addition, parents who suffer a stillbirth after 24 weeks of pregnancy can take parental bereavement leave.

**3.4** **Parental Bereavement Leave** can only be taken as a two week block or 2 blocks of 1 week

**3.5** Where more than one child has passed away, the employee is entitled to two weeks' **Parental Bereavement Leave** in respect of each child.

**3.6** Employees with at least 26 weeks' continuous service and weekly average earnings over the lower earnings limit will also be entitled to **statutory parental bereavement pay** (SPBP) for this second week of leave, paid at the statutory rate for SPBP, or 90% of average weekly earnings if this is lower.

**3.7** To claim SPBP employees should notify their service manager in writing within 28 days of the leave starting, or if this isn't possible as soon as you can. In the notification it is important to include your name, the date of your child's death (or date of birth for a stillborn child) and the date that you wish the periods of leave and pay to start and finish.

**3.8** Service managers should inform Human Resources as soon as they are aware of a requirement to claim SPBP.

#### **4. Compassionate Leave**

**4.1** Employees may be granted **Compassionate Leave of up to five days** (pro-rata) **with pay** as a result of:

- the **critical illness** of a member of their **immediate family**.

**4.2** Senior Service Managers will have discretion in whether an employee's situation fulfils the criteria to be granted Compassionate Leave. HR may be contacted for guidance.

#### **5. Approval process**

**5.1** A request for Bereavement or Compassionate Leave must receive approval from the relevant Senior Service Manager before commencement. Managers may request evidence before or after the request is received.

**5.2** However, the Council is aware that this may not be feasible in an emergency, in which case the employee should receive approval from their line manager or another available manager before commencement of the leave. The employee is then responsible for ensuring approval is received from a Senior Service Manager as soon as practicably possible.

**5.3.** Employees are entitled to chose when they take Parental Bereavement Leave up to 56 weeks after the bereavement. For the first seven weeks following, an employee only needs to inform their line manager before they start work on the first day of absence. After this you will be required to provide your line manager with at least one week's notice. It may be taken in a single block of two weeks, or two blocks of one week taken at different times within the 56 weeks.

**5.4** Compassionate Leave will only be available for an emergency, life threatening critical illness and therefore, at the point where this definition is no longer met, it is expected that employees will return to work or request another type of leave, for example Unpaid Leave.

- 5.5 In exceptional circumstances, Directors have discretion to approve greater amounts of Bereavement and Compassionate leave than outlined, having considered the circumstances of the case. HR should be approached for guidance in these cases.
- 5.6 When approving Compassionate Leave, the aim is to assist the employee in remaining in work. HR should be approached for guidance to ensure that appropriate support measures and flexibility, which may include an additional period of Unpaid Leave for the employee, are in place.
- 5.7 If approved, the line manager must ensure that any absence approved under the Bereavement and Compassionate Leave Policy is correctly recorded onto the MyView system.
- 6. **Review**
- 6.1 This Bereavement and Compassionate Leave Policy will be reviewed two years after implementation or earlier in the event of further changes in legislation.

**Document Control:**

Version no.	Effective Date	Reason	Review due
1.0	May 2008	Provisions contained within Family Leave Scheme	
2.0	02.02.2016	Policy agreed by Personnel Committee	02.02.2018
3.0.	01.04.2020	'Jack's Law' has come into force	01.04.2022



## **Bereavement and Compassionate Leave Policy and Procedure**

### **1. Scope**

- 1.1 The bereavement and compassionate leave policy applies to **all employees**, excluding casual workers and is available to employees **without a qualifying service period**.

### **2. Conditions**

- 2.1 Employees may be granted **Bereavement Leave** of **up to five days** (pro-rata) **with pay** as a result of:

- the death of a member of their **immediate family\***.

- 2.2 Employees may be granted **Compassionate Leave** of **up to five days** (pro-rata) **with pay** as a result of:

- the **critical illness\*\*** of a member of their **immediate family\***.

- 2.3 For the purposes of this policy, **immediate family\*** is defined as spouse, partner, child, mother, father, brother and sister.

- 2.4 For the purposes of this policy, **critical illness\*\*** refers to an emergency, life threatening illness.

- 2.5 Senior Service Managers will have discretion in whether an employee's situation fulfils the criteria to be granted Compassionate Leave. HR may be contacted for guidance.

### **3. Approval process**

- 3.1 A request for Bereavement or Compassionate Leave must receive approval from the relevant Senior Service Manager before commencement. Managers may request evidence before or after the request is received.

- 3.2 However, the Council is aware that this may not be feasible in an emergency, in which case the employee should receive approval from their line manager or another available manager before commencement of the leave. The employee is then



responsible for ensuring approval is received from a Senior Service Manager as soon as practicably possible.

- 3.3 Compassionate Leave will only be available for an emergency, life threatening critical illness and therefore, at the point where this definition is no longer met, it is expected that employees will return to work or request another type of leave, for example Unpaid Leave.
- 3.4 In exceptional circumstances, Chief Officers have discretion to approve greater amounts of Bereavement and Compassionate leave than outlined, having considered the circumstances of the case. HR should be approached for guidance in these cases.
- 3.5 When approving Compassionate Leave, the aim is to assist the employee in remaining in work. HR should be approached for guidance to ensure that appropriate support measures and flexibility, which may include an additional period of Unpaid Leave for the employee, are in place.

**4. Recording Bereavement or Compassionate Leave**

- 4.1 If approved, the line manager must ensure that any absence approved under the Bereavement and Compassionate Leave Policy is correctly recorded onto the MyView system.

**5. Failure to return**

- 5.1 Failure to return on the agreed date after a period of Bereavement and/or Compassionate Leave will result in pay being suspended, and will be treated as an unauthorised absence which will be dealt with through the Disciplinary Policy and Procedure.

**6. Review**

- 6.1 This Bereavement and Compassionate Leave Policy will be reviewed two years after implementation or earlier in the event of further changes in legislation.

**Document Control:**

Version no.	Effective Date	Reason	Review due
1.0	May 2008	Provisions contained within Family Leave Scheme	
2.0	02.02.2016	Policy agreed by Personnel Committee	02.02.2018

**PERSONNEL COMMITTEE****Urgent Business Decision Taken Between Meetings****3rd June 2020****Report of the Monitoring Officer****PURPOSE OF REPORT**

To advise of a decision taken by the Chief Executive in consultation with the Chair of the Personnel Committee.

**This report is public.**

**RECOMMENDATION**

That the urgent business decision in respect of the following be noted:

That the Interim Director of Corporate Services, Mr Dan Bates, be given the delegated powers of the permanent post of Director of Corporate Services, as set out in the Council's Constitution, until such time as a permanent appointment is made and the appointee commences work for the Council.

The decision was taken by the Chief Executive, in consultation with the Chair of Personnel Committee. This is in accordance with the rules and procedures set out in the Council's Constitution.

**1.0 Background**

1.1 Due to the COVID-19 epidemic and the resulting social distancing guidance from central government it has not until recently been possible to hold formal meetings of the Council and its Committees. In addition, the next meeting of this Committee is scheduled to be held on 21 July 2020. In view of these unprecedented circumstances and to ensure that officer delegated powers could be undertaken as effectively and efficiently as possible the Council's urgent business procedure was used to take an early decision.

**2.0 Consultation**

2.1 Consultation was undertaken in accordance with the Council's urgent business procedures.

**3.0 Decision Taken**

3.1 The following decision was taken on 6<sup>th</sup> May 2020 by the Chief Executive, in

consultation with Councillor Robinson, Chair of the Committee, as per the Council's urgent business procedures.

**That the Interim Director of Corporate Services, Mr Dan Bates, be given the delegated powers of the permanent post of Director of Corporate Services, as set out in the Council's Constitution, until such time as a permanent appointment is made and the appointee commences work for the Council.**

**4.0 Conclusion**

4.1 The Committee is asked to note the urgent decision taken on 6<sup>th</sup> May 2020, which is now being reported to the Committee at the earliest opportunity, as required by the Council's Constitution.

<p><b>CONCLUSION OF IMPACT ASSESSMENT</b> (including Health &amp; Safety, Equality &amp; Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)</p> <p>None.</p>	
<p><b>LEGAL IMPLICATIONS</b></p> <p>There are no legal implications, other than as set out in the report regarding delegated functions contained within the Council's Constitution.</p>	
<p><b>FINANCIAL IMPLICATIONS</b></p> <p>None.</p>	
<p><b>OTHER RESOURCE IMPLICATIONS</b>  <b>Human Resources:</b> None.  <b>Information Services:</b> None.  <b>Property:</b> None.  <b>Open Spaces:</b> None.</p>	
<p><b>SECTION 151 OFFICER'S COMMENTS</b></p> <p>The Section 151 Officer has no comments.</p>	
<p><b>MONITORING OFFICER'S COMMENTS</b></p> <p>The Monitoring Officer has been involved in the drafting of this report.</p>	
<p><b>BACKGROUND PAPERS</b></p> <p>None.</p>	<p><b>Contact Officer:</b> Stephen Metcalfe  <b>Telephone:</b> 01524 582073  <b>E-mail:</b> sjmetcalfe@lancaster.gov.uk  <b>Ref:</b> -</p>

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