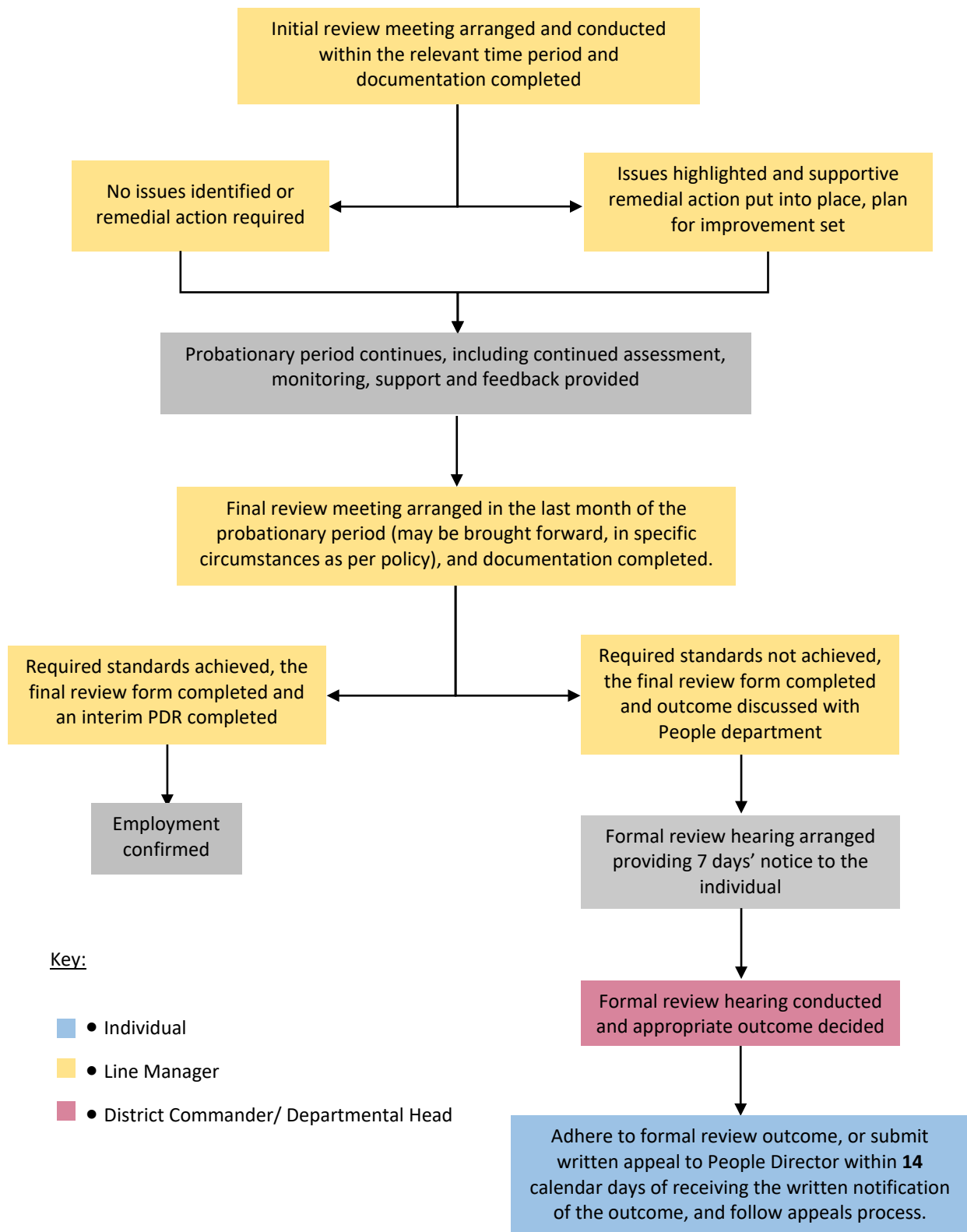


Probationary Procedure – Police Staff

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Flowchart – Probationary Procedure



Policy Statement

Summary

The West Yorkshire Police (WYP) probationary procedure establishes a fair and consistent means of supporting police staff during their probationary period, whilst ensuring that individuals are provided with the required training and support, as well as being assessed in a constructive and objective manner.

All individuals will be treated with fairness, integrity and respect, in line with the College of Policing's Code of Ethics and the organisation's purposes and values.

This policy explains the probationary procedure for WYP staff, including general principles, disciplinary action, appeals and reviews.

Scope

This policy applies to all police staff who have just joined WYP, including those on temporary and fixed term contracts.

NPAS Pilots – This policy only applies to NPAS pilots who have completed their initial flying training and passed the initial line check. Before the initial line check NPAS pilots will come under the Approved Training Organisation process.

Principles

General

- The probation period is with the organisation, and is not specific to the role an individual commences their employment in.
- Individuals within their probationary period are permitted to apply for other externally and internally advertised West Yorkshire Police vacancies. The exception to this would be individuals in the role of Contact Officer (Entry Level) who will be subject to a tenure contract of two years in line with the Tenure – Initial Contact, Contact Management policy.
- The probationary procedure is six months, with the exception of:
 - 12 months for the control room (dispatch) operators, Contact Officers (Advanced), Police Community Support Officers (PCSOs), NPAS Tactical Flight Officers (TFOs), Forensic Vehicle Examiners, Crime Scene Investigators, Senior Crime Scene Investigators, Crime Scene Investigation Supervisors, Assistant Forensic Collision Investigators, Forensic Collision Investigators, Forensic Collision Investigation Supervisors and Intelligence Officer (Targeted Interception); or
 - Nine months for Contact Officers (Entry), Investigative Officers (IOs), Economic Crime Unit Investigators, NPAS Pilots and Duties Planners.
- The probationary procedure will apply to individuals on an apprenticeship scheme, but only those who are new to the organisation, i.e. they have not

already completed their probation period with WYP:

- Individuals on an apprenticeship scheme will have the appropriate probationary period for the role they are performing in line with the above, during which time their punctuality, general standards of attendance, attitude and behaviour will be assessed in line with the Police Staff Code of Conduct.
- Competency in role will *not* be assessed during the six-month probation period, as the apprenticeship is a training programme and the apprentice is not expected to be fully competent until completion of the apprenticeship period.
- Individuals are expected to fully participate in the procedure.
- Individuals have the right of appeal under this process.
- Individuals can submit a request in line with the internal transfer procedure, detailed in the Recruitment and Selection policy, whilst still in their probationary period.
- Throughout the probationary period, individuals will be monitored and reviewed against punctuality, general standards of attendance, attitude, behaviour and the requirements of the role, in line with the Police Staff Code of Conduct and Code of Ethics.
- All matters relating to performance and attendance will be dealt with confidentially.
- Trade Union representatives or work colleagues may attend the formal review meetings and appeal meetings with their members.
- All relevant documentation relating to assessments, e.g. performance entries and attendance records must be produced and referred to during the probationary reviews.
- Only one extension to a probationary period may be made. Support and guidance must be provided during this period but individuals must be made aware of the implication of failing to meet the required standard.
- In exceptional circumstances where an individual is unable to complete their probation period, e.g. due to Covid-19, maternity, adoption or shared parental leave, a manager can request for the probation period to be put on hold until their return, in conjunction with a Senior Employee Relations Advisor.
- Line managers are expected to seek advice from Occupational Health (OH) where appropriate, and must inform their Employee Relations Advisor where it is likely that an individual may not successfully complete their probationary period.
- Line managers must ensure that they and the organisation comply with the obligations under the Equality Act 2010, giving full consideration to reasonable adjustments.
- Alleged breaches of the Code of Conduct whilst in the probationary period will be dealt with under the Discipline – Police Staff policy. However, there are the following variations:
 - A District Commander/Departmental Head, supported by an Employee Relations Advisor, will hear the case if an individual is subject to an existing final written warning, suspension or an allegation of gross misconduct;

- If the probationer is a Department Head, the person hearing the case will be a member of the Chief Officer Team supported by a Senior Employee Relations Advisor; and
 - The appeal hearing section within this policy will apply.
 - Where line managers are referred to throughout this policy, for cases involving PCSOs, Detention Officers or Investigative Officers the responsibility will fall to the appropriate individual responsible for managing their performance/attendance (e.g. PCSO Trainer).
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Responsibilities

Line managers

Line managers are responsible for:

- Ensuring that new starters undertake an induction course, are provided with the relevant induction information and a local induction is completed where appropriate;
- Ensuring local working practices, organisation procedures and the individual's role profile are discussed, that the attendance standard and probationary procedure process are made clear and that the Performance Development Review (PDR) process that will commence after the probationary period has ended is explained;
- Setting measurable targets and objectives with the individual at the start of the probationary period on the initial review form that can be monitored and assessed on an ongoing basis;
- Ensuring all relevant training is provided as soon as possible. Individuals must be provided with the training required to carry out their role satisfactorily and will receive adequate support and supervision;
- Ensuring that all reasonable steps have taken place to enable individuals to achieve the required standards;
- Recording relevant examples of performance on the PDR system;
- Providing feedback on performance and support so that appropriate remedial action can be taken, which must be documented so it can be monitored and reviewed throughout the probationary period;
- Reaching objective justifiable decisions using the National Decision Making Model, and documenting these; and
- Recording details of the initial, interim (if appropriate) and final reviews on the appropriate review forms, including the checking of attendance, and notifying People Services through the relevant People Services Mailbox when employment is confirmed or notifying their Employee Relations Advisor where there is a possibility that someone may not successfully complete their probation period. These must be conducted towards the end of:
 - Six and 12 months for control room (dispatch) operators, Contact Officers (Advanced), Police Community Support Officers (PCSOs), NPAS Tactical Flight Officers (TFOs), Forensic Vehicle Examiners, Crime Scene Investigators, Senior Crime Scene Investigators, Crime Scene Investigation Supervisors, Assistant Forensic Collision Investigators,

- Forensic Collision Investigators, Forensic Collision Investigation Supervisors and Intelligence Officers (Targeted Interception); or
- Four and nine months for Contact Officers (Entry) and Investigative Officers (IOs), Economic Crime Unit Investigators, NPAS Pilots and Duties Planners; and
 - Three and six months in all other cases.

Where issues are identified earlier in the probationary period that require early intervention, the interim review may be brought forward and the appropriate action plan put in place to address those issues. Where issues persist and action plan/s remain unachieved the decision can be made to progress to the final review stage sooner.

- People Services** The People Services team are responsible for:
- At the start of the individual's employment, providing line managers with information regarding what they should undertake and consider during the individual's probation period, sign posting to the policy and relevant forms;
 - Supporting line managers throughout the procedure, providing advice and guidance on the policy; and
 - Issuing a letter to the individual confirming that their probation has been successfully completed, if appropriate.
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- Employee Relations** The Employee Relations team are responsible for:
- Discussing cases with line managers when they are notified that an individual is failing to achieve the required standards;
 - Offering support and advise to line managers on the process and considerations;
 - Arranging formal review hearings/further formal review hearings with an appropriate chair;
 - Notifying individuals of the formal review hearing, and any further formal review hearings as a result of an extension to probation;
 - Notifying individuals of the outcome of the hearing; and
 - Reviewing the case file/documentation ahead of the formal review and appeal hearings.
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Attendance Standard

- Principles**
- Where individuals are unable to attend work due to sickness, they will be managed in accordance with the Attendance Management policy.
 - Where sickness absence causes an individual to fail to meet the organisation attendance standard, when applied on a pro-rata basis to the length of service, this must be discussed at the initial review, or an interim review must be conducted for this purpose, provided that the total days and occasions of absence do not exceed the organisation attendance standard for a full year.

- If sickness absence would result in an individual failing to meet the organisation attendance standard for a full year, a final review must be undertaken irrespective of length of service.
- At the end of the probationary period individuals will have exceeded (breached) the attendance standard if the number of absence periods and/or the number of working days' sickness absence are no more than those shown below.

If the duration of the probationary period is:

- **12 months**
Sickness absence periods – 3
Working days' sickness absence – 10
 - **Nine months**
Sickness absence periods – 2
Working days' sickness absence – 7
 - **Six months**
Sickness absence periods – 1
Working days' sickness absence – 5
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Reviews

Initial and interim reviews

- Details of the review must be recorded on an initial or interim review form. The original must be sent via the relevant People Services mailbox for retention on personal files and the individual must be provided with a signed copy.
 - An interim review meeting will be arranged where an individual fails to meet the Attendance Standard pro rata to length of service. An interim review must also be completed where performance issues are identified outside of the initial and final review timeframes.
-

Remedial action

- Where there are areas identified which give cause for concern, line management must explore these and take remedial action by:
 - Informing the individual that continued employment beyond the probationary period depends upon the individual improving satisfactorily;
 - Setting an action plan for improvement; and
 - Notifying their Employee Relations Advisor of the possibility that the individual may not successfully complete the probationary period.
-

Final review

- A final review meeting must ordinarily be arranged in the last month of the probationary period, but:
 - May be brought forward if an individual fails to meet the organisation attendance standard for a full year; or
 - May be brought forward where issues in relation to performance are of such significance that further support, training and time for improvement

will be of no benefit.

Standards achieved/not achieved

- If the standard is met at the final review meeting, employment will be confirmed. People Services must be notified via the relevant People Services mailbox and both People Services and the individual will be provided with a copy of the final review form. The individual will receive a letter confirming that probation has been successfully completed. An interim PDR will also be completed with evidence of performance and appropriate ratings.
 - Where an individual fails to achieve the required standard, a final review form must be completed detailing the shortfalls and People Services notified. The outcome of the review must be discussed with the Employee Relations Advisor. The individual must be informed that employment cannot be confirmed and the next stage of the process must be explained.
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Failing to Achieve Standards

Formal review hearing

- Where necessary, the Employee Relations Advisor will arrange a formal review hearing with the District Commander/Departmental Head.
- If the probationer is a Departmental Head, the Senior Employee Relations Advisor will arrange the hearing with a member of the Chief Officer Team.
- Individuals will be notified of the review hearing and possible outcomes in writing, and given at least seven days' notice.
- A written submission will be made by the line manager for a probation hearing, or by an investigating officer for a disciplinary matter.
- Copies of any documentation to be presented or referred to at a hearing must be provided to all parties at least seven days' prior to the hearing, via the Employee Relations Advisor who will review the papers before circulating.
- The Employee Relations Advisor/Senior Employee Relations Advisor will arrange a pre-brief with the chair on a date prior to the date of the hearing to go through documentation submitted.
- Individuals have the right to be accompanied at the hearing by a Trade Union representative or work colleague.
- The following people will attend the hearing:
 - District Commander/Departmental Head or Chief Officer Team member as appropriate;
 - Employee Relations Advisor/Senior Employee Relations Advisor as appropriate;
 - Line management; and
 - The individual and their representative.
- The person hearing the case must:
 - Hear the facts relating to performance as presented by line management;
 - Clarify and confirm what training, guidance and support has been made

- available; and
 - Allow the individual the opportunity to respond and put forward any points they feel relevant.
 - The case will be adjourned to ensure that the facts presented are fully considered prior to a decision being made.
-

Decision

The possible outcomes of the formal review hearing are:

- There are no issues which need to be addressed and employment will be confirmed;
- Although performance in role is not to the required standard there have been mitigating circumstances which indicate that an extension to the probationary period would be reasonable;
- Where the formal review hearing has been brought forward due to performance or attendance, although performance/attendance is not to the required standard, there have been mitigating circumstances which indicate that a development plan to improve performance/attendance would be reasonable. In these circumstances the probation period would continue. At the end of this developmental plan period, a further formal review hearing must be arranged, the outcomes of which are the same as the original formal review hearing; or
- All reasonable time and development opportunities have been provided yet the required standards of performance or attendance have not been met and the shortfall is significant. In these circumstances employment will not be confirmed and the individual will be dismissed.

The decision must be verbally stated at the hearing and then confirmed in writing within 14 days of the decision being made. If the person is dismissed the notice period will be clarified, which will be paid in lieu.

Extension

Process

- If an extension is deemed an appropriate outcome, then the person hearing the case and their Senior/Employee Relations Advisor in conjunction with the line manager, must determine a plan for the period of the extension, which will focus on the areas for improvement, contain SMART targets that can be monitored and include monthly progress reports.
- The period of extension and the plan must be included in the letter confirming the decision of an extension made by the person hearing the case.
- The extension period must not exceed three months from the date of the hearing, unless there are exceptional circumstances.
- Before the end of the extension period, a further formal review hearing must be held, where possible with the same attendees who were at the final review, to ascertain if the requirements of the plan have been met.

- The possible outcomes of a further formal review are:
 - The initial issues have been addressed and employment can be confirmed; or
 - Further development opportunities, outlined in the development plan, have not been successful, the individual has failed to meet the performance/attendance standards required and the shortfall is still significant, in which case the individual is dismissed.
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Appeal Against Dismissal and Disciplinary Action

Principles

- Individuals have the right to appeal, as per the criteria below, against dismissal or any other disciplinary sanction.
 - If for a disciplinary matter the appeal must be submitted as per the Discipline - Police Staff policy.
 - If for any other matter the individual must appeal in writing to the People Director within 14 days of the date of the written notification letter, and must include a detailed explanation of their grounds and reasons for appeal.
 - The grounds of appeal must include one or more of the following:
 - The correct procedure or process has not been followed;
 - The facts presented were incorrect; and/or
 - The severity of the sanction.
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Appeal hearing

- The appeal hearing will be chaired by the People Director, or another District Commander/Departmental Head where the People Director is not available, and will be advised by an independent Senior Employee Relations Advisor.
- If the probationer is a Departmental Head, the Deputy Chief Constable will chair the appeal and will be advised by a member of the People Directorate Senior Leadership Team.
- If the probationer is a member of the People Directorate, any appeal will be heard by another District Commander/Departmental Head.
- Individuals wishing to submit any other documentation for consideration at the hearing must do so via their own relevant District/Directorate Senior Employee Relations Advisor at least seven days' prior to the hearing.
- Copies of any documentation to be referred to at the hearing must be provided to all parties at least seven days' prior to the hearing, via their own relevant District/Directorate Senior Employee Relations Advisor who will review the papers before circulating.
- The independent Senior Employee Relations Advisor will arrange a pre-brief with the chair on a date prior to the date of the hearing to go through the submission.
- Individuals have the right to be accompanied at the hearing by a Trade Union representative or work colleague.
- A written submission will be made by the Chair of the Formal Review

OFFICIAL

Hearing for a probation hearing, or by an investigating officer for a disciplinary matter.

- The Chair of the Formal Review Hearing will attend the Appeal Hearing. The chair of the appeal has the discretion to request the attendance of witnesses at the appeal hearing if they deem it to be necessary.
- The outcome of the appeal will be final and will be notified in writing to the individual within 14 days of the hearing.

Additional Information

Compliance

This policy complies with the following legislation and policy:

- Equality Act 2010
 - Employment Rights Act 1996
 - Code of Conduct for Police Staff policy
 - Discipline – Police Staff policy
 - Attendance Management policy
 - Recruitment and Selection policy
 - Data Protection Act 2018
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Supporting Information

The supporting information for this policy can be accessed.
