

Probationary Policy

<p><u>SUMMARY & AIM</u></p> <p>This policy has been developed to ensure that the Trust has the facility to review performance and support new colleagues during their initial months in post. If, despite the efforts of management and the colleague, it becomes apparent that the colleague is not suited to the role to which they are appointed, this policy provides the facility for either party to terminate the contract.</p>	<p><u>KEY REQUIREMENTS</u></p> <p>All colleagues new to a role are required to undergo a probationary period to demonstrate their suitability to the role to which they are appointed.</p> <p>A probationary period acts as a trial period for both the new colleague and the Trust. It allows both the line manager and the new colleague to objectively assess suitability for the role based on certain key areas:</p> <ul style="list-style-type: none"> • Performance of the duties • Customer service • Relationships with colleagues and integration into the team • Attendance/timekeeping • Evidence of compliance with the Trust's values and behaviours <p>All new colleagues are required to successfully complete a probationary period.</p> <p>All new colleagues are required to complete an induction programme during the probationary period. The Trust's Induction Policy outlines the arrangements in place for corporate induction, timescales for completion and individual responsibilities in relation to departmental inductions.</p>
<p><u>TARGET AUDIENCE</u></p> <p>This policy applies to all new colleagues of the Trust employed under a contract of employment excluding medical and dental staff.</p> <p>Bank workers who are appointed to a permanent or fixed term post within the Trust will be subject to a probationary period. No previous bank service will count towards the probationary period.</p> <p>Colleagues who retire and return to the same role will not be subject to a probationary period.</p> <p>Colleagues who retire and return to a different role will be subject to a probationary period</p>	
<p><u>TRAINING REQUIREMENTS</u></p> <p>Support will be available on the use of this policy through coaching, training and accompanying toolkits for all colleagues who have responsibilities for managing people.</p>	
<p><u>EVIDENCE OF IMPLEMENTATION</u></p> <p>The Trust will raise awareness of the probation policy through publicising it on the Trust's intranet site Aireshare and an associated communication campaign.</p> <p>Where necessary printed copies will be made available and shared with interested parties.</p>	

DOCUMENT CONTROL

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Approved Documents Relating To This Policy

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Induction Policy	Link
Managing Performance Policy	Link
Performance Development Review Policy	Link
Recruitment and Resourcing Policy	Link
Wellbeing at Work Policy	Link

Statement of changes made from version 1

Version	Date	Section & description
1	08/11/2016	Probationary Policy
2	29/07/2022	Full review undertaken and transferred to new template

List of stakeholders who have been asked to review this document

(list each person, a department or head of department with responsibilities)

Name / Group	Title	Date
APG Working Group		July 2022
POD Governance		July 2022
Inclusion Network Chairs		July 2022

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1. INTRODUCTION

The Trust welcomes new colleagues and wants to help them settle into their new roles as quickly as possible. All new colleagues (except medical and dental colleagues who are subject to separate arrangements) are required to undergo a probationary period to demonstrate their suitability to a role to which they are appointed.

A probationary period is essentially a trial period for both the new colleague and the Trust. It allows both the line manager and the new colleague to objectively assess suitability for the role based on certain key areas:

- Performance of the duties
- Customer service
- Relationships with colleagues and integration into the team
- Attendance/timekeeping
- Evidence of compliance with the Trust's values and behaviours

All new colleagues are required to successfully complete a probationary period and evidence suggests that the use of probationary periods increases the likelihood of new colleagues succeeding in their employment.

All new colleagues are required to complete an induction programme during the probationary period. The Trust's Induction Policy outlines the arrangements in place for corporate induction, timescales for completion and individual responsibilities in relation to departmental inductions.

2. PURPOSE

This policy has been developed to ensure that the Trust has the facility to review performance and support new colleagues during their initial months in post. If, despite the efforts of management and the colleague, it becomes apparent that the colleague is not suited to the role to which they are appointed, this policy provides the facility for either party to terminate the contract.

3. SCOPE

This policy applies to all new colleagues of the Trust employed under a contract of employment excluding medical and dental staff.

Bank workers who are appointed to a permanent or fixed term post within the Trust will be subject to a probationary period. No previous bank service will count towards the probationary period.

Colleagues who retire and return to the same role will not be subject to a probationary period. Colleagues who retire and return to a different role will be subject to a probationary period.

4. ROLES & RESPONSIBILITIES

Managers will:

- Ensure appropriate support is offered to colleagues when applying this policy
- Have open and honest discussions with all colleagues about any areas of concern regarding performance, conduct and/or attendance.
- Clarify how performance will be monitored and what their expectations of the colleague are regarding their ability to carry out their duties and responsibilities, and conduct in general.
- Arrange regular meetings with new colleagues to facilitate two-way discussions regarding their performance, and provide the new colleague with the appropriate support, advice and guidance.
- Assist the new colleague in developing the necessary competencies and behaviour required, and identify any training or development opportunities that will assist them in carrying out their role.
- Be responsible for establishing effective procedures to ensure that a colleague's capability to perform can be monitored and sustained.
- Recognise that colleagues may find being managed under this policy stressful and ensure it is applied fairly with empathy, compassion and respect for individual circumstances.
- Utilise management information obtained from relevant sources including Employee Health & Wellbeing advice, in order to support staff to meet the required standard of performance.

Colleagues will:

- Act in accordance with the Trust's values at all times and perform to a standard that will enable them to carry out their duties and responsibilities effectively.
- Colleagues are responsible for engaging in this process and must make every effort to attend any meetings arranged by their line manager.
- Colleagues are responsible for arranging suitable representation where appropriate.

The People Partnering Team will:

- Provide advice and guidance to all staff at all levels within the Trust.
- Assist with ensuring this policy is applied in a fair and consistent manner.
- Review the effectiveness of this policy and procedure.
- Provide advice taking into account relevant employment legislation.
- Assist with meetings under this policy being conducted without unreasonable delay.
- Work in conjunction with the Trade Union representative to support individual situations and application of the policy.

Trade Unions will:

- Provide support and guidance to colleagues.
- Work in partnership with the Trust to support an open and honest culture.
- Work in partnership with the People Partnering Team to review the effectiveness of the policy.

5 LENGTH OF PROBATIONARY PERIODS

Colleagues who are new to the Trust

All substantive colleagues new to the Trust (including colleagues recruited from the Bank) will be subject to a probationary period of 6 months.

Colleagues who move to a new post internally during their probationary period

If a new colleague transfers to a different position within the Trust during their probationary period, they will be subject to a new 6 month probationary period.

Colleagues who have successfully completed their probationary period and move to a new post internally

Where a colleague moves to another post internally, they will be subject to a 6 month probationary period. However, all performance, conduct and/or attendance concerns will be dealt with under the appropriate Trust policy, as in most cases colleagues will have already accrued 2 years' continuous service with the Trust.

Colleagues on a fixed term or temporary contract

Where a new colleague is appointed on a fixed term contract of less than 6 months duration, the probationary period will be for the duration of their contract (excluding any renewal/extension of the contract) and the probationary period procedure will be carried out in a shorter timeframe. Where a new colleague is appointed on a fixed term contract of at least 6 months duration, they will be subject to a probationary period of 6 months.

Colleagues who retire and return to a new role

Colleagues who retire and return to a new role i.e. they return to a role that is different to the role that they held prior to retirement, they will be subject to a probationary period of 6 months.

6. PROCEDURE

6.1 Probationary Period Procedure

The 6 month probationary period is made up of the following elements:

Timescale	Element	Further Details
Within 1 month of commencing	Initial Review Meeting	Section 6.1.1
Within 3 months of commencing	Intermediate Review Meeting	Section 6.1.2
No later than 2 weeks prior to the end of the probationary period	Final Review Meeting	Section 6.1.3

6.1.1 Initial Review Meeting

New colleagues should be set their objectives with their line manager or another person acting in that capacity within one month of commencing in post. The objectives should be documented and signed off on the Initial Review Meeting Proforma in the Probationary Period Toolkit on Areshare.

The colleague should be given the opportunity to ask questions, highlight any issues they may have and make suggestions about any support or training they think that they need, in order to fulfil the inherent requirements of the role.

6.1.2 Intermediate Review Meeting

The line manager will carry out this informal review within 3 months of the date of commencement. The purpose of the meeting is to:

- Measure and review the colleague's performance, absence levels, behaviour and conduct against the job description and other relevant information;
- Review performance against their objectives;
- Set any further objectives.

Positive feedback should be given, where applicable, and any areas of concern or required improvements must also be highlighted. The colleague must be given an opportunity to ask questions, highlight any issues they may have and make suggestions about any support or training they think that they require.

If there are any areas for concern these should not be a surprise to the colleague as they should have been picked up and discussed at the time the concern arose. There are 3 potential outcomes at the intermediate review meeting:

1. Performance, attendance, behaviour and conduct is at (or above) the level required. In these circumstances, ongoing monitoring will take place until the final review meeting.
2. Performance, attendance, behaviour or conduct is generally satisfactory, but there are areas for improvement. In these circumstances, the appropriate support and training must be organised for the new colleague to assist them to achieve the required standard. The concerns should be clearly documented and a copy of the notes given to the colleague to ensure that they are clear about the required standards and outcomes. A copy of the notes should be placed on their personal file. In these circumstances, ongoing monitoring and meetings will take place, as required, until the final review meeting.
3. Performance, attendance, behaviour or conduct is below that required. In these circumstances, the line manager must make it clear to the colleague that this is the case and their continued employment with the Trust could be at risk. In these circumstances, the line manager must inform a representative of the People Partnering Team before the Intermediate Review Meeting and complete the Probationary Period Support Plan in the Probationary Period Toolkit on Areshare and discuss the areas of improvement with the colleague during the meeting.

The Probationary Period Support Plan should cover the following details:

- The specific areas of improvement
- The required standard of performance/conduct/attendance
- Support/training offered
- Timescales for review.

The line manager should provide a copy of the Probationary Period Support Plan to the colleague after the meeting.

The colleague's performance against their objectives should be documented and signed off on the Intermediate Review Meeting Proforma in the Probationary Period Toolkit on Areshare.

6.1.3 Final Review Meeting

The line manager will carry out this formal review no later than 2 weeks prior to the end of the probationary period, except in exceptional circumstances whereby an extension to the probationary period is required and notified to the colleague, see section 6.3.

Examples of exceptional circumstances could include:

- The new colleague being unable to attend training that is essential to their role due to its cancellation and this has resulted in them being unable to demonstrate their ability against the required standard of performance.
- The new colleague making really good progress and the areas for concern being minor or minimal in nature. However, more time is needed to demonstrate sustained and effective performance.

The colleague must be given at least 5 working days' notice in writing of the requirement to attend a final review meeting. The letter must also advise that they have the right to be accompanied by either a work colleague or a representative of a trade union/professional organisation.

The meeting will be conducted by the line manager with the authority to dismiss and they may be supported by a member of the People Partnering Team, who will act as the HR representative. A representative from the People Partnering Team must be in attendance where dismissal of the colleague is a potential outcome.

The purpose of the meeting is to review the colleague's probationary period and to make a final decision regarding the colleague's ability against the required standard and the implications for their employment. There are 3 potential outcomes at the final review meeting:

1. Performance, attendance, behaviour and conduct is at (or above) the level required and the probationary period is confirmed as successful - see section 6.2.
2. Performance, attendance, behaviour or conduct is generally satisfactory, but there are areas for improvement. In exceptional circumstances consideration can be given to extending the probationary period - see section 6.3, or the contract will be terminated in accordance with section 6.4.
3. Performance, attendance, behaviour or conduct is below that required. In these circumstances the contract will be terminated in accordance with section 6.4.

The outcome of the Final Review Meeting should be documented and signed off on the Final Review Meeting Proforma in the Probationary Period Toolkit on Areshare.

6.2 Successful Completion of the Probationary Period

If at the end of the probationary period, the colleague has reached the required standard of performance, attendance, behaviours and conduct, the line manager must confirm this in writing to the colleague and place a copy of the letter on their personal file. The Successful Completion of Probationary Letter is in the Probationary Period Toolkit on Areshare.

6.3 Extending the Probationary Period

In certain circumstances (see 6.1.3), consideration can be given to extending the probationary period to allow the colleague an opportunity to reach the required standard. If this option is being considered by the line manager then they must discuss it with a representative of the People Partnering Team prior to informing the colleague.

If it is decided that an extension is appropriate then it will usually be for no longer than 3 months and only one extension will be granted unless there are exceptional circumstances. The extension will need to be confirmed in writing to the colleague and a copy placed on their personal file. The letter should include the following information:

- The length of the extension and the date on which the extended probationary period will end;
- The reason/s for the extension;
- The performance standards or objectives that the colleague is required to achieve by the end of the extended probationary period;
- Any support and further training that will be provided during the extension;
- The potential outcome if they do not reach the required level of performance.

The line manager will carry out a formal final review no later than 2 weeks prior to the end of the extended probationary period to review the colleague's probationary period and to make a final decision on whether the colleague has met the required standard against the agreed objectives discussed during the Initial Review Meeting (see 6.1.1) and Intermediate Review Meeting (see 6.1.2).

6.4 Termination of the contract during or at the end of the probationary period (dismissal)

The decision to terminate a contract of employment, and dismiss the colleague at a final review meeting can be made at any time within the probationary period where it has been clearly demonstrated that, despite support and training being provided, where appropriate, the colleague is not capable of carrying out their duties, or their absence, behaviour or conduct is contrary to the standards that the Trust requires.

Prior to terminating the contract the colleague must have been made aware that their performance, attendance, behaviour or conduct is jeopardising their continued employment with the Trust. The exception to this is in cases of gross incompetence, gross misconduct or where there have been serious breaches of the standards of attendance or behaviour required by the Trust, the Trust can convene a final review meeting at any time and dismiss the colleague without notice (summary dismissal).

A colleague must be given notice of the need to attend a final review meeting in accordance with section 6.1.3.

At the meeting, the line manager will detail the reasons as to why the colleague is not capable of continuing in the role and the measures that have been taken to facilitate improvement. The colleague will also be given the opportunity to state their case before a decision is made. If the decision is that the colleague has failed to meet the required standards despite reasonable support, the contract of employment will be terminated in line with the notice period detailed in section 6.7.

In these circumstances, the colleague will be paid in lieu of their notice and any untaken accrued annual leave entitlement. This does not apply in the case of summary dismissal. In these circumstances, the colleague would be dismissed without notice and without pay in lieu of notice.

In the event of an colleague overtaking their annual leave entitlement, this will be deducted from their final salary.

A letter will be sent to the colleague within 5 working days of the meeting, where possible, advising them of the decision. A copy of this letter must be placed on the individual's personal file.

If the staff member holds an additional bank agreement, and the contract of their substantive post is terminated, it does not mean that their bank post will automatically be terminated. The reasons for dismissal from the substantive post will be considered on a case-by-case basis by the Bank Staff Manager and a HR Business Partner. The bank worker will be restricted from working through the bank until this consideration has taken place. An outcome of this may be that the bank agreement is also terminated.

6.5 Appeals

A colleague that is dismissed during their probationary period has the right to appeal against the decision and this must be addressed to their Line Manager's Manager.

The appeal must be made in writing, stating the grounds for the appeal, and be received within 10 working days of the date of the letter advising of the decision by the relevant manager.

The colleague will remain dismissed in accordance with the original decision. However, if they are subsequently reinstated their pay and continuity of service will be backdated to the date of termination.

A meeting will be convened by the senior manager or other senior manager nominated by them who has not previously been involved in the case. They will be supported by a representative from the People Partnering Team.

The colleague must be given at least 5 working days' notice in writing of the appeal meeting. The letter must also advise that they have the right to be accompanied by either a work colleague or a representative of a trade union/professional organisation.

The dismissing manager and the colleague will be present at this meeting.

6.6 Postponement of final review/appeal meeting

Where possible and where the name of the colleague's staff side representative is known, the date of the meeting may be agreed with the employee and their representative. All parties should make efforts to avoid unreasonable delay when arranging a mutually convenient date and time for the meeting.

If the colleague or their representative is unable to attend a scheduled meeting they may request one postponement, provided the request for postponement is made on reasonable grounds. The meeting will be rescheduled as soon as possible and ideally held within 5 working days of the original date.

Where the colleague or their staff side representative/work colleague is unable to attend the rescheduled meeting, the Trust will be under no obligation to allow further postponement. In such cases, the meeting will proceed without the employee or their representative and the decision will be made on the information available.

6.7 Notice periods

During the probationary period, the Trust may terminate the colleague's contract of employment by giving the statutory minimum notice, which is 1 week for colleague's with more than 1 month and less than 2 years' service.

Employment can be terminated subject to this notice, except in the case of summary dismissal by the Trust.

Colleagues who have successfully completed their probationary period will then be subject to the Trust's standard notice periods as detailed in their contract of employment.

The notice that a colleague is required to give to the Trust to terminate their contract of employment during the probationary period is 1 week.

6.8 Attendance and Probation

There may be circumstances where a colleague is unable to achieve a satisfactory level of attendance due to frequent, short-term or long-term sickness absence. While not following the Trust's Wellbeing at Work policy in its entirety, it would be appropriate to manage the colleague in line with the principles of this policy.

Where a colleague has regular short term absences that exceed the Trust's trigger points, the colleague should be met with to clarify the expected levels of attendance (set targets).

Where a new colleague is on long term sickness absence during the probationary period, it may be necessary to seek Employee Health & Wellbeing advice to inform next steps under this process.

Where a colleague is not able to return to work within a reasonable timeframe to demonstrate suitability for the role within an (extended) probation period, it would be appropriate to terminate the contract in line with section 6.4.

6.9 Managing probationary periods for colleagues who have successfully completed their probationary period and moving to a new post internally

Where a colleague moves to another post internally, they will be subject to a 6 month probationary period.

The emphasis for probationary periods for colleagues transferring to new posts will be on ensuring that they are able to quickly settle into their new responsibilities within the first 6 months. As such, it cannot be a trial period in the same way that is applicable to new colleagues to the Trust. The colleague in such cases is already known to the Trust. Their

skills, experience, temperament and attendance record are already established, so the risk to the Trust of an unsuccessful appointment should be minimal.

In the unlikely event of a colleague not being able to satisfactorily fulfil their new responsibilities (after guidance and additional support have been offered) there are 3 options available:-

- a) Manage the colleague under the Trust's Managing Performance Policy;
- b) Return the colleague to their previous post if it is still vacant. However, there is no requirement for the Trust to hold the previous post open where a colleague transfers internally; or
- c) Redeploy the colleague into a suitable post elsewhere in the Trust on the same grade as the previous appointment wherever possible. Where redeployment on the same grade is not possible and it is necessary to redeploy the employee into a lower graded post, pay protection would not apply.

The Trust is under no obligation to offer redeployment or create a new role for a colleague who is not performing to the required standard. Redeployment can only be offered if there is a vacancy, the colleague meets the essential criteria of the person specification for the post and the alternative role would resolve the performance concerns identified during the probationary period.

The process for managing the 6 month probationary period requires regular discussion and feedback between manager and colleague.

7. TRAINING & SUPPORT

Support will be available on the use of this policy through coaching, training and accompanying toolkits for all colleagues who have responsibilities for managing people.

8. PROCESS FOR MONITORING COMPLIANCE

Standard to be monitored	Process for monitoring	Frequency	Person responsible	Assurance Group
Coaching and training will be provided to line managers on how to effectively manage colleagues through the probation policy.	On-going evaluation	Annually	People Partnering Team	POD Governance
Data and metrics relating to managing colleagues through probation periods will be included in the People KPIs.	On-going evaluation	Monthly	People Partnering Team	POD Governance

