

# Probationary Policy

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**Additionally refer to:**

Corporate and Local Induction Policy  
Employee Wellbeing and Attendance Management Policy  
Disciplinary Policy  
Employee Performance Management Policy  
Appraisal Policy

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## Document Control Sheet

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## Version history

Version	Date	Author	Status	Comment
1.0	April 14	Sara Hayes	Final	This is a new policy. Comments received from relevant groups to construct this
2.0	April 2019	Nick Dowd	Draft	Review draft
2.1	May 2019	Nick Dowd	Draft	Updates from JNCC Policy Group meeting
2.2	May 2019	Kate Youlden	Final	Move TUPO from section 5 to section 8&9
2.3	Feb 2023	Nick Dowd	Final	Added that People Advisory Team may be present at final meetings and appeal meetings.
2.4	Nov 2023	Chris Goulding	Draft	Introduced a procedure with review meetings Deleted the clause that if a review has not taken place, it is deemed that the employee has passed their probation implying managers must meet with their new employee to confirm the outcome of the probationary period. Created a new flow chart.
2.4	Nov 2023	Chris Goulding	Draft	Introduced 2 additional forms: 1 <sup>st</sup> and Final Review forms to assist the line manager.
2.4	Nov 2023	Chris Goulding	Draft	Introduced audio recording the Final review meeting and appeals
2.4	July 2023	Erica Cobbold	Draft	Updates following feedback from HR Team to ensure procedure is clear.
2.4	December 2023	Erica Cobbold	Draft	Updates following feedback from WPPG (5 Dec '23).
2.5	March 2024	Chris Goulding	Final	All staff including medics in scope with the exception of post graduate doctors in

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## Policy on a Page

- The Trust is committed to supporting all new employees during their induction into the organisation and the initial period of their employment. This is a key element of the Trust's Recruitment and Retention policy and strategy ensuring all new staff positively experience the Trust and are clear about their personal contribution in meeting departmental and Trust objectives and targets.
- Probationary periods will last for 6 months but may be extended where necessary.
- The purpose of the probationary period is to allow time for the organisation to assess the work and behaviour of the employee and to determine whether the employee has a long-term future with the organisation. Equally, for the individual to assess whether the role they have been appointed to is suitable for them.
- Specific attention is given to our international staff who are joining the Trust from overseas. Line managers need to ensure, with the assistance of the HR Organisational Development team, that a comprehensive plan of induction is in place particularly in the first 6 months as recommended by NHS Employers International Toolkit.
- Managers are responsible for ensuring all employees understand what is expected of them, including the Trust's values, and for providing support and guidance as required to assist them in meeting these standards.
- Managers will consider factors including performance, behaviour, conduct and attendance in the Review meetings during the 6-month probationary period. Although, managers are expected to hold regular meetings with the employee in between the review meetings.
- Any concerns within the probationary period should be addressed as they arise, so the employee has an opportunity to respond to them within their probationary period. Equally, hearing positive feedback about their performance and enabling integration into the Trust from their line manager and other colleagues will enable the employee to feel motivated and progress beyond the probationary period.
- The timing of the Trust's appraisal policy will apply to employees who successfully complete their probationary period after 6 months. Objective setting and accountability through the Trust's appraisal scheme will begin after the 6 month's Probationary period.

## **1 Policy Statement**

- 1.1 The Trust is committed to supporting all new employees as they induct into the organisation. Our employees are our greatest resource who aim to provide the highest quality of care for our patients, so it is essential that we enable all new employees to undergo a probationary period which allows them time to settle into the Trust, learn the new job, receive appropriate training, and start to perform in their new role.
- 1.2 The purpose of this policy is to outline the process for managing new employees during their 6-month probationary period, to assess their work performance, behaviour, and attitudes to confirm them in post, or to extend their probationary period if necessary or terminate their contract of employment.

## **2 Scope**

- 2.1 This policy applies to all new staff including Board Directors. Bank Workers who are appointed to a permanent or fixed term post within the Trust (no previous bank service will count towards the probationary period).
- 2.2 The policy does not apply to post graduate doctors in training. They can be on short placements and have their own competency/HWB based supervision through clinical and educational supervisors/Ops managers.
- 2.3 In implementing this policy, managers must ensure that all staff are treated fairly and within the provisions and spirit of the Trust's Policy 'Equality, Diversity and Inclusion'.
- 2.4 Special attention should be made to ensuring the policy is understood by staff new to the NHS or Trust. In that regard, there are cultural considerations when our international staff join the Trust as follows:
  - Our international staff will require a great deal of personal and professional support to get settled into a new country and to adjust to the cultural and working differences of the NHS. Line managers (with HR support) should ensure a comprehensive plan is in place for induction, pastoral and professional support as outlined in the NHS Employers International Toolkit.
  - The first six months in a new country and working in the UK can be challenging, so planning induction, training and mentorship needs to be considered very carefully. It is also vital to ensure managers are prepared for the arrival of the international recruit, there will be additional pastoral care that needs to be considered as well as acknowledging cultural difference with any new arrival to the UK. It takes time to settle into a new life in the UK, managers need to be empathetic and patient as this is a life changing moment for their new employee. A desire to understand other cultures, be flexible and adapt plans as situations change, and involve both newly recruited staff as well as those who have gone through the process before will help.
  - Overseas staff will be used to different English terminology and cultural norms. It is important for existing staff to understand this and where possible undertake learning themselves about the cultures of their colleagues.
- 2.5 Managers will give full consideration to making any reasonable adjustments to the job or to the working environment that may help the employee in their new role. Occupational Health will advise

what adjustments may be beneficial to the employee depending on the reason for adjustments. Other assessments or guidance may be accessed via Access to work or other agencies. Employees and Managers are encouraged to discuss any reason for adjustments and seek advice from the Human Resources Team or Occupational Health if needed. Managers should note that some disabilities are hidden, and some people will be hesitant and fearful to disclose their disability.

- 2.6 Health and Wellbeing support is available from a number of sources including Occupational Health, The Trust's Employee Assistance Programme, the Staff Psychology Service and the Wellbeing Wheel and other resources available on the intranet.

### 3 Definitions

**Probationary period:**

A period to allow employees to settle into the organisation, to learn the new job and to receive any required training over six months.

**Induction:**

An initial orientation programme that is completed within the first month of employment in the new role.

**Mentor:**

A more experienced colleague who can assist the new employee to understand and settle into working life at the Trust. For professional staff groups this may be a suitably qualified member of staff

**Coach:**

A coach is someone who works with an individual to help them approach situations they wish to discuss, to help them reflect. A list of Trust Coaches is available on the Trust Leadership Intranet pages.

**Buddy:**

An allocated person/s that work directly or indirectly with new starters to assist them in being inducted and settling into their role.

### 4 Roles and Responsibilities

- 4.1 The **Trust Board** has a responsibility for overseeing the implementation of all Trust policies.

4.2 **Line Managers**

- Review meetings: Line managers are expected to hold review meetings with their new employee during the 6 months Probationary period and make a decision to confirm in post, or to extend their Probationary period, or to terminate their contract of employment. It is important that the review meetings are documented.
- In addition to the review meetings, line managers are expected to meet with their new employee regularly (at least monthly).
- Ensuring that all new employees are aware of the probationary policy.
- Providing the necessary induction support and guidance to enable new employees to understand what is expected of them; preferably this should be completed in the first month.
- Ensuring that all new employees are aware of the standards of behaviour and performance expected in their role.
- Ensuring that all new employees are aware of the policies and procedures applicable to their role.

- Ensuring that adequate and appropriate support, supervision, training, and development is provided for the employee during their induction and probationary period.
- Ensuring that reasonable adjustments are made to support individuals who have declared a long-standing health condition or disability.
- Ensuring that all new employees are aware of the consequences of not successfully achieving their probationary period.
- Where appropriate, identifying a suitable buddy or mentor who can support the new employee to settle into working life (and/or their specific role) at the Trust;
- Effectively managing any concerns that arise during the probationary period, including the possibility of terminating the employment contract if the employee does not meet the required standards;
- Line managers of employees from overseas are advised to refer to the NHS Employers International tool kit as indicated in the reference and scope sections of this policy.
- Ensure all employees are signposted to their Trade Union Representative for support during this process, (details are available on the Trust HR Intranet Pages or notice boards in the Hospital).
- The timing of the Trust's appraisal policy will apply to employees who successfully complete their probationary period after 6 months. Objective setting and accountability through the Trust's appraisal scheme will begin after the 6 month's Probationary period and line managers have a responsibility to arrange an appraisal meeting with their employee.

#### 4.3 **Employees**

- Need to ensure they have access to the Probationary policy and have understood its content and implications.
- To meet with their line manager to agree their work objectives to be achieved in the Probationary period and the standards of behaviour and performance expected.
- Consistently behaving in accordance with Trust Values and behavioural standards during the Probationary period.
- Consistently meeting the requirements of their employment contract (e.g. arriving on time, fulfilling their contracted hours and role).
- Consistently performing effectively in their role.
- Adherence to Trust policies and procedures applicable to their role.
- To take responsibility for their own health, wellbeing, and attendance at work.
- To be aware of their own conduct as an employee of the Trust.
- Communicating with their line manager about their own learning and development requirements during the Probationary period.
- Where appropriate, practising in accordance with their professional body's code of conduct performance and ethics, acknowledging that they are accountable for their own practice.
- Using the Probationary review meetings with their line manager as an opportunity for feedback, questions and where appropriate to focus on strengths and areas for development within the 6-month period.
- To contact their Trade Union Representative for support, advice, and guidance at an early stage in their probation if concerns are highlighted, (details are available on the Trust HR Intranet Pages or notice boards in the Hospital).

### 5 **General principles**

- 5.1 The purpose of the probationary period is to allow time for the organisation to assess the work and behaviour of the employee and to determine whether the employee has a long-term future with the organisation, beyond 6 months.

5.2 In making their assessment, a line manager will consider several factors including:

- The employee can consistently demonstrate behaviour in accordance with Trust Values and behavioural standards;
- The employee can consistently meet the requirements of their employment contract (e.g. arrive on time, fulfil their contracted hours and role, as set out in the job description);
- The employee can consistently perform to the required standards in their role;
- If it is discovered that the employee has not been honest in their application for employment with the Trust;
- The Disclosure and Barring Report (where applicable to the role) is unsatisfactory to the Trust;
- The employee is demonstrating higher than expected sickness absence during the probationary period (e.g. the individual is being managed in accordance with the Employee Wellbeing and Attendance Management Policy);
- The employee's conduct breaches standards expected by the Trust during the probationary period.

## **6 Probationary Period Procedure**

6.1 It will be usual for employees to successfully complete the full probationary period in the length of time that has been set to allow employees to settle into the organisation, to learn the new job and to receive any required training.

6.2 It might become apparent that the employee is not going to be able to meet the required standards and although review dates will be set during the induction process, it is important that any concerns are brought to the attention of the employee when they arise and put in writing using the Probationary Review form at Appendix B so that the employee has an opportunity to address those concerns. This does not prevent the decision regarding an individual's suitability for long-term employment being made prior to the end of the six-month period where the circumstances support this action.

6.3 In such a situation the line manager should contact the HR Team to discuss the possibility of terminating the probationary period early. No decision to terminate the probationary period, and therefore the contract of employment, should have been communicated to the employee before advice from the HR Team.

6.4 The process for supporting an employee through their probationary period is outlined in Appendix A. It is good practice that line managers regularly meet with their new employee, recommended monthly, during the 6-month period, but there are 3 key meetings that line managers should ensure takes place which should be documented and include:

### **6.4.1: Objective Setting and Induction: Within one month of commencing**

- A meeting should be set up between the line manager and the new employee within one month of the employee commencing in post to set the employee's objectives and to ensure that the employee has been properly inducted into the Trust and their new role. This meeting should be documented and signed off using the form at Appendix B.
- This meeting should also include any training, development and support the employee or manager feels is needed to help the employee reach the objectives set and the standards required. This could include a period of Preceptorship, if appropriate to the role, formal training, shadowing, supervision, a buddy, coach, mentor, or any other support.



#### **6.4.2 First Review Meeting: Within three months of commencing**

- The line manager will carry out an informal review within 3 months of the date the employee commenced working for the Trust. Although there is no right to be accompanied at informal meetings, to support wellbeing, employees may request to be accompanied at informal meetings by a representative of a trade union/professional organisation or a work colleague provided this does not unreasonably delay the meeting.
- The purpose of the review meeting is to:
  - Measure and review the employee's performance, absence levels, behaviour and conduct against the job description and other relevant information,
  - Review performance against their objectives (see 6.4.1)
  - Positive feedback should be given, where applicable, and any areas of concern or areas that require improvement must also be highlighted. The employee 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 employee as they should have been picked up and discussed at the time the concern arose. The Probationary Period Review Form at Appendix A should be used to document the meeting.
  - If there are ongoing concerns at around five months, the manager should arrange to meet the employee and they should be made aware of the consequences of not reaching the required standards, as this could result in their probationary period not being successfully completed and their employment may be terminated.

#### **6.4.3 Final Review Meeting: No later than two weeks prior to the end of the probationary period**

- The line manager will carry out a formal review meeting with their new employee no later than 2 weeks prior to the end of the probationary period.
- For probationary periods the line manager makes the decision in respect of an individual's probationary period and therefore delegated authority is not required. The "Authority to Act" chart is not applicable to this process.
- The employee must be given at least 5 working days' notice in writing to attend a final review meeting. The letter must also advise that they have the right to be accompanied by either a representative of a trade union/professional organisation or a work colleague. The meeting will be conducted by the line manager, and they may be supported by a member of the HR team, who will act as the advisor. HR must be in attendance where there is a potential to dismiss.
- Any final Probationary review meeting will be recorded with the consent of all parties and written consent of the employee, this will normally be an audio recording using digital recording equipment.
- The purpose of the final review meeting is to review the employee's probationary period and to make a final decision regarding the employee's capability against the required standards and the implications for their employment. The Probationary Period Review Form at Appendix C should be used to document the meeting particularly the outcome in addition to the audio recording documenting the meeting.

- There are three potential outcomes from the final Probationary review meeting:

- 1. Probationary period is confirmed as successful:**

Performance, attendance, behaviour and conduct is at (or above) the level required. The line manager must confirm this in writing to the employee and place a copy of the letter on their personal file. The timing of the Trust's appraisal policy will apply to employees who successfully complete their probationary period after 6 months. Objective setting and accountability through the Trust's appraisal scheme will begin after the 6 month's Probationary period and line managers have a responsibility to arrange an appraisal meeting with their employee.

- 2. Extending the probationary period:**

Performance, attendance, behaviour or conduct is generally satisfactory, but there are areas for improvement. In exceptional circumstances consideration can be given to extend. It will usually be for no longer than 3 months and only one extension will be granted unless there are mitigating circumstances. The extension will need to be confirmed in writing to the employee and a copy placed on their personal file.

A probationary period can be extended prior to holding a final review meeting if there are circumstances that mean the manager has been unable to consider the above factors during their probationary period, for example if there has been a period of absence from work during their probationary period.

- 3. Terminating a contract of employment:**

The decision to terminate a contract of employment and dismiss the employee at a final review meeting can be made at any time within the probationary period where it has been clearly demonstrated that, despite support being provided, where appropriate, the employee 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 employee must have been made aware that their performance, attendance, behaviour, or conduct is jeopardising their continued employment with the Trust. Advice should be sought from HR.

The exception to this is in cases of 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 employee without notice (summary dismissal). A member of the HR team will be attendance.

If termination is the outcome of the formal meeting, notice of termination will be given in writing within 7 calendar days of the Final Review meeting including the reasons why and will include the right of appeal against the decision. It should be noted that the termination of a contract under the Probationary Policy does not constitute redundancy.

## **7 Appeals against a decision to terminate the probationary period**

- 7.1** Employees have a right of appeal against the decision to terminate their probationary period, and therefore their contract of employment. Appeals must be made in writing, setting out the grounds

for appeal, no later than 14 calendar days after the receipt of the termination letter.

- 7.2 Appeals must be made to the line manager who made the decision to terminate the employment and end the probationary period. An independent manager who has not been involved in the process to date will hear the appeal and an HR representative will support the process.
- 7.3 The purpose of an appeal meeting is to review the decision to terminate the probationary period and consider:
- Why the employee considers the decision unfair or unreasonable; and
  - The rationale and justification of the decision to dismiss.
- 7.4 The lodging of an appeal will not suspend the notice of dismissal.
- 7.5 The manager hearing the appeal will arrange an appeal meeting at which the employee will have the right to be accompanied by an accredited representative of a Trade Union/Professional Organisation or colleague employed by the Trust. The manager making the decision to terminate the individual's employment and a member of the HR Team may also be present.
- 7.6 The Probationary Appeal Meeting will be recorded with the consent of all parties and written consent of the employee. This will normally be an audio recording using digital recording equipment. The audio recording will be transcribed.
- 7.7 Where an individual or their representative cannot attend the appeal meeting, it will be rescheduled to a mutually agreed date as quickly as possible.
- 7.8 In the event that either the employee or their representative fails to attend the re-scheduled appeal meeting, it will proceed in their absence. A decision will be made based upon the evidence available.
- 7.9 The decision of the manager hearing the appeal is final and concludes Trust processes.
- 7.10 The manager hearing the appeal will confirm the outcome in writing to the employee, normally within 7 calendar days of the hearing. Where the employee's representative has been confirmed and consent has been given, a copy of the letter will be sent to the representative as well as the employee.
- 7.11 The manager hearing the appeal may uphold or overturn the decision of the line manager. Where the decision is overturned the employee will be reinstated in their role.

## **8 Performance issues after the probationary period has expired**

- 8.1 Where an individual successfully completes their probationary period and subsequently their behaviour and/or performance drops to below the standards the Trust would expect, they will be managed in accordance with the relevant Trust policy, depending on whether it is attendance, performance, or a conduct issue.

## **9 Training and Support**

- 9.1 There is no mandatory training associated with this policy. If staff have queries about its application they should contact the People Advisory Team in the first instance.

- 9.2 The Staff Psychology Service is available to support any member of staff who is experiencing emotional distress in relation to a work-related issue. Individuals wanting to access support can refer themselves by emailing: [sath.staffpsychology@nhs.net](mailto:sath.staffpsychology@nhs.net) or a manager can refer on their behalf. Information about the service is also available on the intranet: [SaTH Intranet – Staff Psychology Service](#).
- 9.3 Managers should discuss whether a referral to the Trust’s Occupational Health Service is appropriate if there could be health reasons impacting on the individuals’ attendance, conduct or performance at work.
- 9.4 It is strongly advised by the Trust and Staff Side Representatives that employees seek the advice and support of their Trade union Representatives during their probationary period.

**10 Equality impact assessment form (EqIA)**

- 10.1 The policy applies to all new employees. It does not discriminate between any protected characteristic.

**11 Process for monitoring compliance**

Aspect of compliance or effectiveness being monitored	Monitoring method	Responsibility for monitoring (job title)	Frequency of monitoring	Group or Committee that will review the findings and monitor completion of any resulting action plan
Active management of the circumstances of all individuals who are in probationary periods	Local Management	Relevant member of People Advisory Team.	monthly	Care Group Management Team

- 11.1 Where action is required recommendations and action plans will be developed from the analysis and will be part of the reporting mechanism.

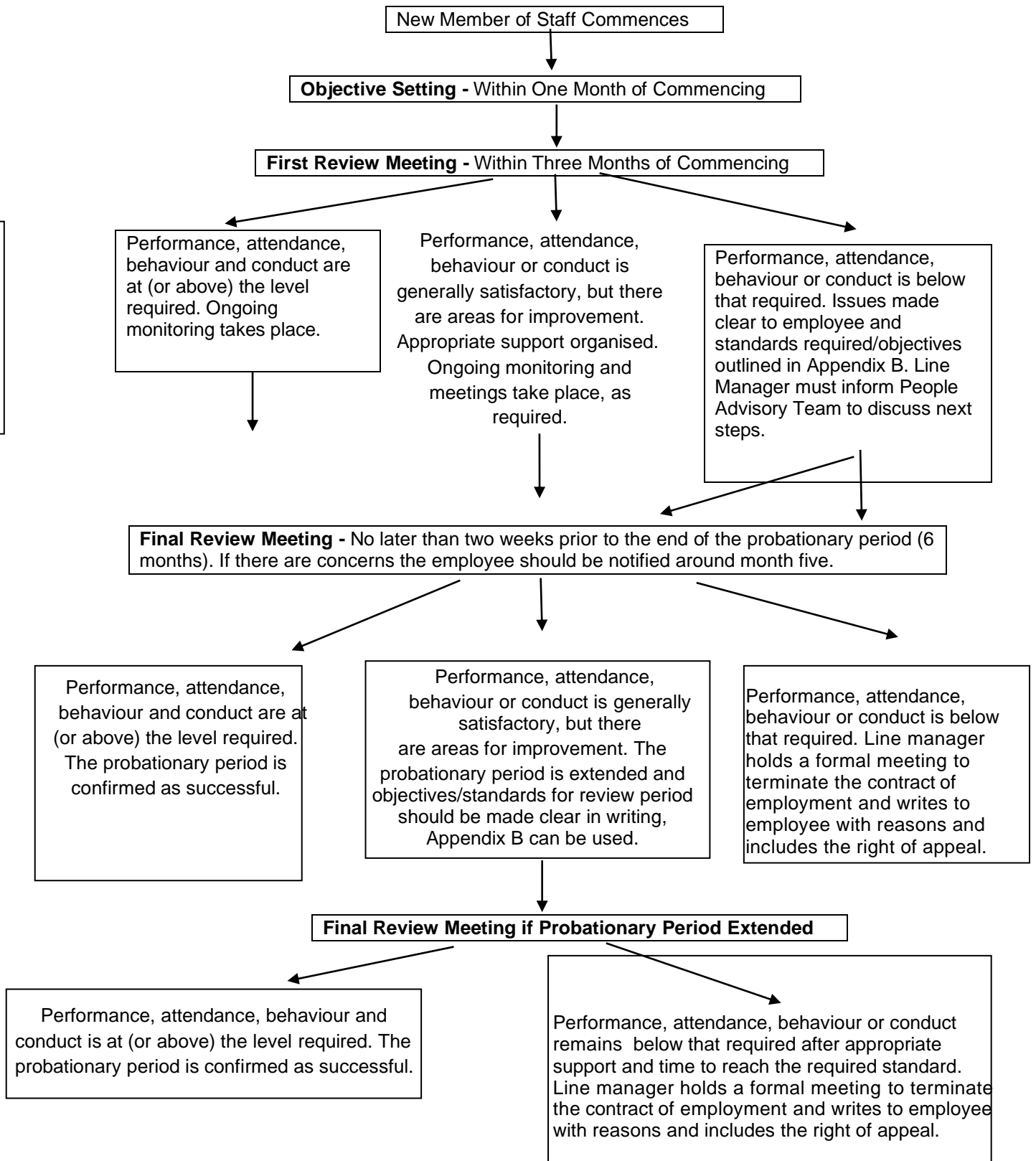
**12 Review process**

- 12.1 The Trust will review this policy where there are significant changes at either national policy level, or locally. In order that this document remains current, the appendices to the policy can be amended and approved during the lifetime of the document without the document strategy having to return to the ratifying committee.

**13 References**

- Corporate and Local Induction Policy. Available from: [http://intranet/hr/HR\\_Policies.asp](http://intranet/hr/HR_Policies.asp)
- Employee Wellbeing and Attendance Management Policy. Available from: [http://intranet/hr/HR\\_Policies.asp](http://intranet/hr/HR_Policies.asp)
- Disciplinary Policy. Available from: [http://intranet/hr/HR\\_Policies.asp](http://intranet/hr/HR_Policies.asp)
- Employee Performance Management Policy. Available from: <http://intranet/hr/HRPolicies.asp>
- NHS Employers People Management Toolkit. Available from: [People Performance Management Toolkit June 2023 Final.pdf \(nhsemployers.org\)](#).
- [NHS International recruitment toolkit Oct 23 Final.pdf \(nhsemployers.org\)](#)
- Induction checklist ref: see HR internet home page.

## Appendix A – Probationary Period Flowchart



**Appendix B Probationary Period Objectives and Review Forms**

<b>Name of Employee:</b>	
<b>Job Title:</b>	
<b>1<sup>st</sup> Review:</b>	
<b>Date of Meeting:</b>	

**Review of Performance**

<b>Key areas</b>	<b>Review and Comments</b>
1.	
2.	
3.	
4.	
5.	
6.	

**Objectives for next review period**

<b>Objective</b>	<b>Deadline</b>
1.	
2.	
3.	
4.	
5.	
6.	

**Training and development needs: Please discuss with the employee whether a buddy, mentor, coach, further training, shadowing, or other support may be beneficial.**

<b>Development Needs:</b>	<b>How the development will be achieved:</b>	<b>Date the development needs will be met:</b>

**Signature of Line Manager: .....Date:.....**

**Signature of Employee: .....Date:.....**

## Appendix C: Final Review Meeting

(To be completed no later than 2 weeks prior to end of probationary period).

5 days written notice must be provided to employee and Human Resources should be approached prior to the meeting to discuss ongoing concerns)

### Purpose:

Line manager to review employee's probationary period and make a final decision regarding employee's ability against required standards.

**Employee Name** \_\_\_\_\_

**Line Manager Name** \_\_\_\_\_

**Representative Name (if applicable)** \_\_\_\_\_

**HR Representative Name** \_\_\_\_\_

Note: HR should only be asked to attend if line manager has ongoing concern about employee

**Date of Meeting** \_\_\_\_\_

**Line Manager's Comments** (to be completed by the line manager)

### Outcome of Final Review (please indicate the decision below)

1. Performance, attendance, behaviour and conduct are at (or above) the level required, and the probationary period is confirmed as successful.
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 up to max 3 months in accordance with Probationary Policy. If extending, Appendix B should be used/reviewed to indicate where the individual needs to improve and what standards they need to achieve in the following period of review.
3. Performance, attendance, behaviour or conduct is below that required. In these circumstances the contract will be terminated in accordance with Probationary Policy. Right of appeal will be provided and the employee will be provided with an outcome letter including who the Right of Appeal is to.

**Signed Line Manager** \_\_\_\_\_

**Signed Employee** \_\_\_\_\_

**Date** \_\_\_\_\_

**Copy of completed form to go on individual's personal file and a copy given to the employee for their record.**