

Probation Procedure

Version:	1.0
Bodies consulted:	Recognised Trade Unions
Approved by:	Executive Management Team
Date Approved:	30 April 2019
Lead Manager:	HR Business Partner
Responsible Director:	Director of HR & Corporate Governance
Date issued:	15 May 2019
Review date:	30 April 2024



Contents

1	Introduction.....	3
2	Purpose	3
3	Scope	3
4	Definitions	3
5	Duties and responsibilities	4
6	Procedures.....	6
7	Training Requirements	13
8	Process for monitoring compliance with this Procedure	14
9	References	14
10	Associated documents	14
	Appendix A : Equality Analysis	15

Probation Procedure

1 Introduction

- 1.1 The Tavistock and Portman NHS Foundation Trust (the Trust) is committed to providing the highest quality care and education to our service users and students.
- 1.2 This procedure sets out the Trust's process for managing probationary periods.

2 Purpose

- 2.1 The purpose of this procedure is to outline the Trust's expectation of new employees and the process for managing a probationary period.

3 Scope

- 3.1 This procedure will apply to all staff employed by the Trust including fixed contract staff.
- 3.2 Probationary periods will apply to all new entrants and re-entrants to the Trust, but will not apply to internal appointments.

4 Definitions

Probationary period:

A period of time to allow employees to settle into the organisation, to learn the new job and to receive any required training, normally 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

5 Duties and responsibilities

Line Managers are responsible for:

- Ensuring that all new employees are aware of their probationary period;
- Providing the necessary induction support and guidance to enable new employees to understand what is expected of them;
- 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 themselves to be disabled;
- Ensuring that all new employees are aware of the consequences of not successfully achieving their probationary period;

- Where appropriate, identifying a suitable mentor who can support the new employee to settle into working life (and/or their specific role) at the Trust;
- Meeting regularly (at least monthly) with the new employee during their probationary period to ensure that standards are being set and reviewed effectively and in a timely manner;
- Effectively managing any concerns that arise during the probationary period, including termination of the employment contract where necessary;
- Managing all stages of the probationary period.

Member of staff is responsible for:

- Consistently behaving in accordance with the Trust values and behavioural standards;
- 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;
- Their own conduct as an employee of the Trust;
- Their own learning;
- Where appropriate, practising in accordance with their professional body's code of conduct and acknowledging that they are accountable for their own practice.

Human Resources Administrators and Advisers are responsible for:

- Ensuring that probationary period information is detailed in offer letters and contracts;
- Advising on the application of this procedure.

6 Procedures

6.1 The purpose of the probationary period is to provide new starters with a settling-in period and allow time for the line manager to assess an individual's capability and conduct.

6.2 When assessing a new starter's capability or conduct, a line manager will need to consider a number of factors, these include whether:

- the employee can consistently demonstrate behaviour in accordance with Trust's 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);
- the employee can consistently perform effectively in their role;
- it is discovered that the employee has not been honest in their application for employment with the Trust;
- excessive absence during the probationary period;
- the employee becomes the subject of a matter which would ordinarily be considered through the disciplinary procedure.

Right to representation

6.3 Employees have the right to bring a representative of a recognised trade union or a workplace colleague to probationary review meetings. If the employee wishes to be represented, it is their responsibility to make the arrangements for the individual to attend.

Notice periods during probation

6.4 During the probationary period, a new starter will have the following contractual notice periods:

- 1 week – for posts graded Bands 2 – 5;
- 2 weeks – for posts graded Bands 6 – 7
- 4 weeks – for posts graded Band 8 and above.

6.5 If the employee is confirmed in post following probation, the normal Trust notice periods will then apply.

Managing the probationary period

6.6 As part of the induction process, all line managers should ensure that any employee is aware of the probationary period, and details are included in their contract of employment.

6.7 The length of the probationary period will be six months.

6.8 The line manager will discuss their expectations with the employee during the initial induction process, and set a series of review meetings throughout the probationary period at intervals of approximately one month.

6.9 During a review meeting the line manager will set the objectives and expectations of the new employee and review performance. Where the line manager has identified any concerns, these will also be

discussed with a view to supporting the new employee to meet the standards expected.

Concerns during the probationary period

6.10 Although review dates will be set during the induction process, it is important that concerns are brought to an employee's attention when they arise so that the individual has an opportunity to address those issues.

6.11 If a line manager has concerns about a new employee's performance, they should arrange a meeting with the employee to discuss those concerns. The meeting should be held in private and notes must be taken. If problems persist and/or targets or actions are agreed as a result of the meeting, these should be confirmed in writing to the employee.

Setting objectives and a development plan

6.12 All new employees at the commencement of their probationary period should have a meeting with their line manager to agree a set of objectives and a development plan.

6.13 Regular reviews should be held on a monthly basis. Topics to be discussed at the meeting will include:

- review of actual performance including statistical information where appropriate, i.e. accuracy and output;
- methods of improving this performance, i.e. training, coaching, mentoring, etc.;
- any problem areas, including corrective action;
- any issues regarding attendance and conduct;
- performance targets will be set.

Probation Review Meetings

- 6.14 There will be two review meetings during the probationary period. These meetings should take place at 3 and 5 months from the start date. Either meeting may be brought forward by a line manager if necessary. These review meetings will take place with the Line Manager who may be accompanied at this meeting by another manager, HR adviser or a more senior manager.
- 6.15 Any shortfalls in performance will have been highlighted before now and there should be no surprises at this review meeting. If dismissal is likely at any of the review meetings then the employee should be informed of this prior to the meeting taking place, this will be communicated to the employee in writing.
- 6.16 It is the managers' responsibility to ensure that the employee is issued with an invite letter giving 7 calendar days' notice of the meeting. The letter will also include information about the content of the meeting, if appropriate, and the employee will be invited to bring to that meeting any issues that they wish to raise.
- 6.17 Employees are entitled to be accompanied by a staff side / Trade Union Representative or work colleague at Probation Review Meetings. It will be the employees' responsibility for arranging and confirming to their line manager if they will be accompanied at the meeting.

First Probation Review Meeting

- 6.18 Job performance, including attendance and conduct issues, and progress towards standards will be closely reviewed and managers will seek to establish whether the employee is making satisfactory progress in assuming the responsibilities of the job. Employees will be made aware of progress made, of any discrepancy between actual and expected performance and what improvement is expected. Standards, target/review dates and areas for improvement will be agreed, and where necessary the objectives

and development plan will be amended. If necessary, the employee should be advised that failure to improve performance within the required time scale may result in dismissal.

6.19 Employees will be given the opportunity to discuss openly any difficulties they are experiencing, either on a work or personal level. Managers will offer advice, support and guidance where appropriate.

6.20 Managers should keep a written confidential summary record of each meeting.

6.21 This first meeting is also an ideal opportunity for managers to praise the individual's progress, it is important to stress the positive aspects as much as possible throughout the meeting.

Second Probation Review Meeting

6.22 This meeting will again discuss job performance and, if the employee's performance is satisfactory in all respects, the manager should communicate this fact. Any shortfalls in performance will have been highlighted before now and there should be no surprises at this review meeting.

6.23 This meeting will have one of three outcomes:

- Make arrangements for employee to be confirmed in the established post;
- Terminate the contract; (this must be discussed with an HR representative before the decision to terminate is taken).
- Extend the probationary period.

Extend the Probationary Period

6.24 It may be appropriate to consider an extension to the probationary period. If this option is being considered, it should be discussed

with an HR adviser prior to the employee being informed. It is likely that, other than in exceptional circumstances, the probationary period would not be extended for more than 3 months.

- 6.25 The line manager must issue an outcome letter in writing, confirming the extension and a copy sent to the HR team.

Terminating the employment before the probationary period has been completed

- 6.26 There may be circumstances where an employee is unlikely to meet the probationary period standards. Exceptional circumstances, such as serious misconduct or excessive absence levels, may warrant that a probation review meeting should be brought forward.

- 6.27 In these circumstances, the line manager should invite the employee into a meeting providing 7 calendar days' notice. An HR adviser will also be present at these meetings.

- 6.28 If it is decided that an employee should be dismissed, the manager should advise the employee of this decision and then follow this up in writing within 7 calendar days of the meeting taking place.

Terminating the employment at the end of the probationary period

- 6.29 If the employee has not met the required standards of performance, despite the help and support that has been offered, the line manager (having sought delegated authority from an officer with the authority to dismiss) will take the decision to terminate the individual's contract of employment with the Trust at the end of the probationary period. Advice should always be sought from a HR Representative in these circumstances.

- 6.30 The line manager should invite the employee into a meeting providing 7 calendar days' notice.

6.31 The line manager must complete the relevant paperwork and issue an outcome letter within 7 calendar days of the review meeting taking place.

Confirming successful completion of the probationary period

6.32 Employees will be considered to have passed their probationary period unless notified otherwise.

6.33 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 Trust's normal performance management or capability processes. This may lead to dismissal if there is no improvement.

Appeals against a decision to terminate the probationary period

6.34 Employees have a right of appeal against the decision to terminate their employment through this procedure. If an individual wishes to appeal then they should lodge this with the Director of Human Resources and Corporate Governance within 14 calendar days of their dismissal.

6.35 Appeals will be scheduled without unreasonable delay and will be heard by a director who is a member of the executive management team. The hearing manager will be supported by an HR adviser.

6.36 The director hearing the appeal will be required to assess:

- Whether the Trust's procedure was correctly and fairly implemented;
- In events where the procedure was not correctly implemented, would it have made a difference to the outcome; and

- Whether the decision to dismissal was reasonable given the circumstances.

6.37 The employee will be written to, with details of the hearing and the timescales for when a statement of case will be needed. The manager who dismissed the member of staff will also be written to confirming by when they need to submit a response.

6.38 The hearing process will be as follows:

- The dismissing manager will be invited to present their case and call witnesses.
- The appellant, or their representative, will be invited to ask questions of the manager.
- The appellant will then be asked to present their case and call witnesses.
- The dismissing manager will be invited to ask questions of the appellant.
- Both sides will be asked to summarise their cases.

6.39 The director hearing the case will then adjourn the hearing and confirm their decision whether or not they are upholding the appeal. A letter will be sent to the appellant confirming the outcome within 7 calendar days.

6.40 This is the final stage within the probationary procedure and there are no further rights of appeal.

7 Training Requirements

The human resources department will provide scheduled training on the application of this procedure for managers.

Managers who need guidance or advice about using the procedure, when training is not available, can access one to one or group training through an appropriate HR adviser.

8 Process for monitoring compliance with this Procedure

Application of this procedure will be reported through the quarterly HR & organisational development assurance report.

9 References

None

10 Associated documents¹

- HR Appeals Procedure

¹ For the current version of Trust procedures, please refer to the intranet.

Appendix A : Equality Analysis

Completed by	Craig de Sousa
Position	Director of HR & Corporate Governance
Date	03 April 2019

The following questions determine whether analysis is needed	Yes	No
Is it likely to affect people with particular protected characteristics differently?		X
Is it a major policy, significantly affecting how Trust services are delivered?	X	
Will the policy have a significant effect on how partner organisations operate in terms of equality?		X
Does the policy relate to functions that have been identified through engagement as being important to people with particular protected characteristics?		X
Does the policy relate to an area with known inequalities?		X
Does the policy relate to any equality objectives that have been set by the Trust?		X
Other?		X

If the answer to *all* of these questions was no, then the assessment is complete.

If the answer to *any* of the questions was yes, then undertake the following analysis:

	Yes	No	Comment
Do policy outcomes and service take-up differ	X		There is evidence that BAME staff are more likely to enter in to

between people with different protected characteristics?			<p>formal processes compared to white staff across the NHS.</p> <p>The procedure sets a consistent framework for managing concerns.</p> <p>Operational monitoring of this procedure will be undertaken by the HR business partners.</p>
What are the key findings of any engagement you have undertaken?		X	
If there is a greater effect on one group, is that consistent with the policy aims?		X	
If the policy has negative effects on people sharing particular characteristics, what steps can be taken to mitigate these effects?		X	
Will the policy deliver practical benefits for certain groups?		X	
Does the policy miss opportunities to advance equality of opportunity and foster good relations?		X	

Do other policies need to change to enable this policy to be effective?		X	
Additional comments			

If one or more answers are yes, then the policy may unlawful under the Equality Act 2010 –seek advice from Human Resources.