

Probationary Periods

W16.7

Additionally refer to:

Management of Corporate and Local Induction
Knowledge & Skills Framework

Managing Attendance and Employee Wellbeing
Disciplinary Policy
HR40 Employment of People with Disabilities
Employee Performance Management Policy & Procedure

Version:	2.3	
V1 issued	May 2014	
V2 approved by	JNCC	PAG
V2 date approved	21 st May 2019	10 th June 2019
V2 ratified by:	Workforce Committee	
V2date ratified:	17 th June 2019	
Document Lead	HR Team Manager	
Lead Director	Workforce Director	
Date issued:	18 th June 2019	
Review date:	17 th June 2024	
Target audience:	All staff – medical and non medical excluding doctors in training	

Probationary Periods Policy

Document Control Sheet

Document Lead/Contact:	Nick Dowd, HR Advisory Team Manager
Document ID	W16.7 (previously HR74)
Version	2.3
Status	Final
Date Equality Impact Assessment completed	May 2019
Issue Date	18 th June 2019
Review Date	17 th June 2024
Distribution	Please refer to the intranet version for the latest version of this policy. Any printed copies may not necessarily be the most up to date
Key Words – including abbreviations if these would be reasonably expected to be used as search terms	Probationary period; induction, performance, discipline, conduct, dismissal.
Dissemination plan	Global Email, One Minute Brief, Chatterbox

Version history

Version	Date	Author	Status	Comment
1	April 14	Sara Hayes	Final	This is a new policy. Comments received from relevant groups to construct this policy.
2	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 HR may be present at final meetings and appeal meetings.

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Policy on a Page

- The Trust is committed to support all new employees during their induction into the organisation and the initial period of their employment.
- 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.
- Managers will consider factors including performance, behaviour and attendance.
- Managers are responsible for ensuring all employees understand what is expected of them and for providing support and guidance as required to assist them in meeting these standards.
- Any concerns within the probationary period should be addressed as they arise so the employee has an opportunity to address them within their probationary period.
- The employee may be dismissed at a formal meeting during, or at the end of, the probationary period. If dismissed the employee has the right of appeal.

1 Policy Statement

- 1.1 Shrewsbury and Telford Hospital NHS Trust is committed to support all new employees as they induct into the organisation. We are also committed to providing the highest quality of care for our patients. To help us to do this, all new employees will have a probationary period which allows them time to settle into the Trust, learn the new job and receive the appropriate training.
- 1.2 We will support all new employees as they aim to complete their probationary period successfully.
- 1.3 The purpose of this policy is to outline the Trust's expectations of a new employee, and the process for managing a probationary period.

2 Scope

- 2.1 This policy applies to all newly employed staff including Board Directors, staff employed on Agenda for Change terms and conditions and Trust-employed medical staff. It does not apply to doctors in training. The principles of this policy will be applied to individuals engaged through the Temporary staffing department and where appropriate the terms of their engagement may be terminated.
- 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 and Diversity'. Special attention should be paid to ensuring the policy is understood when using it for staff new to the NHS or Trust, or by staff who may have an essential skills need in literacy or those whose first language is not English or for persons with little experience of working life.

3 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

4 Responsibilities

4.1 Line Managers – 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 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;
- Signing off the successful achievement of the probationary period.

4.2 Member of staff – responsible for:

- Consistently behaving in accordance with 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 health, wellbeing and attendance at work;
- 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 performance and ethics, acknowledging that they are accountable for their own practice.

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.
- 5.2 In making their assessment, a line manager will consider a number of factors including whether:
- 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);
 - the employee can consistently perform to the required standards in their role;
 - 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 Managing Attendance and Employee Wellbeing Policy);
 - the employee is the subject of disciplinary action during the probationary period.
- 5.4 The management of concerns during the probationary period should be carried out in accordance with the principles of performance management, but will not require the use of formal Trust policies on the management of performance.
- 5.5 The management of all other matters (e.g. induction, sickness absence, disciplinary matters, grievances etc.) during the probationary period will be carried out in accordance with the appropriate Trust policy, but matters under those policies will be considered when deciding whether

someone has successfully completed their probationary period.

6 Managing the probationary period

- 6.1 As part of the induction process, all line managers should ensure that any employee who is part of their department is aware of the probationary period, and check that details are included in their contract of employment.
- 6.2 The length of the probationary period will be six months; however it may be appropriate to extend this in certain circumstances. 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 The line manager will discuss his or her expectations with the employee during the initial induction process, and carry out review meetings as necessary throughout the probationary period.
- 6.4 During review meetings the line manager will set the objectives and expectations of the new employee, review any matters of concern and highlight any areas of good performance. The conversation should be documented using Appendix A.

7 Concerns during the probationary period

- 7.1 Although a review date will be set during the induction process, it is important that any concerns are brought to the attention of the employee when they arise so that the employee has an opportunity to address those concerns.
- 7.2 If a line manager has concerns about a new employee they should arrange a meeting with the employee to express those concerns as soon as possible after the matters being identified. The meeting should be held in private. 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 using the form at Appendix A.

8 Terminating the employment before the probationary period has been completed

- 8.1 It will be usual for employees to successfully complete the full probationary period. The length of time has been set to allow employees to settle into the organisation, to learn the new job and to receive any required training.
- 8.2 However, in some circumstances it might become apparent that there are problems early on (see paragraph 5.2 for examples). On speaking to the employee it might become apparent that the employee is not going to be able to meet the required standards.
- 8.3 In such a situation the line manager should contact the HR Advisory 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 be communicated to the employee before HR advice has been taken.
- 8.4 Where termination of the probationary period, and therefore the contract of employment, is to be discussed, staff have the right to be accompanied by an accredited representative of a Trade Union / Professional Organisation or colleague employed by the Trust.

- 8.5 The line manager must complete the form at Appendix A.
- 8.6 Notice of termination will be given in writing, and will include the right of appeal against the decision.

9 Terminating the employment at the end of the probationary period

- 9.1 If the employee has not met the required standards, despite all the help and support that has been offered, the line manager 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 the HR Advisory team in these circumstances.
- 9.2 Termination of the contract of employment at the end of the probationary period will only be considered where the individual has been made aware during the probationary period of the standards required, and allowed a period to rectify their behaviour and/or performance.
- 9.3 Where termination of the probationary period, and therefore the contract of employment, is to be discussed, staff have the right to be accompanied by an accredited representative of a Trade Union / Professional Organisation or colleague employed by the Trust. A member of the HR Advisory Team may also be present.
- 9.4 The line manager must complete the form at Appendix A.
- 9.5 Notice of termination will be given in writing, and will include the right of appeal against the decision.

10 Confirming successful completion of the probationary period

- 10.1 Employees will be considered to have passed their probationary period unless notified otherwise.
- 10.2 The line manager should ensure that the employee is aware of their success.

11 Performance issues after the probationary period has expired

- 11.1 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.

12 Appeals against a decision to terminate the probationary period

- 12.1 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.
- 12.2 Appeals must be made to the line manager of the manager who made the decision to terminate the probationary period.
- 12.3 The purpose of an appeal meeting is to review the decision to terminate the probationary period and consider:

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- Why the employee considers the decision unfair or unreasonable; and
- The rationale and justification of the decision to dismiss.

- 12.4 The lodging of an appeal will not suspend the notice of dismissal.
- 12.5 The manager hearing the appeal will arrange a meeting at which the employee may be accompanied by an accredited representative of a Trade Union/Professional Organisation or colleague employed by the Trust. A member of the HR Advisory Team may also be present.
- 12.6 Where an individual or their representative cannot attend the appeal meeting, it will be rescheduled to a mutually agreed date as quickly as possible.
- 12.7 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.
- 12.8 The decision of the manager hearing the appeal is final and concludes Trust processes
- 12.9 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 to copy the letter to that individual this can be arranged.
- 12.10 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 to their role. Where time remains within the six-month probationary period, the employee will continue to be managed in accordance with this policy. Where the six-month probationary period has expired, the probationary period may be extended or the employee may be deemed to have successfully passed their probation.

13 Training

- 13.1 There is no mandatory training associated with this policy. If staff have queries about its operation, they should contact their HR link in the first instance.

14 Equality impact assessment form (EqIA)

- 14.1 The policy applies to all new employees. It does not discriminate positively or negatively between any protected characteristic.

15 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 HR operational team	monthly	Care Group Management Team

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

16 Review process

- 16.1 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 appendix 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.

17 References

- Management of Corporate and Local Induction. Available from: http://intranet/hr/HR_Policies.asp
- Knowledge & Skills Framework. Available from: http://intranet/hr/HR_Policies.asp
- Managing Attendance and Employee Wellbeing. Available from: http://intranet/hr/HR_Policies.asp
- Disciplinary Policy. Available from: http://intranet/hr/HR_Policies.asp
- Employment of People with Disabilities. Available from: http://intranet/hr/HR_Policies.asp
- Employee Performance Management Policy & Procedure. Available from: <http://intranet/hr/HRPolicies.asp>

Appendix A Probationary Period Review Form

Name of Employee:	
Job Title:	
Period of Review	
Date of Meeting:	

Review of Performance

Key areas	Review and Comments
1.	
2.	
3.	
4.	
5.	
6.	

Objectives for next review period

Objective	Deadline
1.	
2.	
3.	
4.	
5.	
6.	

Training and development needs

Development Needs:	How the development will be achieved:	Date the development needs will be met:

Recommendations

I confirm that the probationary period (tick relevant box):

1 - has been completed successfully and the employee is confirmed in post.	
2 - is to be extended for [x] months to support the employee in their aim to complete the probationary period successfully.	
3 - is terminated for the reasons set out below, and I have advised the employee of their right of appeal	

Reasons:

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

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