

PROBATION POLICY AND PROCEDURE (CG471)

Approval

Approval Group	Job Title or Chair of Committee	Date
Policy Approval Group	Chair, Policy Approval Group	July 2020

Change History

Version	Date	Author	Reason
Version 1.0	September 2014	Suzanne Emerson-Dam, Deputy Director of Workforce	New Policy
Version 2.0		Mel Smith, Head of Employee Relations	Policy Review
Version 3.0	November 2014	Penny Barry, Employee Relations Advisor	Policy Review

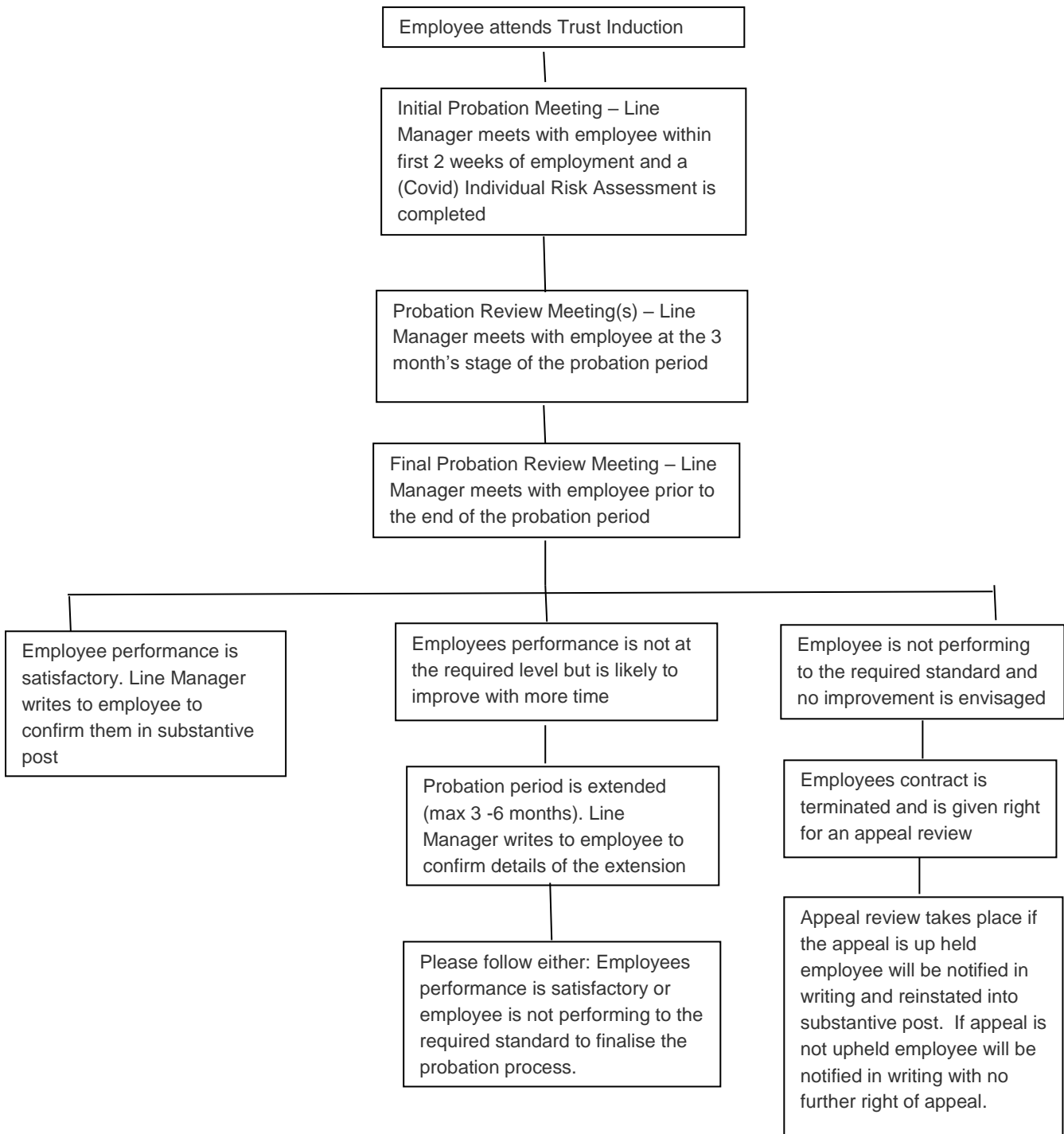
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PROBATION PERIOD FLOW CHART



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1.0 PURPOSE

The Royal Berkshire NHS Foundation Trust is committed to encouraging and supporting staff to achieve and maintain high standards of performance. The primary purpose of this policy is to provide support and assistance to employees who are new into post and to identify and support employees who are not achieving the required standard expected of them in their role and to recognise this and improve their performance during their probation period.

Managing employees' performance is a continuous process and involves making sure that employees contribute effectively to the goals of their teams and Trust business. The Trust's Probation Policy is one way to help achieve this aim by establishing a clear process for dealing fairly and in a timely way with cases where an employee's performance is short of the required standards in their role during probation.

This policy is designed to address all areas of performance and situations where an employee is lacking in some area of knowledge, skill or ability, and is consequently unable to carry out the required duties of their role to an acceptable standard.

This policy outlines the rights and responsibilities of employees and managers in relation to probation periods and details the ways in which probation periods are ended.

2.0 SCOPE

This policy and procedure applies to all new staff employed in the Trust, with the exception of medical staff on national terms and conditions of service. The policy will not apply to internal appointments where individuals have been in their current post for more than 6 months and/or have already successfully completed a probation period (i.e. transfers within the Trust).

3.0 ROLES AND RESPONSIBILITIES

Line Managers

- To ensure that new employees attend the Trust Induction Programme and have a local (ward or departmental) induction.
- To complete the (Covid) Individual Risk Assessment with the employee
- To understand this procedure and to apply it fairly and consistently.
- To attempt to resolve issues in a timely manner.
- To provide employees with details of support mechanisms available to them.

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- To keep the relevant Employee Relations Representative informed of any underperformance within the required timeframe.
- To conduct all probation review meetings including final review meetings with the exception of final review meetings cases where there are performance concerns involving professional staff registered with a relevant professional body e.g. NMC/HCPC.
- Senior Managers (Band 8a and above) to conduct final review meetings where there are performance concerns involving professional staff registered with a relevant professional body e.g. NMC/HCPC.

Employee Relations Advisors

- To ensure the correct, fair and consistent application of this policy across the Trust.
- To advise managers on all aspects of the application of this procedure.
- To attend all final review meetings.
- To provide training on the policy as appropriate

Employees

- To attend the Trust's Induction Programme.
- To complete a (Covid) Individual Risk Assessment
- To ensure they are aware of this policy.
- To actively participate in the probationary review process.
- To comply with all reasonable requests from their Line Manager.
- To perform job role duties in accordance with the Trust Values and Behaviours Framework, Departmental and Trust Wide Policies and Procedures and in line with their contractual obligations.
- To work with their colleagues, line manager and other appropriate professionals e.g. Practice Educators to improve their performance where concerns are raised

Local Trade Union Official

- To act in a professional manner in accordance with their own Union or Professional Association guidelines.
- To support employees through the Probation Period as required.
- To be familiar with the process and protocols to be followed during Final Probation Review meetings or advising the employees they are representing, of the relevant policies, procedures and guidelines.

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Occupational Health

- To provide guidance to Line Managers as to whether health issues are affecting an employee’s ability to perform their duties to the required standards on a consistent basis.
- To provide guidance to Line Managers regarding suitable and reasonable adjustments which should be considered where it is identified that a disability is contributing to or causing the performance issue.
- To abide by the principles of confidentiality.

4.0 DEFINITIONS

Probation Period

A probation period is a designated length of time during which the employee’s suitability for the post they have been appointed to is monitored and assessed by their line manager involving other key staff as part of this process.

Standard Probation Period

The standard probation period for all new starters will normally be 6 months. The probation period may be extended in some circumstances.

Extended Probation Period

The standard probation period can be extended, where necessary, up to a further three to six months. The maximum probation period is therefore 12 months in total.

Line Manager

The employee’s immediate manager, and the individual who is responsible for monitoring and reviewing and individual’s performance.

Senior Manager

The immediate manager of the employee’s line manager (grandparent manager).

Professional Advisor

A person appointed by the Line Manager or Senior Manager to provide technical or specialist advice to enable informed decisions to be taken on professional matters relating to the case. The professional advisor is not a decision maker.

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Accredited Representative

An accredited representative who is appointed by their trade union or professional association to represent the interests of that union's members within the Trust under the terms of the Trust's *Trade Union Recognition and Facilities Agreement*.

5.0 THE PROCEDURE

5.1 General Principles

The objectives of the probation period are:

- To give assistance and encouragement to the employee in adapting to a new job e.g. duties, responsibilities, targets and standards required etc.
- To take necessary supportive action at the earliest opportunity if required standards of performance, conduct and attendance are not being achieved.
- To identify employees who do not meet the required standards after all reasonable and practicable remediation action has been taken.

The Royal Berkshire NHS Foundation Trust has the right to terminate the contract of an employee at any time during the probation period, subject to applying the following procedure.

An employee who has their contract terminated will be entitled to one weeks' notice which will normally be paid in lieu. In the event of contract termination, the employee is owed or owes any annual leave this will be payable or deducted accordingly from final salary.

If the probation process has not been followed and the initial 6 months' probation period has lapsed the employee will automatically be confirmed in the established post.

Pregnant employees are subject to this policy and procedure however the extension or ending of a probation period will not apply to employees where performance concerns relate solely to pregnancy or pregnancy related illness in these cases pregnant employees are to be confirmed in post at 6 months.

If there are performance concerns related solely to conduct and behaviour probation can be extended or ended at any point during probation regardless of pregnancy.

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During the probation period the Capability, Disciplinary and Maintaining Health and Attendance policy do not apply as during probation performance encompasses capability, conduct, timekeeping and attendance inclusive of sickness absenteeism. This does not affect any statutory rights.

Employees are entitled to be represented at the final review meeting (or an earlier meeting if there is a possibility of dismissal or demotion) by an accredited local trade union or professional association representative or by a colleague who is an employee of the Trust, but not a family member.

5.2 Managing the Probation Period

Three meetings should normally take place as part of the probation process at the following intervals:

Initial Probation Meeting within the first two weeks of employment

Probation Review Meeting normally held half way through the probation period (3 months)

Final Probation Review Meeting held prior to the end of the probation period or any extended probation period (normally takes place during the 6th month)

The meetings can be brought forward/abridged if appropriate.

5.3 PROBATION MEETING PROCESS

5.3.1 Initial Probation Meeting

Managers should meet with the employee within the first two weeks of employment and complete the Initial Probation Meeting Form (Appendix A) setting out clearly the department, organisational and individual objectives. At this time a (Covid) Individual Risk Assessment must be completed. The (Covid) Individual Risk Assessment can be accessed via the Trust Intranet.

5.3.2 Probation Review Meeting(s)

The Line Manager must ensure that they meet with the employee within 3 months of employment to discuss the employee's progress. Expectations will be based on the employee's job description, departmental and organisational objectives, mandatory and statutory training requirements, general conduct, attendance and attitude related to the Trusts Values and Behaviours Framework. If concerns arise

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during the probation period, the employee and line manager should discuss these as and when they arise and not wait for a probation review meeting.

It is important to provide employees with sufficient support and guidance to ensure in a timely manner they are aware of the expectations that are required of them in their job role. If managers have concerns that the employee is not meeting the required expectations of them they should inform the employee that they may not be confirmed in post.

During the review meetings the line manager should cover the following points:

- Acknowledge good performance/achievements so far by providing feedback
- Review performance inclusive of conduct/timekeeping and attendance including sickness absence.
- Discuss the employee’s performance to date against the objectives set at induction.
- Review/agree training/development needs.
- Identify aspects of performance/conduct that need improvement by giving constructive feedback and timescales for improvement.
- Explore any problems that the employee has encountered in the role.
- If applicable obtain and consider advice and guidance from Occupational Health as to whether health issues are impacting an employee’s ability to perform their duties to the required standards on a consistent basis. Provide guidance and support to the employee as appropriate.
- Introduce/agree any changes to the objectives set.
- Set expectations of the employee and review performance on an on-going basis
- Confirm the date of the next review meeting.

The line manager should complete the Probation Review Form (Appendix A) and keep a record of the content of the review meetings providing the employee with a copy of this form together with an outcome letter detailing the main discussions held, any areas for improvement and how that will be monitored and measured i.e. a clear action plan.

5.3.3 Final Probation Review Meeting

1. Confirm Employee in Substantive Post

If at the Final Probation Review meeting the employee’s performance is satisfactory, the manager will write to the employee to confirm them in the substantive post. The employee should not be confirmed in post prior to the end of the 6th month when the Final Probation Review meeting has been held.

2. Extension of the Probation Period

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The Line Manager may decide to extend the probation period for up to six months if there are factors that justify it i.e. performance, conduct, attendance concerns, disability or other health issues and there is evidence that the employee is likely to improve given a short period of extra time with reasonable adjustments, if applicable. An extension must not take the probation period beyond 12 months. Where an employee is pregnant an extension must not take the probation period beyond a total of 12 months therefore could not be extended after maternity leave and or annual leave after maternity leave has finished.

Where the probation period is extended the manager must confirm in writing the following:

- The reasons for the extension
- The length of the extension period
- Identify any assistance/training to be given during the period of extension
- Identify areas for improvement and how these will be monitored and measured

The line manager should continue to hold regular review meetings, as described above, during the extended probation period.

If the employee does not meet fully the required standards, by the end of the extended probation period, their employment will be terminated.

3. Termination of Contract

If an employee is not performing to the required standard within the probation period (or extended probation period) their contract with the Trust will be terminated.

If an employee fails to participate in the probation process a Final Probation Review meeting may be held in their absence and decisions made based on the information the manager has to hand at that point in time. In this circumstance the manager does not need to wait until the 6th month to hold a Final Probation Review meeting.

The Line Manager and Employee Relations Representative will meet with the employee to advise them of the reasons for the decision and to consider any mitigation put forward by the employee. The decision will be confirmed in writing.

The decision to dismiss is made by the direct line manager, with the exception of professional staff registered with a relevant professional body e.g. NMC/HPCPC) where any decision to dismiss can only be taken by a Senior Manager (Band 8b or above).

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During probation should an employee commit an offence considered to be gross misconduct, they may be dismissed summarily (i.e. without notice or pay in lieu of notice during the probation process).

The employee can be accompanied by a Trade Union Representative or a workplace colleague at a Final Probation Review Meeting. The employee will receive one weeks' notice normally paid in lieu.

5.4 APPEAL REVIEW PROCESS

An employee whose employment is terminated during the probation period will not be given the right of appeal, however if they have concerns that the policy has not been followed they should write to the Chief People Officer setting out their concerns as soon as practicably possible within the notice period.

A senior manager who will be supported by a senior Employee Relations Representative and professional adviser (if necessary) will meet to review the Probation process to assess the management decision. The employee will be written to confirming the outcome of the review.

5.5 REDEPLOYMENT DURING THE PROBATION PROCESS

During probation redeployment will only be considered in exceptional circumstances and on the advice of Occupational Health on health capability grounds as a reasonable adjustment if deemed appropriate. This will be a viable alternative short of dismissal from the Trust however any redeployment is subject to a suitable and funded vacancy being available. Consideration will be given to the timescales involved in terms of when probation is due to expire and whether redeployment is a viable option.

6.0 CONSULTATION UNDERTAKEN

This policy was developed in conjunction with Employee Relations, Line Managers and Staff Side colleagues. This version of the policy has been subject to consultation.

7.0 DISSEMINATION/CIRCULATION/ARCHIVING

Dissemination of the policy is the responsibility of the Deputy Director of Workforce. On ratification, the Deputy Director of Workforce and OD will arrange for the policy to be on the intranet.

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The Trust Secretary will be responsible for archiving old versions of this document.

8.0 IMPLEMENTATION

The effective date of this policy is the date of ratification.

9.0 TRAINING

There is no mandatory training associated with this policy. There are however capability training courses that incorporate the Probation Procedure and Appraisal Training Courses for managers who are required to undertake appraisals and or probation review meetings and training courses for managers who are required to line manage sickness absence in line with the Maintaining Health and Attendance Policy and Procedure.

If staff have any queries about the operation of the policy, they should contact their line manager or ER Representative in the first instance.

10.0 MONITORING OF COMPLIANCE

Aspect of compliance or effectiveness being monitored	Monitoring method	Individual or dept. responsible for the monitoring	Frequency of the monitoring activity	Group Committee which will receive the findings/ Monitoring report	Committee/ individual responsible for ensuring that the actions are completed
N/A					

11.0 SUPPORTING DOCUMENTATION AND REFERENCES

The Trust's Induction Policy (CG056)
 The Trust's Appraisal Documentation
 The Trust's Capability Policy (CG225)
 The Trust's Maintaining Health and Attendance Policy (CG100)
 Professional Codes of Conduct, such as NMC, HCPC
 The Trust's Staff Handbook – A Guide to living out our Values and Behaviours – We CARE

12.0 EQUALITY IMPACT ASSESSMENT

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Stage 1: Screening

Part 1: Initial Scoping

For each of the nine protected groups identified in the table below, respond to the identified questions with a Yes (Y); No (N); or Unclear (U)

	Age	Sex	Disability	Race	Gender Reassignment	Religion or Belief	Sexual Orientation	Marriage and Civil Partnership	Pregnancy and Maternity
Do different groups have different needs, experiences, issues and priorities in relation to the proposed policy/change proposal?	N	N	N	N	N	N	N	N	N
Is there potential for or evidence that the proposed policy/change will not promote equality of opportunity for all and promote good relations between different groups?	N	N	N	N	N	N	N	N	N
Is there potential for or evidence that the proposed policy will affect different population groups differently (including unintended discrimination against certain groups)?	N	N	N	N	N	N	N	N	N
Is there public concern (including media, academic, voluntary or sector specific interest) in potential discrimination against a particular population group or groups?	N	N	N	N	N	N	N	N	N

Part 2: Evidence and Feedback that has informed your analysis

Please identify below the data, information or feedback that you have drawn on to reach the conclusions above. This will be information that has enabled you to assess the actual or potential impacts in the context of the key needs to **eliminate unlawful discrimination, advance equality of opportunity** and **foster good relations** with respect to the characteristics protected by equality law. These sources could include:

- Equalities monitoring information of staff/service users affected by the identified provision/policy etc.
- Engagement (internal/external or both) with or feedback from relevant stakeholders e.g. staff; patient groups, commissioners, external agencies.
- Staff Survey Data; Patient Survey Data etc.
- Research or information available relative to the identified protected group.

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- Project leads professional knowledge of the issues the policy/change is seeking to enact.

This is an existing policy – there is no evidence to date that this policy will disadvantage any employees covered by the above protected characteristics

If the analysis under Part 1 has concluded that there are equality impacts or that the impacts are unclear (i.e. you responded ‘Yes’ or ‘Unclear’ in Part 1), **please move on to Part 4 of the assessment.** If no equality impacts are identified, **please move on to Part 3 below** to conclude the assessment

Part 3: Narrative

If you have concluded there are no equality impacts related to the policy/provision, please provide a brief narrative to explain why you have come to this conclusion:

No complaints have been raised to date

If no equality impacts have been identified, this concludes the equality impact assessment. Please complete the declaration below:

Based on the information set out above I have decided that a full equality impact assessment is (please delete as appropriate):

Not necessary.

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PROBATION REVIEW FORM

Appendix A

These notes are not designed to be verbatim but an accurate reflection of the discussions which took place.

Probation Record

Employee name		
Job Title		
Band		
Department/ ward		
Post Start Date		
Line Manager		
Does the employee require any additional support		
	Date Due	To be signed by employee at the completion of each review
Initial Meeting		
Review Meeting(s)		
Final Review		

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PART 1: Initial Probation Meeting - This section should be completed by the line manager within a week after the employment.

<p>A- Objectives The line manager should identify specific objectives for the employee to achieve during the probationary period (including indicators of success and timescales for achievement).</p>			
<p>B- Development Plan To support the employee in achieving the objectives, the line manager should identify any training and development needs; specify how and when these needs will be addressed during the probationary period.</p>			
Trust Induction		Department/ ward induction	
(Covid) Individual Risk Assessment Completed (reason for non-completion should be documented and a date arranged to undertake this)	Yes	No	Date
Employee signature			
Manager signature			
Date			

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PART 2 – PROBATION MEETING REVIEW(S)

Quality and accuracy of work		
Efficiency		
Attendance		
Time Keeping		
Work relationships (team work, interpersonal communication, adaption to multicultural environment)		
Guidance and support required		
Problems encountered by the employee in the particular role if any		
Summarise employee’s performance and progress over the period		
Does the employee require a development plan/ support/ training in any particular area to better his scope of employment?		
Addition Information if any		
Have the employee achieved objectives identified for the initial review in the first meeting?	Yes/No	If No, What further action is required?
Has the employee completed the required training and development for this period of probation?	Yes/No	If not, what are the further actions taken to fulfil it
Employee Signature:		
Manager Signature:		
Date:		

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PART 3 – PROBATION REVIEW MEETING(S)

Quality and accuracy of work		
Efficiency		
Attendance		
Time Keeping		
Work relationships (team work, interpersonal communication, adaption to multicultural environment)		
Guidance and support required		
Problems encountered by the employee in the particular role if any		
Please provide details of any areas of performance/conduct/attendance/other that formerly required improvement.		
Please summarise how the identified concerns will be addressed during the remaining period of the probation		
Summarise employee’s performance and progress over the period		
Has the employee achieved objectives identified for the initial review in the first meeting?	Yes/No	If No, What further action is required?
Has the employee completed the required training and development for this period of probation?	Yes/No	If not, what are the further actions taken to fulfil it
Please provide any additional Information that must be taken to account		
Employee Signature:		
Manager Signature:		
Date:		

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PART 4 – FINAL PROBATION REVIEW MEETING

Quality and accuracy of work	
Efficiency	
Attendance	
Time Keeping	
(Covid) Individual Risk Assessment completed	Yes No
Work relationships (team work, interpersonal communication, adaption to multicultural environment)	
Guidance and support required	
Problems encountered by the employee in the particular role if any	
Summarise the employee’s performance and progress over the period	
Is the employee’s appointment to be confirmed?	Yes/No
If no, please provide the reasons and summarise the action to be taken to address any difficulties which have arisen during the probation period	
Employee’s comments	
Should the employee’s probation period be extended?	Yes/No
If yes, please provide reasons and, where appropriate, specify any areas of improvement required and how these will be monitored.	
Please provide any additional Information that must be taken to account	
Employee Signature:	
Manager Signature:	
Date:	

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PART – 5 EXTENSION PERIOD REVIEWS

Period of extension: 3 months/ 6 months	Start date : __/__/____	End Date: __/__/____
Have the concerns regarding the employee been addressed		Yes/No
If no, please summarise the reason		
Employee's comments if any		
Is the employee's appointment to be confirmed		Yes/No
If no, please explain the reasons for the decision		
Employee's comments if any		
Manager's signature		
Employee signature		
Date		

Summary of discussions if any:

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